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

Vienna, 6-7 October 2014

Item 4 of the provisional agenda*

**Information-gathering under article 32, paragraph 5, of
the United Nations Convention against Transnational
Organized Crime****Draft needs assessment tool on international law
enforcement and judicial cooperation****Note by the Secretariat****I. International law enforcement cooperation****A. Introduction**

1. The purpose of this draft tool is to provide guidance in assessing what should be done by a State Party in order to ensure that the full potential of the Organized Crime Convention can be realized. The Working Group on Technical Assistance may wish to discuss how the draft tool could be further developed to make it useful in the delivery of technical assistance, in particular in assessing the needs of States for technical assistance. Experts are requested to provide concrete comments on the proposed indicators and questions in the thematic areas contained in the Conference Room Paper. The comments received will be taken into consideration in the further development of the tool in a consultative process.

2. The Organized Crime Convention requires action by the States Parties to harmonize their legislation with the Convention requirements. Art. 34(1) of the Convention calls upon each State Party to take “the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.”

* CTOC/COP/WG.2/2014/1.



3. The seventh session of the Working Group on Technical Assistance recommended, inter alia, that UNODC should continue to provide coordinated technical assistance to States to ensure the effective implementation of the Convention and the Protocols thereto. The Working Group further recommended that UNODC should continue the development of technical assistance tools, for the Convention and the Protocols thereto and on specialized issues, including mutual legal assistance and extradition.¹

4. The tool consists of sets of indicators and questions designed to enable experts from international organizations, non-governmental organizations, national governments as well as relevant institutions, in particular policy makers and legislators, to conduct a comprehensive assessment of implementation of the Organized Crime Convention. This includes:

- (a) identifying gaps in the existing legislation and its implementation;
- (b) facilitating the formulation and development of technical assistance projects that adequately respond to the gaps and needs identified; and
- (c) facilitating the development of performance indicators for evaluating progress in implementation.

B. Joint investigations

5. Art. 19 of the Convention requires States Parties to consider concluding bilateral or multilateral agreements or arrangements on the establishment of joint investigative bodies. Art. 27 contains further provisions on international law enforcement cooperation, such as on channels of communication between the respective law enforcement agencies, cooperating with other States Parties in their law enforcement enquires, considering the conclusion of bilateral or multilateral agreements or arrangements on law enforcement cooperation, and cooperating in order to respond to transnational organized crime committed by use of modern technology.

6. The key normative indicators of implementation of the provisions on international law enforcement cooperation are the following:²

- Consideration is given to concluding bilateral or multilateral agreements or arrangements on the establishment of joint investigative bodies;
- Consideration is given, consistent with the domestic legal and administrative system, to the enhancement and, where necessary, establishing of channels of communication between competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by the Organized Crime Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

¹ Report on the meeting of the Working Group of Government Experts on Technical Assistance held in Vienna from 28 to 30 October 2013 (CTOC/COP/WG.2/2013/5).

² For more information, see the UNODC publication *Model Legislative Provisions against Organized Crime* (Vienna, 2012).

- Adoption, consistent with the domestic legal and administrative system, of effective measures for cooperation with other States Parties in conducting inquiries with respect to offences covered by the Organized Crime Convention concerning:
 - The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;
 - The movement of proceeds of crime or property derived from the commission of such offences; and
 - The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;
 - Adoption, consistent with the domestic legal and administrative system, of effective measures to provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;
 - Facilitating effective coordination between the competent authorities, agencies and services and promoting the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;
 - Exchanging information with other States Parties on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;
 - Exchanging information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by the Organized Crime Convention.
7. The key implementation questions relevant to the provisions on international law enforcement cooperation are the following:
- What is the legal/policy basis for international law enforcement cooperation? Is the State a party to any international agreement concerning international police cooperation (for example, a bilateral agreement based on INTERPOL's Model (Bilateral) Police Co-operation Agreement)?
 - What international law enforcement bodies are represented in the State? Is the national law enforcement agency a member of INTERPOL? How does it cooperate with the agency? If yes, in which structure is the National Central Bureau (NCB) linking national police with INTERPOL located?
 - Who manages cases that involve an international dimension? Are investigators generally aware of the different international law enforcement organizations and what they offer? Are investigators aware of how to request assistance from law enforcement and judicial authorities in other States?
 - Do investigators have access to the databases of international law enforcement organizations (such as INTERPOL's fingerprints database or DNA database)? If so, does this access enable direct and real time connection via secured telecommunication systems (such as INTERPOL's I-24/7)? Are investigators aware of INTERPOL's Notice system? Is there a national database through which information can be shared?

- What legislative amendments would be required to facilitate international law enforcement cooperation?
 - Is the use of special investigative techniques allowed under national law? If not, has it created problems for international cooperation?
 - If special investigative techniques are allowed under national law, what is the experience of the State in using them in the context of international cooperation?
 - Are the police making use of the facilities of other States (forensic labs, analytical expertise, etc.)?
 - What is the situation in the State with respect to the collection and analysis of DNA evidence?
 - Does the State have law enforcement liaison officers in other States?
 - Are there foreign police liaison officers present in the State? From what State? How do they work with the police? What is their view on the quality of existing law enforcement cooperation with the State?
 - Has the country entered into bilateral agreements or arrangements on direct cooperation between law enforcement agencies? Does the national police cooperate with police agencies in other States in the collection, exchange and analysis of criminal intelligence information? Is the State involved in other arrangements with other States for the exchange of information and intelligence? If so, which ones?
 - Who deals with Letters of Request (“Rogatory Letters” or “Commissions Rogatoires”) for international assistance? Who is responsible for receiving and issuing such requests for mutual legal assistance? Are investigators aware of these mechanisms? How are Letters of Request received from other States processed and dealt with?
 - Does the State have the capacity to establish joint investigation teams with other States? Is this possible in respect of offences related to organized crime? If not, what are the obstacles?
 - Have law enforcement agencies been involved in international joint investigation teams? If so, what was the experience? Has the State been able to undertake joint investigations by agreement on a case-by-case basis in the absence of bilateral or multilateral agreements?
 - Has the State participated in regional or international joint operations? If so, what were the results?
8. The key performance indicators of implementation of the provisions on international law enforcement cooperation are the following:
- With how many States does such cooperation exist through formal agreements?
 - With how many States does such cooperation exist through other informal/legally authorized channels?
 - On average, how long does it take a Letter of Request to be issued?

- How long, on average, does it take for a Letter of Request from another State to be answered and the requested action undertaken?
- Are there examples of recent cases in which national law enforcement authorities have exchanged information with their counterparts in other States regarding offences covered by the Organized Crime Convention?
- In how many joint investigation teams have law enforcement agencies participated annually?
- Please elaborate on promising practices.
- Which form of technical assistance, as it relates to adopting or better implementing the Convention's provisions on law enforcement cooperation is of the highest priority for the State at the present time?

II. Extradition

9. Art. 16 of the Convention provides detailed provisions on extradition. The article requires that States Parties ensure that the offences covered by the Convention are deemed extraditable offences. This includes the offences established in accordance with art. 5, 6, 8 and 23, as well as serious crime (as defined in art. 2(b) of the Convention) and an offence criminalized on the basis of any of the three Protocols to which the State is a party, to the extent that they are transnational and involve an organized criminal group. It also includes any serious crime as defined by the Convention, to the extent that it is transnational and involves an organized criminal group.

10. If a State Party makes extradition conditional on the existence of a treaty, it may consider the Organized Crime Convention as a legal basis for extradition in respect of offences within the scope of the Convention. The Convention also preserves the rights of Parties to require a bilateral treaty as a basis for extradition, provided that such offences covered by the Convention are deemed extraditable offences in such bilateral treaties.

11. The key normative indicators of implementation of the provisions on extradition are that, in any extradition treaties and in any general statutory extradition scheme, and subject to the condition of dual criminality:³

- Participation in an organized criminal group, laundering of the proceeds of crime, corruption and obstruction of justice are deemed extraditable crimes to the extent that they are transnational and involve an organized criminal group;
- Offences punishable by a maximum deprivation of liberty of at least four years or a more serious penalty are deemed extraditable crimes to the extent that they are transnational and involve an organized criminal group;

³ For more information, see the UNODC publication *Manual on Mutual Legal Assistance and Extradition* (Vienna, 2012). See also the UNODC publications *Model Law on Extradition* (Vienna, 2004); *Model Treaty on Extradition* (General Assembly resolution 45/116, as amended by General Assembly resolution 52/88); *Revised Manuals on the Model Treaties on Extradition and Mutual Assistance in Criminal Matters*.

- Participation in an organized criminal group, laundering of the proceeds of crime, corruption and obstruction of justice are deemed extraditable crimes to the extent that they involve an organized criminal group and the person whose extradition is requested is located in the territory of the requested State Party;
 - Offences punishable by a maximum deprivation of liberty of at least four years or a more serious penalty are deemed extraditable crimes to the extent that they involve an organized criminal group and the person whose extradition is requested is located in the territory of the requested State Party;
12. Further key indicators of implementation of the provisions on extradition are the following:
- The State designates a central authority with the responsibility and power to draft and receive extradition requests and either to execute them or to transmit them. The Secretary-General of the United Nations is notified of this as well as of the language(s) acceptable to the State Party in this regard;
 - If the State denies an extradition request on the grounds that the person in question is a national, it shall submit the case for domestic prosecution;
 - Fair treatment is ensured to the person facing extradition;
 - Extradition may not be refused on the sole grounds that the offence in question is a fiscal offence;
 - Prior to refusing extradition, the requested State Party must, where appropriate, consult with the requesting State Party to provide it with the opportunity to present information and views on the manner;
 - The State Party endeavours to expedite extradition procedures and simplify evidentiary requirements;
 - If the State Party refuses extradition for enforcement of a sentence, it shall consider enforcing the sentence if its law so permits.
13. The key implementation questions relevant to the provisions on extradition are the following:
- Does the State require a treaty basis to extradite an individual? Is the lawful extradition of an individual to another State possible without a treaty (e.g. based on existing legislation or reciprocity)?
 - If a treaty basis is required, does the State consider the Organized Crime Convention as a legal basis for extradition? What bilateral extradition treaties has the State entered into? Are there States not included but with which a treaty would be important? How recent are the State's existing extradition treaties?
 - Are offences relating to organized crime, including the offences described in the Organized Crime Convention and the Protocols thereto, as well as in the United Nations Convention against Corruption (if the State is a Party) deemed extraditable offences under existing extradition treaties? If not, do courts recognize these offenses as extraditable by virtue of the multilateral treaties when both the requesting and requested states are parties?

- Is there a national law governing extradition? What are the main requirements of the State for granting an extradition request? Is there a dual criminality requirement under domestic law and bilateral treaties? On what grounds may/must extradition be refused? Are there exceptions based on certain types of offences or punishment, on the political nature of the offence or on the prohibition of extraditing nationals?
- Who or what agency deals with extradition requests? How is this process coordinated? Has the State formally designated a central authority with the responsibility and power to receive requests for extradition and either to execute them or to transmit them to the competent authorities for execution? Has the State notified the Secretary-General of the United Nations of this authority? (If that is the case, the contact details of the authority would normally appear in UNODC's Directory of Competent National Authorities.)
- Do the central authority and other agencies involved in international cooperation have sufficient resources to achieve their mandates (skilled and trained staff, communication equipment, ongoing training, availability of translation services and so forth)? What is the language capability of key officials involved in processing requests (e.g. within the central authorities and prosecution services in general)? Has the relevant personnel been trained in the legal requirements of extradition and the provisions of relevant international conventions such as the Organized Crime Convention?
- Are the central authority and other agencies involved in international cooperation able to collaborate and exchange information with other central authorities abroad? Are direct contacts permitted? Does the central authority have contact details of the foreign central authorities they may need to cooperate with? Does the State require that extradition requests and communications be addressed to it through diplomatic channels? Are modern means of communication and other technological means available to expedite the transmission of requests and responses? Is the State a member of any regional or inter-regional judicial cooperation network?
- Does the State recognize its duty to either extradite or prosecute persons suspected of offences covered by the Organized Crime Convention? Are there recent examples of such cases submitted to prosecution?
- Does the State's current system impose complex authentication and certification requirements?
- Does the State recognize the legal value of arrest warrants issued by other States? In the alternative, do they honour requests for provisional arrests, pending filing of a formal extradition request?
- What kind of response is the State Party currently receiving to its requests for extradition?
- Is the State typically able to ensure that requests for extradition are executed within the deadlines specified by the requesting State?
- Does the national law allow the temporary surrender of persons sought by a requesting State, e.g., temporarily extraditing someone serving a prison sentence? Is there a simplified process for the surrender of persons sought who

voluntarily consent to stand trial or punishment in the requesting State? Are there recent examples of conditional surrender?

- Are extradition requests subject to unduly lengthy juridical review and appeals processes, notwithstanding the fundamental right to review or appeal by the person sought?

14. The key performance indicators of implementation of the provisions on extradition are:

- On average, how long does it take for a request for extradition to be prepared?
- What proportion of requests for extradition was refused on the basis of an incomplete or otherwise improperly submitted request?
- How much time is required, on average, to respond to a request for extradition?
- What proportion of such received requests led to extradition of the person in question?

15. Additional questions:

- What factors lead to successful extradition practices? Please elaborate on promising practices.
- What were the problems and challenges faced?
- Which form of technical assistance, as it relates to adopting or better implementing the Convention's provisions on extradition is of the highest priority for the State at the present time?

III. Mutual Legal Assistance

16. Article 18 of the Convention provides detailed provisions on mutual legal assistance. According to it, all States Parties must ensure the widest measure of mutual legal assistance as listed in art. 18(3), in investigations, prosecutions and judicial proceedings in relation to the following offences:

(a) offences established in accordance with art. 5, 6, 8 and 23 that are transnational and involve an organized criminal group;

(b) serious crime that is transnational and involves an organized criminal group;

(c) offences established in accordance with the three Protocols to which the State is a party, which are considered as offences established in accordance with the Convention under article 1, paragraph 3, of each Protocol;

(d) offences established in accordance with art. 5, 6, 8 and 23 that involve an organized criminal group, where there are reasonable grounds to suspect that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party;

(e) serious crime which involves an organized criminal group, where there are reasonable grounds to suspect that victims, witnesses, proceeds,

instrumentalities or evidence of such offences are located in the requested State Party (art. 18(1) and (3)).

17. Each State Party must ensure that it has implemented art. 18(9)-(29), in order to govern the modalities of mutual legal assistance in the absence of a mutual legal assistance treaty with another State Party (art. 18(7)). Legislation may be necessary if existing domestic law governing mutual legal assistance is inconsistent with any of the terms of these paragraphs and if domestic law prevails over treaties.

18. Art. 21 deals with the transfer of criminal proceedings, a measure which is related to mutual legal assistance. It requires that States Parties consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by the Organized Crime Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

19. Art. 22 deals with the establishment of criminal record. It states that each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence covered by the Organized Crime Convention.

20. Art. 17 deals with the transfer of sentenced persons, a measure which is also related to mutual legal assistance. It provides that States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by the Organized Crime Convention, in order that they may complete their sentences there.

21. The key normative indicators of implementation of the provisions on mutual legal assistance are the following:⁴

- The State designates a central authority with the power to receive and execute or transmit requests for mutual legal assistance, and the Secretary-General of the United Nations is notified of this as well as of the language(s) acceptable to the State Party in this regard;
- The State provides the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in related to the offences covered by the Convention;
- The State reciprocally extends to other States Parties similar assistance where the requesting State has reasonable grounds to suspect that the offence referred to in art.3(1)(a) or (b) of the Organized Crime Convention is transnational in nature, or that victims, witnesses, proceeds, instrumentalities or evidence of

⁴ For more information, see the UNODC publication *Manual on Mutual Legal Assistance and Extradition* (Vienna, 2012). See also the UNODC publications *Model Law on Mutual Assistance in Criminal Matters* (Vienna, 2007); *Model Treaty on Mutual Assistance in Criminal Matters* (General Assembly resolution 45/117, as amended by General Assembly resolution 53/112) *Revised Manuals on the Model Treaties on Extradition and Mutual Assistance in Criminal Matters*.

such an offence is located in the State Party, and that the offence involves an organized criminal group;

- The State Party furnishes mutual legal assistance to the fullest extent possible under relevant laws, treaties, agreements and arrangements with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with art. 10 of the Convention in the requesting State Party;
- The available forms of mutual legal assistance include those listed in art. 18(3) of the Convention;
- Mutual legal assistance is not denied on the grounds of bank secrecy;
- Consideration is given to the possibility of spontaneous transmission of information;
- Consideration is given to the possibility of the provision of testimony by videoconferencing in cases where it is impossible or undesirable for a witness to travel;
- Consideration is given to the possibility of the conclusion of new agreements and arrangements on mutual legal assistance.

22. The key implementation questions relevant to the provisions on mutual legal assistance are the following:

- Pursuant to domestic law, does the State require a treaty for mutual legal assistance in criminal matters? Is assistance possible without a treaty (e.g. based on legislation or on reciprocity)? If not, does the State consider the Organized Crime Convention as a legal basis for mutual legal assistance?
- What bilateral treaties or agreements on mutual legal assistance does the State have with other States? Are there States with which there are no treaties but with which a treaty would be important? Do existing treaties cover the offences described in the Organized Crime Convention and the United Nations Convention against Corruption (if the State is a State Party)?
- Are there national laws governing mutual legal assistance in criminal and administrative matters? If so, what are they? What are the State's main requirements for granting a request for assistance? Is there a dual criminality requirement under domestic law and bilateral treaties?
- Pursuant to national legislation, on what grounds can mutual legal assistance be refused? Could measures be taken by the State to minimize the grounds upon which assistance may be refused, e.g. finding ways to minimize the consequences of the principle of *ne bis in idem* as a ground of refusal? (*Ne bis in idem* stands for the proposition that once a person has been the subject of a decision on the facts and legal norms in a criminal case, then he or she should not be the subject of further decisions on the same matter.)
- Does the state deny assistance based on data protection laws? If so, in what circumstances?

- Does the existing national legal framework provide fortuitous opportunities for third parties to unduly delay cooperation and to completely block the execution of a request for assistance on technical grounds?
- Who or what agency deals with mutual legal assistance requests? How is this process coordinated? Has the State formally designated a central authority with the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution? Has the State notified the Secretary-General of the United Nations of this authority? (If that is the case, the contact details of the authority would normally appear in UNODC's Directory of Competent National Authorities.) If there is no central authority, is there any national office acting as such, or are there plans to create one?
- Does the prosecution service have a dedicated unit for requesting and responding to requests for assistance in obtaining evidence pursuant to international cooperative agreements and conventions? Does it otherwise have the capacity both to use these mechanisms and to meet reciprocal obligations?
- What is the breadth of functions of the central authority? Does the central authority exercise quality control over the requests that prosecutors from within the state send to foreign authorities? Such quality control may focus on the quality of translations, the factual explanation of the case, and how the requested evidence is connected to the investigation.
- Do the central authority and other agencies involved in international cooperation have sufficient resources to achieve their mandates (skilled and trained staff, communication equipment, ongoing training, availability of translation services and so forth)? What is the language capability of key officials involved in processing requests (e.g. within the central authorities and prosecution services in general)? Has the relevant personnel been trained in the legal requirements of extradition and the provisions of relevant international conventions such as the Organized Crime Convention?
- Are the central authority and other agencies involved in international cooperation able to collaborate and exchange information with other central authorities abroad? Are direct contacts between justice officials with foreign officials encouraged/permitted/facilitated? Does the State require that mutual legal assistance requests and communications be addressed to it through diplomatic channels? Does the central authority have contact details of the foreign central authorities they may need to cooperate with? Are modern means of communication and other technological means available to expedite the transmission of requests and responses? Is the State a member of any regional or inter-regional judicial cooperation network?
- Have steps been taken to make sure that foreign officials are aware of the national legal requirements in international cooperation (e.g. developing guidelines, simple forms or templates, checklists, and procedural guides on the requirements that must be met in order to obtain assistance)?
- Does the State make use of other less formal but legally authorized channels of cooperation when possible so as not to over-burden the mutual legal assistance channel?

- Could the State reduce existing limitations on the use of evidence in response to a request for mutual assistance and streamline the grounds upon which and the process whereby limitations are imposed? Are prosecutors and other officials encouraged to avoid a rigid interpretation of the prerequisites to mutual assistance in a way that can impede the granting of assistance?
- Is the State ensuring, as much as possible, that requests are executed in compliance with procedures and formalities specified by the requesting State to ensure that the request achieves its purpose?
- Are existing measures sufficient for the protection of confidential data and information relating to requests of mutual assistance? (Also, is the confidentiality of requests for assistance received protected when possible and, when not possible, is the requesting State advised that its request may not be kept confidential?)
- Do the relevant personnel consult with foreign colleagues in advance of making requests in complex matters to ensure that they understand the requested State's legal requirements? When requesting assistance, does the State provide a concise statement of the case and how the requested evidence is related to the case, or does the State simply copy its entire file and leave the analysis to the requested State?
- Does the State, if allowed by the existing legal framework, have a screening mechanism in place to avoid the use of legal assistance requests in de minimis cases?
- What kind of results is the State currently receiving to its request for extradition and mutual legal assistance? Is there any tracking or monitoring system in place for outgoing requests?
- Is the State usually able to ensure that requests for mutual legal assistance are executed within the deadlines specified by the requesting State? Is there any tracking or monitoring system in place for incoming requests?
- Are officials generally able to coordinate multi-jurisdictional cases with the jurisdictions involved?

Transfer of proceedings⁵

- Is the State a party to any treaty (multilateral or bilateral) that enables the transfer of proceedings in criminal matters to and from another State?
- Is the transfer of criminal proceedings to a foreign jurisdiction possible and permissible under domestic law? What restrictions does domestic law impose on such transfers?
- Does the State receive and make requests for the transfer of criminal proceedings? How are these requests processed? What difficulties have been encountered?

⁵ For more information, see the UNODC publication *Model Legislative Provisions against Organized Crime* (Vienna, 2012).

Transfer of sentenced persons⁶

- Is the State a party to any treaty (multilateral or bilateral) that enables the transfer of sentenced persons to and from another State?
- Is the transfer of sentenced persons to a foreign jurisdiction possible and permissible under domestic law? What restrictions does domestic law impose on such transfers?
- Does the State receive and make requests for transfers of sentenced persons?
- How are these requests processed? What difficulties have been encountered?
- What difficulty have justice officials encountered in negotiating treaties with other States for the transfer of prisoners?

Asset recovery

- Which multilateral treaties to which the State is a party create asset confiscation and forfeiture obligations?
- Has the State entered into bilateral treaties or other agreements in relation to asset sharing among States involved in tracing, freezing and confiscating assets originating from offences related to organized crime?
- What is the legal framework regarding criminal and non-criminal asset recovery, confiscation and forfeiture?
- Do forfeiture laws also extend to the vessels, vehicles, aircraft and other equipment used to facilitate offences related to organized crime? Are these frameworks adequate?
- Can the costs for the custody, transporting, disposing and maintaining of the seized items be recovered from the owner or transporter?
- What mechanisms exist to identify, trace, seize or freeze property and other assets, including bank, financial or commercial records, as well as the equipment and other instrumentalities used in, or destined to be used in, the commission of crimes?
- Are there any data on the confiscation of assets related to organized crime offences?
- Are there any data on the value of assets seized or recovered?
- How are seized assets disposed of, distributed or returned?

23. The key performance indicators of implementation of the provisions on mutual legal assistance are the following:

- On average, how long does it take for a request for mutual legal assistance to be issued?

⁶ For more information, see the UNODC publication *Handbook on the International Transfer of Sentenced Persons* (Vienna, 2012).

- What proportion of the State's outgoing requests for mutual legal assistance was refused on the basis of an incomplete or otherwise improperly submitted request?
 - How much time is required, on average, to respond to a request for mutual legal assistance? What proportion of such received requests led to the granting of mutual legal assistance?
 - Are there recent examples where the State provided mutual legal assistance to a requesting State Party with respect to investigations, prosecutions and judicial proceedings in relation to offences defined in the Organized Crime Convention and the Protocols thereto? Are there any examples of incoming or outgoing requests that have resulted in an order for confiscation? Has such order for confiscation been given effect?
 - Are there recent examples where the State refused mutual legal assistance to a requesting State Party with respect to investigations, prosecutions and judicial proceedings in relation to offences defined in the Organized Crime Convention and the Protocols thereto?
 - Are there recent examples of cases where bank secrecy rules or issues did not impede effective mutual legal assistance?
 - Are there recent examples of cases in which the State refused mutual legal assistance on the ground of absence of dual criminality? Are there recent examples of cases in which the State granted mutual legal assistance in the absence of dual criminality?
 - Are there cases in which a hearing has been permitted to take place by videoconference if it was not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party?
24. Additional questions:
- What factors lead to successful mutual legal assistance? Please elaborate on effective practices.
 - What were the problems and challenges faced?
-