

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

Working Group on International Cooperation

Vienna – 25 and 26 March 2021

The impact of COVID-19 on international cooperation in criminal matters





Judicial cooperation in criminal matters not immune to COVID-19 – What about crime?

Covid-19 did not stop crime → transformation of the modi operandi of organized crime groups

Benefits for transnational organized crime – Increase in crimes

- fake and counterfeited medical products
- corruption
- phishing campaigns
- drug trafficking

Suspension is not the solution → judicial cooperation must go on
Delays affect the rights of the people involved

SECTORS OF JUDICIAL COOPERATION AFFECTED BY COVID-19

THE EXECUTION OF SURRENDERS OF PERSONS IN THE
EXTRADITION AND EAWs PROCEDURES

BY AIR

Flight cancellations or limitations



Neighbour Countries

CONSEQUENCES AND SOLUTIONS

SUSPENSION OF THE SURRENDERS

LEGAL BASES

European arrest warrants

- art. 23 par. 3 FD 2002/584/JHA (“Force majeure”, “Circumstances beyond the control of any of the Member States”)
- art. 24 par. 4 FD 2002/584/JHA (“Serious humanitarian reasons”)

Extraditions

- art. 18 par. 5 European Convention on Extradition (1957)
- bilateral treaties
- national laws of the Requesting and/or Requested State



AD HOC FLIGHTS

CASE BY CASE EXECUTIONS OF SURRENDERS BY COMMERCIAL FLIGHTS

RELEASES FROM CUSTODY

- a potential indefinite extension of detention orders?



THE TRANSFER OF SENTENCED PERSONS

(FD 2008/909 JHA, EUROPEAN CONVENTION ON THE TRANSFER OF SENTENCED PERSONS (1983),
BILATERAL TREATIES)

- same problems encountered with regard to EAWs and extradition surrenders
- minor criticalities → no releases from custody
- major impact on the legitimate expectations of sentenced persons to serve the sentence in their country of origin



THE ISSUING/EXECUTION OF MLA REQUESTS AND EIOs

Prioritization in issuing/execution

- criteria
- case by case evaluation

Electronic transmission



Whom to contact



Videoconferences



CHALLENGES - DIGITALISATION OF CROSS BORDER JUDICIAL COOPERATION

INVESTMENTS AND TRAINING

SECURE COMMUNICATION CHANNELS

ELECTRONIC SIGNATURE

ALIGNMENT OF
VIDEOCONFERENCING SYSTEMS

CROSS BORDER ACCESS TO E-
EVIDENCE





THANKS