

The Working Group on International Cooperation of the COP-UNTOC

Briefing on tenth meeting (16 October 2018)

**Synergies, past and future role of the
Working Group**

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10th meeting of the WG on International Cooperation of the COP-UNTOC

- Held during the 9th session of the COP-UNTOC.
- Substantive agenda topic: “Challenges faced in expediting the extradition process, including addressing health and safety and other human rights issues, as well as litigation strategies utilized by defendants to delay the resolution of an extradition request”.
- Panellists from Switzerland, China and Mexico.
- Main points:
 - ✓ The importance of consultations to expedite the extradition process;
 - ✓ The usefulness of informal consultations as a means of exchanging information on legal requirements and standards, and on aspects specific to the extradition case, such as the identification of the person sought; and
 - ✓ That consultations also play a pivotal role in providing assurances and guarantees regarding the treatment of the person sought after surrender to the requesting State.

Recommendations

- (a) States parties to UNTOC are encouraged to continue efforts to expedite extradition procedures and simplify evidentiary requirements relating thereto pursuant to article 16, paragraph 8, of the Convention and, in general, to trigger, where necessary, internal reviews for possible reform of their extradition regimes;
- (b) States are encouraged to strengthen, for that purpose, communication and coordination, including by enhancing the practice of formal and informal consultations at various stages of extradition proceedings, in particular with regard to the exchange of information on legal requirements and the identity of the person sought;

Recommendations

(c) States are encouraged, if they have not done so, to consider putting in place inter-agency coordination mechanisms to discuss practical aspects pertaining to the execution of incoming requests for extradition;

(d) States are encouraged to foster and further promote the cooperation of their central authorities, including in extradition cases, through networking and regular contacts;

(e) States parties should facilitate the active participation of central authorities in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(f) States should benefit from exchange of information and best practices in the provision and enforcement of assurances and guarantees in extradition proceedings regarding the treatment of the person sought in the requesting State, including though the exchange of pertinent jurisprudence in the field of human rights in similar cases;

Recommendations

(g) When refusal of an extradition request is possible, consider postponing the surrender of the person sought in specific circumstances and for humanitarian reasons present at the time of decision;

(h) Continue making use, where appropriate and applicable, of the Convention as a legal basis for international cooperation in criminal matters, including extradition;

The role of the WG on International Cooperation in future – The UNTOC Review Mechanism

- COP-UNTOC established, at its ninth session held from 15-19 October 2018, a review mechanism for the implementation of the UNTOC through resolution 9/1 entitled “*Establishment of the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*”, to which the Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the UNTOC and the Protocols thereto were annexed. The Conference further decided in the same resolution to launch the preparatory phase of the review mechanism, lasting two years. The preparatory phase will be followed by a review process that will last ten years.
- The review process follows two review tracks, a general review that will be undertaken in the Plenary of the COP-UNTOC, and country reviews to be carried out through desk reviews. The outcome of the desk reviews will be considered within the framework of the five working groups of the COP, including the WG on International Cooperation.

The role of the WG on International Cooperation in future – The UNTOC Review Mechanism

- The country review process will identify best practices, gaps and challenges in the implementation of specific provisions as well as suggestions and, when necessary, technical assistance needs of each State under review. At the final stage of each review phase for each State, the reviewing States, in close cooperation and coordination with the State under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the cluster of articles under review, best practices, suggestions and any technical assistance needs identified to improve implementation of the UNTOC and its Protocols.
- In addition, a summary of the lists of observations, not exceeding 1,500 words shall be prepared and translated into the six official languages of the United Nations and be made available to the Conference and its working groups.

Informal Expert Group Meeting on International Cooperation in Criminal Matters

Policy framework - mandates

- Para. 18 of resolution 8/1 of COP-UNTOC: *“18. Requests the United Nations Office on Drugs and Crime to schedule future meetings of the Working Group on International Cooperation to facilitate the participation of central authorities and make the best possible use of existing resources, including by coordinating with other international meetings and capacity-building activities on international cooperation, and encourages States parties to consider holding bilateral and/or multilateral meetings of representatives of central authorities, including on the margins of the Working Group on International Cooperation, to discuss issues of common interest”*;
- Resolution 9/3 COP-UNTOC, annex I, recommendation 1(h): *“(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”*.

Informal Expert Group Meeting on International Cooperation in Criminal Matters

- Organized by UNODC, with the financial support of the Government of the People's Republic of China, in Vienna, from 9 to 11 April 2019.
- The meeting brought together 36 experts and practitioners from 19 countries, representing both civil and common law legal systems, coming from institutions and agencies directly dealing with practical problems and challenges encountered in the field of international cooperation in criminal matters.
- Issues discussed:
 - ✓ The use of UNTOC as legal basis for international cooperation;
 - ✓ Advantages, current challenges, lessons learnt and possible responses to international cooperation through MLA;
 - ✓ Service of documents, taking of evidence, confiscation and disposal of confiscated proceeds of crime or property;
 - ✓ Practical aspects, challenges encountered and good practices in the field of extradition; and
 - ✓ UNODC tools on international cooperation in criminal matters and regional judicial cooperation networks.

Thank you for your attention



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