

## Resolution 7/4

### **Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime**

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

*Recognizing* the importance of international cooperation in efforts to combat all forms of transnational organized crime,

*Recalling* its decision 3/2 of 18 October 2006, in which it decided that an open-ended working group on international cooperation would be a constant element of the Conference,

*Concerned* that transnational organized crime has diversified globally, and that new and emerging forms require effective responses that depend upon strengthened international cooperation in criminal matters, including through the development of channels for timely cooperation,

*Emphasizing* the particular relevance of the United Nations Convention against Transnational Organized Crime<sup>1</sup> as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for the purpose of confiscation, as well as for measures to enhance cooperation among law enforcement authorities,

*Recalling* that the Economic and Social Council, in its resolution 2014/17 of 16 July 2014, recommended to the General Assembly the adoption of a resolution on international cooperation in criminal matters,

*Convinced* that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters can contribute to the development of more effective international cooperation to combat transnational crime, and mindful of the utility of the Organized Crime Convention both as a legal basis itself for international cooperation and for the interpretation and preparation of other bilateral and multilateral cooperation arrangements,

*Convinced also* that reports of practical use of the Organized Crime Convention as a legal basis for international cooperation demonstrate the importance and utility of the Convention as a valuable tool against transnational organized crime,

*Welcoming* the contribution made to effective international cooperation by regional networks of law enforcement authorities, judicial authorities and central authorities, including the Central American Network of Prosecutors against Organized Crime and the Network of West African Central Authorities and Prosecutors against Organized Crime,

*Recognizing* the importance of police cooperation and the exchange of information pursuant to article 27 of the Organized Crime Convention as an important foundation for building criminal prosecutions against crimes involving transnational organized criminal groups,

*Recalling* the provisions of the Organized Crime Convention concerning the designation of a central authority under article 18, paragraph 13, of the Convention, and acknowledging the importance of the coordinating role of a central authority for mutual legal assistance with

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<sup>1</sup> Ibid., vol. 2225, No. 39574.

respect to both domestic and international coordination in the receiving, execution and transmittal of mutual legal assistance requests,

*Noting* that international cooperation is a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to support Member States in the effective implementation of the Organized Crime Convention and the Protocols thereto,<sup>2</sup>

*Recalling* its decision 2/2 of 19 October 2005, in which it requested the Secretariat to develop and maintain a directory of central authorities dealing with requests pertaining to mutual legal assistance, extradition and transfer of sentenced persons,

*Acknowledging* the efforts made by the United Nations Office on Drugs and Crime to further strengthen international cooperation tools, including the directory of central authorities and the Mutual Legal Assistance Request Writer Tool,

*Anticipating* the work of the forthcoming Thirteenth United Nations Congress on Crime Prevention and Criminal Justice relating to international cooperation, including at the regional level, to combat transnational organized crime,

*Welcoming* the work of the Working Group on International Cooperation,

1. *Endorses* the recommendations adopted by the Working Group on International Cooperation at its meeting held on 8 and 9 October 2014, during the seventh session of the Conference, annexed to the present resolution;

2. *Reaffirms* its decision 3/2, in which it decided that the Working Group should be a constant element of the Conference.

## **Annex**

### **Recommendations adopted by the Working Group on International Cooperation at its meeting held on 8 and 9 October 2014**

1. States should consider broadening the range of legal bases that they can rely on for law enforcement cooperation and judicial cooperation in criminal matters, including by considering concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance international cooperation.

2. States should consider, when negotiating bilateral or multilateral agreements or arrangements with other States, making use of the Model Treaty on Extradition,<sup>3</sup> the Model Treaty on Mutual Assistance in Criminal Matters,<sup>4</sup> the Model Agreement on the Transfer of Foreign Prisoners,<sup>5</sup> the Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property<sup>6</sup> and other relevant model instruments.

3. States parties that have not notified the Secretary-General of the United Nations of the central authority designated for the purposes of

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<sup>2</sup> Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>3</sup> General Assembly resolution 45/116, annex, and resolution 52/88, annex.

<sup>4</sup> General Assembly resolution 45/117, annex, and resolution 53/112, annex I.

<sup>5</sup> *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

<sup>6</sup> Economic and Social Council resolution 2005/14, annex.

article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime<sup>7</sup> should aim to fulfil that obligation expeditiously.

4. States parties should consider strengthening the coordinating role of central authorities designated under article 18, paragraph 13, of the Organized Crime Convention, including through developing strong links and effective lines of communication, as well as mechanisms for consultation, with competent authorities involved in the execution of requests for mutual legal assistance.

5. States should support central authorities in developing systems for tracking the status of requests, including after such requests have been transferred to a competent authority for execution.

6. States should examine possibilities for central authorities to collect and disseminate statistical information on mutual legal assistance requests, including the nature of the assistance requested or provided and the legal basis for such cooperation.

7. States should encourage central authorities to make available clear guidance on their respective procedures and requirements for submission of mutual legal assistance requests.

8. States should seek, in appropriate cases, to consult informally prior to the formal submission of a request for extradition or mutual legal assistance.

9. States should consider ensuring that central authorities exercise quality control of requests, including with respect to translation and supporting documentation.

10. States parties should ensure that central authorities are aware of the requirement under article 18, paragraph 26, of the Organized Crime Convention to consult with a requesting State party prior to any refusal of a request for mutual legal assistance.

11. States should consult regularly with partners with which they have a substantial number of cases in order to review the execution of requests and discuss relevant legal standards.

12. States should consider enhancing training for the staff of central authorities and other relevant institutions engaged in the judicial cooperation process.

13. States should consider supporting technical assistance efforts, including as undertaken by the United Nations Office on Drugs and Crime, to strengthen knowledge and capacity within central authorities and other relevant institutions.

14. States should look for opportunities in relevant multilateral forums to engage with counterparts from other central authorities, with a view to exchanging experiences and good practices.

15. States should, as appropriate, continue working with the United Nations Office on Drugs and Crime in the establishment of new regional networks of central authorities or judicial authorities, as well as in the implementation, strengthening and financial support of existing networks, including the Central American Network of Prosecutors against Organized Crime and the Network of West African Central Authorities and Prosecutors against Organized Crime.

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<sup>7</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

16. States may consider, if needed and feasible, placing liaison magistrates or liaison officers in the capitals of other countries, with a view to enhancing the effectiveness of international cooperation.

17. States should consider using new forms of technology, including, where appropriate, online platforms, to enhance their ability to securely share information to combat transnational organized crime.

18. States should 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.

19. The Secretariat should undertake efforts to collect information from States on different possible models for central authorities for mutual legal assistance, with a view to sharing experiences with States wishing to establish or strengthen a central authority, as well as with a view to gaining a better understanding of the functioning and operation of central authorities at the national and international levels.

20. The Secretariat should continue its work to collect and disseminate, including through the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, relevant national laws, guidelines and materials that can assist practitioners in the preparation and submission of requests for mutual legal assistance.

21. The Secretariat should continue the further development of tools for international cooperation in criminal matters, including the Mutual Legal Assistance Request Writer Tool, with a view to supporting central authorities in strengthening communication channels and, as appropriate, in exchanging information at both the regional and international levels.

22. The Secretariat should consider, in consultation with States, the possibility of updating the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*.<sup>8</sup>

23. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime should consider reaffirming the importance of the Working Group on International Cooperation continuing to meet as a constant element of the Conference in order to exchange information and experiences on good practices, and encouraging States to send practitioners to attend, as appropriate.

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<sup>8</sup> United Nations publication, Sales No. E.05.V.2.