



UNODC

United Nations Office on Drugs and Crime



**Informal Expert Meeting on
International Cooperation in Criminal Matters**

**Vienna, Austria
9-11 April 2019**

Vienna International Centre

C Building, 2nd Floor, Conference Room C1

Agenda

Day 1

Tuesday, 9 April 2019

Discussion modalities

09:30- 10:00 Arrival and registration

10:15 Opening of the meeting (moderated by Mrs. Xiaohong Li, Chief, Conference Support Section, OCB/DTA/UNODC)

Opening session

10:45

- Mrs. Candice Welsch, UNODC, Division for Treaty Affairs, O-i-C.
- Mr. ZHANG Xiaoming, Deputy Director General, Department of the International Cooperation of the Ministry of Justice

Introductions: *tour de table*

10:45

– 13:00

Session 1. The use of the United Nations Convention against Transnational Organized Crime as legal basis for international cooperation – challenges and potential

This session will discuss practical aspects relating to the use of the United Nations Convention against Transnational Organized Crime (UNTOC) as legal basis for international cooperation. Actual cases will be considered with a view to identifying the advantages and the added value of the pertinent provisions of the Convention. Challenges encountered in fostering international cooperation, on the basis, of the Convention will also be discussed, together with possible solutions to overcome them. Benefiting from the expertise of participating experts, the Meeting is expected to supplement, from its own perspective and context, the discussions in recent meetings of [the Working Group on International Cooperation](#) of the [Conference of the Parties to the Convention](#). The objectives of the session is to improve exchange of experience and explore solutions to challenges faced. It is also aimed to accumulate updated information on cases in which the Convention was used as legal basis for international cooperation with a view to elaborating a digest of cases, in accordance with a relevant recommendation of the Conference of the Parties to the Convention ([Resolution 9/3](#), annex III, recommendation 1(j)).

Panellists

“Follow-up” round table discussions

Reference material:

a) [Actual cases where the UNTOC was used as legal basis for international cooperation](#);

b) National feedback in writing, submitted in advance by participants

13:00 Lunch

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15:00

Day 1

Tuesday, 9 April 2019

15:00

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18:00

Session 2. Advantages, current challenges, lessons learnt and possible responses to international cooperation through mutual legal assistance

This session will discuss legal and practical aspects pertaining to mutual legal assistance. The focus of the deliberations will be, inter alia, on the scope of conditions for granting assistance; the functions and competences of [central authorities dealing with MLA requests](#); the practical problems arising in relation to the transmission of relevant requests (direct transmission v. diplomatic channels); the applicable legal framework for the execution of MLA requests (legislation of the requested State v. execution “in the manner specified in the request”); gaps, shortcomings and practical challenges (e.g., translation issues, delays in, or lack of, responses, differing legal requirements); good practices (e.g, liaison officers, consultations, networking); case management and tracking of MLA requests; MLA involving electronic evidence; capacity-building and technical assistance priorities.

Panellists

“Follow-up” round table discussions

Reference

material: National feedback in writing, submitted in advance by participants

Day 2

Wednesday, 10 April 2019

10:00

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13:00

Session 3. Service of documents, taking of evidence, confiscation and disposal of confiscated proceeds of crime or property (as defined in the afore- mentioned Convention and on the basis of applicable bilateral treaties or agreements)

This session will be devoted, inter alia, to particular difficulties that [international cooperation for purposes of confiscation](#) poses. Practitioners may find that obtaining a domestic confiscation order in the requested State or achieving the direct recognition and enforcement of a foreign confiscation order pursuant to a mutual legal assistance request can be challenging for several reasons. One reason is that, considerable diversity remains in the domestic regimes of cooperating States.

Panellists: "Follow-up" round table discussions

Reference material: National feedback in writing, submitted by participants.

A second factor is the need to ensure the cooperation of the banking and financial sector. A third element to be considered is that the concepts involved in such international cooperation are relatively new and tend to be unfamiliar to the authorities involved, thus causing problems and difficulties in practice.

A series of specific obstacles and barriers of a legal, institutional and operational nature that impede effective cooperation for purposes of confiscation, as well as suggested ways of addressing them, will be discussed (lack of trust; failure to comply with requirements set forth in multilateral or bilateral instruments; weaknesses in preventing money-laundering; lack of clarity regarding focal points and lack of effective coordination; Lack of resources).

The UNTOC as a normative framework for international cooperation in targeting the proceeds of crime (articles 13 and 14), coupled with model instruments such as the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property, as adopted by the Economic and Social Council in its resolution 2005/14, will be considered.

13:00 Lunch
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15:00

15:00
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18:00

Session 4. Practical aspects, challenges encountered and good practices in the field of extradition

In this session, the discussion will revolve around modern trends and developments in extradition law and practice, with emphasis on the following issues: the potential and added value of relaxing the strict application of conditions and grounds for refusal in the field of extradition; simplification of evidentiary requirements; expediting extradition procedures through simplified requirements; alternatives to denial of extradition requests to avoid impunity; multiple appeal reviews in extradition proceedings and related challenges. Practical considerations emerging from the implementation of article 16 of the UNTOC, as well as provisions of applicable bilateral and/or regional treaties or agreements, will be discussed.

Panellists

“Follow-up” round table discussions

Reference material: National feedback in writing, submitted in advance by participants

Day 3

Thursday, 11 April 2019

10:00
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13:00

Session 5. [UNODC tools on international cooperation in criminal matters, including the UNODC Mutual Legal Assistance Request Writer Tool.](#)

Presentations on Regional Networks.

Closing: salient points of the discussions, as summarized by the Chair

At this session, participants will be informed by the Secretariat on existing UNODC tools geared towards promoting international cooperation in criminal matters. Presentations on the work of regional networks by UNODC officer will be delivered.

This session will also offer the opportunity for suggestions to further streamline technical assistance activities through the use of such tools and through synergies as appropriate, with existing networks.

The outcome of the meeting will be presented by the Chair, in the form of a list of most salient points of the deliberations.

Presentations by the Secretariat

Conclusions/

salient points of discussions: oral presentation by the Chair

Resources

UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO (UNTOC) (FULL TEXT)

Click on below for the Full text of the Convention and its Protocols

[ARABIC](#) - [CHINESE](#) - [ENGLISH](#) - [FRENCH](#) - [RUSSIAN](#) - [SPANISH](#)

[Ratification/Status Page](#)

[Travaux Préparatoires](#)

CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO (COP)

[All Resolutions and Decisions](#)

COP resolutions and decisions on International Cooperation in Criminal Matters

- a. [Resolution 9/3 \(2018\)](#) Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime
- b. [Resolution 8/1 \(2016\)](#) Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime
- c. [Resolution 7/4 \(2014\)](#) Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime
- d. [Resolution 5/8 \(2010\)](#) Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime
- e. [Decision 4/2 \(2008\)](#) Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime
- f. [Decision 3/2 \(2006\)](#) Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime
- g. [Decision 2/2 \(2005\)](#) Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime

[All COP Working Groups](#)

UNODC TOOLS

[UNODC website on international cooperation in criminal matters](#)

[SHERLOC Sharing Electronic Resources and Laws on Crime](#)

[UNODC Publications and Tools on international cooperation](#)

[Directory of Competent National Authorities](#)

[Mutual Legal Assistance Request Writer Tool](#)

MODEL LEGISLATIVE PROVISSIONS

[Model Law on Extradition](#)

[Model Law on Mutual Assistance in Criminal Matters](#)

[Model Treaty on Extradition](#)

[Model Treaty on Mutual Assistance in Criminal Matters](#)

[Revised Manuals on the Model Treaties on Extradition and Mutual Assistance in Criminal Matters](#)

[Model Treaty on the Transfer of Proceedings in Criminal Matters](#)

[Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property covered by the UNTOC and the 1988 Drug Convention](#)