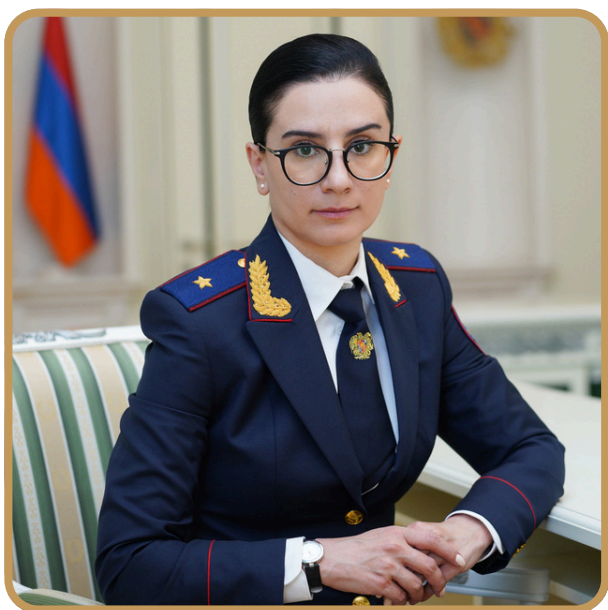


IAP NEWS



IAP
INTERNATIONAL
ASSOCIATION OF
PROSECUTORS

#93, July 2024



INTERNATIONAL COOPERATION IN THE PROSECUTION OF TRANSNATIONAL ORGANIZED CRIME CASES

*By Anna Vardapetyan, Prosecutor General of
the Republic of Armenia*

The main impetus leading to the formation of the International Association of Prosecutors (IAP) in 1995 was the rapid growth in serious transnational crimes, particularly drug trafficking, money laundering and fraud. 29 years later transnational organized crime still remains a very serious and growing threat to national and international security, economy, global public goods, human rights, democracy and rule of law.

In December 2023 the United Nations (UN) Security Council adopted Presidential Statement on transnational organized crime and urged the States to enhance cooperation, laws, borders to combat it. It particularly expressed concern:

“... with the serious and growing threats posed by transnational organized crime and acknowledges that in specific contexts and regions terrorists may benefit from organized crime, whether domestic or transnational...” [1].

[1] Adopted at the 9497th meeting of the Security Council, held on 7 December 2023, in connection with the Council's consideration of the item entitled “Threats to international peace and security”. URL: <https://documents.un.org/doc/undoc/gen/n23/394/17/pdf/n2339417.pdf?token=NCfAdAcrxtWlVJ4UgD&fe=true>

Transnational organized crime is a global threat and states cannot ensure effective prosecution if acting alone. Therefore, international cooperation is crucial as it is the primary means for prosecuting persons for committing transnational organized crimes. This article focuses on successes and challenges of Armenia for ensuring international cooperation in prosecution of transnational organized crime cases.

Armenia ratified the UN Convention against Transnational Organized Crime and joined the three supplementing Protocols [2]. The cooperation in criminal cases with foreign countries is conducted based on multilateral and bilateral treaties. With European countries Armenia cooperates mainly on the basis of the European Convention on Mutual Assistance in Criminal Matters [3], European Convention on Extradition [4], Budapest Convention on Cybercrime [5] and others. Relevant UN treaties are applied in those cases when there are no applicable agreements amongst the states in question. These instruments play a crucial role in ensuring appropriate legal framework for international cooperation. In April this year Armenia signed the Agreement "On cooperation between the competent authorities in the field of legal cooperation between the Republic of Armenia and the European Union in the field of criminal proceedings of the Republic of Armenia and the European Union Agency for Cooperation in the Field of Criminal Justice (Eurojust)". However, Armenia has been working very actively with Eurojust in the past four years, without having signed the Agreement. This resulted in successful cooperation in more than 60 cases of money laundering, drug trafficking and corruption.

The Prosecutor General's Office of Armenia uses three main means of international cooperation in criminal proceedings [6]:

1. Requests for mutual legal assistance in criminal cases
2. Extraditions
3. Transfer of criminal proceedings

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Protocol against the Smuggling of Migrants by Land, Sea and Air and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. URL: <https://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>

[3] Armenia ratified the Convention on 25 January 2002.

[4] Armenia ratified the Convention on 18 December 2003.

[5] Armenia ratified the Convention on 12 October 2006.

[6] The Ministry of Justice is responsible to ensuring international legal cooperation on the cases that are at the trial stage and enforcement of the sentences.



The outstanding question is how practical and quick our international cooperation mechanisms are to ensure timely and adequate response and how successful we are in preventing transnational organized crimes.

The below table provides relevant statistical data for 2022 and 2023:

Year	Number of requests for legal assistance sent to the foreign competent authorities	Number of requests for legal assistance received from foreign competent authorities	Number of extradition requests sent to foreign competent authorities	Number of extradition requests received from foreign competent authorities	Number of cases transferred to Armenia by other states for criminal prosecution	Number of cases transferred by Armenia to other states for criminal prosecution
2022	427	169	44	38	22	1
2023	311	190	28	54	26	1

Our analysis confirmed, that in the recent years the number of incoming requests for extradition has raised. Similarly, there has been an increase of arrested fugitives in Armenia that are wanted by other countries. This certainly is the direct result of enhanced international cooperation.

During the past two years our practice revealed several challenges that we had been facing related to the knowledge of the legal and administrative framework of other countries related to requests of Mutual legal assistance. We successfully overcome this as several countries shared with us updated guidelines on drafting requests for mutual legal assistance in criminal cases. Given that IAP is the only worldwide organization of prosecutors, this example of enhanced experience may be an invitation for IAP to consider the possibility of creating a platform for collecting and sharing such manuals with its members.

For ensuring speedy processes, there is a crucial need for coordinated and more timely cooperation. All states have domestic laws and regulation, enforcement of which may imply complying with certain diplomatic, administrative and logistical frameworks. However, our voices and actions should be united when it comes to transnational organized crimes cases.

Recently Armenia documented a very successful example of coordinated and speedy cooperation with foreign countries, which resulted in extradition of a person to Armenia who is now standing trial for money laundering – serious crime of transnational nature. In another case Armenia extradited to an EU member state a fugitive wanted for transnational organized crime in which thousands of victims were involved.

As a Prosecutor General I attach particular importance to analyzing transnational organized crime cases, as they reveal the specifics of the functioning and structure of organized criminal groups, their organizational framework and geographic scope as well as support to understand the new tendencies of criminal groups and new forms of criminality, given the rapidly developing technological means and solutions. In the light of the latter, I consider coordination and speediness as one of the main preconditions for successful international cooperation leading to prevention and prosecution of transnational organized crimes cases.