

18 May 2011

English only

**Open-ended intergovernmental working group
on the review of the implementation of the
United Nations Convention against
Transnational Organized Crime and the
Protocols thereto**

Vienna, 17-19 May 2011

Item 4 of the amended provisional agenda

Other matters

Reformulated UNTOC Self-Assessment Checklist

Non-paper by the United States of America

The questions provided below are meant to serve as an alternative to those currently contained within the “Interim Checklist on the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.” For Parties that have already completed the previously issued UNTOC questionnaires or checklist, completion of this Reformulated UNTOC Self-Assessment Checklist would serve as the only additional information gathering instrument in any established review mechanism. Parties, however, may choose, in addition to answering this questionnaire, to update responses to previous UNTOC questionnaires provided to UNODC or to the checklists that many parties have completed.

The Reformulated UNTOC Self-Assessment Checklist has been developed with a view to reducing the burden on those experts designated to respond to the Checklist, while enhancing its effectiveness as a tool to ascertain implementation of the UNTOC and its Protocols. Specifically, the questions are designed to solicit a narrative from responding Parties focused on self-identifying problems with implementation and technical assistance needs, rather than “data and recent examples of successful use or implementation” of each article, paragraph by paragraph. The questions below could further be incorporated into the UNODC online omnibus software tool that is currently under development.

V.11-83089 (E)

Please recycle 

Convention:

Article 5 — Criminalization of Participation in an Organized Criminal Group

Please provide examples of cases in which you have prosecuted offenses which would be covered under Article 5 of the Convention. Specifically, please provide examples of racketeering, conspiracy and similar cases brought against organized crime groups, which have been prosecuted in your country.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by Article 5 of the Convention.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 6 — Criminalization of Laundering of Proceeds of Crime

Please provide examples of cases in which you have prosecuted offenses which would be covered under Article 6 of the Convention. Specifically, please provide examples of money laundering cases which have been brought in your country.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by Article 6 of the Convention.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 8 — Criminalization of Corruption (Not required of countries reviewed under UNCAC)

Please provide examples of cases in which you have prosecuted offenses which would be covered under Article 8 of the Convention.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by Article 8 of the Convention.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 23 — Criminalization of Obstruction of Justice

Please provide examples of cases in which you have prosecuted offenses which would be covered under Article 23 of the Convention.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by Article 23 of the Convention.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 12 — Confiscation and Seizure

Please provide examples of cases in which you have confiscated or seized proceeds of crime or property, equipment or other instrumentalities which would be covered under Article 12 of the Convention.

What factors lead to successful confiscation and seizure?

What problems or obstacles did you encounter relating to confiscation and seizure?

If available, please provide statistics regarding the number of cases covered by Article 12 of the Convention.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 16 — Extradition

Please provide examples of extradition cases in which the fugitive was charged with offenses covered by the Convention or by the Convention and any of its Protocols.

Have the extradition provisions of the Convention facilitated an extradition that would not have been possible without the UNTOC or without a protocol? If so, please provide examples, including a brief narrative explanation.

What factors lead to successful extraditions?

What problems or obstacles did you encounter when dealing with extradition cases?

If statistics are available, please provide statistics regarding the number of extradition cases in which the fugitive was charged with offenses covered by the Convention and its Protocols.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Article 18 — Mutual Legal Assistance

Please provide examples of mutual legal assistance cases relating to offenses covered by the Convention and its Protocols. What types of mutual legal assistance were provided?

What factors lead to successful execution of mutual legal assistance requests?

What problems or obstacles did you encounter when dealing with mutual legal assistance requests?

If available, please provide statistics regarding the number of mutual legal assistance cases relating to offenses covered by the Convention and its Protocols.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Trafficking in Persons Protocol:

Please provide examples of cases in which you have prosecuted cases which would be covered under the Trafficking in Persons Protocol.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by the Trafficking in Persons Protocol.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Migrant Smuggling Protocol:

Please provide examples of cases in which you have prosecuted cases which would be covered under the Migrant Smuggling Protocol (both smuggling and document fraud).

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by the Migrant Smuggling Protocol.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article?

Firearms Protocol:

Please provide examples of cases in which you have prosecuted cases which would be covered under the Firearms Protocol.

What factors lead to successful investigations and prosecutions of these types of offenses?

What problems or obstacles did you encounter when investigating and prosecuting these types of offenses?

If available, please provide statistics regarding the number of cases prosecuted for offenses covered by the Firearms Protocol.

What assistance, if any, do you think would be helpful in strengthening your implementation of this Article and related prosecutions?

Is your state in compliance with the obligations of the protocol with respect to record keeping, marking and export/import provisions?

What problems or obstacles did you encounter when implementing these provisions?

What assistance, if any, do you think would be helpful in strengthening your implementation of the record keeping, marking and export/import licensing provisions?

Implementation in General:

Briefly describe any measures taken to inform prosecutors, judges, the defence bar, relevant institutions, NGOs, and others concerning the utility of the UNTOC and its protocols, identifying measures that have been more successful than others, particularly with respect to provisions considered to be more challenging or requiring technical expertise to apply.

Have domestic courts examined the application of the convention or its protocols in any judicial proceeding, criminal or civil? If so, provide case citations and a brief narrative description of the issues raised.

In applying the convention or its protocols with respect to actions with other Parties, identify any issues or concerns that have arisen and provide a brief narrative description of each.

Please prioritize any types of assistance which you have identified in response to any previous question.