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Commission on Narcotic Drugs

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Agenda item 6 (b)

Illicit drug traffic and supply: follow-up to the twentieth special session of the General Assembly

Angola, Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Ecuador, Italy, Peru, Philippines, Portugal, Slovenia, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: revised draft resolution

Judicial cooperation: strengthening of central authorities with a view to the effective implementation of mutual legal assistance

The Commission on Narcotic Drugs,

Reaffirming that mutual legal assistance is an essential element of action to overcome the world drug problem on the basis of common and shared responsibility,

Recalling the provisions of article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹ in accordance with which States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings,

Recalling also the importance of the designation of an authority or, where necessary, authorities to execute requests for mutual legal assistance or to transmit them to the competent authorities for execution,

Emphasizing that at the twentieth special session of the General Assembly, devoted to countering the world drug problem together, States undertook to promote multilateral, regional, subregional, and bilateral cooperation among judicial and law enforcement authorities to deal with criminal organizations involved in drug-related offences,

¹ *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Recalling that the implementation of measures to promote judicial cooperation adopted by the General Assembly at its twentieth special session is to be reviewed by 2003,

Bearing in mind that, despite the commitments undertaken, the use of the mechanism for direct communication and the level of response to requests for mutual legal assistance continue to be inadequate,

1. *Requests* parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988¹ that have not yet done so to designate their authorities in accordance with article 7, paragraph 8, of the Convention;

2. *Urges* Parties to the Convention to use the mechanism of a designated authority or authorities as the preferred mechanism for direct communication of requests for mutual legal assistance;

3. *Encourages* parties to the Convention to consider, within their national laws and procedures, providing special measures for the receipt of urgent requests, including, where possible and appropriate, direct transmission of such requests to the competent authorities for execution;

4. *Urges* parties to the Convention providing mutual legal assistance to seek to respond expeditiously to requests for information and evidentiary items submitted by other parties. Such requests should be made in writing in a language acceptable to the requested party;

5. *Also urges* that parties to the Convention, when they exercise their right to postpone or refuse requests for mutual legal assistance under article 7, to inform the requesting State as soon as possible of their decision and to provide reasons in case of refusal;

6. *Invites* parties to the Convention to consider the possibility of concluding bilateral, regional or multilateral agreements to strengthen cooperation by means of the mutual legal assistance mechanism;

7. *Requests* that the United Nations International Drug Control Programme, within voluntary resources, increase its technical assistance in order to strengthen the capacity for response of Parties to the Convention, through their designated authorities.