

**UNODC EXPERT GROUP MEETING ON THE ESTABLISHMENT OF A
GLOBAL COOPERATION NETWORK**

**I. THE CONFERENCE OF THE PARTIES TO THE CONVENTION AGAINST
TRANSNATIONAL ORGANIZED CRIME**

1. The United Nations Convention against Transnational Organized Crime entered into force on 29 September 2003, and so far has been acceded to by 149 Member States. The first session of the Conference of the Parties to the Convention (COP) was held from 28 June to 8 July 2004.
2. The Convention against Organized Crime includes several provisions on international cooperation, in particular articles 16-18 (Extradition, Transfer of sentenced persons, Mutual legal assistance). Since its first session, enhancing international cooperation and developing technical assistance to overcome difficulties identified in implementing the Convention was consistently part of the COP work programme; including through the establishment of an open-ended working group on international cooperation. The working group made several recommendations which were later adopted by the COP in its decisions and implemented by the Secretariat. These included activities such as organizing regional seminars, and establishing a directory of competent national authorities. In its work the Secretariat was supported by the Advisory Group on International Cooperation (See CTOC/COP/2008/5, of 12 August 2008).
3. During its fourth session, held in October 2008, the COP adopted Decision 4/2 in which it
*“encouraged central authorities for mutual legal assistance and the competent authorities for extradition requests to make full use of existing regional networks; and requested the Secretariat to provide its support to strengthening networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by **considering the establishment of a discussion forum on a secure network and by ensuring the greatest possible participation by experts and practitioners in the relevant fields, by seeking funding for participation by experts from developing countries, in the deliberations of the working group at future sessions of the Conference;***
4. As a first step towards the implementation of Decision 4/2, the United Nations Office on Drugs and Crime (UNODC), in its capacity as Secretariat of the Convention against Organized Crime, decided to organize an expert group meeting on ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network.
5. The purpose of the meeting is to identify how UNODC can most usefully develop a secure on-line forum and what form, functions and roles it should have; without repeating the functions of those regional networks that already exist. However, the

meeting is not limited to the technicalities of establishing, and aims at discussing more widely means to strengthen cooperation among competent national authorities, by learning from the experience of existing networks, and identifying the gaps in terms of regional coverage and tools and methods of cooperation.

II. EXISTING REGIONAL JUDICIAL NETWORKS – AN OVERVIEW

6. Several judicial cooperation networks were identified as major participants in the meeting. These include the Commonwealth Network of Contact Persons, the European Judicial Network and Eurojust, the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States (OAS) and the Ibero-American Legal Assistance Network of judicial authorities of Spanish- and Portuguese-speaking countries.
7. Some of these networks have regional coverage, while others are based on common language or historical ties. All include secure websites which require password as well as public websites with relevant information on different aspects of international cooperation in criminal matters (e.g. the national laws of the member states which provide for extradition). The main elements of each are described below.

A. the Commonwealth Network of Contact Persons (CNCP)

8. The Commonwealth Network of Contact Persons (CNCP) was established in February 2007 to facilitate international co-operation in criminal cases between its 53 member states, and to provide legal and practical information. The Network covers several regions; therefore some of its members are also members of either the EJNI or the OAS Network. This is an informal network of contact persons whose details are protected by a secure website, but which also meet periodically to exchange information and discuss mutual problems. This network builds on existing schemes within the Commonwealth for cooperation in the areas of extradition and MLA (see at <http://www.thecommonwealth.org/subhomepage/165671/>).

B. The European Judicial Network (EJN) and Eurojust

9. The European Judicial Network is a regional network which covers the 27 Member States of the European Union, and is composed of contact points of the Member States, as well as of the European Commission, and was established in September 1998. National contact points are designated by each Member State among Central authorities in charge of international judicial co-operation, judicial authorities and other competent authorities with specific responsibilities in the field of international judicial co-operation, both in general and for certain forms of serious crime, such as organized crime, corruption, drug trafficking or terrorism. Currently there are almost 400 national contact points. The contact points facilitate cooperation and provide the legal and practical information necessary for the local authorities to prepare an effective request for judicial co-operation. (See at <http://www.ejn-crimjust.europa.eu/>)

10. **Eurojust** is a newer European Union body established in 2002 to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organized crime. Eurojust is a permanent body, located in The Hague, and composed of 27 national members, one nominated by each EU Member State. The national members are senior, experienced prosecutors or judges. Eurojust facilitates the execution of mutual legal assistance and the implementation of extradition requests among Member States and supports competent national authorities in investigations and prosecutions dealing with cross border crime. It also hosts meetings between investigators and prosecutors from different states dealing with individual cases and at a strategic level and specific types of criminality, for example by supporting joint investigation teams. (See at <http://www.eurojust.europa.eu/index.htm>)

C. The Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States (OAS)

11. The Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition is a regional network which covers the American continent. It has been in development since March 2000, when the third Meeting of the Ministers of Justice or of Ministers or Attorney Generals of the Americas decided to increase and improve the exchange of information among OAS thirty-four Member States in the area of mutual assistance in criminal matters. The Network is composed of three components: a public website which provides information on the specific laws of the Member States, a private website which includes the contact details of national contact points and a secure electronic communication system which provides an on-line forum for exchange of information, discussion and problem solving (See at <http://www.oas.org/juridico/mla/en/index.html>)

D. The Ibero-American Legal Assistance Network (IberRed)

12. The Ibero-American Legal Assistance Network of judicial authorities of Spanish- and Portuguese-speaking countries covers 21 Latin-American countries together with Spain and Portugal. It was established in October 2004 to facilitate judicial cooperation in civil and criminal matters between the 23 Member States. The network has a public component, which provides information on the legal systems of the 23 Member States and a secure component, which provides the details of the national contact points (see at <http://www.iberred.org/presentacion/>). Except for Cuba, all other Latin-American countries are also part of the Hemispheric Network (OAS). Spain and Portugal are also part of the EJM.

III. ISSUES FOR DISCUSSION - IDENTIFYING AND BRIDGING THE GAP

13. From an overview of the regional networks mentioned above it seems that they all include four similar elements - a secure list of contact details, a public webpage which includes relevant legal information, an on-line forum for discussion and



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periodical non-virtual meetings. UNODC invited participants from these networks and other organizations in order to share their experiences and identify necessary future developments.

14. Some of the elements included in those judicial networks are already provided by UNODC, including a secure list of contact details of national authorities in charge of international cooperation, information on national procedures and laws, as well as texts of relevant conventions and model agreements. The main element that currently does not exist is a secure forum for direct discussion and exchange of information.
15. In considering the development of such a tool, and all its inherent elements, several issues could be discussed:
 - a. What should be the role of UNODC in this endeavor? Should it be a facilitating role or a leading role?
 - b. How should UNODC address the lack of regional networks in certain regions of the world compared with some very developed ones in others?
 - c. What should be the extent of participation? The COP refers to *the greatest possible participation*. Some of the networks allow very wide participation (e.g. the EJM has 400 contact points from 27 countries) – would that be possible on a global scale?
 - d. How would this system bridge differences in languages, in working hours and in legal systems?
 - e. How would this system encourage **inter-regional** cooperation as recommended in Decision 4/2 of the Conference of the Parties?
 - f. How would this system support and encourage face to face meetings, and work in joint teams which are still an important element of networking and information-exchange?
16. The Experts invited to the meeting are encouraged to contribute from their expertise on any of these points and to propose additional topics for discussion that seem relevant to them. Members of the Advisory Group on International Cooperation are also encouraged to participate in the meeting and contribute to its successful conclusion.