



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

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### Draft report

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#### Addendum

### International cooperation in combating transnational crime

1. At its 6th, 7th and 9th meetings, on 18, 19 and 22 April, the Commission considered item 5 of its agenda. It had before it the following documents:

(a) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2 and Corr.1);

(b) Report of the Secretary-General on progress made in the implementation of Economic and Social Council resolution 2001/12 on illicit trafficking in protected species of wild flora and fauna (E/CN.15/2002/7);

(c) Report of the Secretary-General on effective measures to prevent and control computer-related crime (E/CN.15/2002/8);

(d) Report of the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes (E/CN.15/2002/9);

(e) Addendum to the report of the Secretary-General: results of the study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes (E/CN.15/2002/9/Add.1);

(f) Report of the Secretary-General on promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2002/10).

2. The Commission heard statements on agenda item 5 by the representatives of Colombia, Jamaica, Spain (on behalf of the States members of the European Union



and associated States), Jordan, France, Thailand, Turkey, Colombia, Sweden, the United Kingdom of Great Britain and Northern Ireland, Ecuador, Egypt, Mexico, Australia, India, Austria, Poland, Yugoslavia, Azerbaijan, Ukraine, the Republic of Korea, China, Burkina Faso, Canada, Morocco, Kyrgyzstan, Indonesia, the Netherlands, Peru, Angola, Croatia, the United States of America and Venezuela. Statements were also made by the observers for the International Association of Prosecutors, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the African-Asian Legal Consultative Organization, the International Centre for Criminal Law Reform and Criminal Justice Policy and the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

## **Deliberations**

3. The Director of the Centre for International Crime Prevention introduced the item by highlighting the efforts of the Centre to respond to the growing problem of transnational crime. He summarized activities of the Centre such as promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto; supporting the negotiation of the draft United Nations Convention against Corruption; supporting the work of the group of experts on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes; conducting research on developments in computer-related crime; and addressing the problem of illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources. The Director thanked donor countries for their support and highlighted the need for contributions to enable the Centre to assist States in implementing the United Nations Convention against Transnational Organized Crime and the Protocols thereto, pursuant to article 30 of the Convention and General Assembly resolutions 55/25 and 56/120.

### **1. United Nations Convention against Transnational Organized Crime and the Protocols thereto**

4. There was general consensus that the signing, ratification and coming into force of the United Nations Convention against Transnational Organized Crime should be the greatest priority for the international community and the Centre for International Crime Prevention, in terms of both international action and domestic efforts. Many speakers stressed that, as the Convention and its Protocols had been finalized and adopted, it was time to put them to work.

5. While some representatives expressed concern at the slow pace of ratification, most reported on the ratification efforts in their countries and many indicated that they their Governments expected to be in a position to ratify the Convention, and in some cases one or more of its Protocols, within the coming year. Most agreed that there was reason for optimism. Most of the representatives also expressed strong support for the work of the Centre, in particular its efforts to support the ratification process, calling for increased contributions to the United Nations Crime Prevention and Criminal Justice Fund to ensure the continuation of that work, pursuant to article 30 of the Convention. One representative reported on a national law under which 25 per cent of the confiscated proceeds from cases involving organized crime

would be contributed to that fund and suggested that others consider a similar course of action.

6. A number of speakers reported on pre-ratification meetings held at the regional or subregional level since the instruments were opened for signature, referring to declarations adopted by those meetings, some of which had been made available to the Commission as conference room papers. Some speakers supported the development of legislative guides to assist Governments and legislatures in their efforts to ratify and implement the instruments, as well as the need to have the texts translated into languages other than the official languages of the United Nations, in order to assist countries, in particular developing countries, in those efforts.

7. Several speakers also referred to regional efforts or programmes established to assist in the ratification of the instruments or other efforts to combat transnational crime, such as the Asian hotline for sharing information about smuggling activities and the "24/7" contact network (operating 24 hours a day, 7 days a week) established by the Group of Eight and maintained by Interpol to provide rapid legal assistance in cases involving computer-related crime. Some speakers also reported on national or regional meetings held to consider the fight against organized crime or efforts to ratify and implement the instruments.

## **2. Action against corruption**

8. The Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption outlined the recent work of the Ad Hoc Committee in preparing the draft United Nations Convention against Corruption. Several representatives thanked the Government of Argentina for hosting the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, which had been held in Buenos Aires in December 2001. Most speakers regarded corruption as a serious threat to democracy, transparency, good governance and the rule of law and expressed the view that the ongoing negotiations should produce effective measures for dealing with that problem. A number of speakers made reference to the need for a broad instrument, embodying the various elements considered by the Commission at its tenth session and subsequently adopted by the General Assembly in its resolution 56/260, on the terms of reference for the negotiation of an international legal instrument against corruption. Several speakers also emphasized the importance of incorporating in the future Convention measures on preventing and combating the transfer of funds of illicit origin and returning such funds to the countries of origin; they welcomed the holding of a one-day workshop on that subject in conjunction with the second session of the Ad Hoc Committee. One speaker noted that African States were negotiating a similar instrument in Addis Ababa, under the auspices of the Organization of African Unity; he expressed the hope that that instrument would be consistent with the future United Nations Convention against Corruption.

9. A number of speakers also expressed support for the work accomplished within the framework of the global programme against corruption and thanked donors for supporting the programme; those speakers were of the view that the global programme should continue. In that context, mention was made of specific projects undertaken within the framework of the global programme, including

projects in the areas of judicial integrity and the production of materials to assist in the development of integrated national anti-corruption strategies.

### **3. High-technology and computer-related crime**

10. A number of speakers also addressed the issue of high-technology and computer-related crime. Several referred to the recently adopted Council of Europe Convention on Cybercrime<sup>1</sup> in connection with national amendments and other measures to facilitate the ratification and implementation of that instrument. A number of representatives of developing countries highlighted the need for technical assistance, including training and knowledge transfer, in order to build national capacity to prevent and investigate computer-related crime and to enable countries to become fully involved in international cooperation efforts. One speaker expressed support for the negotiation of an international legal instrument against computer-related crime; however, others shared the view expressed by several representatives at the tenth session of the Commission, namely that it was premature to negotiate such an instrument. Most speakers expressed the view that there was an urgent need for further research and technical cooperation to enable developing countries to counter computer-related crime.

11. Concerns were expressed about specific types of computer-related crime. One major concern was the issue of the use of information and communications technologies in the sexual exploitation of children, in particular to support sex tourism and to produce and disseminate child pornography, which had been highlighted at the second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in December 2001. Concerns were also expressed about the use of information and communications technologies for drug trafficking, as highlighted in the *Report of the International Narcotics Control Board for 2001*,<sup>2</sup> and the misuse of such technologies in economic crimes such as manipulating electronic funds transfers, terrorist activities and stealing information that was valuable or sensitive for commercial reasons. It was noted that measures called for in the report of the Secretary-General on the conclusions of the study on effective measures to prevent and control high-technology and computer-related crime (E/CN.15/2001/4), submitted to the Commission at its tenth session, and in the plans of action for the implementation of the Vienna Declaration, which included a plan of action against terrorism (General Assembly resolution 56/261, annex, sect. VII), had not been followed up by the Secretariat. One representative indicated that his Government was willing to actively support that work in the future.

### **4. Illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes**

12. Many speakers referred to the work of the group of experts on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. One speaker requested that the report of the Secretary-General and the results of the study (E/CN.15/2002/9 and Add.1) be taken into consideration in future work of the Centre for International Crime Prevention and other United

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<sup>1</sup> Council of Europe, *European Treaty Series*, No. 185.

<sup>2</sup> United Nations publication, Sales No. E.02.XI.1, chap. I.

Nations entities and that those documents be disseminated within the United Nations system. One speaker expressed concern that the group of experts, in its study, had underestimated the seriousness of the problem. Some speakers expressed the view that further action on that issue should not be considered a priority by the Commission, while others expressed support for the negotiation of an additional international instrument on the subject. Additional concerns were expressed about the easy availability of technical information about explosives and explosive devices on the Internet.

## **5. Trafficking in human beings and the smuggling of migrants**

13. A number of speakers, concerned about the problem of trafficking in human beings, expressed support for the global programme against such trafficking. Speakers also expressed concern about the smuggling of migrants. Some representatives drew attention to a range of domestic legislative and enforcement efforts to combat such trafficking and smuggling. Those efforts included taking steps to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol against the Smuggling of Migrants, as well as regional activities such as the regional ministerial conference held in Nusa Dua, Indonesia, in February 2002, which had sent a strong message to organized criminal groups in Asian countries that trafficking in or smuggling of human beings would not be tolerated. The observer for the United Nations Mission in Bosnia and Herzegovina emphasized the seriousness of the problem in the Balkan area, its links with other forms of organized crime and the difficult challenge of combating such trafficking while at the same time attempting to re-establish basic criminal justice infrastructure. He encouraged the States in the Balkan area to work effectively together to deal with that problem.

## **6. Illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources**

14. Several speakers referred to the existence of other relevant instruments, notably the Convention on International Trade in Endangered Species of Wild Flora and Fauna. Others expressed the view that the future work of the Centre for International Crime Prevention in that area should be coordinated with the entities established to support relevant international instruments that had already been adopted and that a balance between national and international measures was needed. One speaker highlighted the seriousness of the problem, which it considered to be second only to drug trafficking or trafficking in firearms in terms of the profits or volumes involved.

15. The observer for the Secretariat for the Convention on International Trade in Endangered Species of Wild Flora and Fauna indicated that, in dealing with the illicit trade in endangered species, his secretariat had extensive law enforcement experience; for example it had provided technical assistance to States in areas such as the investigation and prosecution of cases. He expressed the view that the greatest problem in that area was with respect to the setting of priorities and allocation of resources at the national level, and he urged the Commission to channel its efforts in that direction. He indicated the willingness of his secretariat to

assist the Centre for International Crime Prevention, the Commission or any Member State in that regard.

## **7. Kidnapping**

16. A presentation was made on the problem of kidnapping as a form of transnational organized crime. It was indicated that kidnapping was an extremely serious problem, resulting in deaths and suffering for the victims and their families, generating proceeds that were subsequently used by organized criminal groups for other illicit purposes, such as to exert influence on local and national governments. It was noted that kidnapping was committed by conventional organized criminal groups or by subversive groups, either separately or jointly; in the case of joint operations, criminal groups would kidnap persons and then “sell” them to subversive groups. The kidnapping tactics used in one country were sometimes copied in others. The victims generally included a substantial number of foreigners.

## **8. Other issues**

17. Concern was expressed about a number of other types of crime commonly associated with organized criminal groups and elements of transnationality, including drug trafficking, trafficking in firearms and other weapons, terrorism and related activities, money-laundering and the smuggling and illicit disposal of toxic or dangerous substances such as radioactive waste. One speaker emphasized the need to avoid deporting offenders to countries that had few resources and no adequate social or criminal justice facilities to deal with them. In some cases, the offenders had left their countries of origin as children and had been deported without having any contacts or the means of integrating themselves into society; that placed a severe burden on the recipient country, which had little or no connection with the offenders or their criminal behaviour.

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