



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

Thirteenth session  
Vienna, 11-20 May 2004  
Agenda item 5

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

#### **Azerbaijan, Croatia, Georgia, Ukraine and United States of America: revised 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 disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988**

*The Economic and Social Council,*

*Recalling* 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 recalling also 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,

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



*Recalling further* article 5, paragraph 4 (b), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>2</sup> which 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 to confiscation often incur substantial expenses in investigations, prosecutions or judicial proceedings,

*Mindful* that an increasing number of States have concluded agreements on sharing confiscated proceeds of crime in order to foster cooperation in matters involving confiscation, for example by defraying case-related expenses,

*Determined* to strengthen international cooperation in the confiscation and disposal of the proceeds of crime, covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

*Recognizing* that a model bilateral agreement on sharing confiscated proceeds of crime could facilitate greater international cooperation in this matter and could contribute to the achievement of the objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and that such a model agreement should not prejudice the principles set forth in the United Nations Convention against Corruption<sup>3</sup> or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention,

1. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an open-ended intergovernmental expert group, the composition of which should reflect an equitable geographical representation and a diversity of legal systems, to prepare a draft model bilateral agreement on sharing confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime<sup>1</sup> and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;<sup>2</sup>

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

3. *Requests* the open-ended intergovernmental expert group, in carrying out its work, to take into account, where appropriate, existing agreements on sharing confiscated proceeds of crime and other relevant instruments developed in multilateral forums;

4. *Requests* the Secretary-General to submit the results of the meeting of the open-ended intergovernmental expert group to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice at its fourteenth [fifteenth] session for their consideration.

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

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