



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

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Report on the meeting of the Working Group on International Cooperation held in Vienna on 25 and 26 March 2021

I. Introduction

1. In its decision 2/2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation. In its decision 3/2, the Conference decided that an open-ended working group on international cooperation would be a constant element of the Conference. Since its first meeting, convened during the third session of the Conference of the Parties, which was held in Vienna from 9 to 18 October 2006, the Working Group on International Cooperation has been the subsidiary body of the Conference used as a forum for holding substantive discussions on practical issues pertaining to the effective implementation of the provisions of the United Nations Convention against Transnational Organized Crime on international cooperation in criminal matters, including extradition, mutual legal assistance and international cooperation for the purpose of confiscation. The eleventh meeting of the Working Group was held in Vienna on 7 and 8 July 2020.

II. Recommendations

A. Finalization and adoption of the recommendations resulting from the eleventh meeting of the Working Group on International Cooperation, held on 7 and 8 July 2020

2. The Working Group on International Cooperation adopted the following recommendations for endorsement by the Conference:

The use and role of joint investigative bodies in combating transnational organized crime

(a) States parties are encouraged, where possible and appropriate, and in accordance with domestic laws and regulations and applicable international agreements, to use joint, including coordinated, investigations as a modern form of international cooperation to increase the effectiveness of and expedite cross-border investigations for the broadest possible range of offences covered by the Organized Crime Convention. In doing so, States parties are encouraged to act in a timely manner when responding to requests to establish such joint investigations, bearing in mind



that information or evidence to be obtained may be available only for a limited period of time;

(b) States parties are also encouraged to make further use, where appropriate and consistent with national legal frameworks, of article 19 of the Convention, as well as other applicable instruments at the international, regional and bilateral levels, as a legal basis for joint investigations. In doing so, they may, where appropriate, develop model agreements, or use existing agreements at the regional level, on the setting up of joint investigative bodies, with full respect for the sovereignty of the participating States, taking into account possible particularities of bilateral cooperation, and further disseminate them to their competent judicial, prosecutorial and law enforcement authorities;

(c) States parties are further encouraged to exchange best practices and lessons learned in the field of joint investigations in the implementation of the Convention, especially its article 19. In this regard, emphasis should be placed on successful and effective cases;

(d) States parties are encouraged to facilitate training activities for judges, prosecutors, law enforcement officers or other practitioners engaged in joint investigations;

(e) States parties are also encouraged to ensure that communication channels are properly maintained and that competent authorities are identified in all phases of joint investigations in order to efficiently address practical, legal, substantive and operational issues, including the provision of clarifications on applicable legal and disclosure requirements. States parties are also encouraged to make efforts to overcome challenges arising from differences between investigative structures and principles or relating to jurisdictional issues, the *ne bis in idem* principle and the admissibility in court of evidence obtained from joint investigations, in accordance with the basic principles of their legal systems;

(f) States parties are further encouraged to make use of the resources and facilities provided by regional bodies or mechanisms, as well as existing judicial and law enforcement networks, such as the International Criminal Police Organization (INTERPOL), to enhance coordination among the competent authorities for joint investigations at all stages, from planning to setting up, and from operation to closing and evaluation;

(g) States parties are encouraged to include, where appropriate in a flexible manner to allow for adaptations, provisions or clauses on financial arrangements in their agreements regarding joint investigations, with a view to having a clear framework for the allocation of costs, including translation and other operational expenses incurred in joint investigations;

(h) The Secretariat should continue its work to collect and make available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) information on applicable laws or arrangements at the national and regional levels regulating aspects relevant to joint investigations, and further promote the use of the redeveloped Mutual Legal Assistance Request Writer Tool, which contains, inter alia, guidance on how to draft a request for mutual legal assistance for conducting a joint investigation, where necessary;

(i) In accordance with the mandates contained in Conference resolution 5/8 and relevant guidance stemming from the deliberations of the Working Group, the Secretariat should develop, subject to the availability of resources, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Convention, as well as possible solutions for those issues, including by collecting examples of arrangements or agreements concluded between States parties for that purpose, and, upon request, should assist States parties in developing a set of legal, practical and operational guidelines for the implementation of article 19;

International cooperation involving special investigative techniques

(j) States parties are encouraged to make further use, where applicable and in accordance with their domestic law, of article 20 of the Convention as a legal basis for international cooperation involving special investigative techniques, and to use other applicable regional instruments and bilateral agreements or arrangements, or, in the absence of such agreements or arrangements, to use special investigative techniques on a case-by-case basis, to foster cooperation in this field;

(k) States parties are also encouraged to exchange best practices and lessons learned in the field of special investigative techniques, especially those relating to the implementation of article 20 of the Convention;

(l) States parties are further encouraged to facilitate training activities for judges, prosecutors, law enforcement officers or other practitioners engaged in the conduct or oversight of investigations involving special investigative techniques, bearing in mind the complexity of issues relating to the use of such techniques, in particular for obtaining electronic evidence, and also taking into account the various stages of development of countries in terms of the use of information and communications technologies;

(m) States parties are encouraged to promote expedited communication and coordination at an early stage of planning their cooperation in order to ensure that evidence is found, seized and shared effectively, in accordance with their domestic law, including by electronic means;

(n) In making use of special investigative techniques, States parties should devote particular attention to safeguarding the public, so as not to do harm, while respecting national sovereignty;

(o) States parties are encouraged to give appropriate consideration to human rights when deploying joint investigative bodies and special investigative techniques to combat transnational and organized crime, as doing so may contribute to the effective use of those methods;

(p) In accordance with the mandates contained in Conference resolution 5/8 and relevant guidance stemming from the deliberations of the Working Group, the Secretariat should develop, subject to the availability of resources, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Convention and the use of special investigative techniques, as well as possible solutions to those issues, including by collecting examples of arrangements or agreements among States parties on the use of such techniques, and, upon request, should assist States parties in developing a set of legal, practical and operational guidelines on the implementation of article 20.

B. Impact of the coronavirus disease (COVID-19) on international cooperation in criminal matters: a one-year overview

3. The Working Group adopted the following recommendations for endorsement by the Conference:

(a) States are encouraged to provide funding on a consistent and sustainable basis to enable the United Nations Office on Drugs and Crime (UNODC) to provide technical assistance for capacity-building in the area of international cooperation in criminal matters. In doing so, particular attention should be devoted to emerging challenges posed by the coronavirus disease (COVID-19) pandemic that may have a lasting impact on the work of central and other competent authorities involved in such cooperation;

(b) States are encouraged to make use of technology in the field of international cooperation to expedite related proceedings and address, in particular, challenges encountered in this field as a result of the COVID-19 pandemic. This may include the more frequent use of videoconferencing in mutual legal assistance, the electronic transmission of requests for international cooperation, the use and

acceptance of electronic signatures and, to the extent feasible, the paperless administration of work in central and other competent authorities relating to cooperation with their foreign counterparts;

(c) States parties are strongly encouraged to develop effective strategies to combat transnational and organized crime, in accordance with the fundamental principles of their domestic law, with a focus on enhancing international cooperation, as well as on ensuring that human rights, gender perspectives and socioeconomic vulnerabilities are considered when developing strategies and crime interventions, so as not to cause harm, particularly in the light of wider socioeconomic impacts caused by the COVID-19 pandemic;

(d) States parties should engage in the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, so as to promote examples of good practice in implementation, and should identify gaps, challenges and capacity-building requirements in the implementation of the Convention and its Protocols;

(e) States parties are encouraged to strengthen efforts to share best practices and lessons learned on the use by competent authorities of information and communications technologies when dealing with different forms of international cooperation requests in criminal matters, and to facilitate access to appropriate information and communications technologies for developing countries, with a view to strengthening international cooperation to combat transnational organized crime;

(f) Acknowledging that the COVID-19 pandemic has had a profound impact on the way in which criminal justice systems operate globally and that comprehensive physical distancing measures put in place worldwide as a response to the pandemic have led to a considerable increase in the use of electronic tools, Member States are encouraged to allow flexibility regarding the acceptance of official documents bearing electronic or digital signatures;

(g) Acknowledging that the conditions created by the pandemic have led to an increase in the electronic transmission of international cooperation requests and that those conditions have demonstrated that such requests can be sent and answered in a safe, timely, agile and valid manner using electronic means, Member States are encouraged to further strengthen their ability to use electronic means for the transmission of mutual legal assistance requests and for seeking, in response to such request, clarifications and acceptance of relevant materials in electronic form, in accordance with the fundamental principles of their domestic law, including with a view to improving their capabilities in the post-COVID-19 era.

C. Other matters

4. The Working Group on International Cooperation adopted the following recommendation for endorsement by the Conference:

(a) States are encouraged to further explore and consider how the Convention can help them to respond to new, emerging and evolving forms of organized crime in the context of international cooperation.

III. Summary of deliberations

5. After the meeting of the Working Group, the following summary of deliberations was prepared by the Secretariat, in close coordination with the Chair, in accordance with the organization of work for the twelfth meeting of the Working Group, as approved by the extended Bureau by means of a silence procedure on 26 February 2021. This summary of deliberations was not subject to negotiation and adoption during the meeting; rather, it is a summary by the Chair.

A. Finalization and adoption of the recommendations resulting from the eleventh meeting of the Working Group, held on 7 and 8 July 2020

6. At its 1st and 2nd meetings, on 25 March 2021, the Working Group considered agenda item 2, entitled “Finalization and adoption of the recommendations resulting from the eleventh meeting of the Working Group (held on 7 and 8 July 2020) on the following issues: (a) the use and role of joint investigative bodies in combating transnational organized crime; (b) international cooperation involving special investigative techniques”.

7. Under item 2, the Working Group examined the discussion points for future consideration resulting from its eleventh meeting, with the aim of finalizing and adopting them as recommendations for further endorsement by the Conference of the Parties at its eleventh session. The recommendations emanating from the relevant discussion are set out in section II.A above.

8. The following discussion point for future consideration stemming from the eleventh meeting of the Working Group was discussed at the twelfth meeting of the Working Group, but was not adopted as a recommendation, owing to lack of consensus: “States parties should promote mutual trust and confidence among their competent authorities, from the initial phase of planning the deployment of a joint investigation team or body”.

9. The following discussion point for future consideration stemming from the eleventh meeting of the Working Group, as revised on the basis of comments received from States parties after that meeting, was discussed at the twelfth meeting of the Working Group, but was not adopted as a recommendation, because of the differing views expressed by participants:

With a view to ensuring the admissibility in court of evidence derived from the use of special investigative techniques, States should ensure that such use is subject, both at the national level and in the context of international cooperation, to human rights guarantees, including respect for the principles of legality, subsidiarity, reasonableness and proportionality, as well as safeguards for judicial or independent oversight.

One speaker expressed his disappointment that agreement had not been reached on this discussion point. Another speaker pointed out that all parties to the Convention attending the discussion and making comments had agreed on the finalization and adoption of this discussion point as a recommendation of the Working Group, and that it therefore would not be precise to reflect in the report that there had been a failure to achieve consensus. One speaker underlined that not all States parties to the Convention were attending the twelfth meeting of the Working Group and that it had not been an established practice to make a distinction between States parties and signatories when seeking agreement on the adoption of decisions of the Working Group. The same speaker expressed his opposition to such practice in any case.

10. The following discussion point for future consideration stemming from the eleventh meeting of the Working Group, as revised on the basis of comments received from States parties after that meeting, was discussed at the twelfth meeting of the Working Group, but was not adopted as a recommendation, because of lack of agreement:

Further efforts should be made to fully ensure that, when appropriate, the private sector can play a key role in the field of international cooperation when special investigative techniques are used, bearing in mind the challenges in cooperating with communication service providers to secure electronic evidence for the detection, investigation and prosecution of crimes, and the requirements of domestic laws and treaties on mutual legal assistance involving banking and financial institutions.

It was noted by a number of speakers that the debate on the issues raised under this discussion point should be continued and that more time should be devoted to their examination in future, possibly in other intergovernmental forums, as appropriate.

11. One speaker noted that, INTERPOL, upon the request of its member countries, could provide specialized teams to assist national law enforcement investigations and that those specialized teams could be integrated into joint investigative bodies and make available specific expertise in real time for the purpose of facilitating investigations. In that context, he encouraged States parties to use INTERPOL policing capabilities and databases to foster international law enforcement cooperation and to make full use of the INTERPOL I-24/7 secure global communication system when establishing joint investigative teams, in order to ensure that they have the ability to exchange data on criminal activities in a timely and secure manner.

B. Impact of the coronavirus disease (COVID-19) on international cooperation in criminal matters: a one-year overview

12. At its 3rd and 4th meetings, on 26 March 2021, the Working Group considered agenda item 3, entitled “Impact of the coronavirus disease (COVID-19) on international cooperation in criminal matters: a one-year review”. The discussion on the agenda item was facilitated by the panellist Stefano Opilio, Public Prosecutor, Directorate General of International Affairs and Judicial Cooperation, Ministry of Justice of Italy.

13. The panellist referred to the impact of the COVID-19 pandemic on the transformation of the modus operandi of organized criminal groups. He stressed that the pandemic had resulted in a significant increase in crimes such as trafficking in fake and counterfeit medical products, corruption, drug trafficking and cybercrime. In addition, he noted that one sector of judicial cooperation that had been affected by the pandemic, in particular by flight cancellations and other limitations resulting from it, was that of the surrender of persons sought in extradition proceedings, as well as proceedings relating to the execution of European arrest warrants. He highlighted that, in general, the feasibility of any transfer by air needed to be assessed on a case-by-case basis and often depended on ad hoc flights and the practical arrangements in place.

14. Furthermore, he underscored that the suspension of proceedings relating to the execution of European arrest warrants because of the pandemic was justified on the basis of article 23, paragraph 3 (regarding force majeure, namely, “circumstances beyond the control of any of the Member States”) and paragraph 4 (regarding “serious humanitarian reasons”), of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA), and the suspension of extradition proceedings was justified on the basis of article 18, paragraph 5, of the European Convention on Extradition of 1957, as well as applicable provisions of bilateral treaties and national laws of the requesting and requested States.

15. In relation to release from custody, the same panellist raised the issue of the potentially prolonged detention of persons involved in extradition proceedings caused by delays occurring as a result of the pandemic crisis. That, in turn, might create conflicts with the proportionality principle, as well as with provisions in the domestic legal order specifying the maximum period of detention in extradition and surrender proceedings. The panellist further referred to the impact of the COVID-19 pandemic on the transfer of sentenced persons, carried out either on the basis of the Council Framework Decision 2008/909/JHA of 27 November 2008, on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purposes of their enforcement in the European Union, or on the basis of the Council of Europe Convention on the Transfer of Sentenced Persons of 1983, or bilateral treaties.

16. Focusing on the area of mutual legal assistance, the panellist referred to the following criteria for prioritization of relevant requests necessitated by the backlog caused by the COVID-19-related delays: the urgency of the case; the seriousness of the nature of the offence; whether or not a pretrial arrest was made; the potential risk of losing crucial evidence; and the stage of the proceedings to which the request in question relates.

17. The panellist also mentioned that the pandemic had offered an opportunity to realize the potential for flexibility and adaptability with the aim of ensuring better results in terms of effective and timely responses in the field of international cooperation in criminal matters. From that perspective, he shed light on such important aspects as the alignment of videoconferencing systems and requirements, secure communication channels, the use of electronic signatures, and cross-border access to electronic evidence, as well as the enhanced need for training, adaptation to new technologies, and investments in human resources and infrastructure.

18. In the ensuing dialogue, a number of speakers confirmed that the crisis caused by the pandemic had demonstrated capacities for the diversification and sophistication of criminal activities, including crimes that involved electronic evidence, and revealed vulnerabilities in mechanisms to confront transnational organized crime. It was reported that national authorities had seen crime and security-related trends accelerate faster than expected. However, some speakers underlined that the pandemic had also made it possible to develop strengths and innovations to confront crime. For one speaker, effective action to address gaps and shortcomings in dealing with crime challenges under the unprecedented circumstances of the pandemic required collective and coordinated responses, without losing sight of the need for full respect for the sovereignty and security of States parties.

19. In the field of international cooperation in criminal matters, it was noted that the COVID-19 pandemic had led many central authorities, as well as judicial and investigative bodies, to switch to remote working. Generally, most judges and prosecutors were teleworking and therefore the activities of the national courts and public prosecutors' offices were limited. It was reported that, as a result, the execution of requests for international cooperation had been delayed in many cases, although the situation had gradually improved after the first lockdown. In response, one speaker stressed the importance of timely responses and of removing barriers in the field of mutual legal assistance, in particular asset recovery and cooperation to address the links between corruption and organized crime, and the challenges posed by illicit financial flows.

20. A number of speakers made reference to logistical issues and difficulties encountered as a result of the pandemic crisis in specific areas of international cooperation in criminal matters such as extradition of persons sought and transfer of sentenced persons. A common challenge identified as a result of the delays encountered was the prolongation of the detention of persons involved in the extradition process, which had to be addressed in accordance with the provisions and requirements of the domestic legal orders concerning the maximum deprivation of liberty in related proceedings.

21. Some speakers referred to the emerging practice of the submission of international cooperation requests through electronic means. One speaker noted that the possibility of electronic transmission of requests was not foreseen in multilateral or bilateral extradition conventions that were binding for his country, including in the event of force majeure, although with regard to the latter issue, practices had varied, at least during the first lockdown period). Another speaker clarified that scanned copies of requests for assistance in criminal cases were accepted by email, pending the receipt of hard copies through appropriate channels. Another speaker referred to the practice of liaising with embassies to confirm whether diplomatic channels could be used for the receipt of such hard copies of relevant documentation. One speaker highlighted the need for incoming requests for assistance to be properly drafted and translated, in a way that ensured their execution in accordance with the requirements

of the domestic legislation of the requested State. Another speaker noted that INTERPOL had been gradually assigned to act as a channel for the submission of mutual legal assistance requests in accordance with the relevant provisions of various international treaties, such as the Organized Crime Convention (art. 18, para. 13) and the United Nations Convention against Corruption (art. 46, para. 13), which recognized that INTERPOL could be utilized in urgent circumstances as a communications conduit for mutual legal assistance, should the need arise.

22. Some speakers reflected on the advantages of the use of videoconferencing as a result of the conditions created by the pandemic. In that context, a number of speakers noted that the COVID-19 pandemic had led to a welcome development, namely, the enhanced and/or accelerated application of technologies in criminal justice and the development of technology-based criminal justice strategies, that is, e-justice. Another speaker, however, referred to the reluctance of his country's competent authorities to use videoconferencing as a tool, owing to concerns about the security of information exchanged or made available through it.

23. One speaker reported that the crisis had made it possible to reactivate contact between his country and certain foreign central authorities and to make technically possible on a more frequent basis the conducting of hearings by videoconference, either at the pretrial stage, during the trial proceedings or at the post-sentencing stage. The same speaker mentioned that, from a legal point of view, there were several difficulties, including that some cooperating States did not accept such a method of appearing for trial hearings, although it was possible under the legislation of the speaker's country if the person involved had given his or her consent, and that some countries allowed for hearings by videoconference without a request for assistance, although the speaker's country did not allow a hearing to be held within its territory without the involvement of the domestic judicial authorities. A further difficulty reported by the speaker concerned the duration of videoconferences, given that the legislation of the speaker's country allowed for videoconferencing in relation to specific acts but not, in principle, for the entire duration of a trial. The speaker underlined that, in general, the pandemic offered additional arguments for continuing to work towards the digitization of judicial cooperation efforts and to facilitate the use of videoconferencing, but, on the other hand, contributed to slowing down the progress of negotiating certain bilateral agreements on mutual legal assistance, extradition and the transfer of sentenced persons.

24. One speaker referred to the challenge of adapting and making criminal justice systems functional in an environment where communication and coordination between competent authorities had become more complex and sometimes more limited. In that regard, the role of communications technology as a fundamental tool to facilitate international cooperation was highlighted, together with the need to adapt to working methods that respect the guarantees and procedures established in national laws, in particular the guarantees of due process. The same speaker stressed that technical assistance, in all its manifestations, was essential for closing gaps and facilitating access to, and proper use of, information technologies by the competent authorities to combat crime. He also noted that the private sector was a necessary stakeholder in promoting cooperation to combat crime in its various forms and therefore there was a need to draw attention to the best ways of promoting synergies and collaboration with the private sector, based on mutual trust and shared responsibilities. Furthermore, the same speaker underlined that contributions from sectors such as finance and communication service providers were crucial in tackling crime.

25. Another speaker reported on national statistics that demonstrated a mixed picture of the impact of the COVID-19 pandemic on mutual legal assistance: while incoming requests for mutual legal assistance had decreased significantly, by 23 per cent, between 2019 and 2020, the number of outgoing requests had slightly increased, by 7 per cent. On the other hand, the impact on extradition had been significant, owing to restrictions at borders: in 2019, there were 364 extradition cases (130 outgoing requests and 234 incoming requests), while in 2020 the number dropped to 258 such cases (108 outgoing requests and 150 incoming requests). Transfer by air had been

less impacted after the first lockdown, but, in the meantime, new constraints had been added, such as polymerase chain reaction tests and quarantine periods.

26. The same speaker noted that the pandemic did not have a significant impact on international cooperation for purposes of confiscation involving his country and that, in case of emergency, requests of such a nature could be transmitted electronically. In addition, in the majority of cases, confiscation requests were related to property that had been subject to previous seizure, thus avoiding the squandering of that property. He also noted that the pandemic had had a definite impact on the establishment of joint investigative bodies, as his country had been involved in 27 joint investigations in 2019 but only 15 in 2020.

27. One speaker referred to his country's innovative network on serious and organized crime, known as "SOCnet", a network of officers based overseas working in the areas of organized crime and illicit financing policy, covering more than 100 countries. The network had facilitated international partnerships around the world that had made great strides in tackling serious and organized crime despite the challenging environment created by the COVID-19 pandemic.

28. The same speaker highlighted the importance of the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto as an international tool to test the robustness of strategies to tackle transnational organized crime at a point in time when the COVID-19 pandemic was rapidly changing the status quo and landscape of criminal threats, as well as responses to them. He therefore encouraged all States parties to constructively engage in the process of the Implementation Review Mechanism in order to promote good practices in the implementation of joint commitments, as well as engagement with the civil society and international partners, and to identify gaps, challenges and capacity-building requirements in the implementation of the Convention and its Protocols.

29. The same speaker mentioned that his country had provided support in championing the Organized Crime Convention by funding a series of expert events on the Convention and human rights and gender, and on creating effective strategies against transnational organized crime. The events had highlighted the importance of considering the context of the COVID-19 pandemic and enhancing international cooperation.

30. A number of speakers stressed that Member States should refrain from taking illegal unilateral measures that were not in accordance with international law and the Charter of the United Nations, as well as article 4 of the Organized Crime Convention and its underlying purpose in promoting international cooperation. It was stated that such unilateral coercive measures had impaired international cooperation in combating crime and the allocation of resources for that purpose, which, in turn, had encouraged organized criminal groups to further expand their activities. In addition, one speaker pointed out that such unilateral coercive measures were also a limiting factor in her country's capacities and efforts to continue fighting, on equal footing, crime and to have access to all available forms of cooperation and resources needed in that fight.

31. One speaker noted that the impact of confinement measures taken by competent national authorities around the world in different areas of international cooperation, in particular mutual legal assistance and extradition, had led central authorities to adjust their procedures to keep international cooperation processes active. Such adjustments made it possible, on the one hand, to face the imminent challenges posed by the COVID-19 pandemic and, on the other, to implement measures that might also have the potential to remain in place in the post-pandemic period, if applied successfully.

32. The same speaker noted that the Ibero-American Association of Public Prosecutors (AIAMP), through its Criminal Cooperation Network, had, in the past year, produced a report on good practices of AIAMP members in the face of the COVID-19 health crisis, focusing on the effects of the pandemic on the internal organization of public prosecutors' offices and international cooperation. The report

was prepared on the basis of the responses to a questionnaire that focused on two main topics: (a) good practices and experiences in relation to the internal functioning of the prosecutor's offices in the face of confinement or other restrictive measures; and (b) experiences, good practices and challenges in international cooperation in criminal matters. The responses mainly covered the period from March to May 2020 and were provided by 16 public prosecutor's offices in the Ibero-American region, representing 73 per cent of the AIAMP members. Upon their receipt, the responses were compiled and analysed by the Unit for International Cooperation and Extradition of the Public Prosecutor's Office of Chile, in its coordinating capacity within the Criminal Cooperation Network, and then were validated by all members of the Network and finally approved in November 2020.

33. The same speaker referred to the main conclusions of the above-mentioned information-gathering exercise, indicating, as a first point, that an increase in the use of communications technologies and platforms had been observed. Special relevance was attributed to the use of videoconferencing, both for coordinating the execution of requests for assistance or other matters and for taking statements from victims, witnesses or defendants, either in the trial stage or the investigation stage.

34. A second finding of the above information-gathering exercise, as reported by the same speaker, was that the electronic transmission of international cooperation requests, in particular by email, had emerged as a good practice in the Ibero-American region. The reference to that finding generated further discussion among speakers at the meeting. It was mentioned that the electronic processing of international cooperation requests had been implemented by several central and competent authorities in the Ibero-American region because it was faster and more efficient than processing them physically. In that context, it was underlined that the practice was fully legitimized in international conventions and general principles of international law and that the existence of security measures, ranging from the use of institutional email boxes and electronic or digital signatures to encryption or transmission through secure platforms, made it possible to guarantee the integrity and validity of documentation transmitted by electronic means. Furthermore, the same speaker referred to his country's national experience of using bilateral agreements with other countries that allowed urgent requests to be drafted and sent in a matter of hours. He underlined that, although many countries might experience technical and operational difficulties in digitizing documentation or in implementing adequate security measures allowing for processing by digital means, such processing deserved further promotion, with a view to its global implementation as a standard practice in future, based on the example set by the Treaty on the Electronic Transmission of Requests for International Legal Assistance among Central Authorities, concluded and signed by some countries at the Twenty-first Plenary Assembly of the Conference of Ministers of Justice of the Ibero-American Countries, held in Medellín, Colombia, in July 2019.

35. Another finding of the aforementioned information-gathering experience in the Ibero-American region, reported by the same speaker, was that communication and direct cooperation between competent authorities, such as the police, prosecutors and financial intelligence units, was an essential complement to formal cooperation between central authorities and was also, in some cases, a mechanism for obtaining evidence located in other countries that could be used directly in the criminal process of the requesting State. In addition, the pandemic had revealed the usefulness of the Interinstitutional Cooperation Agreement signed by 18 Prosecutors General at the Ordinary General Assembly held in Mexico City in 2018, which allowed, in some cases and on the basis of certain assumptions, for the direct transmission of information between public prosecutors' offices. It was further noted that the crisis had also reinforced the approach of entrusting the competent authorities in charge of criminal investigation, and not other government agencies, with the role of central authorities, taking into account the need to foster cooperation and the need for greater transparency, objectivity and integrity in conducting investigations.

36. In terms of extradition, the same speaker, in line with the interventions made by other speakers, emphasized that the aforementioned report on good practices of the members of AIAMP members in the face of the COVID-19 health crisis had revealed problems in the execution of surrenders due to restrictive measures at borders. Among the problems highlighted, again in line with other interventions at the meeting, was the prolongation of custodial measures, which had resulted, in some cases, in the release of persons involved. In that context, transfers had been carried out on a case-by-case basis and, when needed, suspension of surrender on the basis of force majeure or unforeseeable circumstances had been chosen.

C. Other matters

37. At its 4th meeting, on 26 March 2021, the Working Group considered agenda item 4, entitled “Other matters”.

38. A representative of the Secretariat referred briefly to the work of the Secretariat in developing and updating tools in the field of international cooperation in criminal matters. In that context, the Working Group was informed about the planned publication of a digest of cases involving the Organized Crime Convention as a legal basis for international cooperation in criminal matters, and the updating of the model legislation on mutual assistance in criminal matters to include specific provisions on international cooperation involving electronic evidence and the use of special investigative techniques.

39. Another representative of the Secretariat referred to the work of UNODC and its Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime to facilitate international cooperation in criminal matters by supporting the development and implementation of regional judicial cooperation networks. She reported on, inter alia, the support that the Global Programme had offered to the work of the Judicial Cooperation Network for Central Asia and Southern Caucasus, the Network of West African Central Authorities and Prosecutors against Organized Crime and the South-East Asia Justice Network.

40. A representative of the Secretariat provided an update on the Secretariat’s initiative to collect information on emergency measures taken by central and other competent authorities involved in international cooperation in criminal matters during the COVID-19 pandemic.

41. In response to the that update, one speaker clarified that her country had not adopted extraordinary measures at the level of central authorities in response to the COVID-19 situation and that scanned copies of the requests for assistance in criminal cases could be sent by email, pending the submission of hard copies through appropriate channels. In that context, the same speaker requested that that clarification be properly reflected in the annex to the background paper prepared by the Secretariat on the impact of COVID-19 on international cooperation (CTOC/COP/WG.3/2021/2).

42. Other representatives of the Secretariat informed the Working Group about the work of the Secretariat relating to the SHERLOC knowledge management portal. In that context, both the SHERLOC portal and the Directory of Competent National Authorities were briefly presented, together with a practical case involving the use of those tools to support international cooperation in criminal matters. In addition, the Secretariat held, on the margins of the meeting, bilateral consultations with 33 representatives from 15 States parties to present and discuss the SHERLOC portal.

43. The Chair also informed the Working Group of procedural aspects and related deadlines for the functioning of the Implementation Review Mechanism. In doing so, he reminded the participants that the procedures and rules of the Mechanism envisaged a significant role for the working groups of the Conference, including the Working Group on International Cooperation.

IV. Organization of the meeting

A. Opening of the meeting

44. As agreed by the extended Bureau of the Conference by means of a silence procedure on 26 February 2021, the meeting was held in a hybrid format, with a restricted number of participants present in the meeting room, and all other participants remotely connected using an interpretation platform procured by the United Nations.

45. The Working Group met on 25 to 26 March 2021, holding a total of four meetings. The first meeting on each day was held from 12 noon to 2 p.m. and the second meeting from 4 to 10.45 p.m. on the first day and from 4 to 7.45 p.m. on the second day. Upon consultation with the Chair of the Working Group, the meeting schedule sought to accommodate the different time zones of the Chair and the participants of the Working Group, while respecting and staying within the time frame usually set for the meetings. The relevant information about the new meeting times was made available on the respective web page of the Working Group.

46. The meetings were chaired by Thomas Burrows (United States of America). Owing to the specific format of the meeting resulting from the COVID-19 pandemic, the Chair participated in the meeting remotely. In addition, during the 1st meeting, owing to technical problems that prevented the Chair from joining online, the chairmanship was assumed by Antonio Balsamo (Italy), in his capacity as representative of a State party holding vice-presidency in the extended Bureau of the Conference, who was present in the meeting room and had made himself available in advance in case of such problems.

B. Statements

47. Under agenda item 2, statements were made by representatives from the following States parties to the Convention: Algeria, Belgium, Brazil, Canada, China, Colombia, Czechia, France, Germany, Hungary, India, Indonesia, Italy, Kazakhstan, Mexico, Myanmar, Romania, Russian Federation, Singapore, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States and Venezuela (Bolivarian Republic of). The observer for the Islamic Republic of Iran also made a statement.

48. Under agenda item 3, statements were made by representatives of the following States parties: Argentina, Belgium, Brazil, Canada, Colombia, France, Germany, India, Indonesia, Japan, Kuwait, Mexico, Nigeria, Romania, Russian Federation, South Africa, Thailand, United Kingdom, United States and Venezuela (Bolivarian Republic of). The observer for the Islamic Republic of Iran made a statement. The observers for AIAMP and INTERPOL also delivered statements.

49. Under agenda item 4, statements were made by representatives of the following States parties: Myanmar, Romania and Russian Federation.

50. Under agenda item 5, statements were made by representatives of the following States parties: Colombia, France, Germany, Hungary, Italy and United Kingdom. The observer for the Islamic Republic of Iran also made a statement.

C. Adoption of the agenda and organization of work

51. At its 1st meeting, on 25 March, the Working Group discussed the proposed organization of work for its meeting. In that context, reference was made to the organization of work for the meeting that had been prepared by the Secretariat and approved by the extended Bureau of the Conference on an exceptional basis by silence procedure on 26 February 2021.

D. Attendance

52. The following parties to the Convention were represented at the meeting, including those participating remotely owing to the specific format of the meeting resulting from the COVID-19 pandemic: Albania, Algeria, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, France, Germany, Guatemala, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libya, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Mongolia, Morocco, Myanmar, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Republic of Korea, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela (Bolivarian Republic of), Yemen and Zimbabwe.

53. The following signatory State to the Convention was represented by observers, including those participating remotely owing to the specific format of the meeting resulting from the COVID-19 pandemic: Islamic Republic of Iran.

54. The following intergovernmental organizations were represented by observers, participating remotely owing to the specific format of the meeting resulting from the COVID-19 pandemic: AIAMP, Conferencia Ministros de Justicia de los Países Iberoamericanos, Central Asian Regional Information and Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors, European Union Agency for Criminal Justice Cooperation (Eurojust), European Union Agency for Law Enforcement Cooperation (Europol), Financial Action Task Force of Latin America, Gulf Cooperation Council, Criminal Information Centre to Combat Drugs of the Gulf Cooperation Council, International Anti-Corruption Academy, INTERPOL, Organization of American States, Regional Arms Control Verification and Implementation Assistance Centre – Centre for Security Cooperation, Commonwealth Secretariat, World Customs Organization and World Health Organization.

55. A list of participants is contained in document [CTOC/COP/WG.3/2021/INF/1/Rev.1](#).

E. Documentation

56. The Working Group had before it the following documents:

- (a) Provisional agenda and annotations ([CTOC/COP/WG.3/2021/1](#));
- (b) Background paper prepared by the Secretariat on the impact of the coronavirus disease (COVID-19) on international cooperation ([CTOC/COP/WG.3/2021/2](#));
- (c) Background paper prepared by the Secretariat on the use and role of joint investigative bodies in combating transnational organized crime ([CTOC/COP/WG.3/2020/2](#));
- (d) Background paper prepared by the Secretariat on international cooperation involving special investigative techniques ([CTOC/COP/WG.3/2020/3](#));
- (e) Report on the meeting of the Working Group on International Cooperation held in Vienna on 7 and 8 July 2020 ([CTOC/COP/WG.3/2020/4](#));
- (f) Comments of States parties on the outcome of the eleventh meeting of the Working Group on International Cooperation (Vienna, 7 and 8 July 2020) ([CTOC/COP/2020/CRP.4/Rev.1](#)).

V. Adoption of the report

57. At its 4th meeting, on 26 March, the Working Group considered agenda item 5, entitled “Adoption of the report”.

58. The Working Group adopted the present report, as orally amended, on the understanding that the summary of deliberations was a summary by the Chair, to be prepared by the Secretariat after the meeting in close coordination with the Chair, in accordance with the organization of work for the twelfth session of the Working Group, as approved by the extended Bureau by means of a silence procedure on 26 February 2021.
