



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

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Working Group on International Cooperation

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Draft report on the meeting of the Working Group on International Cooperation held in Vienna on 7 and 8 July 2020

Addendum

II. Recommendations (*continued*)

(a) States parties are encouraged, where possible and necessary, to use joint investigations as a modern form of international cooperation to increase the effectiveness of and expedite cross-border investigations for the broadest possible range of offences, as an alternative of, or to complement, MLA requests; in doing so, States parties need to be able to act quickly, bearing in mind that information or evidence to be obtained may be available only for a limited period of time;

(b) States parties are encouraged to make further use, where appropriate, of article 19 of the Organized Crime Convention, as well as other applicable instruments at the international, regional and bilateral levels, as a legal basis for joint investigations; in doing so, they may wish to develop model agreements, or use existing ones at the regional level, on the setting-up of joint investigative bodies and further disseminate them to competent judicial, prosecutorial and law enforcement authorities;

(c) States parties are also encouraged to exchange best practices and lessons learned in the field of joint investigations, especially those on the implementation of article 19 of the Organized Crime Convention; in this regard, emphasis should be placed on evaluating joint investigations' results in a structured manner, as well as measuring the success and overall effectiveness of joint investigations;

(d) States parties are further encouraged to facilitate training activities for judges, prosecutors, law enforcement officers or other practitioners engaged in joint investigations;

(e) States parties should promote mutual trust and confidence among their competent authorities from the initial phase of planning the deployment of a JIT or joint investigative body;

(f) States parties should further ensure that communication channels are properly maintained in all phases of joint investigations to proactively identify competent authorities in the cooperating States; address practical, legal and operational issues; facilitate the provision of clarifications on applicable legal and



disclosure requirements; and overcome practical or substantive challenges, such as those associated with different investigative structures and principles or relating to jurisdictional issues, the *ne bis in idem* principle and the admissibility in court of evidence obtained from joint investigations;

(g) States parties are strongly encouraged to make use of the resources and facilities provided by regional bodies or mechanisms, including Eurojust, as well as existing judicial and law enforcement networks, to enhance coordination for joint investigations at all their stages, from planning to setting-up, and from operation to closure and evaluation;

(h) States parties are encouraged to include provisions and clauses on financial arrangements in their agreements regarding joint investigations, where appropriate in a flexible manner to allow for adaptations, with a view to having a clear framework on the allocation of costs, including translation and other operational expenses, incurred in joint investigations;

(i) The Secretariat should continue its work to collect and make available on SHERLOC information on applicable laws or arrangements at the national and regional levels regulating aspects relevant to joint investigations; and, further promote the use of the redeveloped Mutual Legal Assistance Request Writer Tool, which contains, *inter alia*, guidance on how to draft an MLA request for conducting a joint investigation, where this is necessary;

(j) Building on previous recommendation contained in COP resolution 5/8, and on relevant guidance stemming from the deliberations at the Working Group, the Secretariat should develop, subject to the availability of resources, [a matrix identifying legal and practical issues that could arise in the implementation of article 19 of the Organized Crime Convention, as well as possible solutions for those issues, including by collecting [sanitized] examples of arrangements or agreements concluded between States parties for that purpose] [a set of legal, practical and operational guidelines on the implementation of article 19 of the Organized Crime Convention].

III. Organization of the meeting

B. Statements (*continued*)

1. Under agenda item 1, statements were made by representatives from the following States parties to the Convention: Egypt and Palestine (State of).
2. Under agenda item 2, statements were made by representatives from the following States parties to the Convention: Argentina, Brazil, Chile, China, Colombia, Honduras, Indonesia, Norway, Paraguay, United Kingdom of Great Britain and Northern Ireland, United States of America, [...].

D. Attendance (*continued*)

3. The following parties to the Convention were represented at the meeting, connected remotely due to the specific format of the meeting in light of the coronavirus disease (COVID-19) pandemic: Guatemala and Sudan.