



# **Conference of the States Parties to the United Nations Convention against Corruption**

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## **Experts convened to enhance international cooperation under the United Nations Convention against Corruption**

Vienna, 22-23 October 2012

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    - (i) Presentation by the Secretariat of the findings on the implementation of article 46 of the United Nations Convention against Corruption resulting from the completed reviews of the first and second years of the first cycle of the Review Mechanism;
    - (ii) Round-table discussion.
4. Technical assistance for capacity-building: priorities and needs.
5. Future action to enhance international cooperation under the United Nations Convention against Corruption.
6. Conclusions and recommendations.



## **Annotations**

### **1. Opening of the meeting**

The open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption will be opened on Monday, 22 October 2012, at 10 a.m.

In resolution 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011, the Conference decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance, and to convene one such meeting during its fifth session and, prior to that, within existing resources, at least one intersessional meeting.

In the same resolution, the Conference also decided that the expert meetings should perform the following functions: (a) assist it in developing cumulative knowledge in the area of international cooperation; (b) assist it in encouraging cooperation among relevant existing bilateral, regional and multilateral initiatives and contribute to the implementation of the related provisions of the Convention under the guidance of the Conference; (c) facilitate the exchange of experiences among States by identifying challenges and disseminating information on good practices to be followed in order to strengthen capacities at the national level; (d) build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities, anti-corruption bodies and practitioners involved in mutual legal assistance and extradition; and (e) assist the Conference in identifying the capacity-building needs of States.

The open-ended intergovernmental expert meeting will be informed of the outcome and conclusions of the meeting of the Working Group on International Cooperation of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to take place during the sixth session of the Conference of the Parties, to be held in Vienna from 15 to 19 October 2012.

### **2. Adoption of the agenda and organization of work**

The provisional agenda for the meeting was prepared in accordance with the guidance contained in Conference resolution 4/2.

The proposed organization of work (see annex) was prepared in accordance with the same resolution with a view to enabling the experts to consider the agenda items within the time and conference services available.

The resources available will permit the holding of two plenary meetings each day with interpretation in the six official languages of the United Nations.

### **3. Modalities of international cooperation under chapter IV of the United Nations Convention against Corruption**

#### **(a) Extradition**

The implementation of article 44 of the Convention against Corruption by States parties to the Convention is under review during the ongoing first cycle of the Mechanism for the Review of Implementation of the Convention. The experts may wish to focus their discussions on the findings and results of the review process on this issue.

Topics for discussion may include the difficulties encountered in extradition proceedings as a result of the different legal traditions to which the cooperating States belong; the legal bases for extradition; the approaches followed in identifying extraditable offences and the treatment of the so-called “accessory” offences; the challenges posed by the double-criminality requirement; the grounds for refusal of an extradition request, including the nationality of the person sought, and alternatives to denial of extradition; measures to ensure the presence of the person sought at extradition proceedings in the requested State, including bail proceedings; the duration of extradition proceedings and related issues, including remedies available to the person sought and frequency of resorting to a simplified extradition process; the evidentiary standards prescribed by domestic laws in order to grant extradition; the facilitation of consultations between the cooperating States at all stages of the extradition proceedings, including before refusing extradition; and the monitoring of statistical data as a way to systematize information on extradition cases.

The experts will have before them a thematic report prepared by the Secretariat on implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2012/8). This thematic report contains information on, among other things, the implementation of article 44 of the Convention by States parties under review in the first and second years of the first cycle of the Review Mechanism.

#### **(b) Mutual legal assistance**

Similarly to article 44, on extradition, the implementation of article 46 of the Convention is subject to review within the framework of the first cycle of the Mechanism for the Review of Implementation of the Convention. The experts may wish to focus their discussions on the findings and results of the review process on this issue.

The discussion may address such topics as the types of assistance afforded; the legal bases for providing assistance; the spontaneous transmission of information that may lead to a potential submission of a mutual legal assistance request; double-criminality considerations in mutual legal assistance proceedings; the grounds for refusal of a mutual legal assistance request; bank secrecy and requests on offences involving fiscal matters; the roles and functions of central authorities; the legislation used for the execution of a mutual legal assistance request; the hearing of witnesses by videoconference; the length of mutual legal assistance proceedings and the main reasons for delays; confidentiality issues in the supply of information or evidence; the facilitation of consultations between the cooperating States at all stages of mutual legal assistance proceedings, including before refusing

assistance; and the monitoring of statistical data as a way to systematize information on mutual legal assistance cases.

The experts will have before them a thematic report prepared by the Secretariat on implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2012/8). The thematic report contains information on, among other things, the implementation of article 46 of the Convention by States parties under review in the first and second years of the first cycle of the Review Mechanism.

### **Documentation**

Thematic report prepared by the Secretariat on implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2012/8)

## **4. Technical assistance for capacity-building: priorities and needs**

In accordance with Conference resolution 4/2, one of the mandates of the open-ended intergovernmental expert meeting is to assist the Conference in identifying the capacity-building needs of States in the field of international cooperation.

Initial results from the Implementation Review Mechanism demonstrate, among other things, a need for technical assistance to advance the full and effective implementation of chapter IV of the Convention. As extensively discussed in the context of the work of the Implementation Review Group, the means of successfully providing technical assistance to States parties to support their efforts to comply with the Convention, including its provisions on international cooperation, can be viewed as a three-step process. The first step under the Implementation Review Mechanism is an analysis of the requirements that need to be met to ensure compliance. That first step involves a systematic assessment of laws, regulations, measures or agreements and arrangements in relation to the articles of the Convention under review and their institutional functionality. The self-assessment checklist developed by the Secretariat provides a broad and consultative tool, based on a country-led process, to review what is in place and to allow the country to determine whether its legislative and institutional framework are in compliance with the articles of the Convention. The use of this checklist during the ongoing first cycle of the Review Mechanism for the submission of information on the implementation of articles 44 and 46 in the legal systems of the countries under review provides the opportunity to gather valuable data on national approaches to extradition and mutual legal assistance in relation to the offences covered by the Convention.

The second step involves the identification of priorities for adapting laws and administrative procedures, as well as agreements or arrangements, to the requirements of the Convention and then putting them into effect. It involves both a legislative and a capacity-building component to ensure the compatibility of skills and mechanisms to achieve such results.

The final step is to address the technical assistance needs identified by a given State party to make the applicable legislative, institutional and treaty-based framework operational for the purposes of international cooperation to combat corruption in line with chapter IV of the Convention.

The experts may wish to further discuss ways and means for meeting identified technical assistance needs through the Implementation Review Mechanism.

The experts will have before them a thematic report prepared by the Secretariat on implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2012/8). The thematic report contains, inter alia, information on types of technical assistance requested by the countries under review during the first and second years of the first cycle of the Implementation Review Mechanism to support the implementation of articles 44 and 46 of the Convention.

#### **Documentation**

Thematic report prepared by the Secretariat on implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/IRG/2012/8)

#### **5. Future action to enhance international cooperation under the United Nations Convention against Corruption**

The experts may wish to discuss further steps to enhance international cooperation under the Convention against Corruption. The Conference, in its resolution 4/2, indicated that the next expert meeting should take place during the fifth session of the Conference, scheduled to be held in Panama in 2013.

The experts may wish to consider future work for the expert meetings in conjunction with the work of the Working Group on International Cooperation of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in view of the synergies and complementarities of the two processes.

#### **6. Conclusions and recommendations**

The experts may wish to consider conclusions and recommendations for inclusion in the report on the expert 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>
<b>Monday, 22 October 2012</b>		
10 a.m.-1 p.m.	1	Opening of the meeting
	2	Adoption of the agenda and organization of work
	3	Modalities of international cooperation under chapter IV of the Convention against Corruption
3 p.m.-6 p.m.	3 (a)	Extradition
	3 (a)	Extradition ( <i>continued</i> )
	3 (b)	Mutual legal assistance
<b>Tuesday, 23 October 2012</b>		
10 a.m.-1 p.m.	3 (b)	Mutual legal assistance ( <i>continued</i> )
3 p.m.-6 p.m.	4	Technical assistance for capacity-building: priorities and needs
	5	Future action to enhance international cooperation under the Convention against Corruption
	6	Conclusions and recommendations