Addendum

II. Conclusions and recommendations (continued)

B. Substantive items and workshops

4. International cooperation and technical assistance to prevent and address all forms of crime: (a) terrorism in all its forms and manifestations; and (b) new and emerging forms of crime (agenda item 6); and current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime (workshop 4)

Summary of deliberations

1. The Meeting discussed threats and challenges posed by terrorism in its different manifestations. Building the capacity of law enforcement authorities and intelligence agencies to address effectively those challenges and threats was identified as a priority. A number of participants shed light to the links between transnational organized crime and terrorism and stressed the need to delve into further analysis on this issue, particularly on how terrorist organizations may use techniques employed by organized criminal groups to evade surveillance or arrest or to conceal the origin of illicit assets.

2. One participant pointed out that coordinated approaches to combat terrorism were needed and that building resilient societies would be important in efforts to prevent terrorism and address violent extremism. The same participant stressed the importance of integrating gender considerations in counter-terrorism efforts and suggested to further study the varying experience of involvement of women not only as victims of terrorism, but also as enablers or supporters of terrorist activities. In the same context, it was noted that the protection of other vulnerable and marginalized groups from terrorism should also be taken into account.

3. In the field of technical assistance, the need was stressed to build on lessons learnt from past activities and focus more on the sustainability of capacity-building through, inter alia, train-the-trainers programmes and updated curricula. The
importance of building capacity of competent authorities on the use of technology and equipment in support of more sophisticated law enforcement responses to crime was also mentioned.

4. The Meeting recognized the necessity of promoting and strengthening international cooperation as the cornerstone of efforts to combat affectively crimes of transnational nature, including new and emerging forms of crime. In this regard, the importance of using as legal bases for such cooperation existing multilateral instruments such as the Organized Crime Convention, the Convention against Corruption and the drug-related treaties was emphasized. Particular reference was made to the added value of the Organized Crime Convention as a legal tool to foster international cooperation in practice.

5. The participants shed light on the advantage of using, at the operational level, networking and regional platforms for regular exchange of practical information amongst criminal justice practitioners and institutions. In this regard, the Meeting discussed the importance of strengthening law enforcement cooperation, as well as the usefulness of regional cooperation arrangements, including the creation of secure communication channels or platforms and mechanisms for case handling and sharing of experience between competent authorities. The Meeting referred to practical modalities of international cooperation that could have a positive impact in the region such as joint investigations and international cooperation to conduct special investigative techniques, including undercover operations, the use of informants and controlled deliveries. Reference was made to the need to enhance international cooperation for the protection of victims of trafficking and smuggled migrants, especially through facilitating the repatriation of such persons to their countries of origin. A number of participants noted the importance of direct cooperation between police authorities in the region, especially in providing the Police Community of the Americas (AMERIPOL) with an adequate legal framework in which to operate in this regard.

6. Some participants underlined the importance of international cooperation targeting the proceeds of crime. In this connection, they highlighted the role of capacity-building for enhancing skills and capabilities in conducting financial investigations, particularly in cases involving money-laundering and asset recovery. In this regard, it was noted that the Fourteenth Congress should aim to reinforce, and not duplicate or undermine, the work of other forums such as the Financial Action Task Force (FATF), the FATF-style Regional Bodies and particularly the Latin America Anti-Money Laundering Group (GAFILAT), and the Egmont Group. Reference was made to a good practice of public-private partnership in this field through the cooperation among national law enforcement authorities, financial institutions and financial transactions centres.

7. Some participants expressed concerns about obstacles to cooperation and lack of responsiveness encountered in cases of extradition, mutual legal assistance and asset recovery. It was noted that the rigid application of legal requirements prescribed in domestic laws or applicable treaties on international cooperation in criminal matters could cause delays and shortcomings in the execution of related requests. One participant noted that international cooperation should be afforded bearing in mind the need to respect the national sovereignty of States involved.

8. A number of participants raised the issue of the admissibility of evidence gathered through international cooperation and highlighted the importance of ensuring that practitioners in central authorities were aware of the related legal requirements in the cooperating State. It was also suggested that the harmonization of legal frameworks on international cooperation could offer solutions, particularly with regard to the simplification of procedures. It was further proposed that Member States in the region undertake a review of their domestic laws on international cooperation with a view to identifying gaps and loopholes and developing appropriate responses to them.
9. Participants referred to examples of criminal activities carried out in the digital environment and posing significant difficulties to criminal justice practitioners. Such examples included computer-related fraud, identity-related crime, the use of the Internet for terrorist purposes, as well as the sexual abuse and exploitation of children through the misuse of new information and communication technologies and the use of the dark web to commit trafficking in narcotic drugs and firearms.

10. Some participants underscored that electronic evidence formed a crucial part in the investigation of transnational cases involving serious crimes, as criminals, including organized criminal groups, were making increasing use of “virtual assets” and the anonymity provided by current information and communications technology to perpetrate crimes, target victims and expand their activities, as well as to conceal the origin of their illicit proceeds.

11. It was acknowledged that the number of requests for mutual legal assistance to obtain or preserve electronic evidence was growing drastically, and that current methods for dealing with such requests were not sufficiently efficient, both in terms of substance and timeliness, owing to the temporary and volatile nature of electronic data. In that regard, it was emphasized that cooperation and coordination with the private sector, especially Communication Service Providers (CSPs) were vital to secure the preservation of and access to data.

12. The Meeting deemed it essential for States to consider developing multidisciplinary strategies to address the challenges and upgrade their capacity for successful and effective investigation and prosecution in cases involving cybercrime. It was noted that multidisciplinary strategies could range from regulatory measures and policy-making initiatives to cybercrime prevention and the training of competent authorities, including through public-private partnerships. The importance of the UNODC Global Programme on Cybercrime was highlighted in this regard.

13. The use of electronic means to transmit requests for mutual legal assistance was also highlighted as a good practice followed among certain countries in the region. Some participants made particular reference to the negotiation, in the framework of the Conference of Justice Ministers of Ibero-American Countries (COMJIB) and the Ibero-American Association of Public Prosecutors (IBERRED) of a draft agreement on the electronic transmission of requests for international cooperation among central authorities of participating States.

14. The Meeting stressed the importance of capacity-building to enhance the effectiveness of central and other competent authorities involved in international cooperation. It was further noted that direct communication between such authorities, in addition to, or, where appropriate, in lieu of the use of diplomatic channels, could offer solutions geared towards expediting international cooperation. Some participants also mentioned the important role of central authorities in ensuring better coordination of authorities entrusted with the task to execute incoming mutual legal assistance requests at the domestic level.

15. One participant expressed the view that a universal cybercrime instrument was needed. Other participants expressed the opinion that, instead of a new instrument, States should focus on effectively implementing existing instruments, including the Council of Europe Convention on Cybercrime (Budapest Convention), which was open to accession by States non-members of the Council of Europe.

16. A number of participants referred to the importance of identifying at the national level, and particularly for developing countries, technical assistance needs to address challenges posed by cybercrime and the gathering and use of electronic evidence. In this regard, reference was made to the work of the open-ended intergovernmental expert group to conduct a comprehensive study on cybercrime. It was noted that the expert group should continue serving as a forum for the exchange of information on national legislation, best practices, technical assistance and international cooperation.

17. The Meeting referred to existing challenges posed by such crimes as kidnapping, contraband and trafficking in firearms, but also noted the growth in new, emerging
and evolving forms of crime, in addition to cyber-enabled crime. In particular, it was stated that emerging forms of crime included the use of technology for money-laundering, for example, through the criminal misuse of cryptocurrencies; trafficking in falsified medicine; and wildlife crime.

18. Some participants expressed concern about the growth of environmental crime within the context of transnational organized crime, including illegal, unreported and unregulated fishing, citing examples of how these issues affected the region. Participants noted international obligations to address this crime, such as the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as well as the Sustainable Development Goals, particularly Sustainable Development Target 14.6, and the need to conserve the world’s oceans. The various roles of States in combating illegal, unreported and unregulated fishing were highlighted, including as flag States, coastal States, market States and port authorities, as well as the need to investigate and prosecute these offences. In addition, it was noted that the Food and Agriculture Organization (FAO) was currently implementing the Global Capacity Development Programme to Support the Implementation of the Port State Measures Agreement and Complementary International Instruments and Regional Mechanisms to combat Illegal Unreported and Unregulated Fishing. Good practices of countries in the region to address this issue were highlighted during the Meeting.

19. The Meeting stressed the need for full mobilization of evolving technologies by law enforcement agencies and criminal justice institutions to fight against crime in all its forms and manifestations. It was noted that the use of new information and communication technologies by offenders could also generate a number of investigative and evidential leads for the criminal justice system. It was further pointed out that law enforcement authorities had more data on criminal activities at their disposal than ever before, and also an opportunity to harness such information in ways that could make gathering intelligence and investigation cost-effective. An interesting example from the region was reported involving the use of a digital database that enabled the detection of multiple crimes on the basis of combined information through the use of technology.

Outcome of deliberations

20. (a) Undertake further research on the linkages between transnational organized crime and terrorism in practice, with a view to providing policy-makers with valuable information on how to address gaps that may exist and related challenges;

(b) Respond effectively to the evolving threat of drug trafficking as a transnational organized crime threat, particularly in the context of the global opioid crisis and non-medical use of synthetic drugs, as well as the criminal misuse of information and communication technologies to facilitate trafficking of synthetic drugs;

(c) Fully implement, as applicable, the provisions of the three United Nations drug control treaties, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international conventions and protocols against terrorism, to enhance international cooperation, including asset recovery. Member States that have not yet done so, consider becoming parties to those treaties;

(d) Promote international cooperation to prevent and counter cyber-enabled crime and build the capacity and enhance the role of law enforcement and criminal justice agencies in promoting and protecting an open, interoperable, reliable, and secure Internet that supports shared values such as individual liberty, free expression, free markets, and privacy;
(e) Explore ways and means in which the criminal misuse of new technologies is affecting and shaping traditional forms of crime, including money-laundering, economic crimes, drug trafficking and trafficking in persons;

(f) Examine the best possible approaches to further enhance international cooperation among criminal justice practitioners, in particular, those in central and other competent authorities dealing with international cooperation requests;

(g) Explore ways and means to promote effective monitoring of data collection and analysis on emerging trends and criminal patterns as well as on the modus operandi of criminals and organized criminal groups particularly in cases of transnational criminality;

(h) Enhance the role of regional cooperation among practitioners and policy-makers through regional mechanisms for the exchange of experiences, lessons learned, good practices and practical solutions to overcome challenges that undermine effective cooperation;

(i) Consider the creation of national criminal investigation academies and the promotion of cooperation and exchange of information among them to effectively address crime challenges in the region;

(j) Discuss effective approaches to capacity-building of criminal justice institutions and practitioners including, inter alia, through cooperation among Member States and Programme Network Institutes with relevant expertise;

(k) Explore ways and means to enable criminal justice practitioners to utilize evolving technologies such as artificial intelligence and information and telecommunication technologies in the fight against crime, and particularly transnational organized crime that takes full advantage of such innovations;

(l) Examine best practices in the use of technology by law enforcement to investigate and prosecute crimes, as well as enhance transparency and communication with the local community;

(m) Promote coordination between UNODC and FAO to address illegal, unreported and unregulated fishing, including within the framework of environmental crimes, corruption and organized crime.