



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

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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

Belgium: draft resolution**

Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime

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

Emphasizing the particular relevance of the United Nations Convention against Transnational Organized Crime¹ as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for purposes of confiscation, and mindful of the need to develop tools to facilitate international cooperation and the need to strengthen central authorities,

Recalling its decision 3/2, in which it decided that an open-ended working group on international cooperation would be a constant element of the Conference, and its decision 4/2, in which it took note of the in-depth substantive discussion of that working group at its meeting, held during the fourth session of the Conference,

Taking note with appreciation of the work already done by the Secretariat as requested in the above-mentioned decisions,

* CTOC/COP/2010/1.

** On behalf of the States Members of the United Nations that are members of the European Union.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.



1. *Requests* the Secretariat to continue and enhance the activities mentioned in decision 4/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime by, inter alia:

(a) Promoting and disseminating the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,² developed by the United Nations Office on Drugs and Crime;

(b) Analysing and using the examples provided by Member States of how they are applying articles 12, 13, 16 and 18 of the United Nations Convention against Transnational Organized Crime,³ as well as the catalogue of cases of extradition, mutual legal assistance and other forms of international legal cooperation, in order to present a digest and other technical assistance tools highlighting best practices so as to avoid possible obstacles to the full and successful implementation of the Convention;

(c) Drafting a model law for the implementation of the Organized Crime Convention to complement the work already done with regard to the Protocols to the Convention;

(d) Providing, if necessary and upon request, the legal assistance needed to ensure the effectiveness of mutual legal assistance requests based on the Organized Crime Convention and the Protocols thereto, including by facilitating communication and the exchange of information between the States parties concerned;

(e) Promoting the use of existing mutual legal assistance instruments while taking into account the need to adapt them to the specific requirements of legal assistance in the fight against transnational organized crime;

2. *Also requests* the Secretariat to continue and to foster international and regional cooperation pursuant to decision 4/2, by, inter alia:

(a) Considering establishing among States parties a global network of focal points having competence in the field of international legal assistance and extradition for international and interregional cooperation and, in the framework of that network, facilitating the exchange of information among all central authorities concerned, as well as judicial authorities and practitioners at the different levels;

(b) Drafting a practical guide to facilitate international and interregional cooperation for purposes of confiscation;

(c) Developing a practical guide to facilitate the drafting, transmission and execution of demands for extradition pursuant to article 16 of the Organized Crime Convention;

(d) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Organized Crime Convention and the establishment of joint investigative bodies, as well as possible solutions to those issues, including the drafting of model bilateral

² United Nations publication, Sales No. E.05.V.2.

³ United Nations, *Treaty Series*, vol. 2225, No. 39574.

arrangements or agreements for the establishment of such bodies between States parties;

(e) Building, based on existing cases and experiences, a matrix identifying legal and practical issues that could arise in the implementation of article 20 of the Organized Crime Convention and the use of special investigative techniques, as well as possible solutions to those issues, including the drafting of model bilateral arrangements or agreements on the use of such techniques between States parties;

(f) Drafting model bilateral or multilateral agreements on law enforcement and judicial cooperation between States parties;

3. *Encourages* States parties to continue to make use of the Organized Crime Convention as a legal basis for international cooperation in extradition and mutual legal assistance, including confiscation, taking into account the full scope of cooperation available under its provisions, to promote awareness of the Convention and to facilitate training activities for central authorities, judges, prosecutors, law enforcement officers and officers of national central bureaux of the International Criminal Police Organization (INTERPOL) who are engaged in international legal cooperation to combat transnational organized crime through implementation of the Convention and its Protocols;

4. *Encourages* States parties, in particular:

(a) To endeavour to expedite extradition procedures and to simplify the evidentiary requirements relating thereto in respect of any offence to which article 16 of the Organized Crime Convention applies;

(b) To seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition, taking into account the provisions of article 16, paragraph 3, of the Organized Crime Convention, as well as to serve the purposes of, to give practical effect to or to enhance the provisions of article 18 of the Convention, on mutual legal assistance;

(c) To implement fully all the provisions of the Organized Crime Convention related to international cooperation, giving special attention to the need for developing joint investigative bodies (article 19), special investigative techniques in the context of cooperation at the international level (article 20) and international cooperation for purposes of confiscation (article 13);

(d) To dispose of confiscated proceeds of crime or property in accordance with the provisions of article 14 of the Organized Crime Convention, giving priority consideration to returning the confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners, and to give special consideration to concluding agreements or arrangements for the purposes mentioned in paragraph 3 of article 14;

5. *Requests* the Secretariat to report to the Conference at its sixth session on the implementation of the present resolution.