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Committee I  
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## **WORKSHOP IDENTIFIES CHALLENGES TO INTERNATIONAL LAW ENFORCEMENT**

### **COOPERATION IN COUNTERING ORGANIZED CRIME**

#### **Key Issues Include Reciprocity, Political Offences, Diverse Legal Systems, Lack of Information Channels**

Identifying such challenges to law enforcement cooperation as diverse legal systems and priorities, lack of information channels, and political prejudice, speakers described the urgent need to enhance cooperation as the only way to address the increasingly complex questions of transnational organized crime in a workshop this morning.

The workshop, on enhancing law enforcement cooperation, including extradition measures, was the first of a series of workshops to be held by Committee I of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

Opening the panel discussion, keynote speaker Kunihiro Horiuchi, Director and Secretary-General of the Asia Crime Prevention Foundation noted that, throughout history, criminals had not regarded international borders as obstacles to committing crimes or to fleeing from law enforcement authorities. As international borders became easier to cross, international law enforcement cooperation would need to be re-examined regarding, among other issues, reciprocity, political offences and prima facie evidence of guilt, not only in the context of extradition, but also in international law enforcement cooperation in general.

Describing measures to improve the law enforcement cooperation at the national and regional levels, participants stressed the need to improve information and communication flows, as well as the importance of aligning laws and procedures to overcome legal barriers to cooperation among law enforcement authorities. Noting that law enforcement activities and cooperation lived on information, Ulrich Kersten, representing Interpol, urged law enforcement entities to use the communication and information tools provided by Interpol to enjoy better and closer coordination with all related entities around the world.

In the interactive discussion that followed, speakers agreed that given the current piecemeal approach to international law enforcement, the fight against transnational organized crime could only be won through multidimensional, multinational efforts.

Given the entry into force of several legal instruments, the focus had to shift to full implementation of those instruments, the United States' representative said. Criminal elements could be crippled when accountability was a certainty and when the States of the world united so there was no safe haven. Political willingness to enter into multilateral and bilateral agreements

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would only bear fruit when that willingness was translated into effective cooperation to apprehend serious criminals.

Algeria's representative, however, noting that his country's legal authorities had started issuing arrest warrants against a number of people abroad involved in terrorist activities or linked to organized crime, said that those warrants were often not acted upon. Political prejudices often impeded extradition procedures. In that regard, he suggested that the United Nations consider the creation of an international, uniform arrest warrant to fight against organized crime.

Criminals were opportune, taking advantage of any shortcoming in international law enforcement cooperation, Sweden's representative said. Focusing only on one particular field without paying attention to the overall crime picture could result in obstacles to efficient international cooperation. Overlapping and unclear division of responsibilities between law enforcement agencies could create unhealthy competition. The United Nations had worked out several conventions to enhance international cooperation against crime. Too often, however, countries implemented international instruments at the national level from a "minimalist" perspective, implementing what was absolutely required but not exploiting all of the possibilities the various legal instrument provided.

Also speaking this morning were the representatives of Ukraine, Ghana, China, France, Oman, Finland, Chile, Turkey, Morocco and Thailand.

Other participants in the workshop included: N. Masamba Sita, of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders; Rob McCusker, Australian Institute of Criminology; Edmundo Oliveira, Professor, University of Amazonia, Brazil; and Roberto Di Legami, Head of Organized Crime Groups Unit, Europol.

Moderating this morning's panel was Klas Bergenstrand, Chief of the Security Police, Sweden.

Committee Chairman, Matti Joutsen of Finland, summarized the discussion.

Committee I will meet again at 3 p.m. today to continue its workshop on enhancing international law enforcement cooperation, including extradition measures.

#### Background

Committee I of the Eleventh Crime Congress this morning held a workshop on the enhancement of international law enforcement cooperation, including extradition measures. It was expected to hear a keynote address by Kunihiro Horiuchi, Director and Secretary-General of the Asia Crime Prevention Foundation.

This morning's panel will be moderated by Klas Bergenstrand, Chief of the Security Police, Sweden. Panellists are: N. Masamba Sita, United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, who will speak on law enforcement cooperation in Africa; Rob McCusker, Australian Institute of Criminology, speaking on law enforcement cooperation in Australia and the Pacific; Edmundo Oliveira, Professor, University of Amazonia, Brazil, speaking

on cooperation and law enforcement to counter organized crime in the common market countries of the Southern Common Market (MERCOSUR); Ulrich Kersten, Special Representative of Interpol to the United Nations, speaking on the activities of Interpol; and Roberto Di Legami, Head of OC Groups Unit, Europol, speaking on the experience of Europol.

The Committee had before it a working paper on “Enhancing International Law Enforcement Cooperation, including Extradition Measures” (document A/CONF.203/9). The paper describes key trends, practices and recent developments in both law enforcement cooperation and international cooperation on criminal matters, including extradition and mutual legal assistance. It outlines the evolution of both informal and formal international cooperation, identifying challenges and problems to be addressed in each relevant field. The paper also reflects important developments both in terms of operational activities and international instruments at the regional and international levels, and recognizes the need to strengthen international cooperation mechanisms, in particular in fighting transnational organized crime and international terrorism.

The report notes that crime was traditionally treated as a local or national issue, and investigation and prosecution of crime was long considered to be confined within national boundaries, the report explains. Consequently, criminal law remained almost wholly territorial. Offences committed abroad were not a concern of national authorities, which were correspondingly not willing to assist the authorities of another State to bring offenders to justice. This view of law enforcement and criminal justice no longer holds true. Offenders may seek to evade justice by crossing international borders. Organized criminal and terrorist groups are becoming increasingly mobile and often take deliberate advantage of international borders.

Despite the necessity of international cooperation in criminal cases, the report continues, the evolution of cooperation has, until recently, been slow. Because law enforcement is one of the more visible and intrusive forms of the exercise of political sovereignty, States have traditionally been reluctant to cooperate with foreign law enforcement agencies. That attitude has slowly changed, with the growing understanding both of the shared interest in combating organized crime, drug crime and terrorism and of the importance of cooperation as a response to transnational crime.

For a long time, no provisions or international treaties existed on the conditions for extradition or on the procedure that should be followed for surrendering a fugitive to a requesting State for the purpose of prosecution or enforcement of a sentence, the report states. The general view is that, in the absence of a binding treaty, there is no international obligation to extradite. There is a growing trend, however, to recognize the duty to extradite or prosecute, in particular with certain crimes.

Listing several recommendations, the report says Member States should treat the promotion of international cooperation in criminal matters as a key component and prerequisite for the full implementation of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. Member States should also enhance the efficiency of law enforcement cooperation mechanisms, in particular for combating transnational organized crime and international terrorism, by, among other things, developing effective systems of information sharing, establishing channels of communications between their competent authorities and concluding arrangements to foster assistance or joint operational activities.

Other recommendations include: efforts to ease difficulties arising from the strict application of traditional grounds for denying extradition; flexibility in domestic law and practice and strengthening the effectiveness of designated central authorities involved in mutual legal assistance. The United Nations should continue to provide technical assistance to requesting States, focusing on improvement of domestic law enforcement and criminal justice system capacity in dealing with matters related to international cooperation to combat transnational organized crime, corruption and international terrorism.

#### Keynote Address

KUNIHIRO HORIUCHI, Secretary-General of the Asia Crime Prevention Foundation, said that, during his career, he had studied and had been actively engaged in international law enforcement cooperation, including extradition matters. As a public prosecutor at the Tokyo High Public Prosecutors Office, he had handled extradition cases and, recently, he had been engaged as a defence counsel for fugitives in extradition cases.

He said that, after Japan ratified the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, new investigation methods, such as controlled delivery were introduced in drug-related criminal investigations. Today, even ordinary citizens were required to identify themselves at banks when they transferred large amounts of money or when they cashed a large check, in order to prevent money-laundering. Not only bilateral treaties but also multilateral conventions in the field of extradition had been promoted in recent years.

The Foundation was very concerned with facilitating effective extradition practice, he said, adding that the Sixth Asia Crime Prevention Foundation World Conference in 1997 had recommended simplified extradition procedures. In practice, some fugitives did not wish to have a formal judicial procedure, but wished to be sent to the requesting country to have a speedy trial. In such cases, a simplified procedure, such as an abbreviated hearing, could be recommended.

He said that, throughout history, criminals had not regarded international borders as obstacles to commit crimes or to flee from law enforcement authorities. International borders were becoming easier to cross by criminals. It was, for instance, very easy for criminals to fly to Japan to commit serious crimes in the evening and fly back to their own countries the next morning. International law enforcement cooperation should, therefore, be re-examined regarding, among other issues, reciprocity, political offences and prima facie evidence of guilt, not only in the context of extradition, but also in international law enforcement cooperation in general, in order to enhance timely and wide-ranging international cooperation.

He said he was very interested in the mutual recognition of arrest warrants such as the European Arrest Warrants, which had been utilized since 2004. Such instruments could be promoted not only in European Union countries, but also all over the world. He hoped that, during the workshop, some solutions would be found on how to cope with criminals who moved from country to country while committing crimes.

Presentations by Panellists

N. MASAMBA SITA, Director of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) said organized crime was strongly related to performance of police, the quality of the rule of law and levels of human development. The high prevalence of organized crime was related to low police performance, low quality of the rule of law and low human development levels. That characterized the majority of African countries. Regarding police statistics, three countries had been selected in his report, namely Botswana, South Africa and Uganda. The report looked at the level of international cooperation in order to indicate efforts by African countries and the international community in combating corruption; economic crime; terrorism; and trafficking in fire arms and ammunition, women and children, and drugs. The African continent lacked a single law or convention concerning the extradition of criminals and the ever-growing threat of transnational organized crime.

He said UNAFRI had been appealing to African countries to harmonize domestic legislation with international instruments to solve the problem of definition and statistics. The different types of crime included in his report included crimes against persons, crimes against property and transnational organized crime. Generally speaking, there had been an increase in the prevalence of national organized crime, which was actually a part of transnational organized crime.

When talking about law enforcement cooperation, one had to look at the exchange of good practices, he said. Various initiatives had been taken at the regional level, and patterns of cooperation had begun to emerge, both regionally and internationally. It was important to note that the world was set for unprecedented levels of cooperation in averting criminal activities. The threat of transnational organized crime was real, devastating, and hard for individual countries to detect and stop. That did not mean, however, that crime would triumph over the established order. A strong desire was emerging to forge new patterns and networks to pre-empt the effects of international criminals and their ever-growing levels of sophistication.

ROB MCCUSKER, Australian Institute of Criminology in Canberra, said the degree of law enforcement cooperation between regional organizations, and between Australian Government departments and law enforcement agencies and their regional counterparts, was reflected in dedicated regional meetings, consultations, exchanges of intelligence and information, memoranda of understanding, treaties and the provision of funding and personnel. A number of Australian government departments and law enforcement agencies, and regional bodies, were involved in addressing transnational crimes in general, and terrorism in particular, within the Asia-Pacific region.

The Australian Attorney-General's Department had established a South Pacific section to provide advice and assistance on strategic, governance and legislative issues in the region to combat terrorism and transnational organized crime, he said. It had also established the Financial Intelligence Support Team (FIST) to provide legal and strategic policy advice to Pacific Islands countries to implement international money-laundering obligations and to ensure that existing and proposed Financial Intelligence Units (FIUs) were provided with the skills necessary to tackle emerging financial crimes. The Federal Police had provided personnel to the Participating Police Force operating in the Solomon Islands. As a result of cooperation between that Force and the

Solomon Islands Police Force, over 3,000 illegal weapons had been seized, and 3,300 people had been arrested.

The Australian Federal Police would also assist in the consolidation of the Jakarta Centre for Law Enforcement Cooperation. That Centre would be developed as a resource for the entire Asia-Pacific region in the fight against transnational crime, with a focus on counter-terrorism. A Transnational Sexual Exploitation and Trafficking Team had been established in Australia, comprising trained investigators and analysts, which was coordinated by the Federal Police's Transnational Crime Coordination Centre.

The Australian Transaction Reports and Analysis Centre had signed 37 memoranda of understanding within the Asia-Pacific region, he continued. In conjunction with the Department of Transport and Regional Services Customs, the Centre had delivered training on the maritime security regime in Indonesia, the Philippines, Papua New Guinea, Thailand and Viet Nam. The Department of Foreign Affairs and Trade had established a network of bilateral counter-terrorism arrangements.

The Department of Immigration, Migration and Indigenous Affairs worked with governments, particularly in the Asia-Pacific and Middle East regions, and engaged with international organizations, which had led to: assistance in regional capacity-building; information and intelligence sharing; inter-agency cooperation; and verification of the identity and nationality of travellers.

The Asia Pacific Economic Cooperation (APEC) dealt with terrorism issues in the main. The key priorities for APEC's Counter-Terrorism Task Force established in February 2003 included: the Secure Trade in the APEC Region initiative to secure and enhance the flow of goods and people through measures to protect cargo, ships, international aviation and people in transit; halting the financing of terrorism; and promoting cyber security.

The Association of South-East Asian Nations (ASEAN) has implemented several projects and initiatives in combating transnational crime such as: the ASEANAPOL Counter-Terrorism Workshop on Post-Blast Investigation; the ASEANAPOL Counter-Terrorism Workshop on Countermeasures for Explosives and Suicide Bombers; the ASEAN Workshop on Anti-Money Laundering; the ASEAN Workshop on Combating Arms Smuggling; and the ASEAN-China Workshop on Law Enforcement Cooperation against Transnational Crime.

The ASEAN Ministerial Meeting on Transnational Crime and its subsidiary body, the Senior Officials Meeting on Transnational Crime, had been implementing the Terrorism Component of the Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime (adopted in May 2002). The programme outlined six areas of cooperation: information exchange; cooperation in legal matters; cooperation in law enforcement matters; institutional capacity-building; training; and extra-regional cooperation. The ASEAN police and law enforcement officials had agreed to establish national counter-terrorism task forces to strengthen regional cooperation in counter-terrorism in relation, among other things, to the examination of witnesses and the searching and seizure of evidence.

EDMUNDO OLIVEIRA, Professor of Criminal Law at the University of Amazonia, Brazil, said he would focus on the need to promote international cooperation with a view to putting in place a uniform public security system to counter organized crime in the countries of Southern Common Market (MERCOSUR). Promoting measures for organized crime necessitated the establishment of a security programme based on judicial and legislative measures.

Describing the situation in the MERCOSUR countries, he said corruption was widespread in the region. Many slums existed, and police were often ill-equipped to deal with the level of sophistication on the part of criminals. Residents were hostages of a kind of bandit state that was completely outside the control of the rule of law. Inhabitants were often at the mercy of local mafias. The average age of young people being inaugurated into a life of crime was some 12 to 13 years old. The State, faced with a parallel power of criminal organizations, was having a hard time combating current trends. More worrisome was the fact that MERCOSUR countries were seeing a crossover in which certain people within the public sphere of life were increasingly working directly with the mafia.

Noting changes in criminal organizations and networks, he said crime had generally become more violent. In the early 1990s, some 23 per cent of all offences were violent. In 2000, the figure had increased to about 35 per cent. The individual criminal was being incorporated into gang activity, even at the level of "beginner criminals". An Economic Commission for Latin America and the Caribbean (ECLAC) study in 2005 showed that some 44 per cent of people in South America lived below the poverty line. Pockets of poverty also existed. In those poverty pockets, the average age of persons becoming delinquents, in 2002, was 12 or 13 years.

There were five kinds of organized crime activity, including mafias based along ethnic lines. Crimes in that category included slave trading, smuggling, sexual tourism, information technology crimes, data theft, pornography, gambling and counterfeiting. Gangs dealing with coca paste, the basis for manufacturing cocaine, also fell under that classification. Other types of organized crime included banditry, financial crimes, crimes within the State and terrorism. Organized crime was affecting the labour market, which, in turn, affected investment. Urgent action was needed and experts from around the world needed to be involved to help improve the situation in the MERCOSUR countries.

ULRICH KERSTEN, Special Representative of Interpol to the United Nations, said that his organization, with its 182 member countries, was the world's largest international police organization. Each country had an Interpol focal point, the National Sample Bureau. The primary task of Interpol was to support the police forces in member countries in efforts to prevent crime and to conduct criminal investigations as effectively as possible. It facilitated cross-border police cooperation and assisted all national services with the mission of combating crime.

Interpol had identified three core functions: to assist global police communications; to provide operational data services and databases for law enforcement; and to provide operational police services. As to the first issue, he said police forces should be able to communicate securely with each other. For that purpose, a modern global communication system had been designed. The roll-out of the communication system was a major step towards efficient police communication. Member countries had been provided with training and equipment.

He said police needed access to information. Interpol maintained a range of global databases with names, fingerprints, photos and DNA profiles, as well as a child pornography database. Provision of operational police services, which was bringing Interpol expertise to member countries, focused on all fronts of transnational organized crime, including terrorism, trafficking in people and cyber crime.

The most important focus of Interpol was helping member countries exchange critical information through the notices system. Notices were used to circulate information concerning the modus operandi of criminals. Interpol had also developed a new instrument, "the Orange Notice", which served as a warning of threats such as package bombs and information regarding biological and other threats. Dealing with information, which involved the collection, centralization and analysis, was one of the core activities of police all over the world. International police cooperation to fight transnational crime lived on information. That meant that, without sharing information, cooperation was limited, if not impossible. The value of a database depended on the quantity and quality of the information gathered.

Enhancing the fight against transnational crime was impossible without an increase in the amount of exchanged information on the international level, he said. Without such an increase any analytical work would be lacking in scope. Unfortunately, Interpol's databases were underused by the international police and law enforcement agencies. More information in the databases was one part of the solution. However, the right information must also be transferred to front-line police officers at the right time. Direct access should, therefore, be given to all police services. Interpol was in the process of extending access to local police services.

Interpol was prepared to provide all necessary instruments to support the law enforcement community in combating transnational crime. It was a matter of convincing member countries of the importance of information sharing. Combating transnational crime required close cooperation with all concerned entities, including regional organizations.

ROBERTO DI LEGAMI, Head of the Organized Crime Groups Unit, Europol, explained that Europol was the European law enforcement organization which aimed at improving the effectiveness of cooperation to counter the serious forms of international organized crime falling under Europol's mandate. Europol was the European Union law enforcement organization which handled criminal information by applying intelligence-led policing, which allowed for a proactive approach, as opposed to the investigative-led policing normally carried out by the law enforcement agencies in the member States. Analysis was, therefore, the basic instrument used at Europol for that purpose. Information was not only exchanged but also shared for the benefit of all participants. Europol operated in a support capacity by providing expertise, best practices, support and coordination of the investigations carried out by the relevant members.

Although Europol was still a young organization, its strengths and weaknesses could already be evaluated, he said. Regarding its strengths, Europol was well known both in Europe and outside due to its constant participation in high-level international forums, awareness programmes, seminars, and other meetings. The flow of information via the Europol Liaison Officers network had significantly increased. Operational and strategic reports were provided on a daily basis to the relevant member States upon request or on Europol initiative. Concerning weaknesses, although Europol was known in the member States, much could be done in order to spread, to the lowest



level of the law enforcement structures, information on how to cooperate jointly in the international arena. Current challenges included a new constitution for Europe. The ratification and implementation processes of the new constitution were crucial and should be sped up.

He outlined several proposals for improvement at the law enforcement level; he said it was important to implement effective information sharing across agencies within a country and across national borders, particularly when fighting organized crime and terrorism. It was also important to direct more efforts towards suspicious financial transactions, identification of criminal proceeds and asset seizures, as money was the “backbone” of organized crime.

#### Interactive Discussion

OLEKSANDR SHYNALSKY (Ukraine) said that the effective fight against transnational organized crime was only possible with international cooperation among law enforcement agencies. Ukraine had signed and ratified 35 multilateral treaties and 25 bilateral ones in the area of law enforcement. Money-laundering was a serious problem for his country, with truly transnational dimensions which necessitated international cooperation. The Office of the Prosecutor General had, therefore, issued a decree regarding cooperation. His country had also put in place solid legislation for extradition, as extradition was the most effective way of fighting crime.

VIRGINIA PRUGH (United States) said the entry into force of the Convention on Transnational Organized Crime and its Protocols and the conclusion of the Convention on Corruption represented significant milestones in effort to dismantle organized crime. The focus must now shift to full implementation. Criminal elements could be crippled when accountability was a certainty and when the States of the world united so there was no safe haven. Political willingness to enter into multilateral and bilateral agreements would only bear fruit when that willingness was translated into effective cooperation to apprehend serious criminals. Since the last Crime Congress, the United States had entered into a multitude of bilateral and multilateral agreements. The success of mutual legal assistance outreach could be measured by the numerous and dramatic incidents of drug seizures and the sharing of criminal assets recovered. The sheer volume of legal assistance requests, however, often strapped the resources of local offices, especially in big port cities such as Los Angeles and New York.

In the area of extradition, the United States had relations with over 110 States, she said. Older treaties were also being replaced with more modern agreements, including those that covered cyber crime. Effective enforcement efforts included extending extradition to nationals. The will to surrender nationals to other jurisdictions placed on States the need to ensure that nationals would receive fair trials. Where no extradition treaty existed, the United States had sought other means of cooperation, for example, deportation. Numerous agencies had entered into dialogue to facilitate the rapid exchange of information. The United States supported projects to enhance police, judicial and prosecutor training. Many were bilateral projects. It also supported a number of regional efforts and maintained rewards programmes for the capture of major terrorists and drug dealers.

She said the fight against transnational organized crime required multidimensional, multinational efforts. The link between transnational crime and terrorism was very real, but the link between inter-State cooperation to combat crime and the disruption of crime and terrorism was also very real. Tremendous progress had been made, but much remained to be done. The

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international community now had to shift its focus from the creation of enforcement instruments to the implementation of existing instruments. “We must stay the course”, she said. In that regard, it was important not to divert attention to other issues such as negotiating new multilateral agreements on assistance or extradition.

OSAFU SAMPONG (Ghana) said fugitives moved from countries where crimes were committed to others in the belief that the arm of the law would not reach them. There was, therefore, need for international cooperation. He said that, in international criminal law, there were six areas of cooperation between States: extradition; mutual legal assistance, transfer of prisoners, transfer of criminal proceedings, seizure and forfeiture of assets and the recognition of foreign penal judgments.

He said that, of those, extradition was the most effective means of cooperation between States in penal matters. There was a necessity for rules to determine when a country could claim the right to request for an offender or to refuse to extradite those offenders. Some countries did not extradite their nationals, and that was also a pertinent issue when it came to the issue of transnational offenders. However, in recent times some hitherto conservative States had expressed willingness to extradite their nationals to other countries.

Regarding mutual legal assistance, he highlighted the obstacles for prosecutors in getting assistance from their colleagues in other jurisdictions and then addressed some aspects of the transfer of prisoners, the recognition of foreign penal judgments, transfer or forwarding of criminal proceedings and tracing and confiscation of proceeds of crime.

ANN-MARIE BEGLER (Sweden) said crime must be fought with a horizontal approach. Combating crime, at national, as well as at international levels, was traditionally too often viewed “vertically”. National and international actions were mostly taken with regard to different law enforcement authorities such as police or customs. Focusing only on one particular field without paying attention to the overall crime picture could result in obstacles to efficient international cooperation. Overlapping and unclear division of responsibilities between law enforcement agencies could create unhealthy competition. Criminals were opportunistic, taking advantage of any shortcoming in international law enforcement cooperation.

Ready access to information and intelligence was necessary for law enforcement authorities to successfully detect, prevent and investigate crime, she said, adding that information exchange was the core of international law enforcement cooperation. Within the European Union, improving the exchange of information and intelligence between member States’ law enforcement agencies was a top priority. In a world where criminals operated and communicated within seconds, information exchange must be facilitated.

Regarding implementation of international instruments, she said the United Nations had worked out several conventions to enhance international cooperation against crime. She had the uneasy feeling, however, that countries too often implemented international instruments at the national level from a “minimalist” point of departure. In other words, countries implemented what was absolutely required but did not exploit all the possibilities an instrument provided.

XIAO MING ZHANG (China) stressed the willingness of his country's law enforcement authorities to cooperation with foreign partners. He said cooperation had to be strengthened in particular in the area of proceeds recovery. When proceeds of a criminal activity had been recovered somewhere, those proceeds had to be returned to the country of origin.

He said China had participated in the elaboration of the United Nations Convention against Transnational Organized Crime and the Convention against Corruption. Bilaterally, China had already signed 34 treaties dealing with mutual assistance. The Government of China called on all Member States to accelerate ratification of United Nations conventions and to better implement them. He also appealed to Member States to enhance cooperation in order to deepen mutual trust and make sure that criminals would find no haven or sanctuary.

JEAN-PIERRE VIDON (France) said his country had always been committed to international law enforcement cooperation and the universal and regional bodies for that purpose. Such bodies must be used and streamlined. In France, the law enforcement technical cooperation office was the main body in charge of technical cooperation. His Government had promoted structural reforms to improve the current law enforcement situation, setting up a uniform police gendarmerie network in France and in its embassies. France was also adjusting its foreign networks in order to better adapt them to current realities and potential dangers and was pooling its liaison officers within the European Union, which had led to increased synergies among members. The Ministry of the Interior and the Customs Office also participated in internal security.

Stressing the need for better cooperation to combat transnational organized crime, he said France had begun an initiative with South-Eastern European countries, creating a regional centre in Zagreb to fight transnational organized crime. Coordinating work would add value at the regional level. France had also started to work with the current Union presidency to look for ways to involve other European partners. It was also necessary to look for ways to combat criminal groups, as criminals were constantly on the lookout for new ways to make money. Today, strategies must go well beyond national borders.

MAHMOOD AHMED AL-BARASHDI (Oman) said his country was party to all United Nations international instruments regarding crime and had signed all agreements dealing with fighting terrorism and drug trafficking and money-laundering, as well as a number of bilateral treaties. It also had bilateral agreements regarding technical cooperation. He went on to describe how his country was implementing various international agreements and how such implementation was monitored. He said the threat presented by organized crime compelled all to strengthen international cooperation. That cooperation could include the exchange of information and the provision of training. Developing countries needed help in that regard.

KAARLE J. LEHMUS (Finland) said that, given the importance of coordinating with neighbouring countries, Finland had concluded agreements with the Russian Federation and the Baltic States. On the basis of those agreements, Finland had established active cooperation both at the ministerial and practical levels. Ministers and law enforcement officials met regularly, drawing the lines for future cooperation. In a recent meeting between Finland and the Russian Federation, topics ranging from illegal immigration to trading in human beings to illegal trade in timber products had been discussed. Next month, a meeting between Finland, Estonia, Latvia and

Lithuania would discuss the establishment of joint intelligence for police, customs and border guard authorities.

In a bilateral meeting between Finland and Estonia, it had been decided to use the possibility of joint investigative teams, bearing in the mind the relevant legislation of both countries, he said. The legal framework for cooperation must be sound, however. The Baltic Sea Task Force, created in 1993 to fight organized crime, looked at the practical exchange of information. Under Finland's chairmanship of the task force, it would focus on operationality, coordination and development.

PABLO GLASINOVIC (Chile) said one obstacle to mutual legal assistance and cooperation in his country, and perhaps in the region, was that the justice system had not evolved at the same pace as other countries. His country was also very jealous of national sovereignty, which was part of the culture. That could also be an obstacle to rendering judicial assistance. In addition, the current systems and procedures for international cooperation were very slow. Although changes were being implemented to promote mutual legal assistance, those changes were being implemented slowly. There were also gaps in legislation. He then described ways in which matters could be improved regionally, including the setting up of a regional network of contact points regarding judicial assistance.

MOHAMED AMARA (Algeria) noted that some States were attached to the principle of national sovereignty. In addition to the ratification of international conventions and protocols, Algeria was also bound by various bilateral instruments. Noting that his country had been a member of Interpol since 1963, he said Algeria's legal authorities had started issuing arrest warrants against a number of people abroad involved in terrorist activities or linked to organized crime. Those warrants, however, had often not been acted upon. The explanation often given had to do with the way in which the warrant had been issued. The actual reason, however, lay elsewhere. Political prejudices often impeded extradition procedures.

In that regard, he suggested that the United Nations consider the creation of an international, uniform arrest warrant initiated by the Organization to fight against organized crime. The Congress ought to recommend that, as it would be a practical measure to suppress crime, provide mutual legal assistance with the meaning it needed and provide for extraditions to fight organized crime. In that way, mutual assistance would become more effective and efficient.

ERGIN ERGUEL (Turkey) said that, in the field of law enforcement cooperation, his country had signed 26 protocol agreements but there were major problems with the diplomatic controlled delivery of evidence. Sometimes, his country's requests were not even answered. Turkey had sent 23,750 requests for mutual legal assistance over the last five years.

He said that although extradition was an ongoing process to counter international criminality, extradition was very difficult to carry out and had specific requirements. Turkey had signed 19 bilateral extradition agreements but nationally, more training was needed in that regard. Training programmes could be undertaken under the aegis of the United Nations.

MOHAMED ABKARI (Morocco) said his country had always been involved in the fight against crime, having signed a number of international agreements. Morocco was also involved in

specific efforts carried out by partner countries to implement international law and regularly exchanged intelligence. For example, his Government had created a joint maritime brigade with Spain to fight illegal immigration. It also had a special body to work on extradition requests. Morocco also sought to strengthen its domestic legislation to ensure that it was in line with international legal provisions.

Since 11 September 2001, Morocco had been active in the exchange of operational information, he said. His country had also cooperated on investigations having to do with the Madrid terrorist acts and Morocco stood ready to cooperate more fruitfully. Extradition was included in a number of United Nations provisions but it remained subject to bilateral arrangements and agreements. In that regard, he suggested that negotiations be held under the aegis of the United Nations in order to further clarify that decisive area of cooperation.

PORNCHAI DANVIVATHANA (Thailand) said law enforcement entities should understand that, currently, terrorism was creeping into the realm of transnational organized crime, and that criminals nowadays used sophisticated technical equipment. Enforcement cooperation existed in formal and informal modes, including cooperation with and among custom officers, police and prosecutor offices. He called for more cooperation at the regional and even intraregional levels; however, duplication of such cooperation should be avoided. He stressed that cooperation with Interpol should be encouraged, as that would ensure the balance between rapid procedures and protection of human rights. He then went on to describe his country's achievements in international cooperation.

Regarding extradition, he made a case for terrorism being classified as an exception to a political offence. It would be a great achievement of the Congress if that could be one of the elements in the final Bangkok Declaration, he said. Addressing the issue of drugs, he said priority should be given to the eradication of poverty -- the root of the problem.

#### Concluding Remarks

In a concluding statement, Mr. KERSTEN noted that, while progress had been made in recent years to establish a comprehensive legal instrument for law enforcement cooperation at all levels, there were still some lags in the implementation of existing legal instruments. The international community would have to take a straight look at the implementation gap. Law enforcement activities and cooperation lived on information. Law enforcement entities must use the communication and information tools provided by Interpol to enjoy better and closer coordination with all related entities around the world.

Summarizing the discussion, Committee I Chairman, MATTI JOUTSEN (Finland), said there had been alignment in views on law enforcement and problems and challenges. The problems included the fundamental differences between legal systems and law enforcement structures. Such disparities encumbered cooperation both at the international and national levels. Speakers had described different approaches and priorities. Several had referred to the importance of speedy proceedings. At the same time, however, the lack of channels through which contacts could be made was also cited.

A lack of trust was another issue, he said, as were the lack of priority to international cases and the lack of willingness to respond. It had also been said that political prejudices could encumber cooperation. Regarding responses, speakers had described the great amount of informal contact between law enforcement authorities. More formal responses included bilateral and multilateral conventions. Too many instruments, however, often encumbered cooperation. Specific mechanisms included liaison officers and joint investigative teams. Reference had also been made to various international structures at the regional and subregional levels. Several had referred to the need for better channels of communication in the technical sense. The importance of aligning laws and procedures to overcome legal barriers to cooperation among law enforcement authorities was also noted.

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