



# UNODC

United Nations Office on Drugs and Crime



## *Chapter IV. International Cooperation*



**CORRUPTION**  
Your **NO** counts



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## International Cooperation

*Mandatory  
Offences*

**Question of  
Dual Criminality**

*Optional  
Offences*

**Possibility of Extending  
Cooperation in Civil and  
Administrative Proceedings  
Related to Corruption**

**Narrow Dual Criminality  
Requirements  
In MLAs**



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## Extradition (Art.44)

Either  
“Extradite or Prosecute”  
Own Nationals

Enabling departure from  
Double criminality

*Ensure that All  
Convention Offences are  
Extraditable Offence  
between States Parties*

A pair of brass scales of justice, symbolizing law and equity, positioned centrally over the main text.

Grounds of Refusal

Consultation before  
Refusal

No Refusal for  
Fiscal Offences

UNCAC as legal basis:  
No political offence

Expedite proceedings-  
Simplify evidentiary  
requirements

Fair treatment  
Discrimination clause



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## Mutual Legal Assistance (Art.46)



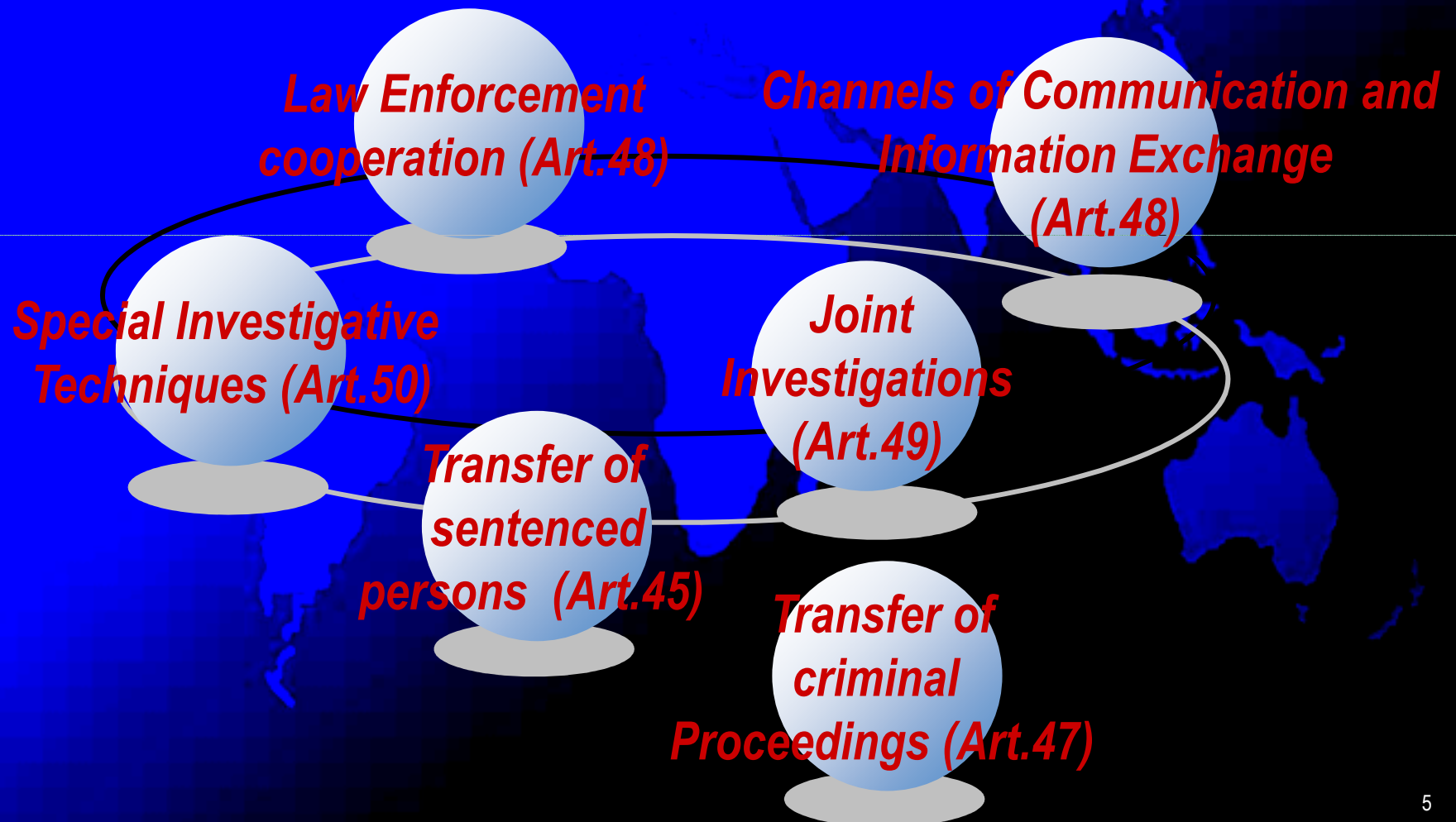
**Widest Measure of Mutual Legal Assistance** in Investigations, Prosecutions and Judicial Proceedings in Relation to Convention Offences

- Designation of **Central Authority** to Receive, Execute or Transmit Request
- No Refusal of MLA on the Ground of **Bank Secrecy**
- MLA can be Provided in the **Absence of Dual Criminality for Non-Coercive Measures**





## Other Cooperation Measures





## Use of Chapter IV of the UNCAC as legal basis for international cooperation

- Extradition subject to the conditions provided for by the provisions of domestic law of requested State party or applicable extradition treaties (article 44, paragraph 8);
- Mutual legal assistance: Article 46, paras. 9-29
  - Applicable if States parties are not bound by other MLA treaty;
  - If other treaty exists, its provisions shall apply unless States parties agree to apply paras. 9-29;
  - UNCAC strongly encourages States parties to apply paras. 9-29 if they facilitate cooperation.
- Law enforcement cooperation: Article 48, paragraph 2
  - In the absence of ad hoc agreements or arrangements, States parties may consider UNCAC as basis for cooperation





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## **Resolution 4/2 of COSP – Convening of open-ended intergovernmental expert meetings to enhance international cooperation**

- Meetings intended to assist the Conference with respect to extradition and mutual legal assistance
- At least one inter-sessional meeting to be held before COSP 5. This will be held at the COSP to UNTOC.
- UNODC to consider innovative solutions to help states build their capacity to respond to requests for mutual legal assistance and extradition
- Meetings to submit to the Conference reports on their activities



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<http://www.unodc.org/unodc/en/treaties/CAC/index.html>