



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

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**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

III. Summary of deliberations (*continued*)

**Joint items of the Working Group on International Cooperation and the Working
Group of Government Experts on Technical Assistance**

B. Other matters (agenda item 6, Working Group on International Cooperation; agenda item 4, Working Group of Government Experts on Technical Assistance)

1. The working groups considered the joint agenda item entitled “Other matters” during the morning meeting of 12 October 2017. Under this agenda item, the Chair invited delegations to suggest topics for possible inclusion in the agendas of future working group meetings, subject to further consideration and decision by the extended Bureau of the Conference. For future meetings of the Working Group on International Cooperation, the following topics were suggested:

- How to balance human rights obligations and obligations to extradite/provide mutual legal assistance arising from the Convention, including topics such as human rights guarantees, monitoring such guarantees, best practices and experiences of States parties in this regard and guarantees for due process when implementing the Convention.
- The link between the offence prosecuted in the requesting State and the money/assets to be confiscated in the requested State, according to article 12 of the Organized Crime Convention, including topics such as the requirements in the national law of States parties and experiences and best practices in this regard.
- The use of communication technologies, such as videoconference, for hearing testimonies or for use during criminal proceedings.
- The use/role of joint investigative bodies in combatting transnational organized crime, for example as regards confiscation of the proceeds of crime.



- The effective management of central authorities to engage in international cooperation.
 - Exchange of experiences and views regarding the practice of consultations before an extradition request is refused, especially in cases where such a decision is made by a court.
 - Sharing best practices on handling the confiscated proceeds of crime, with a focus on money laundering and the recovery of assets.
 - Electronic evidence with a focus on the use of the internet for terrorist purposes.
 - Sharing experiences regarding the issue of dual nationality of individuals who are requested for extradition.
 - The topic of temporary surrender of nationals, who are subject to extradition for prosecution, upon the condition of their return to the requested State to serve their sentence.
 - The topic of enforcing a sentence imposed on nationals of the requested State in lieu of extradition.
 - Sharing experiences on simplifying extradition proceedings and submission of evidence.
2. For future meetings of the Working Group of Government Experts on Technical Assistance, the following topics were suggested:
- Strengthening the capacity of central authorities and competent national authorities to counter transnational organized crime through regional approaches to technical assistance.
 - Exchanging views on good practices for effective training and capacity building courses, such as training of trainers courses and training courses provided through south-south cooperation, including their monitoring and evaluation.
3. Other suggestions included: the idea of presenting the SHERLOC portal at other intergovernmental meetings, such as at the meetings of Heads of National Drug Law Enforcement Agencies of the Commission on Narcotic Drugs; the idea that the topics of the Working Group on International Cooperation and of the Working Group of Government Experts on Technical Assistance could be linked on different aspects so as to discuss the technical assistance needs for certain forms of international cooperation; and that there could be linkages between the topics of the Working Group of Government Experts on Technical Assistance and other working groups of the Conference, for example regarding legislative assistance to implement the Protocols.
4. The working groups also discussed the future work of the working groups in the lead up to the ninth session of the Conference. Different views were expressed regarding the timing of the next meetings of the working groups to finalize the draft questionnaires to review the implementation of the Convention and its Protocols. Many speakers suggested that the working groups should hold meetings in 2018 well in advance of the ninth session of the Conference so as to have enough time to finalize the questionnaires and present them to the Conference for its consideration; it was also noted that horizontal coordination among the draft questionnaires was needed in order to finalize their contents. Many other speakers said that the process of discussing the establishment of the review mechanism and the preparation of its procedures and rules was a parallel process and was ongoing, as mandated by Conference resolution 8/2, and that therefore it was not possible at this stage to decide on the exact timing of future meetings of the working groups. Some speakers suggested that the questionnaires could be further discussed through regional meetings and/or meetings of the Regional Groups; other speakers questioned what the advantage would be of such a procedure and noted that resolution 8/2 also indicated that the questionnaires would be considered by the working groups of the Conference. One speaker suggested that the Secretariat could prepare a document that contained all the draft questionnaires, which could serve as a useful reference for delegations.

It was also noted that the extended Bureau of the Conference would need to decide on the exact schedule of Conference working group meetings in 2018.

5. Under “Other matters”, the Chair also invited views from delegations regarding whether the questionnaire for the Organized Crime Convention should include the *mutatis mutandis* measures that applied to the Protocols; one speaker noted that such provisions should be covered under the questionnaire for the Convention and not for the Protocols, as this would be more congruent with the work of national practitioners who would be responding to the questionnaires.

6. Also under this agenda item, the Secretariat delivered a presentation on the Mutual Legal Assistance Writer Tool in its new redeveloped version and provided further explanations on the additional features and components of the new version. It was said that the tool was both finalized and that the Secretariat was in the process of making it available to practitioners, including through online application to receive access to the tool. It was also noted that the tool could be translated into other language versions, both United Nations official languages and others, subject to availability of funds.

IV. Organization of the meetings

B. Statements (*continued*)

7. Under the joint agenda items, namely agenda item 6 of the Working Group on International Cooperation and agenda item 4 of the Working Group of Government Experts on Technical Assistance, statements were made by representatives of the following States parties to the Convention: Algeria, Argentina, Brazil, Canada, Egypt, Germany, Iran, Iraq, Kenya, Mexico, Nigeria, Oman, Pakistan, Romania, Rwanda, Singapore, Spain, Sri Lanka, Sudan, Switzerland, Turkey, United States of America.
