

Decision 2/2

Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime:

(a) Urged States parties that had not complied with the requirements of article 16, in particular, paragraphs 5, 6 and 15, and article 18, paragraph 8, of the United Nations Convention against Transnational Organized Crime,¹ to take steps to do so as soon as possible;

(b) With a view to achieving compliance with article 16 of the Convention, requested the secretariat to seek clarification from States parties that had indicated that they were not in compliance with the mandatory obligations set forth in that article, in particular by asking for further information from States parties that had reported that they did not grant extradition on the basis of a treaty or on the basis of domestic law and from States parties that had reported that they refused extradition on the ground that the offence involved fiscal matters, and to report thereon to the Conference of the Parties at its third session;

(c) With a view to achieving compliance with article 18 of the Convention, requested the secretariat to seek clarification from States parties that had reported that they were not in compliance with the mandatory obligation set forth in that article not to decline to render mutual legal assistance on the ground of bank secrecy, and to report thereon to the Conference of the Parties at its third session;

(d) Requested the secretariat to develop and maintain on its secure website a directory of central authorities designated pursuant to article 18, paragraph 13, of the Convention, and, as far as possible, to include in that directory information such as the responsible position/office, contact details, office hours and languages accepted, as well as any other information that the secretariat deemed necessary for effective communication;

(e) Invited States parties to provide to the secretariat the additional information requested in subparagraph (d) above in order to facilitate the development of the directory;

(f) Requested the secretariat, within existing resources, to develop and maintain a directory of authorities dealing with requests for extradition and transfer of sentenced persons in the same format as the directory of authorities designated pursuant to article 18, paragraph 13, of the Convention requested in subparagraph (d) above, and invited States parties to provide information on such authorities to the secretariat;

(g) Decided to establish at its third session an open-ended working group, with interpretation, to hold substantive discussions on

¹ General Assembly resolution 55/25, annex I.

practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation;

(h) Encouraged States parties to include representatives of central authorities and other government experts in their delegations to the next session of the Conference of the Parties with a view to their attending the open-ended working group referred to in paragraph (g) above;

(i) Noting the reporting obligation set forth in article 13, paragraph 5, of the Convention, urged States parties that had not yet furnished copies or descriptions of laws and regulations, or relevant updates, to do so as soon as possible and, where feasible, to do so in electronic form, and requested the secretariat, building upon the information obtained, to present to the Conference of the Parties at its third session an outline of options as to how to make the most effective use of the laws and regulations furnished pursuant to that article, with a view to more effective implementation of the Convention;

(j) Requested the secretariat, building upon the information already obtained in response to the questionnaire on the implementation of the Convention, to inquire of States parties:

(i) Whether they had refused cooperation with respect to confiscation requested pursuant to article 13 of the Convention in particular cases and, if so, to request them to specify the grounds upon which such cooperation had been refused;

(ii) Whether they had had specific cases where confiscated proceeds of crime or property had been returned or shared, as outlined in article 14, paragraphs 2 and 3 (b), of the Convention and, if so, the legal framework within which that had been done.