



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

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**International cooperation, with particular emphasis
on extradition, mutual legal assistance and
international cooperation for the purpose of
confiscation, and the establishment and
strengthening of central authorities**

Activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. Twenty years after its adoption and opening for signature and seventeen years after its entry into force, the United Nations Convention against Transnational Organized Crime, as the only global legal instrument against transnational organized crime, is seen as a benchmark in international efforts to establish lasting rules, based on mutual solidarity and shared responsibilities, to combat transnational organized crime, including through enhanced mechanisms of international cooperation.
2. The Convention, which has a broad scope of application, now enjoys almost universal adherence, with 190 States parties having ratified it or acceded to it. Given its broad geographical coverage, the Convention has the potential to function as a catalyst for the promotion of international cooperation to combat transnational organized crime and as an enabling framework for the convergence of international cooperation standards.
3. Both the Conference of the Parties to the Convention and the Working Group on International Cooperation have, in the past, addressed issues pertaining to the effective implementation of the provisions of the Convention on international cooperation, including the added value of the Convention as a legal basis for such cooperation. Thus, to focus on more recent developments, Conference resolution 8/1, entitled “Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime”, was the first one in which the Conference dealt with operational and practical aspects of the work of central authorities and called for concerted action to improve and facilitate such work as a key prerequisite for effective international cooperation. Furthermore,

* [CTOC/COP/2020/1](#).



in its resolution 9/3, entitled “Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime”, the Conference built on the work of its Working Group on International Cooperation at its eighth, ninth and tenth meetings, held from 9 to 13 October 2017, from 28 to 31 May 2018 and on 16 October 2018, respectively, and endorsed a series of important recommendations made by the Working Group (see Conference resolution 9/3, annexes I–III).

4. The present report provides an overview of activities undertaken by the United Nations Office on Drugs and Crime (UNODC) since the ninth session of the Conference, held in Vienna from 15 to 19 October 2018, to promote the implementation of the provisions on international cooperation in the Convention, in particular activities for the implementation of resolution 9/3 of the Conference.

II. Implementation of Conference resolution 9/3

A. Networking

Engagement among central authorities in person

5. The Conference of the Parties to the Organized Crime Convention endorsed, in its resolution 9/3, a series of recommendations adopted by the Working Group on International Cooperation at its eighth, ninth and tenth meetings. In one of those recommendations, the Conference focused on the need to further support the exchange of expertise among practitioners in the field of international cooperation and requested the Secretariat to continue to seek to organize, within its mandate, subject to the availability of resources and with a view to making best use of such resources, practically oriented expert group meetings either on the margins of the meetings of the Working Group or in conjunction with those of relevant intergovernmental bodies (Conference resolution 9/3, annex I, subpara. (h)).

6. Pursuant to that recommendation, UNODC organized an informal expert group meeting on international cooperation in criminal matters, which was held in Vienna from 9 to 11 April 2019. The meeting brought together 36 experts and practitioners from 19 countries, representing both civil and common law legal systems, from institutions and agencies directly dealing with practical problems and challenges encountered in the field of international cooperation in criminal matters, and with exceptionally well-balanced gender representation among them. The participants discussed, inter alia, the use of the Organized Crime Convention as a legal basis for international cooperation in criminal matters; advantages, current challenges, lessons learned and possible responses to international cooperation through mutual legal assistance; international cooperation for confiscation and disposal of confiscated proceeds of crime or property; practical aspects, challenges encountered and good practices in the field of extradition; and UNODC tools on international cooperation in criminal matters and regional networks.

Judicial networking to combat transnational organized crime

7. UNODC continued to support several international networks of focal points to facilitate cooperation in criminal matters and the effective exchange of information and expertise, building trust and creating contacts among practitioners. Participation in regional cooperation platforms and networks is an asset for expeditious cross-regional cooperation and enhanced inter-institutional coordination in cases related to transnational organized crime. This is demonstrated by the work of UNODC-supported networks such as the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus, the Regional Judicial Platform of the Sahel countries and the West African Network of Central Authorities and Prosecutors against Organized Crime, as outlined below.

8. During the reporting period, the UNODC Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime continued to support three existing judicial cooperation networks and a new network for South-East Asia. The Programme facilitated 13 cases of judicial cooperation among a wide range of jurisdictions. The Programme also continued to coordinate and cooperate with other judicial networks, including the European Judicial Network, the Commonwealth Network of Contact Persons, the Ibero-American Network for International Legal Cooperation and the Southeast European Prosecutors Advisory Group, as well as to cooperate with Eurojust and the Council of Europe.

9. In Kyrgyzstan, the judicial cooperation network for Central Asia and the Southern Caucasus facilitated the work of working groups to identify more effective ways to implement controlled deliveries and undercover operations for countering drug trafficking and organized crime.

10. In 2019, the West African Network of Central Authorities and Prosecutors against Organized Crime facilitated the negotiation of treaties on mutual legal assistance, extradition and the transfer of prisoners between Italy and Mali, and Italy and the Niger. The Network also continued to support the Nigerian liaison magistrates deployed to Italy under the project “Protection for migrants: justice, human rights and migrant smuggling”. This included support for operational cases and negotiations on a bilateral convention on extradition between Nigeria and Spain. In addition, the Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime delivered judicial cooperation training workshops in Côte d’Ivoire and Ghana. The plenary meeting of the Network was held in Vienna from 29 to 31 January 2020.

11. Between 2018 and 2020, at least 300 practitioners received training on international cooperation in criminal matters through the Global Programme. In 2019, the West African Network of Central Authorities and Prosecutors against Organized Crime held a training-of-trainers session for 46 judges, prosecutors and investigators from member States of the Network. A training-of-trainers session on mutual legal assistance was organized in cooperation with the Academy of Prosecutors of Uzbekistan.

12. Between October 2019 and March 2020, three regional meetings were held that resulted in the agreement of eight Member States (Brunei Darussalam, Cambodia, Lao People’s Democratic Republic, Myanmar, Singapore, Thailand, Timor-Leste and Viet Nam) to establish a judicial cooperation network to be called the South-East Asia Justice Network. The network will operate in cooperation with the Secretariat for the Treaty on Mutual Legal Assistance in Criminal Matters among Like-Minded ASEAN Member Countries. Experts from the European Judicial Network, Eurojust, the West African Network of Central Authorities and Prosecutors against Organized Crime, the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus (CASC Network) and the Great Lakes Judicial Cooperation Network shared their experiences during the process.

13. The Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime also supported bilateral meetings, including one held in Bangkok in October 2019 between officials of the central authorities of Thailand and Uzbekistan to discuss cases involving trafficking in persons, and another one between Malaysia and Thailand. In February 2020, a meeting was organized between officials of the central authorities of Turkey and Uzbekistan to improve regional judicial cooperation and launch the negotiation of bilateral agreements.

14. On 20 March 2020, the Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime began collecting information on emergency measures taken by central and other competent authorities involved in international cooperation in criminal matters during the coronavirus disease (COVID-19) pandemic. The information, which has been compiled in the

form of a list, was obtained through the secretariats of regional judicial cooperation networks, including the European Judicial Network, the Ibero-American Network for International Legal Cooperation, the Southeast European Prosecutors Advisory Group and the CASC Network, or through regional organizations such as the Council of Europe, or was directly provided by the central authorities themselves. At the time of drafting the present report, 49 countries had adopted extraordinary measures to accept requests sent by electronic means, while 17 had provided email or phone numbers for coordination. Some of those 17 countries clarified that they were able to accept requests by email or means other than paper, under ordinary rules. The list is regularly updated and further disseminated. To date, more than 145 central authorities have received the list and updates to it. The Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crime also took advantage of the opportunity to explore, together with central authorities, the use of electronic signatures and the direct transmission of requests for international cooperation.

B. Technical assistance

15. In accordance with a recommendation adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018, the Conference of the Parties, in its resolution 9/3, encouraged States and other technical assistance providers, including UNODC, to incorporate measures to enhance training and technical assistance for central authorities responsible for mutual legal assistance, and competent authorities for extradition to help States parties in their implementation of the Convention (Conference resolution 9/3, annex II, subpara. (g)).

16. A workshop organized jointly by the programme on strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa (CRIMJUST) and the West African Network of Central Authorities and Prosecutors against Organized Crime, on strengthening cooperation along the cocaine route in Latin America, the Caribbean and West Africa, was held in Buenos Aires on 28 and 29 November 2018. The workshop provided an opportunity to explore such issues as the use of the Organized Crime Convention as a legal basis for international cooperation in criminal matters and the role of central authorities in mutual legal assistance practice.

17. A workshop on international cooperation, including mutual legal assistance and extradition, to combat trafficking in persons and the smuggling of migrants: international aspects and national perspectives was held in Ashgabat on 5 and 6 August 2019. It was organized by the UNODC Programme Office in Turkmenistan and brought together national judicial and law enforcement officers to discuss, inter alia, challenges and best practices in the field of international cooperation to combat trafficking in persons and the smuggling of migrants.

18. As a joint technical assistance activity carried out by its respective branches working on organized crime and corruption, UNODC supported and serviced a training workshop to enhance the effectiveness of mechanisms for mutual legal assistance in Saudi Arabia, which was held in Riyadh from 20 to 24 October 2019. The aim of the training workshop was to enhance the knowledge of the national practitioners involved in mutual legal assistance and generate substantive discussions on the key issues pertaining to the national legislative and operational framework in the field of mutual legal assistance. The main focus was on strengthening national capacities and streamlining mutual legal assistance actions in line with national legislation, good practices and international standards, including the requirements set forth in the Organized Crime Convention and the United Nations Convention against Corruption.

19. UNODC also supported and serviced a workshop on the implementation by Angola of its international commitments in the areas of transnational organized crime and drug control, held in Luanda from 2 to 6 December 2019. The objective of the

workshop was to enhance knowledge among national officials of the added value and high potential of fully implementing the provisions of multilateral instruments, including the Organized Crime Convention and its international cooperation provisions.

20. In recent years, UNODC has supported States in achieving adherence to, and the fullest possible implementation of, the Organized Crime Convention, including through the dedicated global programme entitled “Support to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime”, which was developed to support the review of implementation of the Organized Crime Convention and provide a framework for the delivery of technical assistance to States in need. The global programme focused on providing technical assistance and legislative advice to encourage the ratification of and/or accession to the Convention, as well as its implementation, by promoting international cooperation and knowledge management. As a result of a recent evaluation, the Secretariat is currently working on the development of a new successor global programme aimed at supporting States in the effective implementation of the Convention, in close cooperation with other global programmes of UNODC, including by providing technical assistance to address the needs of States parties identified in the findings of future country reviews to be conducted within the framework of the newly established Mechanism for the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. International cooperation in criminal matters will continue to be one of the key areas of work under the new global programme.

III. Tools to facilitate international cooperation to combat transnational organized crime

A. Knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC)

21. UNODC continued to develop and expand the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), a website that is freely accessible without the need for registration and that comprises several databases containing legal resources concerning organized crime and terrorism. To facilitate global and multilingual access, the portal has been translated for use in each of the six official languages of the United Nations. Recently, the Google Translate service was integrated into the portal to enable users to browse in different languages.

22. UNODC continued to populate the SHERLOC database of legislation with laws concerning organized crime, terrorism and cross-cutting issues. The database of legislation currently contains more than 9,800 legislative extracts from 197 countries, most of which are parties to the Organized Crime Convention. Each of the extracts has been catalogued according to country, article of the Organized Crime Convention and the Protocols thereto, crime type and relevant cross-cutting issues. The extracts are accompanied by attachments containing, or links to, the full text of the relevant law in one of the six official languages of the United Nations. As regards international cooperation, the database of legislation contains, for example, 383 extracts of legislation on extradition and 318 extracts concerning mutual legal assistance. Accessing these extracts can assist central and competent authorities in understanding the legal framework for cooperation with other countries.¹

23. The SHERLOC case law database can also be used to research matters concerning organized crime and terrorism. The case law database currently hosts more than 3,000 summaries of judicial proceedings concerning organized crime and

¹ Materials contained in the SHERLOC database of legislation concerning international cooperation are available at <https://sherloc.unodc.org/> and can be accessed by selecting a filter under the “Cross Cutting” menu.

terrorism from 128 countries, as well as several international and regional bodies. As regards international cooperation, the case law database contains 67 cases involving international cooperation for purposes of extradition, 34 cases involving international cooperation for purposes of confiscation and asset recovery, 93 cases involving mutual legal assistance and 100 cases involving international law enforcement cooperation. Additional cases in the database concern further aspects of international cooperation such as the transfer of sentenced persons and the transfer of criminal proceedings.²

24. The recently redeveloped and improved SHERLOC treaty database provides access to and information on the ratification of international and regional treaties concerning organized crime, terrorism and international cooperation in criminal matters. Hence, it can be used by central and competent authorities in ascertaining the relevant legal framework for international cooperation with their counterparts.

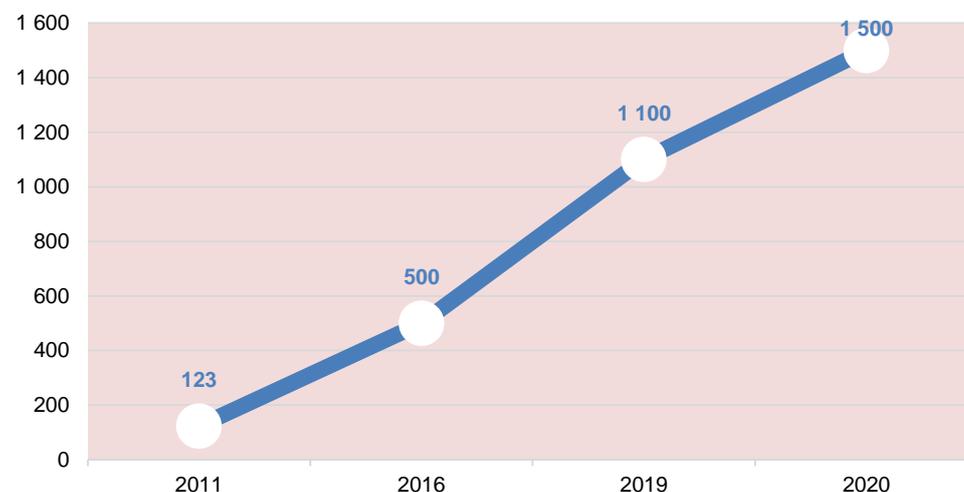
25. SHERLOC was visited by 338,196 users in 2019. Most visitors to SHERLOC use the portal in English, with Spanish and French coming in second and third in terms of use. The 10 States with the most SHERLOC users in 2019 were the United States of America (13.5 per cent of users), India (10.3 per cent), Ecuador (6.6 per cent), the Philippines (6 per cent), Mexico (5.6 per cent), Bolivia (Plurinational State of) (5 per cent), Peru (4.8 per cent), Guatemala (4.4 per cent), Colombia (3.6 per cent) and the United Kingdom of Great Britain and Northern Ireland (3.5 per cent). According to the most recent survey conducted among SHERLOC users, the most common fields of work of SHERLOC users are law enforcement (22 per cent), academia (17 per cent), non-governmental organizations (11 per cent), policymaking (6 per cent), the judiciary (6 per cent), students (6 per cent), prosecution (5 per cent) and authorities responsible for international cooperation (4 per cent).

B. Online Directory of Competent National Authorities

26. Pursuant to the pertinent recommendations contained in Conference resolution 8/1, UNODC continued to redevelop the Directory of Competent National Authorities. During the reporting period, UNODC expanded the directory to include central and competent authorities designated under the Convention against Corruption. As a result, the overall number of authorities listed in the directory had increased to more than 1,500 as of June 2020 (see figure I).

Figure I

Increase in the number of authorities listed in the Directory of Competent National Authorities, 2011–2020



² Materials contained the SHERLOC case law database concerning international cooperation can be accessed by selecting a filter under the “Cross Cutting” menu.

27. Since the ninth session of the Conference of the Parties, the number of registered users of the directory also increased, reaching 1,767 users overall as of June 2020.

Figure II

Increase in the number of users of the Directory of Competent National Authorities, 2015–2020



28. From 1 January to 31 December 2019, the online directory registered 5,687 views, representing a 30 per cent increase, compared with the 3,866 views registered in 2018.

29. The Secretariat also undertook preliminary work on the development of a secure communication platform within the directory that would enable safe and secure communication between central and other competent authorities involved in international cooperation in criminal matters. Related mandates to undertake such work have been in place since the early phases of the work of the Conference.³

³ In its decision 3/2, subparagraph (u), the Conference requested its secretariat to provide its support to the building up of a virtual network of central authorities designated pursuant to article 18 of the Convention and competent authorities for extradition requests and to facilitate communication and problem solving among such authorities, by considering the setting up of a discussion forum on a secure network, and encourages those authorities to make use of existing regional networks. Similar wording was reiterated in its decision 4/2, subparagraph (w), in which the Conference requested the Secretariat to provide its support to strengthening networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network.

In its resolution 8/1, the Conference encouraged States parties to make the fullest and most effective use of available technology to facilitate cooperation between central authorities, including online resources developed at the national level and relevant tools created by the United Nations Office on Drugs and Crime, such as the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and the Mutual Legal Assistance Request Writer Tool, and to develop virtual networks between and among central authorities and explore the feasibility of secure electronic communications.

In the same resolution, the Conference endorsed a relevant recommendation of the Working Group on International Cooperation, in which Member States were encouraged to consider, with the assistance of the Secretariat and subject to the availability of extrabudgetary resources, the possibility of developing a global network, through a virtual environment, for the purpose of establishing and enhancing direct contact between central authorities (Conference resolution 8/1, annex I, subpara. (l)).

C Mutual Legal Assistance Request Writer Tool

30. UNODC continued to use the redeveloped version of the Mutual Legal Assistance Request Writer Tool in training activities and workshops. Officers from Morocco, Pakistan, Papua New Guinea, Saudi Arabia, Solomon Islands and Turkmenistan were trained in its use. UNODC also continued to raise awareness about the usefulness and added value of the tool. In this context, and upon request, UNODC delivered virtually a presentation on the tool at the meeting of the Criminal and Legal Affairs Subgroup of the Group of Seven (G7) Rome-Lyon Group held in Paris from 24 to 25 October 2019. This followed the delivery of a similar presentation to the G7 central authorities for mutual legal assistance in 2017, which had focused on work to finalize the redeveloped version of the tool. Under the new reality that has emerged as a result of the COVID-19 pandemic, UNODC has been working towards integrating presentations on the tool into online courses and webinars in order to facilitate the dissemination of information about its use and the training of an expanded number of practitioners and experts in a virtual environment. In its redeveloped form, the tool integrates features on asset recovery and additional forms and means of international cooperation in criminal matters, including the transfer of criminal proceedings, videoconferencing and, to the extent applicable, joint investigations and international cooperation to conduct controlled deliveries. The tool is available as an open resource on a dedicated page of the UNODC website (www.unodc.org/mla/en/index.html).

D. Digest of cases in which the Organized Crime Convention was used as a legal basis for international cooperation in criminal matters

31. Pursuant to Conference resolution 9/3, annex III, subparagraph (j), and suggestions by the informal expert group meeting on international cooperation in criminal matters held in April 2019, UNODC has prepared a digest of cases involving international cooperation in criminal matters in which the Organized Crime Convention was used as a legal basis. The digest represents the first and most comprehensive study of the practical use of the international cooperation provisions of the Convention, as documented in actual cases. Drawing on more than 100 cases from around the world, the digest analyses the available information in terms of type of cooperation involved, cooperating States, offences at stake and other international agreements involved, in order to provide a better understanding of the circumstances in which the Convention is used, the opportunities offered by its use and the challenges and obstacles faced by States parties in that regard.

32. The goal of the digest is to present the fullest possible picture of the practical use of the Convention as a legal basis for international cooperation at a significant juncture: 20 years after the adoption and opening for signature of the Convention and 17 years after its entry into force. In doing so, the digest facilitates the sharing of relevant experiences of States parties and, based on the lessons learned, the development of recommendations aimed at enhancing and increasing the use of the Convention as a tool for international cooperation to combat transnational organized crime more effectively.

E. Compendium of recommendations of the Working Group on International Cooperation and of decisions and resolutions of the Conference of the Parties pertaining to international cooperation in criminal matters

33. As part of a wider effort to compile and publish all relevant outcomes of the working groups of the Conference of the Parties throughout the years of their functioning, a compendium has been prepared by the Secretariat compiling all

recommendations emanating from the meetings of the Working Group on International Cooperation, as well as the decisions and resolutions of the Conference, on issues pertaining to international cooperation in criminal matters. The compendium is complemented by, and is to be read in conjunction with, a thematic index of the outcomes of both the Working Group and the Conference.

F. Webinars as training tools

34. As part of measures to mitigate the challenges posed by the COVID-19 pandemic, UNODC promoted and relied on the use of information and communication technologies, including webinars, e-learning tools and webcasts, for the training of practitioners. In the second quarter of 2020, the UNODC Terrorism Prevention Branch launched a new series of webinars on the topic “International Cooperation in Criminal Justice Responses to Terrorism”. The webinars are focused on themes related to the networks and tools developed by UNODC to strengthen international and regional cooperation in criminal matters, including mutual legal assistance and facilitating the exchange of legal information and the sharing of evidence. Among the topics the webinars have addressed so far – or will address – are the following: the UNODC SHERLOC portal, which brings together a number of tools and databases, thereby playing a key role in the sharing of legal information relating to countering terrorism and organized crime; the Directory of Competent National Authorities and the Mutual Legal Assistance Request Writer Tool, both important instruments for supporting practitioners dealing with mutual legal assistance requests; the platforms and networks of focal points from various regions of the world and their added value in this area; and the guides, tools and recommendations developed to facilitate the preservation and sharing of electronic evidence across borders. The webinars are delivered through the Counter-Terrorism Learning Platform, a portal aimed at strengthening cooperation among criminal justice and law enforcement practitioners and enhancing their legal and operational knowledge in relation to combating terrorism and transnational organized crime.

35. The webinars are open for participation, upon registration, to practitioners in the field of countering terrorism and transnational organized crime worldwide, in particular investigators, prosecutors, judicial authorities, and competent national authorities responsible for international cooperation in criminal matters. The first webinar, entitled “‘Elementary, my dear Watson’: UNODC’s SHERLOC Portal, combating terrorism and organized crime through knowledge-sharing” was delivered on 7 May 2020. The second webinar, delivered on 24 June 2020, was focused on the UNODC Mutual Legal Assistance Request Writer Tool and the Directory of Competent National Authorities. A total of 86 participants took part in the second webinar and provided very positive feedback, with 100 per cent of them expressing the view that the webinar had enabled them to gain knowledge of relevance to their professional functions. Plans are in place to offer the webinars in English, French and Spanish versions on a regular basis in future.

IV. International cooperation involving electronic evidence

A. Maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime: an update on the work of the Expert Group

36. In its resolution 9/3, the Conference of the Parties endorsed a recommendation adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017, in which the Secretariat was invited to assist both the Conference and its Working Group on International Cooperation in maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime, within their respective mandates and while keeping the bureaux of both groups informed (Conference resolution 9/3, annex I, subpara. (k)).

37. During the reporting period, the Expert Group met twice; its fifth meeting was held from 27 to 29 March 2019 and its sixth meeting was rescheduled, owing to the COVID-19 pandemic, to 27–29 July 2020.

38. At its fifth meeting, the Expert Group focused on law enforcement and investigations, as well as electronic evidence and criminal justice. The Expert Group was informed about successful national efforts to implement legal and procedural measures to tackle cybercrime, develop and implement cybersecurity strategies and policies, enact and/or upgrade legislation on cybercrime, implement new investigative tools to gather electronic evidence and establish its authenticity for evidentiary purposes in criminal proceedings, and implement institutional arrangements for the more efficient use of resources to combat cybercrime. The need for appropriate procedural powers to obtain electronic evidence was highlighted, together with challenges arising from conflicts regarding territorial jurisdiction. The discussion also focused on how to strike a balance between the need for effective law enforcement responses to cybercrime and the protection of fundamental human rights, in particular the right to privacy. The Expert Group accorded priority to the need for sustainable capacity-building within national law enforcement and criminal justice systems as an important prerequisite for enhancing domestic capabilities and enabling the sharing of good investigative practices and experience and the dissemination of new techniques.

39. At the same meeting, the Expert Group reiterated the importance of international cooperation in the cross-border investigation and prosecution of cybercrime. Different practices were mentioned as examples of how to foster international cooperation in relation to electronic evidence, in particular at the operational level. It was also noted by some speakers that capacity-building and training on requirements related to mutual legal assistance were key components for ensuring timely access to data. In addition, some countries recommended the use of 24/7 networks to request the prompt preservation of data. Speakers agreed that international cooperation was of paramount importance for gathering and sharing electronic evidence in the context of cross-border investigations. It was stressed that States should make full use of the Organized Crime Convention and relevant multilateral, regional and bilateral treaties and arrangements on cybercrime to foster international cooperation on judicial assistance and law enforcement in related cases, while respecting the principles of sovereignty, equality and reciprocity. The significance of promoting networking for the sharing of experiences and expertise was highlighted, in particular to address the challenges posed by varying national requirements on the admissibility and evidentiary integrity and authenticity of such evidence ([UNODC/CCPCJ/EG.4/2019/2](#), paras. 23–24 and 44).

40. In its resolution [74/173](#), on promoting technical assistance and capacity-building to strengthen national measures and international cooperation to combat cybercrime, including information-sharing, the General Assembly acknowledged the importance of the work of the Expert Group to continue to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime. The Assembly noted with appreciation that the Expert Group would develop, in accordance with its workplan for the period 2018–2021, possible conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice. The Assembly recognized the Expert Group as an important platform for the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime. The Assembly requested UNODC to continue to periodically collect information on new developments, progress made and best practices identified and to periodically report that information to the Expert Group and the Commission on Crime Prevention and Criminal Justice, and invited the Expert Group to provide advice, on the basis of its work, to UNODC, including with regard to the Global

Programme on Cybercrime, in order to assist, without prejudice to other issues included in the mandate of the Expert Group, in identifying high-priority capacity-building needs and effective responses, without prejudice to the status of the Commission as the governing body of the crime programme of the Office.

41. At the sixth meeting of the Expert Group, to be held from 27 to 29 July 2020, international cooperation will be among the agenda items for discussion. The Expert Group will further discuss and exchange information on national needs, as well as challenges, lessons learned and best practices regarding international cooperation to combat cybercrime, and will make recommendations on how to improve international cooperation in that regard.

B. Mainstreaming the topic of electronic evidence into the work of the United Nations Office on Drugs and Crime in the field of international cooperation

Electronic evidence and international cooperation to combat transnational organized crime and terrorism

42. In 2019, UNODC, the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors jointly published the *Practical Guide for Requesting Electronic Evidence Across Borders*. Password-protected access to the guide was made available in March 2019 within the Directory of Competent National Authorities on the SHERLOC platform. The guide contains information to help identify the steps to be taken at the national level to gather, preserve and share electronic evidence, with the overall aim of ensuring efficiency in mutual legal assistance practices. It is intended to be used for global training purposes, to share knowledge and to give practitioners the confidence to request electronic evidence quickly, legally and in a format admissible in court. It has been used in regional training events in Asia, Africa, Latin America and the Caribbean, and the Pacific region, as well as in a national-level training event in Pakistan. Since the release of the guide, UNODC has received multiple requests from international organizations to establish partnerships in the delivery of related training events, and has collaborated with the Commonwealth of Nations, the Organization of American States, the Organization for Security and Cooperation in Europe and the Pacific Islands Law Officers' Network in the delivery of related activities.

43. On 10 and 11 December 2019, within the framework of the global initiative entitled "Strengthening the capacity of central authorities and counter-terrorism prosecutors and investigators in obtaining digital evidence from private communications service providers in cross-border investigations, with a particular focus on counter-terrorism matters", UNODC, the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors jointly organized a specialist workshop, held in Washington, D.C., on obtaining electronic evidence through mutual legal assistance. Dedicated entirely to the topic of obtaining electronic evidence through mutual legal assistance mechanisms, the workshop used as reference material the *Practical Guide for Requesting Electronic Evidence Across Borders*. The workshop offered an opportunity for practitioners (including liaison magistrates to the United States, national prosecutors and representatives of central authorities, representatives of the United States Department of Justice and technical experts) to discuss the practical aspects of cooperation and ongoing challenges, as well as identify and share good practices to strengthen the expeditious processing of requests for mutual legal assistance with the United States, with a view to enhancing the effectiveness of the investigation and prosecution of terrorism and other serious crimes around the world.

Electronic evidence, building the capacity of central authorities and international cooperation: recommendations of the Conference of the Parties, and preparations and agenda items for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

44. In accordance with a recommendation adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017, the Conference asked the Secretariat to continue to undertake, subject to the availability of resources, training activities for both criminal justice and law enforcement authorities and private sector entities (service providers), at the national and regional levels, on the gathering and sharing of electronic evidence and on international cooperation relating to such evidence, within the framework of the Convention (Conference resolution 9/3, annex I, subpara. (j)).

45. In the same resolution, in endorsing one of the recommendations adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018, the Conference encouraged States parties to make the best possible use of resources to increase the efficiency and effectiveness of central and/or other competent authorities in dealing with international cooperation requests. In doing so, States parties may wish to consider putting in place or to request technical assistance for the development of case management systems within their central authorities to monitor and better administer the increasing workload occasioned by such requests (Conference resolution 9/3, annex II, subpara. (f)).

46. The above-mentioned recommendations highlighted two important aspects and conditions for enhancing the efficiency of mechanisms for international cooperation: (a) upgrading, through training, the skills of competent officers and authorities to engage effectively in international cooperation involving electronic evidence; and (b) improving the operational capacity of central authorities in support of their efforts to cope with new challenges in dealing with international cooperation requests.

47. In the summary by the Chair of the informal expert group meeting on international cooperation in criminal matters held in Vienna from 9 to 11 April 2019, it was noted that the number of requests for mutual legal assistance to obtain or preserve electronic evidence was growing drastically and current methods for dealing with such requests were not sufficiently efficient, both in terms of substance and timeliness, owing to the temporary and volatile nature of electronic data. It was also noted that case management systems were essential for the efficiency and effectiveness of central authorities and that the existence of dedicated structures or units within the central authorities to deal with the increasing volume and complexity of work relating to new and sophisticated forms of crime could be a step towards addressing the growing backlog of cases.

48. These issues also emerged in relevant intergovernmental forums entrusted with the task of preparing for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.⁴ The Regional Preparatory Meetings for the Fourteenth Congress, held during the first quarter of 2019, examined these issues under the thematic cluster of the Congress on international cooperation and current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime (Workshop 4) and agreed upon pertinent recommendations. In preparing the thematic framework for Workshop 4 of the Congress, the Secretariat has included the issue of the use of technology in the field of international cooperation in criminal matters as a topic for the overall debate during the workshop. One of the recommendations to be brought to the attention of the

⁴ The Fourteenth Congress was scheduled to take place in Kyoto, Japan, from 20 to 27 April 2020, but owing to the worldwide situation resulting from the COVID-19 pandemic, as well as related factors, the General Assembly decided to postpone the holding of the Congress (General Assembly decision 74/550). At the time of drafting the present report, consultations between UNODC and the host country were ongoing and were being held in close cooperation with the Commission on Crime Prevention and Criminal Justice, which serves as the preparatory body for the Congress, to identify and agree upon new dates for the Congress.

Fourteenth Congress for its further consideration is that Member States, in cooperation with UNODC and other international organizations, should promote technical assistance and training to enhance the skills of practitioners and central authorities in using technology to expedite international cooperation (A/CONF.234/11, para. 82 (l)).

“Soft law”: a need for updating United Nations model provisions

49. With regard to model instruments developed by UNODC as a form of legislative assistance to guide Member States in the development of legislation in the area of international cooperation in criminal matters, UNODC is planning to update the existing “Model law on mutual assistance in criminal matters” to also include provisions relating to electronic evidence and how to engage in international cooperation to obtain such evidence. An expert group meeting, to be organized by UNODC, is to be held in Vienna and is to be tasked with reviewing and updating the provisions of the model law, including by ensuring that provisions on electronic evidence and procedural powers to preserve, gather and share such evidence are integrated into the model law, to serve as guidance for Member States wishing to develop or update their own legislative frameworks.

V. Supporting the work of the Working Group on International Cooperation

A. Deliberations within the Working Group

50. The tenth meeting of the Working Group on International Cooperation was held on 16 October 2018, during the ninth session of the Conference of the Parties. At that meeting, the Working Group considered challenges faced in expediting the extradition process, including addressing health and safety and other human rights issues, as well as litigation strategies utilized by defendants to delay the resolution of an extradition request. During the deliberations, speakers underlined the importance of holding consultations among authorities and practitioners to expedite the extradition process. They also highlighted the usefulness of informal consultations as a means of exchanging information on legal requirements and standards, and on specific aspects of extradition cases, such as the identification of the person sought, and as a means of providing assurances and guarantees regarding the treatment of persons sought after their surrender (CTOC/COP/WG.3/2018/6).

51. At its ninth session, in October 2018, the Conference of the Parties endorsed a series of recommendations adopted by the Working Group on International Cooperation at its eighth, ninth and tenth meetings.

52. In endorsing one of the recommendations adopted at the eighth meeting of the Working Group, the Conference invited States parties that had not done so to consider amending their legislation to define clear rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained in foreign jurisdictions, and to revise, where appropriate, their existing procedures for mutual legal assistance to adapt them to requests for obtaining and handling electronic evidence.

53. The topic of special investigative techniques, and the admissibility in court of evidence derived therefrom, was one of the agenda items at the eleventh meeting of the Working Group on International Cooperation, held on 7 and 8 July 2020. It was the first time in its 14-year history that the Working Group had discussed this issue, focused on the implementation of article 20 of the Organized Crime Convention and dealt with such issues as the lessons learned from the use of special investigative techniques in the investigation of transnational organized crime, good practices related to the management of special investigative techniques in the context of transnational organized crime investigations that do not compromise the rights and

freedoms of suspects and third parties, the most effective and most commonly used safeguards against abuse of special investigative techniques in the context of transnational organized crime cases, and the good practices in ensuring the admissibility of evidence in transnational organized crime cases collected through the use of special investigative techniques in other jurisdictions.

54. Another topic discussed for the first time in the context of the Working Group was that of joint investigations. The relevant discussion at the eleventh meeting of the Working Group revolved around the international framework related to joint investigations to combat transnational organized crime, including but not limited to the Organized Crime Convention and its relevant article 19, as well as the legal and practical aspects pertaining to that framework, with a view to enabling further dialogue on good practices and challenges encountered in this field.⁵

B. Synergies with the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

55. At the eighth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 31 May 2019, the Secretariat, in an effort to enhance synergies and the exchange of information and experiences, provided an overview of the salient outcomes of the deliberations of the Working Group on International Cooperation at its tenth meeting.

56. Following the presentation, several speakers emphasized the interlinkages between certain topics, such as international cooperation, discussed by both the Working Group on International Cooperation and the expert meeting, while also stressing that duplication of effort should be avoided. A number of speakers suggested that future expert meetings could be linked more closely to the meetings of the Working Group on International Cooperation and the Open-ended Intergovernmental Working Group on Asset Recovery. One speaker noted that the scheduling of future expert meetings should be carefully considered, given the resource constraints and potential overlap in topics, while several other speakers referred to important differences between the Organized Crime Convention and the Convention against Corruption, and the need to reserve time for separate deliberations, in view of the issues that were unique to each Convention ([CAC/COSP/EG.1/2019/4](#)).

C. The Working Group on International Cooperation and the Mechanism for the Review of the Implementation of the Organized Crime Convention and the Protocols thereto

57. The present section does not take stock of activities in the field of international cooperation in criminal matters carried out since the ninth session of the Conference of the Parties, but instead reflects a forward-looking approach to the future role that the Working Group on International Cooperation is to play within the framework of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

58. It should be recalled that, in its resolution 9/1, adopted at its ninth session, in October 2018, the Conference of the Parties established the Implementation Review Mechanism; adopted the procedures and rules for the functioning of the Mechanism, which are annexed to the resolution; and decided to launch the preparatory phase of

⁵ The background papers prepared by the Secretariat on both substantive agenda items (special investigative techniques and joint investigations), together with the report of the eleventh meeting of the Working Group on International Cooperation, are available at www.unodc.org/.

the review process in accordance with the thematic clusters and multi-year workplan contained in the appendix to the procedures and rules.

59. The procedures and rules envisage a significant role for the working groups of the Conference, including the Working Group on International Cooperation, in the Mechanism. According to paragraph 12 of the procedures and rules, the Conference and its working groups are to add the matter to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. In addition, 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.

60. Furthermore, in accordance with paragraph 43 of the procedures and rules, discussions pertaining to country reviews are to be undertaken in the relevant working groups. The outcomes of the country reviews, namely, the lists of observations indicating any gaps and challenges in the implementation of the provisions under review, best practices, suggestions and any technical assistance needs identified to improve implementation of the Convention and its Protocols, are to be made available to the working groups as a conference room paper, unless, in exceptional circumstances, the State party under review decides to keep some parts of the list confidential. A summary of the lists of observations shall be translated into the six official languages of the United Nations and be made available to the Conference and its working groups (para. 38 of the procedures and rules).

61. Moreover, with regard to the follow-up procedures after the country reviews, the working groups of the Conference are to draw upon the lists of observations in preparing their sessions, and take them into account when proposing generally applicable recommendations to the Conference (para. 43 of the procedures and rules).

62. In order to promote fruitful engagement with relevant stakeholders, including non-governmental organizations, and in accordance with article 32, paragraph 3 (c), of the Convention, the working groups are to have a constructive dialogue on the review process with relevant stakeholders, including non-governmental organizations (para. 53 of the procedures and rules).

63. The thematic cluster on international cooperation, mutual legal assistance and confiscation, which will be the focus of the Working Group on International Cooperation in its role as a pillar of the Implementation Review Mechanism, as described above, will be reviewed, together with criminalization issues, in years III–VI of the multi-year workplan for the functioning of the Mechanism.⁶ Other issues that touch upon aspects of international cooperation in criminal matters, such as joint investigations, special investigative techniques and law enforcement cooperation, will be examined under the cluster on law enforcement and the judicial system of the Mechanism, in years VII–X of the multi-year workplan.

VI. Conclusions and recommendations

64. UNODC, as the guardian of implementation of the Organized Crime Convention, continued to support States parties in their efforts to effectively implement the provisions of the Convention on international cooperation. In doing so, UNODC has sought to give priority to translating into practice the policy directions given by the Conference in this field, including, in particular, the policy directions contained in the recommendations adopted by the Working Group on International Cooperation at its eighth, ninth and tenth meetings, as endorsed by the Conference of the Parties in its resolution 9/3.

⁶ Conference of the Parties resolution 9/1, appendix.

65. To pursue further improvements and better results in this crucial area, the Conference may wish to:

(a) Continue to encourage States parties to make, consistent with their national legal frameworks, the widest possible use of the Organized Crime Convention, in accordance with relevant recommendations of the Working Group on International Cooperation, as endorsed by the Conference.⁷ Such practice will be conducive to developing an updated version of the digest of concrete cases in which the Convention was used as a legal basis for international cooperation, which could also expand the information already available in SHERLOC, subject to the availability of resources;

(b) Encourage States to provide funding on a consistent and sustainable basis for the provision of technical assistance by UNODC 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 COVID-19 pandemic that may have a lasting impact on the work of central and other competent authorities involved in international cooperation in criminal matters;

(c) Encourage States, UNODC and other technical assistance providers to continue to enhance tailor-made training and technical assistance for central and other competent authorities involved in international cooperation in criminal matters, with a particular focus on supporting capacities for the more effective implementation of the pertinent provisions of the Convention at the national level, and in doing so, to assess the practical value and impact of new initiatives in the field of training and dissemination of knowledge as part of measures to mitigate the challenges posed by the COVID-19 pandemic, including the use of webinars, e-learning and webcasts for the training of practitioners;

(d) Continue to explore practical ways, and encourage States to provide funding, to facilitate engagement between central authorities in person through the holding of regular meetings of their representatives to discuss issues of common interest, in accordance with the relevant recommendations of the Working Group on International Cooperation, as endorsed by the Conference,⁸ and also continue to explore practical ways and means, in the same context and with the same justification, to financially support and organize regular meetings of representatives of regional judicial cooperation networks;⁹

(e) Continue to examine practical ways and means to ensure that a consistently high percentage of practitioners from central authorities of States parties, as well as representatives of regional judicial cooperation networks, attend the relevant meetings of the Conference and its Working Group on International Cooperation, in accordance with the relevant recommendations of the Working Group, as endorsed by the Conference;¹⁰ in doing so, assess the practical value of the use of new communication technologies and its impact on facilitating the widest possible participation of such experts, where appropriate and necessary and in conjunction with on-site attendance, in accordance with the rules of procedure for the Conference of the Parties and its subsidiary bodies, and also bearing in mind the existing capacities for the virtual attendance of States parties.

⁷ The most recent recommendations are contained in Conference resolution 9/3, annexes I (subpara. (a)), II (subpara. (d)) and III (subpara. (i)).

⁸ See Conference resolution 8/1, para. 11.

⁹ See Conference resolution 9/3, annex I, subpara. (i).

¹⁰ See Conference resolution 8/1, paras. 17 and 18, and Conference resolution 9/3, annex I, subpara. (g), and annex III, subpara. (e).