

## Resolution 5/8

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

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

*Emphasizing* the particular relevance of the United Nations Convention against Transnational Organized Crime<sup>1</sup> as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for purposes of confiscation, and mindful of the need to develop tools to facilitate international cooperation and the need to strengthen central authorities,

*Recalling* its decision 3/2 of 18 October 2006, in which it decided that an open-ended working group on international cooperation would be a constant element of the Conference, and its decision 4/2 of 17 October 2008, in which it took note of the in-depth substantive discussion of that working group at its meeting, held during the fourth session of the Conference,

*Taking note with appreciation* of the work already done by the Secretariat as requested in the above-mentioned decisions,

1. *Requests* the Secretariat to continue to enhance the activities mentioned in Conference decision 4/2 of 17 October 2008 by, inter alia:

(a) Promoting and disseminating the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*,<sup>2</sup> developed by the United Nations Office on Drugs and Crime;

(b) Analysing and using the examples provided by Member States of how they are applying articles 12, 13, 16 and 18 of the United Nations Convention against Transnational Organized Crime,<sup>3</sup> as well as the catalogue, published by the United Nations Office on Drugs and Crime, of cases involving extradition, mutual legal assistance and other forms of international legal cooperation, in order to present a digest and other tools highlighting best practices so as to avoid possible obstacles to the full and successful implementation of the Convention;

(c) Promoting the use of model laws on extradition and mutual legal assistance developed by the United Nations Office on Drugs and Crime;

(d) Providing, where applicable and upon request, the technical assistance needed to ensure the effectiveness of mutual legal assistance and extradition requests based on the Organized Crime Convention and the Protocols thereto, including by facilitating the

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> United Nations publication, Sales No. E.05.V.2.

<sup>3</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

establishment of channels of communication, and for the exchange of information between the States parties concerned;

2. *Also requests* the Secretariat to continue to foster international and regional cooperation pursuant to Conference decision 4/2 by, inter alia:

(a) Facilitating the development of regional networks active in the field of cooperation in the fight against transnational organized crime, where appropriate, and by facilitating cooperation among all such networks with a view to further exploring the possibility of Member States envisaging a global network;

(b) Drafting a practical guide for practitioners to facilitate international and interregional cooperation for the purposes of confiscation in the framework of the fight against transnational organized crime, taking stock of existing studies;

(c) Developing a practical guide to facilitate the drafting, transmission and execution of requests for extradition and mutual legal assistance pursuant to articles 16 and 18 of the Organized Crime Convention, in cases where the Convention is a legal basis for the request;

(d) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Organized Crime Convention and by establishing modalities for conducting joint investigations, including by creating joint investigative bodies, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements concluded between States parties for that purpose;

(e) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Organized Crime Convention and the use of special investigative techniques, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements on the use of such techniques between States parties;

3. *Invites* Member States and other donors to provide extrabudgetary resources for the activities described in paragraphs 1 and 2 above, in accordance with the rules and procedures of the United Nations;

4. *Encourages* States parties to continue to make use of the Organized Crime Convention as a legal basis for international cooperation in extradition and mutual legal assistance, including confiscation, taking into account the full scope of cooperation available under its provisions, to promote awareness of the Convention and to facilitate training activities for central authorities, judges, prosecutors, law enforcement officers and officers of national central bureaux of the International Criminal Police Organization (INTERPOL) who are engaged in international legal cooperation to combat transnational organized crime through implementation of the Convention and its Protocols;

5. *Encourages* States parties, in particular and subject to domestic law:

(a) To endeavour to expedite extradition procedures and to simplify the evidentiary requirements relating thereto in respect of any offence to which article 16 of the Organized Crime Convention applies;

(b) To seek, where appropriate, to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition, taking into account the provisions of article 16 of the Organized Crime Convention, as well as to serve the purposes of, to give practical effect to or to enhance the provisions of article 18 of the Convention, on mutual legal assistance;

(c) To implement fully all the provisions of the Organized Crime Convention related to international cooperation, giving special attention to, inter alia, the possibility of developing joint investigative bodies, with full respect for the sovereignty of States (article 19), special investigative techniques in the context of cooperation at the international level (article 20) and international cooperation for purposes of confiscation (article 13);

(d) To dispose of confiscated proceeds of crime or property in accordance with the provisions of article 14 of the Organized Crime Convention, giving priority consideration, if so requested, to returning the confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners, and to consider concluding agreements or arrangements for the purposes mentioned in paragraph 3 of article 14;

6. *Requests* the Secretariat to report to the Conference at its sixth session on the implementation of the present resolution.