



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

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**Working Group on
International Cooperation**
Vienna, 11 and 12 September 2023

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Practical implementation of article 27 of the United Nations Convention against Transnational Organized Crime (law enforcement cooperation).
3. Lessons learned from the implementation of the international cooperation provisions of the Organized Crime Convention 20 years after its entry into force and in light of anticipated work under the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto: the indicative example of establishing dual criminality for extradition and mutual legal assistance purposes.
4. Other matters.
5. Adoption of the report.

Annotations

1. Organizational matters

(a) Opening of the meeting

The fourteenth meeting of the Working Group on International Cooperation will be opened on Monday, 11 September 2023, at 10 a.m.

(b) Adoption of the agenda and organization of work

On 5 August 2022, the extended Bureau of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime approved the schedule of meetings of the working groups for 2023, including the dates for the fourteenth meeting of the Working Group on International Cooperation, to be held in Vienna on 11 and 12 September 2023.

On 19 April 2023, the extended Bureau approved by means of a silence procedure the substantive topics for the fourteenth meeting of the Working Group on International Cooperation.



On 21 April 2023, the extended Bureau approved by means of a silence procedure the conduct of business of future meetings of working groups of the Conference, including the fourteenth meeting of the Working Group on International Cooperation.

The proposed organization of work contained¹ in the annex to the present document was prepared in order to enable the Working Group to perform its mandated functions within the allotted time and according to the conference services available to it. The resources available to the Working Group will permit the holding of four plenary meetings over two days, with interpretation in the six official languages of the United Nations.

2. Practical implementation of article 27 of the United Nations Convention against Transnational Organized Crime (law enforcement cooperation)

The fourteenth meeting of the Working Group on International Cooperation will provide an opportunity to address issues relating to the implementation of article 27 of the United Nations Convention against Transnational Organized Crime, on law enforcement cooperation. The topic has never been discussed at previous meetings of the Working Group.

Under agenda item 2, the Working Group may wish to enable an exchange of views and experiences among States parties on issues covered by article 27 of the Organized Crime Convention, such as the establishment or strengthening of channels of communication to facilitate the fast and secure exchange of information, including for the early identification of offences (article 27, paragraph 1 (a) and (f)); cooperation with regard to the identification, location and activities of suspects and the movement of proceeds, equipment or other instrumentalities of crime (article 27, paragraph 1 (b)); the exchange of personnel and other experts, including the posting of liaison officers (article 27, paragraph 1 (d)); and the exchange of information on specific means and methods used by organized criminal groups, including routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities (article 27, paragraph 1 (e)).

The discussion on the above-mentioned issues and practical aspects is envisaged to complement past discussions on forms of cooperation in which elements of law enforcement and judicial cooperation are intertwined, such as the spontaneous transmission of information without a prior request for mutual legal assistance and with a view to facilitating a potential request; the establishment of joint investigative bodies; and international cooperation involving the use of special investigative techniques.

Documentation

Background paper prepared by the Secretariat on the practical implementation of article 27 of the United Nations Convention against Transnational Organized Crime (law enforcement cooperation) (CTOC/COP/WG.3/2023/2).

3. Lessons learned from the implementation of the international cooperation provisions of the Organized Crime Convention 20 years after its entry into force and in light of anticipated work under the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto: the indicative example of establishing dual criminality for extradition and mutual legal assistance purposes

Pursuant to paragraph 12 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto, the Conference and its working groups are to add matters

¹ A document containing the details of the organization of work for the fourteenth meeting of the Working Group on International Cooperation is available on the web page of the meeting, at www.unodc.org/unodc/en/treaties/CTOC/working-group-on-international-cooperation-2023.html.

pertaining to the functioning of the review process to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. Taking into consideration the progressive nature of the review, the content of the agendas and scheduling of the meetings of the working groups are to be decided by the Conference or the extended Bureau in a timely manner. In order to ensure that the working groups may contribute to the Mechanism while also carrying out their respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process.

Although work under the fourth thematic cluster of the Mechanism, on international cooperation, mutual legal assistance and confiscation, was originally intended to start in November 2022, the advancement to the next review phase is conditional upon the completion of 70 per cent of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise, pursuant to paragraph 10 of the procedures and rules for the functioning of the Mechanism. Under the current circumstances and the state of advancement of the ongoing country reviews, it is not expected that a sufficient number of country reviews will have been completed by September 2023 to enable work under the cluster on international cooperation to commence.

Nevertheless, under agenda item 3, the Working Group may wish to draw on lessons learned from the implementation of the international cooperation provisions of the Organized Crime Convention. The *Digest of Cases of International Cooperation in Criminal Matters Involving the United Nations Convention against Organized Crime as a Legal Basis*, which was published at the end of 2021, could serve as a useful reference in that regard.

Moreover, the proposed focus on the indicative example of establishing dual criminality for extradition and mutual legal assistance purposes offers the necessary bridge and connection with the ongoing first cluster of the Mechanism, on criminalization and jurisdiction. Therefore, the Working Group may wish to consider potential observations resulting from country reviews under that cluster, which may also shed light on practical considerations relating to requirements and possible challenges regarding the fulfilment of the requirement of dual criminality in the context of extradition and mutual legal assistance.

Furthermore, pursuant to paragraph 53 (h) of the procedures and rules for the functioning of the Mechanism, a written summary of the discussions during the constructive dialogues, which had been held on Friday, 27 May 2022 following the conclusion of the thirteenth meeting of the Working Group on International Cooperation and the thirteenth meeting of the Working Group of Government Experts on Technical Assistance, held back-to-back from 23 to 27 May 2022, was prepared by the Chair of the Working Group and has been made available on the web page of the Mechanism,² and the web page of the fourteenth meeting of the Working Group.

Documentation

Background paper prepared by the Secretariat on the status of the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/WG.3/2023/3 – CTOC/COP/WG.4/2023/3 – CTOC/COP/WG.7/2023/3).

4. Other matters

As no issues to be raised under agenda item 4 have come to the attention of the secretariat, no documentation regarding the item is currently foreseen.

² www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/constructive_dialogues/ic_2022.html.

5. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the secretariat.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
Monday, 11 September		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Practical implementation of article 27 of the Organized Crime Convention (law enforcement cooperation)
3–6 p.m.	2	Practical implementation of article 27 of the Organized Crime Convention (law enforcement cooperation) (<i>continued</i>)
	3	Lessons learned from the implementation of the international cooperation provisions of the Organized Crime Convention 20 years after its entry into force and in light of anticipated work under the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto: the indicative example of establishing dual criminality for extradition and mutual legal assistance purposes
Tuesday, 12 September		
10 a.m.–1 p.m.	3	Lessons learned from the implementation of the international cooperation provisions of the Organized Crime Convention 20 years after its entry into force and in light of anticipated work under the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto: the indicative example of establishing dual criminality for extradition and mutual legal assistance purposes (<i>continued</i>)
3–6 p.m.	4	Other matters
	5	Adoption of the report