



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

Distr.: Limited
18 October 2012

Original: English

Sixth session

Vienna, 15-19 October 2012

Draft report

Rapporteur: Consolata **Kiragu** (Kenya)

Addendum

VIII. 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

1. At its 7th meeting, on 18 October 2012, the Conference considered agenda item 4, entitled “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”. For its consideration of the item, the Conference had before it the report of the Secretariat on 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 (CTOC/COP/2012/9).

2. A representative of the Secretariat made an introductory statement.

3. The Chair of the Working Group on International Cooperation briefed the Conference on the deliberations of the Working Group and presented its recommendations.

4. Statements were made by the representatives of Andorra, Sri Lanka, Kazakhstan, Indonesia, China, the Russian Federation, the United States and Egypt.

5. A statement was made by the observer for the United Nations Educational, Scientific and Cultural Organization.

6. A statement was also made by the Conference of Ministers of Justice of Ibero-American Countries.



Deliberations

7. Several speakers highlighted the importance of using the Convention either as the sole legal basis or in conjunction with other international cooperation treaties for the purposes of extradition, mutual legal assistance and international cooperation for the purposes of confiscation. The necessity of fully implementing the provisions on international cooperation of the Convention in order to combat transnational organized crime was stressed. Speakers highlighted the usefulness of those provisions in combating a large number of offences, such as cybercrime and money-laundering. Such provisions also allowed for the confiscation of illicit assets and asset recovery.

8. Several speakers expressed appreciation for the work done by UNODC in developing the digest of organized crime cases, the Mutual Legal Assistance Request Writer Tool, the manual on mutual legal assistance and extradition, the manual on international cooperation for the purposes of confiscation of proceeds of crime and the directory of competent national authorities, as well as facilitating the development of regional networks active in the field of cooperation in the fight against transnational organized crime. Some speakers underscored the usefulness of capacity-building workshops for practitioners on drafting mutual legal assistance requests and noted the need to increase awareness among such practitioners of the Convention.

9. Speakers underlined the need for training and technical assistance in order to improve the capacities of national authorities in using the Convention to deal with extradition, mutual legal assistance and confiscation requests. Some speakers emphasized the usefulness of online networking and videoconferencing, especially when used to obtain oral testimony of witnesses, in facilitating international cooperation.

10. Several speakers underlined that subregional, regional and international cooperation were essential in combating transnational organized crime. Practitioners were encouraged to share good practices in order to combat transnational organized crime more effectively.

11. Some speakers noted the many types of crime for which they had been able to use the provisions on international cooperation of the Convention in order to both request and respond to requests for mutual legal assistance.

12. Some speakers noted that bilateral treaties were still required with those countries which made cooperation conditional on the existence of a treaty and that did not take the Convention as the legal basis for cooperation on extradition or mutual legal assistance.

13. Some speakers noted that requests for extradition were often denied without an explanation from the requested State, although article 16, paragraph 16, of the Convention indicated that, before refusing extradition, the requested State party should, where appropriate, consult with the requesting State party, so as to allow it to provide relevant information.