



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

Thirteenth session

Vienna, 11-20 May 2004

Item 5 of the provisional agenda\*

#### **International cooperation in combating transnational crime**

#### **United States of America: draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

#### **Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on asset-sharing**

*The Economic and Social Council,*

*Recalling* that article 13, paragraph 2, of the United Nations Convention against Transnational Organized Crime,<sup>1</sup> which obliges States parties to the Convention, when requested by other States parties, to take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of the Convention for the purpose of eventual confiscation, and article 14, paragraph 3, of the Convention, according to which States parties may give special consideration to concluding agreements on sharing with other States parties such confiscated proceeds of crime or property,

*Recalling also* that article 5, paragraph 4 (b), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>2</sup> provides for such measures as well,

*Aware* that requesting States, in pursuing property subject to confiscation located beyond their borders, and States executing requests from other States related

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\* E/CN.15/2004/1/Rev.1 and Corr.1.

<sup>1</sup> General Assembly resolution 55/25, annex I.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.



to confiscation often incur substantial expenses in investigations, prosecutions or judicial proceedings,

*Mindful* that an increasing number of States have concluded agreements on asset-sharing in order to foster cooperation in matters involving confiscation and, in so doing, defray case-related expenses,

*Determined* to strengthen international cooperation in the confiscation of the proceeds and instrumentalities of crime,

*Recognizing* that a model bilateral agreement on asset-sharing could facilitate greater international cooperation in the confiscation of the proceeds and instrumentalities of crime and could contribute to the achievement of the objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption,<sup>3</sup>

1. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary funds and in accordance with the Commission guidelines for the use of general-purpose funds,<sup>4</sup> an intergovernmental expert group to prepare a draft model bilateral agreement on asset-sharing;

2. *Accepts with gratitude* the offer of the Government of the United States of America to host the meeting of the intergovernmental expert group;

3. *Requests* the intergovernmental expert group, in carrying out its work, to draw from existing agreements on asset-sharing and other relevant instruments developed in multilateral forums;

4. *Requests* the Secretary-General to submit the results of the meeting of the intergovernmental expert group to the Commission on Crime Prevention and Criminal Justice at its fourteenth session for consideration.

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<sup>3</sup> General Assembly resolution 58/4, annex.

<sup>4</sup> Commission on Narcotic Drugs resolution 44/20, annex.