

## CONCEPT NOTE AND AGENDA



 **UNODC**  
United Nations Office on Drugs and Crime

Updating the UNODC Model Law on Mutual Assistance in Criminal Matters (2007), with Provisions on the Gathering of Electronic Evidence and the Use of Special Investigative Techniques

Second Informal Expert Group Meeting  
11-12 November 2021  
Vienna International Centre

 From the People of Japan

 Foreign, Commonwealth & Development Office



**This activity is made possible due to the generous support of the Governments of Japan and the United Kingdom of Great Britain and Northern Ireland.**

### CONCEPT NOTE

#### Introduction

The second [informal Expert Group Meeting \(IEGM\)](#) is convened pursuant to paragraph 15(d) of [Resolution 10/4 of the Conference of the Parties \(COP\)](#) to the United Nations Convention Against Transnational Organized Crime, by which the United Nations Office on Drugs and Crime (UNODC) was requested, “*within its mandate, to update, as necessary, model instruments and publications, such as the Model Law on Mutual Assistance in Criminal Matters developed by the Office in 2007, with a view, as appropriate, to including provisions and updated material on the use of special investigative techniques and the gathering of electronic evidence*”.

Pursuant to the above-mentioned mandate, UNODC held, from 17 to 18 March 2021, a first IEGM, in which 76 experts nominated by 31 Member States and six Intergovernmental Organizations gathered on-line. The first IEGM, which was led as a stocktaking exercise, aimed at collecting best practices and legislative approaches. In this regard, 17 Member States submitted their written response to a national questionnaire, developed by UNODC. Subsequently, in May 2021, UNODC experts carried out focused interviews with staff from various national central authorities, with a view to gathering additional elements for the new provisions on the use of special investigative techniques and electronic evidence.

## Meeting Objective

The second IEGM will aim at finalizing the drafting of provisions on electronic evidence and special investigative techniques.

## Methodology

UNODC will Chair the meeting, guiding the participants towards the accomplishment of the meeting objective by enabling a smooth conduct of business and establishing time limits to presentations and interventions, when deemed necessary.

At the beginning of each session, the Chairperson will give the floor to the leading UNODC expert, who will introduce the text of the corresponding provision(s), followed by a brief explanation of any new element(s) or changes introduced. The Chairperson will then open the floor for national experts to intervene.

Experts are kindly encouraged to focus their interventions on the particular provision(s) under consideration in each session, and to put forward language and suggestions for the text that are as concrete as possible. Insights from national MLA experience, which are directly relevant to the provisions under discussion, will be particularly welcomed, especially where there are elements from this experience that could be transferrable and relevant to the wide spectrum of countries and different legal systems that may have interest in a Model law of this nature.

Bearing in mind the overall objective of the meeting, which is the finalization of the drafting, the Revised Document will be displayed on screen, showing the text of the provision(s) under consideration. Should this be required, a UNODC expert will be amending the text live, using track changes. Efforts will be made to achieve, towards the end of each session, an amicable ground for consensus on each of the amended and/or new provisions.

## Meeting Documentation

Nominated national experts will receive, in advance, the following documents:

- 1) The Revised Document, outlining the proposal of amendments drafted by UNODC experts, based on the conceptual and technical elements arising from the first IEGM session, the responses to the national questionnaires, the focused interviews, and the latest developments reflected in the 2021 edition of the [UNODC Practical Guide for Requesting Electronic Evidence Across Borders](#).
- 2) The Compilation of National Questionnaires and
- 3) The UNODC (2007) [Model Law on Mutual Assistance in Criminal Matters, for comparative purposes](#). ([Arabic](#), [English](#) [French](#))

## Meeting webpage

<https://www.unodc.org/unodc/en/legal-tools/Model.html>

## AGENDA

### Vienna International Centre - Conference Room C1

	<b>DAY 1 - THURSDAY 11 NOVEMBER 2021</b>
<b>10:00-10:10</b>	<p><b>Welcoming remarks</b></p> <ul style="list-style-type: none"> <li>• Masood Karimipour, Chief, Terrorism Prevention Branch, UNODC</li> <li>• James Smith, UK Central Authority, International Criminality Directorate, Home Office</li> </ul>
<b>10:10 - 13:00</b>	<div style="text-align: center; background-color: #D9E1F2; padding: 5px;"> <p><b><u>Session 1:</u></b> <b>Amendments on Part 4 entitled “Assistance in relation to Computers, Computer Systems and Computer Data”</b></p> </div> <p><b>1.1 New Part 4A</b></p> <ul style="list-style-type: none"> <li>- Treatment of electronic evidence</li> </ul> <p><b>1.2 Amendments to existing procedural powers (new Part 4B)</b></p> <ul style="list-style-type: none"> <li>- Expedited preservation and disclosure of stored computer data (formerly section 28)</li> <li>- Production of stored computer data (formerly section 29)</li> <li>- New: Production of stored computer data in an emergency situation</li> <li>- New: Conflict of Law</li> <li>- Search and seizure of computer data (formerly section 30)</li> </ul> <ul style="list-style-type: none"> <li>• Arianna Lepore, Coordinator, Global Initiative on Electronic Evidence, Terrorism Prevention Branch, UNODC</li> <li>• Citlalin Castañeda de la Mora, Crime Prevention and Criminal Justice Officer, Terrorism Prevention Branch, UNODC</li> <li>• Dr. Micheál Ó Floinn, UNODC Expert, Terrorism Prevention Branch</li> <li>• Olga Zudova, UNODC Expert, Terrorism Prevention Branch</li> </ul>
<b>13:00-14:30</b>	<p><b>Lunch break (VIC Cafeteria)</b></p>
<b>14:30-17:30</b>	<div style="text-align: center; background-color: #D9E1F2; padding: 5px;"> <p><b><u>Session 2:</u></b> <b>Definitions and incidental amendments</b></p> </div> <p><b>2.1 Incidental Amendments to Chapter 1</b></p> <ul style="list-style-type: none"> <li>- Serious crime (new definition)</li> <li>- Amendments to sections 14 (Statements, testimony, production of evidence and identification of a person or thing) and 17 (Search and seizure).</li> </ul> <p><b>2.2 Definitions</b></p> <ul style="list-style-type: none"> <li>- Amending extant definitions: computer data, computer system, service provider, subscriber information, traffic data.</li> <li>- New: content data, emergency.</li> </ul> <ul style="list-style-type: none"> <li>• Arianna Lepore, Coordinator, Global Initiative on Electronic Evidence, Terrorism Prevention Branch, UNODC</li> </ul>

	<ul style="list-style-type: none"> <li>• Citlalin Castañeda de la Mora, Crime Prevention and Criminal Justice Officer, Terrorism Prevention Branch, UNODC</li> <li>• Dr. Micheál Ó Floinn, UNODC Expert, Terrorism Prevention Branch</li> <li>• Olga Zudova, UNODC Expert, Terrorism Prevention Branch</li> </ul>
	<b>DAY 2 - FRIDAY 12 NOVEMBER 2021</b>
	<b>Session 3: New Provisions on Special Investigative Techniques</b>
<b>10:00- 13:00</b>	<p><b>3.1 Interception of Telecommunications</b></p> <ul style="list-style-type: none"> <li>- New sections: interception of telecommunications, items subject to legal privilege.</li> <li>- New related definitions: interception of telecommunications, telecommunication, telecommunication system, telecommunication service, telecommunication operator, transmission data.</li> </ul> <p><b>3.2 Online Covert Surveillance</b></p> <ul style="list-style-type: none"> <li>- New section: Online covert surveillance</li> <li>- New related definitions: online covert surveillance, online covert human intelligence source, surveillance.</li> </ul> <ul style="list-style-type: none"> <li>• Arianna Lepore, Coordinator, Global Initiative on Electronic Evidence, Terrorism Prevention Branch, UNODC</li> <li>• Citlalin Castañeda de la Mora, Crime Prevention and Criminal Justice Officer, Terrorism Prevention Branch, UNODC</li> <li>• Dr. Micheál Ó Floinn, UNODC Expert, Terrorism Prevention Branch</li> <li>• Olga Zudova, UNODC Expert, Terrorism Prevention Branch</li> </ul>
<b>13:00- 14:30</b>	<b>Lunch break (VIC Cafeteria)</b>
	<b>Session 4: Finalisation and Way Forward</b>
<b>14:30- 17:15</b>	<p>Finalising the draft provisions by the participating experts and discussing the way forward</p> <ul style="list-style-type: none"> <li>• Arianna Lepore, Coordinator, Global Initiative on Electronic Evidence, Terrorism Prevention Branch, UNODC</li> <li>• Citlalin Castañeda de la Mora, Crime Prevention and Criminal Justice Officer, Terrorism Prevention Branch, UNODC</li> <li>• Dimosthenis Chrysikos, Crime Prevention and Criminal Justice Officer, UNODC Organized Crime Branch</li> <li>• Dr. Micheál Ó Floinn, UNODC Expert, Terrorism Prevention Branch</li> <li>• Olga Zudova, UNODC Expert, Terrorism Prevention Branch</li> </ul>
<b>17:15- 17:30</b>	<p><b>Closing remarks</b></p> <ul style="list-style-type: none"> <li>• Arianna Lepore, Coordinator, Global Initiative on Electronic Evidence, Terrorism Prevention Branch, UNODC</li> <li>• James Smith, UK Central Authority, International Criminality Directorate, Home Office</li> </ul>