

Factsheet: Judicial Cooperation*

According to data collected by UNODC during 2012, roughly 35% per cent of countries had concluded bilateral or multilateral agreements or memoranda of understanding on extradition.

A key component for judicial cooperation is a country's ability to cooperate effectively with its neighbors, as well as with regional and international partners. Many Member States indicated that their legislation enabled them to conclude bilateral or multilateral agreements for extradition and mutual legal assistance and illicit traffic by sea.

Achievements

– During the past years, certain regions have witnessed the establishment and strengthening of regional and sub-regional networks aimed at fostering judicial cooperation in transnational organized crime-related cases. The Network of Prosecutors against Organized Crime (REFCO) in Central America and Mexico was set up in March 2011 and the West African Central Authorities and Prosecutors Network (WACAP) was established in November 2012.

– Another recent development of regional cooperation is the agreement between the Conference of Ministers of Justice of Ibero-American Countries (COMJIB) and the International Police Organization (INTERPOL) which was signed in October 2012 to promote judicial and police cooperation at the national, regional and international levels.

– Since 2008 the European Union's Judicial Cooperation Unit (EUROJUST) has enhanced its work in drug trafficking cases, including by implementing a strategic project aimed at identifying the main challenges and related solutions in EUROJUST coordination meetings involving drug trafficking.

– During the past years, the use of UNODC tools has also led to increased judicial cooperation. The number of competent national authorities (CNA) designated by Member States has expanded. The "Directory of CNAs under the United Nations Convention against Transnational Organized Crime and the Protocols thereto and articles 6, 7 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988" now contains the contact information of 478 CNAs from 168 Member States and the Secretariat has recorded 445 registered users of the online directory.

– In addition, the Mutual Legal Assistance Request Writer Tool was developed by UNODC to assist States in drafting mutual legal assistance requests to facilitate and strengthen international cooperation. This tool guides the casework practitioner through the request process, prompting the drafter if essential information has been omitted. The tool generates a complete request for final editing and signing. To date, 613 users have requested and received copies of the tool, up from 380 in 2010.

* * Prepared by the Secretariat as part of the preparations for the high-level review (shortened version, original paper including references can be obtained from: <http://www.unodc.org/unodc/en/commissions/CND/session/session-57.html>)

– In 2012, UNODC published three manuals, which will help spread knowledge and awareness of mechanisms for international cooperation in criminal matters: The Manual on Mutual Legal Assistance and Extradition, The Handbook on the International Transfer of Sentenced Persons and The Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime.

Challenges

– The most frequent problem faced by judicial or law enforcement agencies in cooperating with counterparts in other countries is the slowness of formal procedures in the response time from the requested State. Reasons for this may include linguistic difficulties or differences in procedure, which complicate responding.

– Additional challenges are linked to the absence of channels of communication between relevant national authorities for the exchange of basic information and criminal intelligence. This in turn, leads to less chances of the victim cooperating in the criminal proceedings.

– The issue of non-extradition of nationals continues to pose difficulties for a number of requesting and requested States. This is an issue requiring continuous dialogue and discussion among States parties, with the view to improving the understanding of the differences in legal systems and finding ways to mitigate the difficulties.

– The duration of extradition proceedings has also continued to be a challenge for States, as extradition can be both time-consuming and expensive. The sheer size and scope of domestic variations in substantive and procedural extradition law present the most serious obstacles to just, quick and predictable extradition. Moreover, extradition remains a highly technical and specialized area of the law for which countries do not always have the required capacity. The use of videoconferencing to facilitate mutual legal assistance is also considered to overcome such technical obstacles.