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| <p>RESOLUTION AGN/61/RES/13</p> <p>SUBJECT: Authentication of Evidence</p> | <p>TO BE CLASSIFIED AS FOLLOWS:</p> <p>1 copy in the CHRONOLOGICAL SERIES: Year 1992</p> <p>1 copy in the SUBJECT SERIES: Heading: Procedure, Penal and Police</p> |
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TEXT OF RESOLUTION

BEING GUIDED BY the Constitution of the International Criminal Police Organization - Interpol which states, in part, that the aims of the Organization are: "To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries...",

OBSERVING that the incidence of international criminal activity is increasing each year,

FURTHER OBSERVING that types of international law enforcement assistance must progress in order for the ICPO-Interpol and police authorities to address the problems of international criminal activities,

NOTING that the ICPO-Interpol network operates as an excellent medium for law enforcement authorities of one Member State to request the investigative assistance of the authorities in another Member State,

FURTHER NOTING that the information obtained by the law enforcement authorities of requested States is often in the form of documents which would be valuable evidence were they admitted in the tribunal of the State asking for the assistance in obtaining the documents,

NOTING WITH APPROVAL that paragraph 1 of Article 7 of the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 encourages "the widest measure of mutual legal assistance in investigations, prosecutions, and judicial proceedings..." and paragraph 20 of that article states: "Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purpose of, give practical effect to, or enhance the provisions of this article",

FURTHER NOTING that there are certain instruments, such as the Convention Abolishing the Requirement of Legalization for Foreign Public Documents which was done at The Hague in 1961 which have, in part, addressed the need to speed the certification of certain documentary evidence,

CONSIDERING that all States would benefit from a uniform regime which will ensure that certain documentary evidence is authenticated, certified and transmitted in a form which is admissible in the courts of the member countries,

DESIRING that a regime whereby certain documentary evidence may be authenticated, certified and transmitted through the Interpol system should be established by the member countries,

The ICPO-Interpol General Assembly, meeting in Dakar from 4th to 10th November 1992 at its 61st session:

DECIDES THAT:

1. To accomplish the regime for acquiring and transmitting evidence the following measures shall be taken:
 - A. All countries shall be invited to send their experts to participate in an open-ended working group which is directed to:
 - i. Meet as necessary and as permitted within budgetary limitations.
 - ii. Study legal means of accomplishing a uniform regime for the authentication, certification and transmittal of certain documentary evidence through the Interpol system and determine which means is most beneficial.
 - iii. Determine what documentary evidence may be authenticated, certified and transmitted by resorting to this regime.
 - iv. Draft proposed documents which may be, but are not limited to proposed ICPO-Interpol regulations and rules, model statutes and draft treaties or conventions as are necessary.
 - v. Report to the 62nd session of the General Assembly and propose any further resolutions to supplement this resolution.
 - vi. Issue a final report to the 63rd session of the General Assembly with draft documents for that General Assembly's review.
 - vii. Issue such working papers as may be necessary to keep the member nations informed of the development of the proposed documents.
 - B. The General Secretariat is directed to provide those services necessary to assist the open-ended working group in its deliberation including:
 - i. Transmitting to all Member States notices and invitations to meetings of the open-ended working group.

- ii. Transmit to all Member States working documents of the openended working group.
 - iii. Transmit to the 62nd and 63rd General Assembly sessions such draft resolutions and draft documents and reports as may be necessary for the resolution of the project.
 - iv. To host at least twice yearly in the Headquarters or another place determined by the Secretariat, meetings of the openended working group and to provide translation, interpretation and the services of the Secretariat to that working group which may include:
 - (a) Drafting and publishing working papers and surveys as may be necessary to assist the open-ended working group.
 - (b) Providing expert advice to the open-ended working group from the expert disciplines represented in the General Secretariat.
2. To assist the General Secretariat in fulfilling its duties as Secretariat for the open-ended working group, the General Secretariat is authorized to appoint such advisors as are necessary provided that the services and costs of an advisor are borne by the Member State dispatching the advisor.
3. The Secretary General is authorized to solicit contributions from Member States or other organizations and expend those funds necessary to accomplish this task; however, the Secretary General is not authorized to expend money for the salary, travel or other expenses of the members of the open-ended working group or the advisors.

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