

Regional Workshop on International Cooperation in Criminal Matters

*Astana, Kazakhstan
20-21-22 July 2010*

ANNOTATED AGENDA

The goal of this workshop is threefold: an assessment of needs and gaps through among other the analysis of concrete cases; the facilitation of operational contacts between practitioners in international cooperation in criminal matters, and considerations on the feasibility of the setting up of an asset confiscation/recovery focal point network in line with UNODC conventions; the streamlining of UNODC regional interventions relating to international cooperation in criminal matters (i.e. organized crime, anti-money laundering, and corruption), including the development of a programme outline to be included into the *Regional Programme for Afghanistan and the Neighbouring countries*, as agreed upon during the strategic retreat held in June 2010.

The training team is composed of three UNODC and five international experts (from Australia, ECHR, Russian Federation TBC, UK TBC, and USA). The participants to the workshop are from eight recipient countries (Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan): one senior officer from the law enforcement agency empowered to investigate transnational organized crime with experience in drafting/execution extradition and/or MLA requests; one senior prosecutor experienced in drafting requests on the seizure of alleged proceeds or instrumentalities of crime in foreign jurisdictions; and one senior expert from the Central Authority dealing with requesting and execution of extradition and mutual legal assistance.

In order to enhance the common knowledge of UNODC tools and conventions, there will be presentations of relevant UN provisions related to judicial cooperation as well as good practices. A second module will be the presentation and discussion of concrete cases by all participants. A questionnaire has also been distributed to all participants, which will enable UNODC, OSCE and all stakeholders, to obtain a better mapping of current status of international cooperation, practices and gaps, as well as capacity building needs.

The workshop takes into account the recommendations made in previous meetings held in Astana and Almaty in 2008 and 2009 respectively and builds on UNODC partnership with OSCE, making this partnership key to effectively implementing the work of both organizations in the region.

Day 1: 20 July 2010 (Tuesday)

08:30-09:00 Registration

09:00-09:30 Opening remarks by Masood Karimpour, Regional Representative for Central Asia, UNODC ROCA, Amb. Alexandre Keltchewsky, Head of Centre OSCE Astana, and XXX, Representative of Kazakhstan. **Media participates in this session.**

Break

Introduction of participants

Session I: Extradition

10:00-10:45 Practical implementation of the provisions on extradition provided by the UN Conventions against drugs, organized crime, corruption and terrorism: best practice and challenges (Olga Zudova, Senior Legal Adviser, UNODC ROCA). Including Q&A session.

Overview of the extradition provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the United Nations Convention against Transnational Organized Crime (2000) and the three Protocols Thereto, and United Nations Convention against Corruption (2003): broad scope of application and added value.

10:45-11:30 Case work experience and lessons learned from international cooperation in extradition (Betsy Burke, Senior Trial Attorney, Office of International Affairs, Criminal Division, U.S. Department of Justice)

11:30-13:00 National legal frameworks and casework practice on extradition.
15 minute presentation by each participating country (Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, Uzbekistan)

Topics to be covered:

- Brief on national law(s) on extradition if any;
- Legal grounds for the execution of the requests for extradition (UNODC conventions, multilateral/regional/bilateral treaties, reciprocity);
- Grounds for refusal;
- Information to be included into requests for extradition;
- The role of Central Authorities;
- Difficulties encountered and proposed solutions.

Each participating country is expected to send to the organizers the text of its domestic law(s) on extradition and the checklist on information to be included into requests for extradition to be distributed among participants.

Lunch break

14:15-15:30 National legal frameworks and casework practice on extradition (Continued)

Break

16:00-16:45 Case work experience and lessons learned from international cooperation in extradition (Brianna Jennings, Senior Legal Officer, International Crime Cooperation Central Authority, Dept. of the Attorney-General of Australia) Including Q&A session.

16:45-17:30 Extradition and Fair Trial Safeguards: overview of the extradition cases of European Court of Human Rights (Tatiana Sveshnikova, European Court for Human Rights, ECHR). Including Q&A session.

17:30-17:40 Demonstration of the On-Line Directory of Central Authorities (Olga Zudova, UNODC ROCA)

Day 2: 21 July 2010 (Wednesday)

Session II: Mutual legal assistance (MLA)

09:00-10:00 Practical implementation of the provisions on mutual legal assistance provided by the UN Conventions against drugs, organized crime, corruption, and terrorism: best practice and challenges (*Sandra Valle, Senior Interregional Adviser, UNODC*). Including Q&A session.

Overview of the mutual legal assistance provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the United Nations Convention against Transnational Organized Crime (2000) and the three Protocols Thereto, and United Nations Convention against Corruption (2003): broad scope of application and added value.

10.00-10.45 Case work experience and lessons learned from international cooperation in mutual legal assistance (*Brianna Jennings, Senior Legal Officer, International Crime Cooperation Central Authority, Dept. of the Attorney-General of Australia*)

Break

11:15-13:00 National legal frameworks and casework practice on mutual legal assistance. 15 minute presentation by each participating country (*Uzbekistan, Turkmenistan, Tajikistan, Pakistan, Kyrgyzstan, Kazakhstan, Iran, Afghanistan*)

Topics to be covered:

- Brief on national law(s) on mutual legal assistance if any;
- Legal grounds for the execution of the requests for mutual legal assistance (UNODC conventions, multilateral/regional/bilateral treaties, reciprocity);
- Strict or relaxed application of a dual criminality rule;
- Grounds for refusal;
- Information to be included into requests for mutual legal assistance;
- The role of Central Authorities;
- Difficulties encountered and proposed solutions.

Each participating country is expected to send to the organizers the text of its domestic law(s) on mutual legal assistance and the checklist on information to be included into requests for mutual legal assistance to be distributed among participants.

Lunch break

14.15-14.45 National legal frameworks and casework practice on mutual legal assistance (continued).

14.45-15.45 Case work experience and lessons learned from international cooperation in mutual legal assistance (*Betsy Burke, Senior Trial Attorney, Office of International Affairs, Criminal Division, U.S. Department of Justice*)

Break

16.15-17.15 Case work experience and lessons learned from international cooperation in mutual legal assistance (*Paul Close, Crown Prosecution Service, UK*) TBC

17.15-17.30 Demonstration of the UNODC Mutual Legal Assistance Request Writer Tool (*Sandra Valle, UNODC*)

Session III *MLA for the purpose of seizing and confiscating proceeds/instrumentalities of crime*

08:30-09:00 Overview of the consultative process of UNCAC – The value for developing countries (*Ali Hajighulam Saryazdi, Liaison and Coordination Officer, UNODC Afghanistan*)

Background of the negotiations and chairing the ad-hoc committee by a representative from a developing country (Colombia- Jordan). Contributions of the developing countries (i.e. Para 2 of article 1, article 4, article 12, article 43-59,...). Ratification and acceptance of the convention by developing countries (incl clarifications on reasons for more developing countries joining UNCAC than UNTOC). The importance of the provision of chapter IV on International Cooperation for the effective implementation of the convention.

09:00-10:00 UNCAC – the first international framework for asset recovery (*Dorothee Gottwald, Crime Prevention and Criminal Justice Expert, UNODC Vienna*). Including Q&A session.

Implementation of Chapter V of UNCAC. Update on recent developments on the Convention. Briefing on the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative and on networks for international cooperation for seizure and confiscation of proceeds/instrumentalities of crime.

Break

10.30-11.00 Case work experience and lessons learned from international cooperation in mutual legal assistance for the purpose of seizing and confiscating proceeds/instrumentalities (*Brianna Jennings, Senior Legal Officer, International Crime Cooperation Central Authority, Dept. of the Attorney-General of Australia*)

11:00-13:00 National legal frameworks and casework practice on mutual legal assistance for the purpose of seizing and confiscating proceeds/instrumentalities of crime - 15 minute presentation by each participating country (*Uzbekistan, Turkmenistan, Tajikistan, Pakistan, Kyrgyzstan, Kazakhstan, Iran, Afghanistan*)

Topics to be covered:

- Brief on national law(s) and practice(s) on seizure and confiscation of proceeds/instrumentalities of crime if any;
- Non-conviction based confiscation;
- Legal grounds for recognition/enforcement of foreign confiscation orders, and for sharing/return confiscated property;
- Types of property that can be confiscated, or value based;
- The reversal of burden of proof of the alleged proceeds of crime;
- Grounds for refusal;
- The role of Central Authorities and Finance Intelligence Units (FIUs);
- Difficulties encountered and proposed solutions.

Each participating country is expected to send to the organizers the text of its domestic law(s) on seizure and confiscation of proceeds/instrumentalities of crime.

Lunch break

14:15-15:15 UNODC Regional Programme for Afghanistan and Neighbouring countries – Subprogramme International Cooperation in Criminal Matters (*Andrea Mancini, Programme Coordinator, UNODC Vienna*) This session will provide an overview of the Regional Programme (under development) and set the framework for the participatory development of the sub-programme related to international cooperation in criminal matters

15:15-16:15 Discussion of conclusions and recommendations

Break

16.45-17.00 Workshop assessment

17.00-17.15 Closure