



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

Distr.: Limited
13 October 2017

Original: English

**Working Group on
International Cooperation**
Vienna, 9-13 October 2017

**Working Group of Government
Experts on Technical Assistance**
Vienna, 11-13 October 2017

Draft report on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017

Addendum

II. Recommendations (*continued*)

Working Group on International Cooperation

1. The following recommendations were formulated by the Working Group on International Cooperation:

(a) States parties that have not yet done so should adopt or amend their legislation, as appropriate, to treat both cybercrime offences and conventional crimes involving electronic evidence that are of transnational nature and involve an organized criminal group, as “serious crimes”, as defined in article 2(b) of the Organized Crime Convention, thus providing for a wider scope of application of the Convention in their domestic legal systems and enabling the use of the Convention as legal basis for international cooperation in relation to those offences;

(b) The Secretariat should, in cooperation with other partner organizations active in the fields of international cooperation to combat transnational organized crime, as well as cybercrime, where appropriate and subject to the availability of resources, undertake training activities for both criminal justice and law enforcement authorities and private sector entities (service providers), at both the national and regional levels, on the gathering and sharing of electronic evidence and on international cooperation involving such evidence;

(c) The Secretariat should assist the Conference of the Parties to the Organized Crime Convention and its Working Group on International Cooperation in maintaining open channels of communication with the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and in relation to the future work of the latter expert group as defined in resolution 26/4 of the Commission on Crime Prevention and Criminal Justice, and with emphasis on the exchange of information on national legislation, best practices, technical assistance and international cooperation involving electronic evidence;

(d) States parties should consider amending their legislation to require that companies dealing with cryptocurrencies, such as Bitcoin, comply with anti-money



laundering standards, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of proceeds of crime and tackling the financing of terrorism;

(e) States parties that have not done so should consider amending their legislation to clearly define rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained overseas; and to revise, where appropriate, their existing mutual legal assistance procedures to adapt them to the demands of obtaining and handling electronic evidence;

(f) States parties should build — or further enhance — effective networks for information-sharing in the process of obtaining electronic evidence.

III. Summary of deliberations

Working Group on International Cooperation

B. Good practices for bilateral consultations between central authorities, including preparation, case tracking, training and participation (agenda item 3) (*continued*)

2. One speaker expressed concern about the use of modern technologies, including instant messaging and personal emails, due to sensitive information relating to MLA requests being transmitted. Furthermore, reference was made to the negotiation in the framework of the Conference of Ministers of Justice of the Ibero-American Countries/IberRed of a draft agreement within the context of the Organization of Ibero-American States on the electronic transmission of requests for international cooperation between central authorities of the member States of the Organization.
