



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

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**Working Group on
International Cooperation**

Vienna, 9–13 October 2017

**Working Group of Government
Experts on Technical Assistance**

Vienna, 10-13 October 2017

Report on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017

I. Introduction

1. By its decision 2/2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation. In its decision 3/2, the Conference decided that an open-ended working group on international cooperation would be a constant element of the Conference. The Working Group on International Cooperation, established pursuant to that decision, holds substantive discussions on practical issues pertaining to different forms of international cooperation, including extradition, mutual legal assistance and international cooperation for the purpose of confiscation. The Working Group convened its first meeting during the third session of the Conference, which was held in Vienna from 9 to 18 October 2006, and thereafter met on a biennial basis during the regular sessions of the Conference. Since 2014, however, the meetings have been convened on an annual basis pursuant to resolution 7/1 of the Conference, in which the Conference encouraged the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources. The seventh meeting of the Working Group on International Cooperation was held in Vienna from 19 to 21 October 2016, marking the tenth anniversary of the Working Group.

2. By its decision 2/6, the Conference established the Working Group of Government Experts on Technical Assistance and, in its decision 4/3, decided that the Working Group would be a constant element of the Conference. The Working Group held its ninth meeting in Vienna from 17 to 19 October 2016, during the eighth session of the Conference.

3. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided that the working groups that it had established would continue to analyse, in a comprehensive manner, the implementation of the Convention and the Protocols thereto, making the best use of the information gathered, in full respect of the principle of multilingualism.



4. Furthermore, in its resolution 8/4, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”, the Conference noted that technical assistance was a fundamental part of the work carried out by the United Nations Office on Drugs and Crime (UNODC) to assist Member States in the effective implementation of the Convention and the Protocols thereto.

5. The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance convened from 9 to 13 and 10 to 13 October 2017, respectively, and considered jointly the agenda item entitled “Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention” and the agenda item entitled “Other matters”, and adopted the present joint report of their meetings, as orally amended.

II. Recommendations

A. Working Group on International Cooperation

6. The Working Group on International Cooperation adopted the following recommendations for endorsement by the Conference:

(a) States parties to the Convention are encouraged to make use, where appropriate and applicable, of the Convention as a legal basis for transferring criminal proceedings to another State party in relation to the offences covered by the Convention and the Protocols thereto and in accordance with the requirements set forth in article 21 of the Convention;

(b) As part of their preparations for a formal request for assistance and with a view to avoiding additional costs and duplication of work, in particular in the field of transfer of criminal proceedings, including in cases provided for in national legislation and involving joint investigative teams, States parties are encouraged to consider engaging in consultations, before and during the preparation of international cooperation requests, in order to identify needs and to assess the appropriateness of those requests and ways to deal with the practicalities of such cooperation;

(c) In assessing whether a request for the transfer of criminal proceedings should be made, States parties should consider, inter alia, existing bases of criminal jurisdiction, how to best serve the interests of the proper administration of justice, the interests and rights of the persons involved (offenders and victims), the costs to be incurred and national sovereignty issues;

(d) In implementing article 21 of the Convention and concluding bilateral treaties or agreements on the transfer of criminal proceedings, States parties may consider making full use of the Model Treaty on the Transfer of Proceedings in Criminal Matters as a guidance tool;

(e) States parties should make use of existing regional judicial cooperation networks to facilitate discussions on conflicts of criminal jurisdiction and ways to address them;

(f) The Secretariat should assist the Conference in compiling material and information received from States parties on best practices, including practical considerations, in the field of transfer of criminal proceedings;

(g) States parties should continue their efforts to facilitate the active participation of central authorities and law enforcement in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(h) To further support the exchange of practical expertise among practitioners in the field of international cooperation, the Secretariat, should continue to seek to organize, within its mandate, subject to the availability of resources and with a view to making best use of such resources, practical-oriented expert group meetings either on the margins of the meetings of the Working Group or in conjunction with those of relevant intergovernmental bodies;

(i) The Conference may wish to consider building partnerships with existing regional judicial cooperation networks to enhance coordination mechanisms among them, including through regular meetings in Vienna, subject to the availability of resources and in conjunction with meetings of relevant intergovernmental bodies;

(j) The Conference may wish to consider asking the Secretariat to continue to undertake, subject to the availability of resources, training activities for both criminal justice and law enforcement authorities and private sector entities (service providers), at the national and regional levels, on the gathering and sharing of electronic evidence and on international cooperation relating to such evidence, within the framework of the Convention;

(k) The Conference may wish to consider inviting the Secretariat to assist it and its Working Group on International Cooperation in maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime, within their respective mandates and keeping the bureaux of both groups informed;

(l) States parties should consider taking legal measures to prevent the use of cryptocurrencies for money-laundering, including in States where cryptocurrencies are not banned, by requiring that companies dealing with cryptocurrencies comply with anti-money-laundering requirements, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of proceeds of crime and tackling the financing of terrorism;

(m) States parties that have not done so are invited to consider amending their legislation to define clear rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained in foreign jurisdictions, and to revise, where appropriate, their existing procedures for mutual legal assistance to adapt them to requests for obtaining and handling electronic evidence;

(n) States parties are invited to build or enhance effective networks for information-sharing for the purpose of obtaining electronic evidence.

B. Working Group of Government Experts on Technical Assistance

7. The Working Group of Government Experts on Technical Assistance adopted the following recommendations for endorsement by the Conference:

(a) States should update their records in the directory of competent national authorities available under the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) to make the directory a useful tool for practitioners and foster international cooperation;

(b) States should consider contributing to the maintenance and further development of SHERLOC to support the gathering, dissemination and analysis of information. Such contributions can be financial or in kind, for example, support for the translation of relevant legislation and case laws.

III. Summary of deliberations

A. Working Group on International Cooperation

1. Practical considerations, good practices and challenges encountered in the area of transfer of criminal proceedings as a separate form of international cooperation in criminal matters

8. At its 1st meeting, on 9 October, the Working Group considered agenda item 2, entitled “Practical considerations, good practices and challenges encountered in the area of transfer of criminal proceedings as a separate form of international cooperation in criminal matters”. The discussion was facilitated by the panellist Lars Wilhelmsson (Sweden).

9. During the deliberations, speakers presented their views on and experiences with the transfer of criminal proceedings as a form of international cooperation in criminal matters.

10. Speakers cited various legal bases available for transferring criminal proceedings, including the Organized Crime Convention, the United Nations Convention against Corruption, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and, at the regional level, the European Convention on Mutual Assistance in Criminal Matters of 1959, the European Convention on the Transfer of Proceedings in Criminal Matters of 1972 and the Convention on Mutual Assistance in Criminal Matters between the member States of the European Union of 2000. Reference was also made to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol of 2005 thereto, in relation to the transfer of criminal proceedings linked with the prosecution of piracy. Several speakers noted that the transfer of criminal proceedings could also take place on the basis of reciprocity. Referring to article 21 of the Organized Crime Convention on the transfer of criminal proceedings, several speakers noted its non-binding nature but also stressed its flexibility and potential application to international cooperation to combat a wide range of offences, including serious crimes, as defined in article 2 (b) of the Organized Crime Convention. In addition, the use of article 21 of the Convention in conjunction with applicable bilateral treaties was emphasized as a practical option to promote international cooperation in that field.

11. Many speakers underlined the importance of having informal dialogue and consultations among relevant practitioners, including central authorities, of the cooperating jurisdictions in order to establish whether a formal request for the transfer of criminal proceedings was in the interest of the administration of justice, to avoid additional costs and duplication of work, and with a view to overcoming practical and procedural challenges associated with such a request, including language barriers. Such informal cooperation could include the use of informal joint investigative teams that can work collaboratively to identify needs or to assess in advance whether a request for the transfer of proceedings should be made. It was also noted that the International Criminal Police Organization (INTERPOL) and regional bodies, such as Eurojust and the African Police Cooperation Organization, could also facilitate cooperation in that regard, especially by providing a platform to facilitate discussions on conflicts of criminal jurisdiction and ways to address them. Good practices mentioned in relation to that form of international cooperation included the use of electronic channels for receiving and sending requests, which greatly increased the efficacy of that process and shortened the duration of investigation, as well as confidence- and trust-building among practitioners, which facilitated dialogue and cooperation.

12. Several speakers said that the transfer of criminal proceedings was not common practice in their countries and noted that it would be a good idea to continue discussions on its practical adoption, as that form of cooperation had particular implications at the regional level for the neighbouring jurisdictions involved in a case.

With regard to the recommendation contained in paragraph 67 (c) of the background paper prepared by the Secretariat on the present agenda item (CTOC/COP/WG.3/2017/2), several views were expressed regarding the usefulness and timeliness of the development by the Secretariat of legal, practical and operational guidelines on the implementation of article 21 of the Convention. Some speakers were of the view that it would be useful to further reflect on the possible development of operational guidelines, given the novelty of the concept of transfer of criminal proceedings. Some speakers stated that the development of such guidelines would be useful in view of the fact that the transfer of criminal proceedings was not common practice in their countries, while others stated that the development of good practices, instead of guidelines, would possibly be more appropriate and useful. The Model Treaty on the Transfer of Proceedings in Criminal Matters was also cited as a relevant guidance tool for practitioners when negotiating bilateral treaties or agreements in that field.

13. Discussion also revolved around factors to be taken into account when considering the transfer of criminal proceedings. In that regard, participants made reference to national sovereignty considerations, the considerations listed in paragraph 64 of the background paper by the Secretariat, including existing bases for the establishment of criminal jurisdiction (territoriality, as well as active and passive personality principles), and practical considerations, such as where victims, witnesses, evidence and the defendant were located, to undertake prosecutorial action in a timely manner.

2. Good practices for bilateral consultations between central authorities, including preparation, case tracking, training and participation

14. At its 1st and 2nd meetings, on 9 October, the Working Group considered agenda item 3, entitled “Good practices for bilateral consultations between central authorities, including preparation, case tracking, training and participation”. The discussion was facilitated by the panellists Caroline Charpentier and Lise Chipault (France).

15. As a basis for discussion, the Secretariat brought to the attention of the Working Group the conclusions drawn at an informal expert group meeting on enhancing the effectiveness of central authorities to engage in international cooperation in criminal matters, especially mutual legal assistance, which had been held in Vienna on 5 and 6 October and had been organized by the UNODC Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime. The informal meeting had focused on the implementation of resolution 8/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and had brought together experts from Algeria, Argentina, Austria, Cabo Verde, China, France, Jamaica, Kenya, Nigeria, Norway, Romania, the Russian Federation, Senegal, Singapore, Togo, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. Regional judicial cooperation networks (the Network of West African Central Authorities and Prosecutors against Organized Crime, the Commonwealth Network of Contact Persons, the European Judicial Network and the Ibero-American Legal Assistance Network) had also been represented. The participants had engaged in an exchange of views and expertise on practical aspects of international cooperation.

16. Speakers shared their experiences on the use of bilateral consultations to enhance international cooperation. The role of informal bilateral consultations in reducing the time needed to process and execute official requests for mutual legal assistance or extraditions, as well as improving the rate of success of those requests, were highlighted. Several speakers also emphasized the role of such consultations in gaining a better understanding of the legal requirements of the cooperating States and, consequently, in expediting the process for the execution of requests for mutual legal assistance, extradition and the transfer of criminal proceedings or other forms of international cooperation in criminal matters. In addition, many speakers expressed

support for the back-and-forth exchange of draft copies of requests for mutual legal assistance as a way to make the process more flexible and expeditious. A few speakers expressed concern over the issue of national sovereignty when resorting to means of cooperation that were not based on formal agreements.

17. Two main trends emerged in relation to informal consultations. Some speakers recognized informal cooperation as a part of the process of formal judicial cooperation that was strictly related to the stage preceding the submission of the relevant request. In that regard, reference was made to the complementarity of formal and informal cooperation, as well as to the spontaneous transmission of information, as provided for in paragraphs 4 and 5 of article 18 of the Convention. Others referred to informal consultations as part of police-to-police cooperation and stressed their importance for sharing intelligence, especially in cases of electronic evidence. However, it was emphasized that the main challenge was to transform, through mutual legal assistance, such intelligence into evidence that could be admissible in a court of law. Moreover, many speakers mentioned different tools to facilitate bilateral consultations between national authorities and ensure fluent communications, including the regular exchange of emails, visits to the central authority's counterpart, regular phone calls and videoconferences.

18. Several speakers referred to the transmission channels for requests for mutual legal assistance and underlined the complementarity of the diplomatic channel and direct communication (either among central authorities or among the competent authorities sending out and executing the request). With regard to inter-agency coordination and cooperation between central authorities and competent implementing authorities at the national level, participants stressed the benefits and importance of holding regular meetings between central authorities and judges and prosecutors.

19. Several speakers underscored the importance of posting liaison magistrates or officers in other countries. The role that liaison magistrates or other officers could play was deemed a key factor for improving cooperation, as they facilitated direct contacts with the authorities of the host State and fostered mutual trust and confidence. Another speaker reported on the national practice of concluding memorandums of understanding with other countries to agree on the technical modalities of international cooperation. A common denominator in many speakers' interventions was the need to receive sufficient budgetary support for pushing through reforms in the area of international cooperation and enhancing the efficiency and effectiveness of relevant mechanisms.

20. Some speakers outlined their experiences in using information and communications technology in the context of international cooperation conducted on the basis of national legislation, regional cooperation frameworks or other treaty provisions. They also highlighted the effectiveness of videoconferencing and other modern technology applications in the context of mutual legal assistance.

21. Several speakers shared their experiences in using global and regional networks, such as the Association of Southeast Asian Nations, INTERPOL, the Network of West African Central Authorities and Prosecutors against Organized Crime and the Ibero-American Legal Assistance Network, as platforms for establishing fruitful bilateral consultations for cases requiring international cooperation.

22. The issue of translation was also brought up as a major challenge by several speakers. Many highlighted the usefulness of having a pool of translators within their central and competent authorities, and some underscored the importance of having recourse to translators with legal knowledge. According to one speaker, the coordination among central authorities to establish a common language for drafting requests for mutual legal assistance was an effective way to avoid translation costs and ensure that the recipients were able to understand the content of such requests. In addition, some speakers noted that inaccurate or unintelligible translations might create further delays in and challenges to international cooperation. Many speakers underlined the importance of using the Convention as a legal basis to enhance and

facilitate international cooperation. Others highlighted the specific manner in which they had integrated the provisions of the Convention into their national legal systems and the challenges faced.

23. One speaker expressed concern about the use of modern technology, including instant messaging and private email addresses, in view of the sensitive nature of the information transmitted with requests for mutual legal assistance. Reference was also made to the negotiation, in the framework of the Conference of Ministers of Justice of the Ibero-American Countries/Ibero-American Legal Assistance Network and within the context of the Organization of Ibero-American States for Education, Science and Culture, of a draft agreement on the electronic transmission of requests for international cooperation among central authorities of the member States of that organization.

3. Recent developments in obtaining electronic evidence

24. At its 3rd meeting, on 10 October, the Working Group on International Cooperation considered agenda item 4, entitled “Recent developments in obtaining electronic evidence”. Speakers highlighted the main challenges and good practices in their countries for obtaining and sharing electronic evidence. Most speakers underscored that electronic evidence formed a crucial part in the investigation of almost all complex and transnational cases dealing with serious crimes, as organized crime groups were making increasing use of the anonymity provided by current information and communications technology to perpetrate crimes, target victims and expand their activities, as well as to conceal the origin of their illicit proceeds. Speakers mentioned that such crimes included fraud, identity-related crimes, the use of the Internet for terrorist purposes, trafficking in narcotic drugs, firearms, and persons, offences against children and women and the use of the darknet to commit such offences.

25. Several speakers stated that the number of requests for mutual legal assistance to obtain or preserve electronic evidence was growing drastically, and many pointed out that current methods for dealing with such requests were not sufficiently efficient, both in terms of substance and timeliness, owing to the temporary and volatile nature of electronic data. In that regard, it was emphasized that cooperation and coordination with the private sector were vital to secure the preservation of and access to data. Speakers highlighted, as good practices, the cooperation at the national level between criminal justice authorities and Internet service providers to preserve electronic data before getting the judicial authorization to obtain such data and, at the international level, the submission of requests for the preservation of data prior to the transmission of a formal request for mutual legal assistance. The use of electronic means to transmit requests for mutual legal assistance was also highlighted as a good practice, and many speakers said that their offices worked mostly or exclusively with electronic copies of documentation. Speakers also noted that cooperation through the 24/7 Network established by the Council of Europe Convention on Cybercrime facilitated data preservation.

26. Many speakers highlighted that it was important for companies using virtual currencies to comply with international anti-money-laundering standards, including the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation drawn up by the Financial Action Task Force, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of assets and tackling the financing of terrorism.

27. Most speakers emphasized that specialization was needed and that, consequently, training courses for relevant practitioners on the handling of electronic evidence and its use in criminal investigations and prosecutions were vital. In that regard, it was noted that law enforcement personnel, lawyers, prosecutors, judges and people working with such criminal justice practitioners needed to have proper and sufficient training to be able to collect electronic evidence, carry out digital forensic investigations, use such evidence in court and share it with their foreign counterparts

when dealing with transnational cases. Several speakers expressed support for the work that UNODC was carrying out in their countries and regions to provide training courses on those topics and requested that further technical assistance in that area be continued, both at the national and regional levels. It was also noted that national legislation needed to be in place for electronic evidence to be admissible in court, and many speakers shared information on their countries' efforts to adopt or update such laws, whether from a substantive or procedural point of view. Information was also provided on national initiatives at the institutional level to establish cybersecurity centres for the prevention of and fight against cybercrime, as well as units dedicated to cybercrime in existing criminal justice and law enforcement authorities. Several speakers indicated that cooperation with relevant international organizations, such as INTERPOL, and regional organizations, such as the Council of Europe and the Organization of American States, furthered the development of relevant and appropriate national legislation on cybercrime and electronic evidence.

28. Some speakers referred to the work of the Expert Group to Conduct a Comprehensive Study on Cybercrime and underscored the advantages of taking into account, also for the benefit of the Conference of the Parties and its Working Group on International Cooperation, the future work of the Expert Group, especially with regard to the exchange of information on national legislation, best practices, technical assistance and international cooperation involving electronic evidence, as set out in resolution 26/4 of the Commission on Crime Prevention and Criminal Justice.

B. Working Group of Government Experts on Technical Assistance

Status of information provided by States parties on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and related technical assistance

29. At its 7th meeting, on 12 October, the Working Group considered agenda item 3, entitled "Status of information provided by States parties on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and related technical assistance". The discussion was facilitated by a presentation by the Secretariat.

30. Several speakers stressed the usefulness of SHERLOC and its databases, in particular the directory of competent national authorities, which was used on a daily basis by many competent authorities. The importance of keeping the directory up to date was emphasized. One speaker suggested to create further synergies between SHERLOC and the portal known as Tools and Resources for Anti-Corruption Knowledge (TRACK).

31. Speakers encouraged States to further contribute to the development and maintenance of SHERLOC.

C. Joint items of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance

1. Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention

32. On October 10, the Working Groups held two joint meetings to consider the agenda item entitled "Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention". The Chair invited delegations to provide comments of a general nature before proceeding to a more detailed review of the draft questionnaire.

33. Speakers expressed their appreciation to the Secretariat for preparing the draft questionnaire and taking into account the views of the other working groups of the Conference that had considered the draft questionnaires relating to the Protocols to the Convention. Several speakers emphasized that the questionnaire should be short, precise and focused and that it should not represent an undue burden for the expert practitioners who would be in charge of completing it. In that regard, the use of tick boxes was highlighted as a useful way of simplifying the provision of answers and making them more comparable. The inclusion of a “yes, in part” option in the answers was also viewed as a positive addition. Moreover, it was noted that using SHERLOC to host supplementary information provided by States to their responses would be useful. One speaker stated that a balance needed to be struck between a short, precise and focused questionnaire and a comprehensive one that served to improve the responding States parties’ knowledge and implementation of the Convention by, inter alia, mobilizing the various relevant national authorities that would provide the replies. Several speakers stated that the questionnaire should be limited to a review of the implementation of the mandatory provisions of the Convention. Some speakers said that the provisions of the Convention that applied *mutatis mutandis* to the Protocols thereto should be included in the questionnaire relating to the Convention, rather than those relating to each Protocol.

34. Several speakers noted that, in view of the fact that discussions regarding the establishment of a mechanism for the review of the implementation of the Convention and the Protocols thereto were ongoing and that the purposes that the questionnaire would serve had yet to be determined, the draft self-assessment questionnaire relating to the Convention might need to be revisited and could be modified to serve the purpose of the mechanism after the procedures and rules of the latter had been agreed on.

35. Some speakers enquired why the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance were reviewing the draft questionnaire relating to the Convention, given that the questionnaire covered many aspects that were not strictly related to the international cooperation or technical assistance provisions of the Convention. In response, the Secretariat explained that the draft questionnaire had been prepared in accordance with resolution 8/2, in which it was indicated in table 2 of the annex that those working groups would be tasked with reviewing the draft questionnaire. The Secretariat added that, for the same reason, the extended Bureau of the Conference had agreed to the provisional agendas for the current meetings of the two working groups. It was further noted that, at previous meetings, the Working Group of Government Experts on Technical Assistance had discussed items relating to the criminalization provisions of the Convention. One speaker stated that, as there was no working group dedicated to the review of the implementation of the Convention, the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance had been deemed suitable to carry out that task.

36. Many speakers emphasized that the final decision regarding the questionnaires lay with the Conference of the Parties and that it was the task of the working groups to inform its decision-making by providing it with expert advice on the content and structure of the questionnaires.

37. Many speakers stated that the questionnaire relating to the Convention should take into account and make use of past and present information gathering efforts under the Convention against Transnational Organized Crime as well as the Convention against Corruption and other relevant instruments or processes, to avoid duplication of efforts and make best use of resources. One speaker referred to resolution 8/2, recalling that there was an ongoing call for States parties to complete the questionnaires of 2004 and 2005. For the same purpose of avoiding duplication of efforts and making best use of resources, several speakers proposed responding to some questions in the questionnaire by providing links or references to the responses to the mechanism for the review of the implementation of the Convention against Corruption and to regional mechanisms, and asked the Secretariat to provide those

references. Some speakers, however, expressed their concern about the associated costs that this would entail for the Secretariat, and some shared the view that the Secretariat could face serious practical challenges to using past responses to the questionnaires of 2004 and 2005 relating to the Organized Crime Convention and to having access to the responses that regional mechanisms had received.

2. Other matters

38. The working groups considered the joint agenda item entitled “Other matters” during the morning meeting of 12 October. The Chair invited delegations to suggest topics for possible inclusion in the agendas of future working group meetings, subject to further consultation between States parties and consideration and decision by the extended Bureau of the Conference. The following topics were suggested for future meetings of the Working Group on International Cooperation:

- How to balance human rights obligations and obligations under the Convention to extradite or provide mutual legal assistance, including human rights guarantees, monitoring such guarantees, best practices and experiences of States parties in that regard and guarantees for due process when implementing the Convention.
- The link between offences prosecuted in the requesting State and money or assets to be confiscated in the requested State, in accordance with article 12 of the Convention, including requirements in the national law of States parties, experiences and best practices.
- The use of communications technology, such as videoconferencing, for hearing testimonies or for use during criminal proceedings.
- The use and role of joint investigative bodies in combating transnational organized crime.
- How to manage central authorities and competent national authorities to enable their effective engagement in international cooperation.
- The exchange of experiences and views with regard to the practice of carrying out consultations before an extradition request is refused, especially in cases where such a decision is made by a court.
- Sharing best practices on handling the confiscated proceeds of crime, with a focus on money-laundering and the disposal of the proceeds of crime, in particular assets generated from traffic in cultural property.
- The use of electronic evidence, with a focus on the use of the Internet for terrorist purposes.
- Sharing experiences regarding the issue of dual nationality of individuals who are under a request for extradition.
- Sharing experiences on temporary and conditional surrender.
- Sharing experiences on enforcing sentences imposed on nationals of the requested State in lieu of extradition.
- Sharing experiences on simplifying extradition proceedings and evidentiary requirements in such proceedings.

39. The following topics were suggested for future meetings of the Working Group of Government Experts on Technical Assistance:

- Strengthening the capacity of central authorities and competent national authorities to counter transnational organized crime through regional approaches to technical assistance.
- Exchanging views on good practices for effective training and capacity-building courses, such as training-of-trainers courses and training courses provided through South-South cooperation, including their monitoring and evaluation.

40. Other suggestions included: presenting SHERLOC at other intergovernmental meetings, such as at the Meetings of Heads of National Drug Law Enforcement Agencies of the Commission on Narcotic Drugs; linking the topics considered by the Working Group on International Cooperation and of the Working Group of Government Experts on Technical Assistance to discuss the technical assistance needs for certain forms of international cooperation; and possible linkages between the topics considered by the Working Group of Government Experts on Technical Assistance and other working groups of the Conference, for example, regarding legislative assistance to implement the Protocols to the Convention.

41. The two Working Groups also discussed the future work of the working groups in the lead-up to the ninth session of the Conference. Different views were expressed regarding the timing of the next meetings of the working groups to finalize the draft questionnaires to review the implementation of the Convention and the Protocols thereto. Many speakers recommended that the working groups hold meetings in 2018 well in advance of the ninth session of the Conference so as to have enough time to finalize the questionnaires and submit them to the Conference for its consideration, and many speakers also raised the issue of the availability of resources to support additional meetings. It was noted that horizontal coordination in relation to the draft questionnaires was needed to finalize their contents. Many other speakers stated that discussing the establishment of the review mechanism and preparing its procedures and rules were parallel processes and were ongoing, as mandated by the Conference in its resolution 8/2, and that it was therefore not possible at the present stage to decide on the exact timing of future meetings of the working groups. Some speakers suggested that the questionnaires could be further discussed through regional meetings or meetings of the regional groups, while others questioned the advantage that this would bring, noting that the Conference had indicated in its resolution 8/2 that the questionnaires would be considered by its working groups. Several speakers suggested that the Secretariat prepare a document that contained all the draft questionnaires, which could serve as a useful reference for delegations. It was also noted that the extended Bureau of the Conference would need to decide on the exact dates of the working group meetings in 2018.

42. The Chair then invited views from delegations as to whether the questionnaire relating to the Convention should cover provisions that applied *mutatis mutandis* to the Protocols thereto. One speaker stated that such provisions should be covered under the questionnaire relating to the Convention only, as this would be more congruent with the work of national practitioners who would be responding to the questionnaires.

43. The Secretariat gave a presentation on the new version of the Mutual Legal Assistance Request Writer Tool and provided explanations on the features and components that had been added. The new version had been finalized and the Secretariat was in the process of making it available to practitioners, including through online applications for access to the Tool. It was noted that the Tool could be translated into other languages, whether they be official languages of the United Nations or other languages, subject to the availability of funds.

IV. Organization of the meetings

A. Duration of the meetings

44. The Working Group on International Cooperation held nine meetings, from 9 to 13 October, including five joint meetings with the Working Group of Government Experts on Technical Assistance.

45. The Working Group of Government Experts on Technical Assistance held seven meetings, from 10 to 13 October, including five joint meetings with the Working Group on International Cooperation.

46. Both working group meetings were chaired by Thomas Burrows (United States).

B. Statements

47. Under agenda items 2 to 4 of the Working Group on International Cooperation, statements were made by representatives of the following States parties to the Convention: Algeria, Argentina, Brazil, Canada, China, Colombia, Côte d'Ivoire, Ecuador, Germany, Iraq, Jamaica, Japan, Kenya, Mauritius, Mexico, Morocco, Nigeria, Oman, Pakistan, Philippines, Romania, Rwanda, Singapore, Sri Lanka, Sudan, Switzerland, Thailand, United Kingdom, United Republic of Tanzania and United States.

48. Under agenda items 1 and 3 of the Working Group of Government Experts on Technical Assistance, statements were made by representatives of the following States parties to the Convention: Algeria, Romania and United States.

49. Under the joint agenda items, namely agenda items 5 to 7 of the Working Group on International Cooperation and agenda items 2, 4 and 5 of the Working Group of Government Experts on Technical Assistance, statements were made by representatives of the following States parties to the Convention: Algeria, Argentina, Brazil, Canada, Egypt, Germany, Iraq, Japan, Kenya, Mexico, Nigeria, Oman, Pakistan, Romania, Rwanda, Singapore, Spain, Sri Lanka, Sudan, Switzerland, Turkey, United Kingdom and United States.

50. The representative of the Islamic Republic of Iran, a State signatory to the Convention, made a statement under the joint agenda item "Other matters".

51. The Secretariat delivered presentations on agenda items 2 to 4 of the Working Group on International Cooperation and agenda item 3 of the Working Group of Government Experts on Technical Assistance.

C. Adoption of the agenda and organization of work

1. Working Group on International Cooperation

52. At its 1st meeting, the Working Group on International Cooperation adopted the following agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Practical considerations, good practices and challenges encountered in the area of transfer of criminal proceedings as a separate form of international cooperation in criminal matters.
3. Good practices for bilateral consultations between central authorities, including preparation, case tracking, training and participation.
4. Recent developments in obtaining electronic evidence.
5. Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention (*joint item of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance*).
6. Other matters (*joint item*).
7. Adoption of the report (*joint item*).

2. Working Group of Government Experts on Technical Assistance

53. At its 1st meeting, on 10 October, the Working Group of Government Experts on Technical Assistance adopted the following agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention (*joint item of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance*).
3. Status of information provided by States parties on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and related technical assistance.
4. Other matters (*joint item*).
5. Adoption of the report (*joint item*).

D. Attendance

54. The following States parties to the Convention were represented at the meeting: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Austria, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechia, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Holy See, India, Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Swaziland, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela (Bolivarian Republic of) and Yemen.

55. The European Union, a regional economic integration organization that is party to the Convention, was represented at the meeting.

56. The Islamic Republic of Iran, a signatory State to the Convention, was represented by an observer.

57. The Criminal Information Centre to Combat Drugs was represented by an observer.

E. Documentation

1. Working Group on International Cooperation

58. The Working Group on International Cooperation had before it the following working documents:

(a) Annotated provisional agendas (CTOC/COP/WG.3/2017/1-CTOC/COP/WG.2/2017/1);

(b) Background paper prepared by the Secretariat on the practical considerations, good practices and challenges encountered in the area of transfer of criminal proceedings as a separate form of international cooperation in criminal matters (CTOC/COP/WG.3/2017/2);

(c) Draft questionnaire prepared by the Secretariat for the review of the implementation of United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention (CTOC/COP/WG.3/2017/3-CTOC/COP/WG.2/2017/2).

2. Working Group of Government Experts on Technical Assistance

59. The Working Group of Government Experts on Technical Assistance had before it the following working documents:

(a) Annotated provisional agendas (CTOC/COP/WG.3/2017/1-CTOC/COP/WG.2/2017/1);

(b) Draft questionnaire prepared by the Secretariat for the review of the implementation of United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention (CTOC/COP/WG.3/2017/3-CTOC/COP/WG.2/2017/2);

(c) Background paper prepared by the Secretariat on the status of information provided by States parties on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and related technical assistance (CTOC/COP/WG.2/2017/3).

V. Adoption of the report

60. On 13 October, the Working Groups adopted the present joint report of their meetings, as orally amended.
