Chapter IV. International Cooperation
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
Extradition (Art.44)

Ensure that All Convention Offences are Extraditable Offence between States Parties

Either “Extradite or Prosecute” Own Nationals

Enabling departure from Double criminality

Grounds of Refusal

Consultation before Refusal

No Refusal for Fiscal Offences

UNCAC as legal basis: No political offence

Expedites proceedings- Simplify evidentiary requirements

Fair treatment Discrimination clause
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

- Law Enforcement cooperation (Art.48)
- Channels of Communication and Information Exchange (Art.48)
- Special Investigative Techniques (Art.50)
- Joint Investigations (Art.49)
- Transfer of sentenced persons (Art.45)
- Transfer of criminal Proceedings (Art.47)
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.
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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