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International cooperation in combating transnational crime: United Nations Convention against Transnational Organized Crime and the Protocols thereto

United Nations Convention against Transnational Organized Crime and the Protocols thereto

Report of the Secretary-General**

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* E/CN.15/2004/1.

** The submission of the present report was delayed because of the need to take into account the latest developments with regard to the preparation for the Conference of the Parties to the Convention at its first session.



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I. Introduction

1. The General Assembly adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, by its resolution 55/25 of 15 November 2000. By its resolution 55/255 of 31 May 2001, the Assembly adopted the supplementary Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
2. In his report of 4 July 2003 on promoting the ratification of the Convention and the Protocols thereto (A/58/165), the Secretary-General emphasized that the intensification of pre-ratification activities had led to the entry into force of the Organized Crime Convention on 29 September 2003. He recognized the strong support from Member States to the United Nations Office on Drugs and Crime in its work to promote ratification and implementation of the Convention and its Protocols and reiterated the need for States' continuing support for the provision of technical assistance to developing countries and countries with economies in transition to enable them to meet their obligations under the instruments and to take strong and effective measures to prevent and combat transnational organized crime.
3. In its resolution 58/135 of 22 December 2003, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the General Assembly welcomed the entry into force of the Convention, and noted the number of signatures and ratifications of the three Protocols, which was likely to lead to the expected entry into force at an early date of the Trafficking in Persons Protocol and the Migrants Protocol.
4. In its resolution 58/140 of 22 December 2003, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity", the General Assembly supported the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime, corruption and terrorism, and stressed the need to enhance the operational activities of the United Nations Office on Drugs and Crime to assist, in particular, developing countries, countries with economies in transition and countries emerging from conflict; welcomed the results of the treaty event "Focus 2003: treaties against transnational organized crime and terrorism", organized by the Secretary-General in New York from 23 to 26 September 2003; and emphasized the importance of the expeditious entry into force of the remaining Protocols to the Convention; urged all States and regional economic organizations that had not yet done so to ratify or accede to the Convention as soon as possible, so as to participate in the Conference of the States Parties at its inaugural session, to be held in Vienna from 28 June to 9 July 2004; welcomed the voluntary contributions already made, and encouraged States to make adequate and regular voluntary contributions for the implementation of the Convention and the Protocols thereto, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives.

5. At its twelfth session, in 2003, the Commission on Crime Prevention and Criminal Justice expressed satisfaction with the progress made towards the ratification and implementation of the Organized Crime Convention and its Protocols and some speakers emphasized that the promotion of the ratification of the Convention should remain the highest priority of the Secretariat. In addition, the importance of establishing effective mechanisms for the implementation of the Convention and its Protocols, once the Conference of Parties to the Convention had been established, was underscored.¹

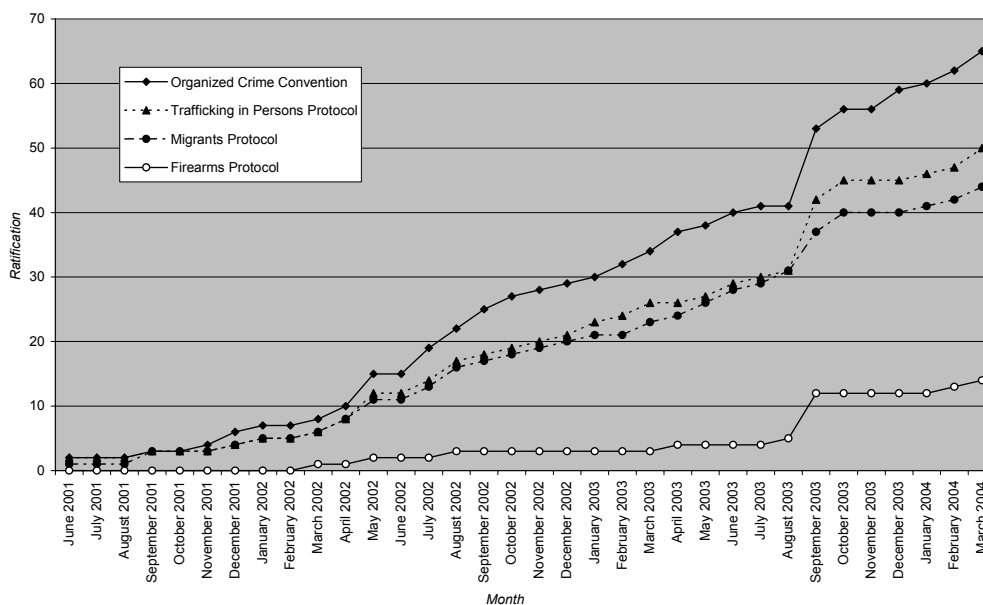
6. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its thirteenth session in order to inform it of developments regarding the activities and future work of the United Nations Office on Drugs and Crime in this area.

II. Promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

7. The Organized Crime Convention entered into force on 29 September 2003. With the impetus created by the treaty event organized in New York in September 2003, the Trafficking in Persons Protocol and the Migrants Protocol also entered into force on 25 December 2003 and 28 January 2004, respectively. In addition, the number of ratifications of the Firearms Protocol doubled on the occasion of the treaty event. During 2003, a total of 30 States ratified the Convention, 24 States ratified the Trafficking in Persons Protocol, 20 States ratified the Migrants Protocol and 9 States ratified the Firearms Protocol. At the time of writing the present report, there were 65 States parties to the Convention, 50 States parties to the Trafficking in Persons Protocol, 44 States parties to the Migrants Protocol and 14 States parties to the Firearms Protocol (see the figure below). An updated list of ratifications is provided in annex I to the present report.

Figure

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 23 March 2004



8. The Organized Crime Convention and its Protocols are the first instruments of global application in their field. The entry into force of the Convention and the Trafficking in Persons Protocol and Migrants Protocol will enable States parties to employ those instruments as a basis for international cooperation in fighting transnational organized crime more effectively. The United Nations Office on Drugs and Crime continues to carry out promotion activities aimed at maximizing the number of States parties at the first session of the Conference of the Parties to the Convention, as a short-term objective, and at achieving the universal ratification of and full compliance with the instruments as a long-term goal. The relevant activities have been supported through voluntary contributions to a special account established pursuant to the Convention and operated under the United Nations Crime Prevention and Criminal Justice Fund. The promotion activities will continue to encourage and support specific steps towards ratification of the Convention and its Protocols and will continue to be composed of the following three components: (a) in-depth analysis of existing legislation and relevant institutions; (b) provision of assistance to drafters of legislation and national parliaments in updating and/or adopting legislation and regulations required for compliance with and implementation of the Convention and its Protocols; and (c) assistance to Governments in the establishment and/or reinforcement of international cooperation mechanisms. That approach was followed prior to the entry into force of the instruments, has proved to be valuable and successful and continues to be relevant to the requirements of those States which have not yet ratified the instruments. The related activities of the United Nations Office on Drugs and Crime are described briefly below.

A. Legislative guides

9. The United Nations Office on Drugs and Crime has produced legislative guides for the implementation of the Convention and each of the Protocols thereto, the primary purpose of which is to assist States in the ratification and implementation process by identifying legislative requirements, issues arising from those requirements and options available to States in developing and drafting the necessary legislation, with samples of the legislative provisions and measures adopted by various States. The guides do not engage in interpretation of the instruments. They are geared towards providing advice to States in legislative matters and do not constitute model legislation.

10. The guides have been developed through a fully participatory process with the active involvement of three groups of experts from all regions, one group for the legislative guide for the implementation of the Convention, one for the legislative guides for the Trafficking in Persons Protocol and the Migrants Protocol and one for the legislative guide for the Firearms Protocol. The legislative guides were finalized at a meeting hosted by the Government of Monaco on 5 and 6 September 2003, which provided an opportunity for the three groups of experts, which had worked independently until then, to share their products, as well as to discuss cross-cutting issues and consistency between the legislative guides.

11. The United Nations Office on Drugs and Crime sought the best way of achieving maximum impact from the guides at the lowest possible cost, while ensuring their widest possible dissemination. The guides will therefore be distributed primarily on CD-ROM and made accessible on the web site of the Office while a limited number of hard copies will also be produced. Every effort will be made to make available the legislative guides to the Conference of the Parties to the Convention at its first session.

B. Interregional, regional and subregional meetings

12. During the period under review, the United Nations Office on Drugs and Crime continued to organize or participate in regional and subregional meetings, which have provided important opportunities to reflect on regional perspectives related to ratification and implementation issues, as well as a forum for States to review progress in the ratification process and to exchange views and experience. Recommendations or declarations resulting from the seminars have urged States that have not yet done so to undertake all necessary efforts to ensure their ratification. Specific meetings have included the following:

(a) A subregional seminar on the ratification and implementation of the Organized Crime Convention and its Protocols was hosted in Kopaonik, Serbia and Montenegro, from 22 to 24 May 2003 by the Government of Serbia and Montenegro. Some 90 participants from five South-East European countries attended: Albania, Bosnia and Herzegovina, Romania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia. International experts from Italy, Germany and the United States of America and from the South-East European Cooperative Initiative also participated. The principal aim was to enable criminal justice practitioners to better respond to transnational organized crime challenges by

focusing on the elements developed in the Convention and its Protocols. In addition, judges, prosecutors and police officials from participating countries engaged in a dialogue with their counterparts from Serbia and Montenegro, analysing best practices in the fight against organized crime in order to gain more knowledge and to exchange experience;

(b) The Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto was held in Cairo from 2 to 4 September 2003. The Conference was organized jointly by the United Nations Office on Drugs and Crime, the Intergovernmental Agency of la Francophonie and the Government of Egypt as a follow-up to General Assembly resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001 and in the context of ongoing activities undertaken by the United Nations Office on Drugs and Crime and the Intergovernmental Agency of la Francophonie aimed at promotion of the ratification and implementation of the Convention and its Protocols, as well as of the universal legal instruments against terrorism. The Conference was attended by ministers and other high-level officials from Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Mauritania, Mauritius, Morocco, the Niger, the Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal and Togo. At the Conference, participants exchanged views and experience on the requirements for ratification of the Convention and its Protocols and the efforts planned for legislative reform. They also outlined action their countries had already taken to bring their legal systems into line with the provisions of the Convention and reviewed the specific needs of the African region. Participants proposed the establishment of a support mechanism for the implementation by States of the instruments, as well as the development of a practical manual for the use of judges, investigators and other officials in implementing them. The Conference adopted the Cairo Declaration (A/C.3/58/4, annex), in which the Conference, in particular, recommended that the French-speaking States of Africa that were not yet party to the Convention and its Protocols accede to them as soon as possible; and urged States that had already signed the Convention and its Protocols to make every effort to ensure their ratification;

(c) A regional seminar for countries of the Southern African Development Community on the ratification and implementation of the Organized Crime Convention was organized by the Institute for Security Studies and the United Nations Office on Drugs and Crime in Mauritius from 23 to 25 September 2003. The seminar was attended by approximately 50 experts, from Angola, Botswana, Malawi, Mauritius, Mozambique, Lesotho, Namibia, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, as well as representatives from the Legal Department of the African Union and the Department of Justice of the United States. Presentations on key characteristics of organized crime and the strategic framework of the United Nations Office on Drugs and Crime in the region were followed by individual country reports with regard to the ratification and implementation of the Convention and its Protocols. The seminar provided further insights into the Convention and Protocols, as well as opportunities for participants to share best practices in the region of the Southern African Development Community;

(d) A subregional seminar for the ratification and implementation of the universal instruments against terrorism and the Convention and its Protocols was organized by the United Nations Office on Drugs and Crime in close cooperation with the Government of Mali in Bamako from 25 to 28 November 2003. Representatives of the following countries attended the seminar: Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone and Togo. The seminar concluded with a series of specific recommendations such as: (i) the need to take the above-mentioned instruments as a legal basis for extradition and mutual legal assistance; (ii) the lifting of bank secrecy for effective international cooperation; (iii) the obligation to prosecute in cases of refusal to extradite; (iv) the impossibility of invoking reasons of a political nature as a basis for denying extradition; and (v) the insertion of the status of ratification of each country in the agenda of the meetings of the subregional and regional organizations. The participants agreed to disseminate the conclusions and recommendations of the seminar to their respective national authorities in order to follow up the progress of their national legislation and their status of ratification and implementation;

(e) A workshop on international cooperation on counter-terrorism and the fight against transnational organized crime was organized by the Government of the Sudan and the United Nations Office on Drugs and Crime in Khartoum from 17 to 19 January 2004. The workshop was attended by experts from Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda, by member States of the Intergovernmental Authority on Development, as well as by observers from Algeria and Egypt. The following organizations and institutions also participated in the workshop: the African Union, the Commonwealth Secretariat, the Council of Arab Ministers of the Interior, the Counter-Terrorism Committee of the Security Council, the European Union, the Intergovernmental Authority on Development, the International Criminal Police Organization (Interpol), the International Monetary Fund, the Institute for Security Studies, the League of Arab States, the Naif Arab Academy for Security Sciences, the Organization of the Islamic Conference, the African Institute for the Prevention of Crime and the Treatment of Offenders and the Office of the United Nations High Commissioner for Human Rights. Participants adopted the Khartoum Declaration on Terrorism and Transnational Organized Crime, in which member States of the Intergovernmental Authority on Development reaffirmed their commitment to the fight against terrorism and transnational organized crime and expressed their serious concern about the menace those problems posed in the region. Among other issues, the Declaration focused on the technical assistance needs of member States of the Authority with regard to the ratification and implementation of the Convention and its Protocols. Representatives of six member States were planning to request technical assistance concerning legislative implementation of the instruments from the United Nations Office on Drugs and Crime and other international, regional and subregional organizations in the course of 2004;

(f) A regional workshop for Central Asia and the Caucasus on international cooperation against terrorism and transnational organized crime was held in close cooperation between the Government of Turkey and the United Nations Office on Drugs and Crime in Antalya, Turkey, from 23 to 25 February 2004. At the workshop, 60 experts on counter-terrorism and transnational organized crime from

Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan, as well as observers from France, Germany, Ukraine and the United States exchanged information about relevant laws their States had enacted in order to fight terrorism and transnational organized crime. The final document focused on the technical assistance needed by the participating States with regard to the ratification and implementation of the Convention and its Protocols. Participants also confirmed in the final document their commitment to the fight against terrorism and transnational organized crime, taking into account international human rights and humanitarian law;

(g) The United Nations Office on Drugs and Crime organized jointly with the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime an expert group meeting on the drafting of model legislation on extradition. The expert group meeting was held back-to-back with a training workshop on extradition in terrorism cases, from 2 to 6 December 2003 in Siracusa, Italy. The two meetings served to improve skills in matters relating to extradition, with a view to strengthening the capabilities of domestic criminal justice systems in dealing with matters related to extradition. The meetings served also as an occasion to finalize the revisions to the manual on the model treaties on extradition and mutual assistance in criminal matters, in line with the amendments to those model instruments made by the General Assembly in its resolutions 52/88 of 12 December 1997 and 53/112 of 9 December 1998, respectively, and taking into account the relevant provisions of the Organized Crime Convention and the United Nations Convention against Corruption (General Assembly resolution 58/4). Both the revised manual and the model legislation, to be used in technical assistance programmes and advisory services that may be requested by Member States, will be instrumental to the development of a study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements, as well as of a guide containing elements that would be useful to States parties to the Organized Crime Convention in meeting their reporting requirements to the Conference of the Parties. The development of the tools, in accordance with operative paragraph 7 of Assembly resolution 58/135, will be carried out in due time, subject to availability of regular or extrabudgetary funds.

13. Staff of the United Nations Office on Drugs and Crime also made presentations to promote ratification of the Convention and its Protocols at meetings organized by or in cooperation with other entities. A presentation on the Convention was delivered by the Director of the Division for Treaty Affairs at the International Conference on the Organized Crime Convention and its Protocols, organized by the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime, in cooperation with the Council of Arab Ministers of Justice and of the Interior of the League of Arab States, in Siracusa, Italy, from 15 to 19 September 2003. On 9 and 10 March 2004, the Office contributed to the Arab seminar on the Convention and its Protocols organized by the Council of Arab Ministers of the Interior and the International Institute of Higher Studies in Criminal Sciences in Tunis. Staff also participated in the Conference on Development of Arab Public Prosecution Offices: Perspectives and Challenges, organized by the United Nations Development Programme (UNDP), in cooperation with the Government of Morocco and the United Nations Foundation in Marrakesh, Morocco, on 12 and 13 March 2004. The Conference recommended that UNDP continue to provide

assistance to several Arab States in modernizing and developing their public prosecution offices in cooperation and coordination with relevant agencies, in particular the United Nations Office on Drugs and Crime. UNDP was also requested to prepare a technical assistance plan for implementation in the Arab region.

14. The United Nations Office on Drugs and Crime participated in the World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, held in Antigua, Guatemala, in February 2004, and attended by representatives of approximately 70 countries. The Antigua Declaration adopted by the Summit urged the Office and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to strengthen training and technical assistance to prosecuting authorities and criminal justice systems. The Declaration also urged States to comply with article 30 of the Organized Crime Convention and to cooperate bilaterally with developing countries and multilaterally with the United Nations and other international organizations through the account established by the Convention for that purpose.

C. Provision of assistance

15. The United Nations Office on Drugs and Crime provided technical assistance to a number of States, at their request, during 2003, although responses were limited in some cases by the availability of personnel or resources. Since March 2003, assistance on legislative and other issues relating to ratification was provided to Comoros from 31 March to 3 April; to Serbia and Montenegro from 22 to 24 May; to Ukraine from 10 to 13 June; to Belarus from 16 to 18 June; to the Czech Republic from 15 to 17 July; to Chile from 6 to 8 August; to Bolivia from 11 to 13 August; to Venezuela on 20 and 21 October; to Ecuador from 22 to 24 October; and to Colombia from 15 to 21 November.

16. In order to use limited financial and human resources as efficiently as possible, a number of workshops held in 2003 and 2004 dealt with the ratification and legislative incorporation of the universal instruments against both terrorism and transnational organized crime. Such assistance was provided by the Terrorism Prevention Branch and the Treaty and Legal Affairs Branch to Angola from 24 January to 2 February; to Mauritius from 5 to 12 February; to the Niger from 17 to 22 February; to Mozambique from 25 February to 2 March; to Haiti from 9 to 13 March; to Romania from 19 to 21 March; to the Democratic Republic of the Congo from 31 March to 3 April; to Mali from 13 to 16 April; to Benin from 21 to 25 April; to Sao Tome and Principe from 26 April to 4 May; to Burkina Faso from 28 April to 2 May; to Madagascar from 1 to 5 June; to Burundi from 2 to 7 June; to Slovakia on 23 and 24 June; to Jordan from 7 to 9 July; to Croatia on 22 and 23 September 2003; to Hungary on 1 and 2 October; and to the Central African Republic from 9 to 11 February 2004. The technical assistance mission to Madagascar was undertaken in cooperation with the International Monetary Fund, whose expert contributed to the drafting of legislation dealing with the problem of money-laundering. From 3 to 7 November 2003, a pilot study tour was also organized by the United Nations Office on Drugs and Crime and the Government of Portugal for Portuguese-speaking countries on the ratification and implementation of the Convention and its Protocols, with some 30 participants from eight States and territories, namely, Angola, Brazil, Cape Verde, Guinea-Bissau, Macao Special

Administrative Region of China, Mozambique, Sao Tome and Principe and Timor-Leste.

17. Along with the ongoing assistance with its focus on legislative and related issues, the United Nations Office on Drugs and Crime has begun to respond to requests concerned with capacity-building in fighting organized crime and related issues of drug trafficking. The Division for Operations of the Office has shifted the focus of its work from awareness-raising and training seminars to initiatives that strengthen the capacity of field offices and provide a longer-term impact, such as placement in the field of intermediate- and long-term advisers to provide assistance on specific capacity-building initiatives and on the creation of specialized units and the establishment of integrity mechanisms for judicial and law enforcement officials. Since 2003, a field adviser has been in Peru assisting law enforcement, prosecutors and judges in collecting, understanding and using evidence in complex corruption cases. The Division has also made a major contribution to the drafting of a strategy paper for the United Nations System Chief Executives Board for coordination on a unified response to the problem of organized crime across the United Nations system and has conducted assessment projects on organized crime. In that regard, two detailed regional assessment projects on organized crime in Central Asia and West Africa will be completed by mid-2004 and a joint project has been initiated with Interpol that aims to identify strategic global trends in organized crime for distribution to policy makers and law enforcement officials.

18. With the aim of providing a comprehensive response to requesting Member States, the United Nations Office on Drugs and Crime will continue to make concerted efforts to tackle the problem. For example, a multi-sector assessment mission was carried out in Iraq in August 2003 in order to appropriately plan how to respond to the complex emergency situation in that country.

19. A pioneer agreement was signed by the United Nations and the Government of Guatemala for the establishment of a commission for the investigation of illegal groups and clandestine security organizations, which requires the Government to make legislative and other changes to enable it to fight effectively against transnational organized crime. The agreement, which is awaiting parliamentary approval, foresees technical assistance to be provided by the United Nations Office on Drugs and Crime. The Office is already providing technical assistance to the Government in planning technical training for prosecutors and law enforcement officials in investigating and prosecuting organized and other serious crimes as well as advisory services related to legislative reform.

20. The Office has received and is in various stages of responding to requests from several States, including Armenia, Azerbaijan, Bosnia and Herzegovina, the Congo, Georgia, Kenya, the Gambia, Guatemala, Guinea, Guinea-Bissau, Mongolia, Namibia, Nauru, Rwanda, Thailand, Timor-Leste and Uruguay.

D. Treaty event

21. In its resolution 57/173 of 18 December 2002, the General Assembly requested the Secretary-General to organize a treaty event, in cooperation with the Office of Legal Affairs of the Secretariat, in 2003. The treaty event, "Focus 2003: treaties

against transnational organized crime and terrorism”, was held in New York from 23 to 26 September 2003.

22. In preparation for the treaty event, a panel discussion was held in New York on 8 July 2003 on the international rule of law: multilateral treaties against transnational organized crime and terrorism, aimed at increasing awareness among Member States of issues connected with the international legal instruments on transnational organized crime and terrorism. Five panellists spoke about the Organized Crime Convention and its Protocols as well as on the four United Nations conventions against terrorism. As a follow-up to the panel, the United Nations Office on Drugs and Crime also organized a technical briefing in New York on 9 July 2003 for representatives of permanent missions. The purpose of the briefing was to provide a more detailed analysis of the Convention and its Protocols and a review of progress achieved in the negotiation of the future convention against corruption. In addition, the Regional Ministerial Seminar for the States members of the Intergovernmental Agency of la Francophonie (see para. 13 (b) above), functioned as a preparatory meeting for the treaty event.

23. In order to raise the awareness of Member States and the general public of issues relating to the legal instruments covered by the treaty event, the Office of Legal Affairs of the Secretariat, with the support of the United Nations Office on Drugs and Crime, has published a booklet entitled “Focus 2003: treaties against transnational organized crime and terrorism”, which summarizes the objectives and key provisions of the various treaties.

24. On 2 April 2003, the Secretary-General announced the treaty event and invited Member States to reaffirm their commitment to the fight against transnational organized crime and terrorism by ratifying or acceding to the United Nations treaties during the event. Representatives of permanent missions in both New York and Vienna were invited to participate in the treaty event panel of 8 July and the event itself.

25. The treaty event generated a considerable number of ratifications of the Convention and Protocols: 10 States ratified or acceded to the Convention, 8 ratified the Trafficking in Persons Protocol and 5 the Migrants Protocol, which contributed to the subsequent entry into force of those two Protocols. The number of ratifications of the Firearms Protocol also doubled during the event.

III. Thirteenth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

26. Pursuant to General Assembly resolution 55/25 of 15 November 2000, at its thirteenth and final session, from 2 to 6 February 2004, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime prepared the draft text of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in accordance with article 32 of the Convention, which will be submitted to the Conference of the Parties to the Convention at its first session for consideration and action.

27. Based upon the draft text prepared by the United Nations Office on Drugs and Crime, the Ad Hoc Committee successfully developed the draft rules of procedure for the Conference of the Parties to the Convention (CTOC/COP/2004/3-A/AC.254/43). The States participating in the Ad Hoc Committee reiterated their commitment to the Conference of the Parties to the Convention and some signatory States took the opportunity to inform the Ad Hoc Committee of the progress made towards ratification of the instruments. The thirteenth session of the Ad Hoc Committee provided a significant opportunity for the international community to reaffirm its strong commitment to the fight against transnational organized crime, as well as to draw the attention of Member States to issues regarding the effective implementation of the Convention and the Protocols already in force.

IV. Conclusions and future action

28. At its inaugural session, to be held in Vienna from 28 June to 9 July 2004, the Conference of the Parties to the Convention will adopt its rules of procedure and address methodological and substantive issues arising from its mandate under article 32 of the Convention. After the first session, the United Nations Office on Drugs and Crime expects to be in a position to shape proposals for a detailed strategy for its future technical assistance activities towards ratification and implementation of the Convention, based on the guidance provided by the Conference of the Parties. In preparation for the Conference, the Secretariat has drawn up a brief questionnaire on basic reporting obligations, designed to collect the information that the Convention and the Migrants Protocol require States Parties to submit at the time of deposit of the instruments of ratification or shortly thereafter (see annex II).

29. The Inter-American Drug Abuse Control Commission has formulated Transnational Organized Crime Indicators, which may be relevant to the deliberations of the Commission on Crime Prevention and Criminal Justice (see annex III).

30. As it is essential that a maximum number of States from all regions participate in the Conference of the Parties, the United Nations Office on Drugs and Crime intends to continue to focus its efforts on promoting ratification of the Convention. The Office is availing itself of the opportunity created by the holding in March and April 2004 of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2005, for Africa, West Asia, Asia and the Pacific and Latin America and the Caribbean, respectively, to conduct a two-day seminar in conjunction with those meetings on both the Organized Crime Convention and its Protocols and the United Nations Convention against Corruption. The Office also intends to focus in particular on promoting ratification of the Firearms Protocol, which with 52 signatories has the potential to receive sufficient ratifications for its entry into force, in spite of its lagging behind with 14 parties as at 23 March 2004.

31. The Commission on Crime Prevention and Criminal Justice may wish to consider the most appropriate ways to ensure the efficient preparation and conduct of the first session of the Conference of the Parties to the Convention and to make relevant recommendations for the achievement of that objective.

Note

¹ See *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30), paras. 65-70.

Annex I**Status of ratifications as at 23 March 2004****A. Summary of signatures and ratifications**

<i>International instrument</i>	<i>Signatures</i>	<i>Ratifications</i>
United Nations Convention against Transnational Organized Crime	147	65
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	117	50
Protocol against the Smuggling of Migrants by Land, Sea and Air	112	44
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	52	14

B. Ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, by region

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
Africa				
Algeria	7 October 2002	9 March 2004	9 March 2004	
Botswana	29 August 2002	29 August 2002	29 August 2002	
Burkina Faso	15 May 2002	15 May 2002	15 May 2002	15 May 2002
Comoros	25 September 2003 ^a			
Egypt	5 March 2004	5 March 2004		
Equatorial Guinea	7 February 2003	7 February 2003		
Gambia	5 May 2003	5 May 2003	5 May 2003	
Lesotho	24 September 2003	24 September 2003		24 September 2003 ^a
Mali	12 April 2002	12 April 2002	12 April 2002	3 May 2002
Mauritius	21 April 2003	24 September 2003 ^a	24 September 2003 ^a	24 September 2003 ^a
Morocco	19 September 2002			
Namibia	16 August 2002	16 August 2002	16 August 2002	
Nigeria	28 June 2001	28 June 2001	27 September 2001	
Rwanda	26 September 2003	26 September 2003		
Senegal	27 October 2003	27 October 2003	27 October 2003	
Seychelles	22 April 2003			
South Africa	20 February 2004	20 February 2004	20 February 2004	20 February 2004
Tunisia	19 June 2003	19 June 2003	19 June 2003	
Subtotal	18	15	11	5
Asia and the Pacific				
Afghanistan	24 September 2003			
China	23 September 2003			
Cook Islands	4 March 2004 ^a			
Kyrgyzstan	2 October 2003	2 October 2003	2 October 2003	
Lao People's Democratic Republic	26 September 2003 ^a	26 September 2003 ^a	26 September 2003 ^a	26 September 2003 ^a
Philippines	28 May 2002	28 May 2002	28 May 2002	
Tajikistan	8 July 2002	8 July 2002 ^a	8 July 2002 ^a	
Uzbekistan	9 December 2003			
Subtotal	8	4	4	1

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
Eastern Europe				
Albania	21 August 2002	21 August 2002	21 August 2002	
Armenia	1 July 2003	1 July 2003	1 July 2003	
Azerbaijan	30 October 2003	30 October 2003	30 October 2003	
Belarus	25 June 2003	25 June 2003	25 June 2003	
Bosnia and Herzegovina	24 April 2002	24 April 2002	24 April 2002	
Bulgaria	5 December 2001	5 December 2001	5 December 2001	6 August 2002
Croatia	24 January 2003	24 January 2003	24 January 2003	
Estonia	10 February 2003			
Latvia	7 December 2001		23 April 2003	
Lithuania	9 May 2002	12 June 2003	12 May 2003	
Poland	12 November 2001	26 September 2003	26 September 2003	
Romania	4 December 2002	4 December 2002	4 December 2002	
Serbia and Montenegro	6 September 2001	6 September 2001	6 September 2001	
Slovakia	3 December 2003			
Subtotal	14	11	12	1
Latin America and the Caribbean				
Antigua and Barbuda	24 July 2002			
Argentina	19 November 2002	19 November 2002	19 November 2002	
Belize	26 September 2003 ^a	26 September 2003 ^a		
Brazil	29 January 2004	29 January 2004	29 January 2004	
Costa Rica	24 July 2002	9 September 2003	7 August 2003	9 September 2003
Ecuador	17 September 2002	17 September 2002	17 September 2002	
El Salvador	18 March 2004	18 March 2004	18 March 2004	18 March 2004
Guatemala	25 September 2003			
Honduras	2 December 2003			
Jamaica	29 September 2003	29 September 2003	29 September 2003	29 September 2003
Mexico	4 March 2003	4 March 2003	4 March 2003	10 April 2003
Nicaragua	9 September 2002			
Peru	23 January 2002	23 January 2002	23 January 2002	23 September 2003 ^a
Venezuela	13 May 2002	13 May 2002		
Subtotal	14	10	8	5

	<i>Date of ratification</i>			
	<i>Organized Crime Convention</i>	<i>Trafficking in Persons Protocol</i>	<i>Migrants Protocol</i>	<i>Firearms Protocol</i>
Western Europe and other States				
Canada	13 May 2002	13 May 2002	13 May 2002	
Cyprus	22 April 2003	6 August 2003	6 August 2003	6 August 2003
Denmark	30 September 2003	30 September 2003		
Finland	10 February 2004			
France	29 October 2002	29 October 2002	29 October 2002	
Malta	24 September 2003	24 September 2003	24 September 2003	
Monaco	5 June 2001	5 June 2001	5 June 2001	
New Zealand	19 July 2002	19 July 2002	19 July 2002	
Norway	23 September 2003	23 September 2003	23 September 2003	23 September 2003
Spain	1 March 2002	1 March 2002	1 March 2002	
Turkey	25 March 2003	25 March 2003	25 March 2003	
Subtotal	11	10	9	2
Total	65	50	44	14

^a Accession.

Annex II***Brief questionnaire on basic reporting obligations****A. United Nations Convention against Transnational Organized Crime****1. Criminalization of participation in an organized criminal group***Article 5**Criminalization of participation in an organized criminal group*

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

1.1. Does your country's legislation require involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of Article 5?

1.1.1. (If the answer to question 1.1. is yes) Does your country's legislation cover all serious crimes involving organized criminal groups?

1.2. Does your country's legislation require an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of Article 5?

2. Criminalization of money-laundering*Article 6**Criminalization of the laundering of proceeds of crime*

2. (d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

2.1. Does your country's legislation include a specific offence of laundering of proceeds of crime, as described in paragraph 1 of Article 6?

2.1.1. Provide the related provisions of the laws that give effect to paragraph 1 of Article 6.

* The present annex is reproduced in the form in which it was received.

- 2.2. Does your country's legislation include as predicate offences all serious crime as defined in Article 2 and the offences established in accordance with articles 5, 8 and 23?
 - 2.2.1. Provide the related provisions of the laws that give effect to the first sentence of paragraph 2(b) of Article 6.
- 2.3. Does your country's legislation set up a list of specific predicate offences?
 - 2.3.1. (If the answer to question 2.3. is yes) Does your country's legislation include in such list a comprehensive range of offences associated with organized criminal groups?
 - 2.3.1.1. Provide the related provisions of the laws that give effect to the second sentence of paragraph 2(b) of Article 6.
- 2.4. In your country's legislation, do predicate offences include offences committed outside the jurisdiction of your country when the relevant conduct is a criminal offence under the domestic law of the country where it is committed and would be a criminal offence under your country's law had it been committed within your country?
 - 2.4.1. Provide the related provisions of the laws that give effect to paragraph 2(c) of Article 6.

3. *International cooperation for confiscation*

Article 13

International cooperation for purposes of confiscation

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

- 3.1. Provide the related provisions of the laws and regulations that give effect to Article 13 on international cooperation for purposes of confiscation.
- 3.2. Does your country's legislation include a provision to enable to identify, trace and freeze or seize such proceeds of crime, property, equipment or other instruments for the purpose of eventual confiscation upon request?
 - 3.2.1. Provide the related provisions of the laws and regulations that give effect to paragraph 2 of Article 13, if different from those under 3.1. above.

4. Extradition

Article 16
Extradition

5. States Parties that make extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

4.1. In your country's legislation, is extradition conditional on the existence of a treaty?

4.1.1. (If the answer to question 4.1. is yes) Does your country take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention?

5. Mutual Legal Assistance

Article 18
Mutual legal assistance

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances

and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

5.1. Does your country have a central authority or authorities designated to receive, respond and process requests for mutual legal assistance?

5.1.1. (If the answer to question 5.1. is yes) Provide the following information.

- 5.1.1.1. Name of Authority;
- 5.1.1.2. Full postal address;
- 5.1.1.3. Name of service to be contacted;
- 5.1.1.4. Name of person to be contacted;
- 5.1.1.5. Title;
- 5.1.1.6. Telephone;
- 5.1.1.7. Fax;
- 5.1.1.8. 24 hour line (if applicable);
- 5.1.1.9. E-mail/Homepage addresses;
- 5.1.1.10. Office hours;
- 5.1.1.11. Time zone GMT +/-;
- 5.1.1.12. Languages accepted;
- 5.1.1.13. Acceptance of requests by Interpol? (Yes / No)
- 5.1.1.14. Information needed for requests to be executed;
- 5.1.1.15. Formats and channels accepted;
- 5.1.1.16. Specific procedure in urgent cases.

6. Authority for assistance to other States Parties in Prevention

*Article 31
Prevention*

6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

6.1. Does your country have an authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime?

6.1.1. (If the answer to question 6.1. is yes) Provide the following information.

- 6.1.1.1. Name of Authority;
- 6.1.1.2. Full postal address;
- 6.1.1.3. Name of service to be contacted;
- 6.1.1.4. Name of person to be contacted;
- 6.1.1.5. Title;
- 6.1.1.6. Telephone;
- 6.1.1.7. Fax;
- 6.1.1.8. E-mail/Homepage addresses.

B. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

7. Authority for assistance, confirmation and authorization

Article 8

Measures against the smuggling of migrants by sea

6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.

7.1. Does your country have an authority or authorities designated to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly your country's flag and for authorization to take appropriate measures?

7.1.1. (If the answer to question 7.1. is yes) Provide the following information.

- 7.1.1.1. Name of Authority;
- 7.1.1.2. Full postal address;
- 7.1.1.3. Name of service to be contacted;
- 7.1.1.4. Name of person to be contacted;
- 7.1.1.5. Title;
- 7.1.1.6. Telephone;
- 7.1.1.7. Fax;
- 7.1.1.8. 24 hour line (if applicable);
- 7.1.1.9. E-mail/Homepage addresses;
- 7.1.1.10. Office hours;
- 7.1.1.11. Time zone GMT +/-;
- 7.1.1.12. Languages accepted;
- 7.1.1.13. Information needed for requests to be executed;
- 7.1.1.14. Formats and channels accepted;
- 7.1.1.15. Specific procedure in urgent cases.

Annex III^a

Transnational Organized Crime Indicators 85 and 86 for the Inter-American Drug Abuse Control Commission^b

MULTILATERAL EVALUATION MECHANISM – QUESTIONNAIRE – SECOND EVALUATION ROUND
Inter-American Drug Abuse Control Commission - CICAD

85

Prevention, control and repression of Transnational Organized Crime(1) in relation to illicit drug trafficking and related crimes

PURPOSE OF INDICATOR:

ESTABLISH THE SCOPE OF EXISTING PREVENTIVE, CONTROL AND REPRESSIVE MEASURES TO CONFRONT TRANSNATIONAL ORGANIZED CRIME IN RELATION TO ILLICIT DRUG TRAFFICKING AND RELATED CRIMES

A. What Legal Mechanisms does your country have in place to combat Transnational Organized Crime?:

1. ^Y ^N

a. If the answer is no, are laws being drafted and what is the status for their eventual adoption?

b. If the answer is yes, please provide the title of the principal law/laws and include examples of how this legislation has recently been effectively applied.

B. Crimes and cooperative measures that are covered by the National Law(s):

1. Crimes covered by National Law(s):

^a The present annex is reproduced in the form in which it was received.

^b Also available at <https://www.mem.oas.org/Cuestionario/ENG/Indicators%20-%20Organized%20Crime.exe> (in English) and <https://www.mem.oas.org/Cuestionario/ESP/Indicadores%20-%20Crimen%20Organizado.exe> (in Spanish).

	Y	N	
a.	<input type="checkbox"/>	<input type="checkbox"/>	Participation in an organized criminal group ⁽²⁾
b.	<input type="checkbox"/>	<input type="checkbox"/>	Money laundering
c.	<input type="checkbox"/>	<input type="checkbox"/>	Corruption
d.	<input type="checkbox"/>	<input type="checkbox"/>	Obstruction of justice
e.	<input type="checkbox"/>	<input type="checkbox"/>	Trafficking in persons ⁽³⁾
f.	<input type="checkbox"/>	<input type="checkbox"/>	Illicit trafficking of migrants
g.	<input type="checkbox"/>	<input type="checkbox"/>	Illicit manufacture and trafficking of firearms, their parts, components and ammunition on an international level
h.	<input type="checkbox"/>	<input type="checkbox"/>	Others if applicable (please describe):

2. Cooperation measures covered by National Law(s):

	Y	N	
a.	<input type="checkbox"/>	<input type="checkbox"/>	Extradition
b.	<input type="checkbox"/>	<input type="checkbox"/>	Mutual joint legal assistance: cautionary and enforcement measures
c.	<input type="checkbox"/>	<input type="checkbox"/>	Seizure and confiscation ⁽⁴⁾
d.	<input type="checkbox"/>	<input type="checkbox"/>	Interdiction operations
e.	<input type="checkbox"/>	<input type="checkbox"/>	Victim protection and assistance
f.	<input type="checkbox"/>	<input type="checkbox"/>	Other forms of cooperation: If applicable, please explain and describe what they involve:

C. Special investigation techniques included in the national law:

	Y	N	
1.	<input type="checkbox"/>	<input type="checkbox"/>	Undercover operations ⁽⁵⁾
2.	<input type="checkbox"/>	<input type="checkbox"/>	Telephone line tapping ⁽⁶⁾

3.
4.

D. Observations:

(Please provide narrative data with any necessary explanatory notes to facilitate a more complete report on the situation in your country which will contribute to the analysis and provide insight on the strengths, areas for development and ways that additional cooperative techniques in the Hemisphere may contribute to the common objectives in combating transnational organized crime.)

E. Agency (s) coordinating the presentation of information:

F. Principal Official(s) coordinating the input of information for this indicator. Please provide a telephone number and e-mail address of the person responsible for responding to this indicator.

DEFINITIONS AND EXPLANATIONS:

⁽¹⁾ **Transnational Organized Crime** is carried out by:

⁽²⁾ a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the United Nations Convention against Transnational Organized Crime, in order to obtain, directly or indirectly, a financial or other material benefit. (Article 2(a) United Nations Convention against Transnational Organized Crime).

The offence is transnational in nature if:

- a) It is committed in more than one State;
- b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- c) It is committed in one State, but involves an organized criminal group that engages in more than one State; or
- d) It is committed in one State but has substantial effects in another State.

(Article 3(2), United Nations Convention against Transnational Organized Crime)

(3) "**Trafficking in persons**" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).

(4) **Confiscation**, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority. (Article 2(g) United Nations Convention against Transnational Organized Crime)

(5) **Undercover operations** are those that authorize law enforcement agents assuming fictitious identities to infiltrate criminal organizations in order to obtain evidence or other information relating to violations of one or more criminal laws. They may include employment of a ruse or deception - the provision of useful data to commit an offence - but shall not encourage suspects to commit crimes that they are not predisposed to commit.

(6) **Telephone line tapping** is gaining access to cable, oral or electronic communications.

(7) **Controlled delivery** shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence. (Article 2(i) United Nations Convention against Transnational Organized Crime)

**MULTILATERAL EVALUATION MECHANISM – QUESTIONNAIRE – SECOND EVALUATION ROUND
Inter-American Drug Abuse Control Commission - CICAD**

[date]

86

Enforcement of laws against Transnational Organized Crime in relation to illicit drug trafficking and related crimes

PURPOSE OF INDICATOR:

To establish the effectiveness of hemispheric laws to prevent, control and repress transnational organized crime in relation to illicit drug trafficking and related crimes.

- A. Name the principal institutions responsible for enforcing laws against transnational organized crime and their primary functions (e.g., intelligence (1), data banks, investigative and arrest authority, liaison (2) functions with similar agencies in other countries etc.)

1. Agency:

1a. Principal Function:

2. Agency:

2a. Principal Function:

3. Agency:

3a. Principal Function:

(Continue until main agencies are covered)

B. Are training programs available for officials responsible for enforcing laws against transnational organized crime?

Y N

1. If the answer is yes, please describe the main programs, their institutional affiliation and how often training is offered.

2. If training programs exist, please indicate how many officials and what type of officials received this training during the period 2002-2004

Number of persons trained		
2002	2003	2004

3. If there are no training programs, please describe the most urgent areas needed for training, e.g., basic police techniques, investigative techniques, instruction in basic law etc. Explain why these training areas represent a priority.

C. Do mechanisms exist to evaluate the efficiency of the main institutions responsible for the prevention, control and repression of transnational organized crime?

Y N

1. If the answer is yes, please briefly describe the main systems in place for the evaluation of institutional efficiency. Describe the nature of sanctions against institutions or persons, if any, and, if possible, how they have been applied.

D. Are systems in place in the main institutions associated with the prevention, control and repression of transnational organized crime to ensure that employees are properly screened before hiring and then periodically reviewed to ensure that they are trustworthy and not subject to bribery or extortion (measures to minimize corruption)?

Y N

1. If the answer is yes, please briefly describe the main systems in place to ensure top to bottom employee honesty and to curb bribery and corruption. Describe the nature of sanctions against institutions or persons, if any, and, if possible, how they have been applied.

--

2. If the answer is no, please describe any mechanisms being considered in your country to achieve such goals.

--

- E. If transnational organized crime is criminalized in your country, how many persons were arrested, tried and convicted for crimes related to transnational organized crime during the period 2002-2004:

1.

Number of persons arrested		
2002	2003	2004

2.

Number of persons tried		
2002	2003	2004

3.

Number of persons convicted		
2002	2003	2003

- 4.
- | |
|---|
| Observations: Countries whose legislation includes plea bargaining , please indicate this in your response as this would not reflect statistically in the arrest-trial data. |
|---|

- F. When reviewing these statistics, do officials familiar with the problem believe that these statistics accurately reflect the magnitude of the problem of transnational organized crime in your country? Please explain with analysis that represents the views of experts in the field in your country. This narrative may be included in the section for observations.

--

G. Please provide information on requests for assistance made and received in relation to transnational organized crime in the period 2002-2004.

1.

Number of reports received and granted					
2002		2003		2004	
Received	Granted	Received	Granted	Received	Granted

2.

Number of reports requested and granted					
2002		2003		2004	
Requested	Granted	Requested	Granted	Requested	Granted

H. Observations:

(Please provide narrative data with any necessary explanatory notes to facilitate a more complete report on the situation in your country which will contribute to the analysis and provide insight on the strengths, areas for development and ways that additional cooperative techniques in the Hemisphere may contribute to the common objectives in combating transnational organized crime.)

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I. Agency (s) coordinating the presentation of information:

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J. Principal Official(s) coordinating the input of information for this indicator. Please provide a telephone number and e-mail address of the person responsible for responding to this indicator.

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DEFINITIONS AND EXPLANATIONS:

⁽¹⁾ **Intelligence agencies:** These are entities whose functions are to look for, collect and evaluate information in a reserved manner, out of the criminal procedure.

⁽²⁾ **Liaison agents:** These are persons who carry out communication activities between similar agencies on subjects under their responsibility (for example, exchange of information and intelligence data).

Note: The preceding definitions have been added after the CICAD XXXIV meeting in Montreal.