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MEXICO PROPOSAL

INDICATORS ON TRANSNATIONAL ORGANIZED CRIME

MULTILATERAL EVALUATION MECHANISM (MEM)

REVISED VERSION

30 APRIL, 2003

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MULTILATERAL EVALUATION MECHANISM – QUESTIONNAIRE – SECOND EVALUATION ROUND
Inter-American Drug Abuse Control Commission - CICAD

[date]

1

Combating Transnational Organized Crime

PURPOSE OF INDICATOR:

ESTABLISH A FRAMEWORK TO GUIDE ACTIVITIES AGAINST ORGANIZED CRIME

A. How does your country combat Transnational Organized Crime? ⁽¹⁾:

1. National laws (please move to question B)
2. Treaties or International Conventions
3. Others (Please specify)
4. No measures exist. Please move to the Observations section

B. Current status of national legislation against organized crime:

1. In force
2. Being drafted
3. Drafted but pending approval

C. Aspects linked to organized crime included in national legislation:

1. Criminalization in national legislation of crimes specifically linked to organized crime:

- | | Y | N | |
|----|--------------------------|--------------------------|---|
| a. | <input type="checkbox"/> | <input type="checkbox"/> | Illicit drug trafficking |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | Participation in conspiracy or membership of a criminal group |

- c. Organizing, directing, aiding, facilitating or counselling the commission of serious crimes (2) involving organized crime
- d. Money laundering of the proceeds of crime independent from the predicate offence
- e. Corruption
- f. Obstruction of justice
- g. Trafficking in persons for purposes of exploitation
- h. Illicit trafficking of migrants
- i. Preparing, supplying or possessing false travel and/or identity documents
- j. Manufacture of and trafficking in firearms, their parts and components, ammunition, explosives and other related materials
- k. Criminalization as serious crimes

2. Establishment in the national legal system of:

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Liability of legal persons |
| <input type="checkbox"/> | <input type="checkbox"/> | Identification, monitoring, freezing or seizure and eventual confiscation of the proceeds of criminal activities |
| <input type="checkbox"/> | <input type="checkbox"/> | Witness protection |
| <input type="checkbox"/> | <input type="checkbox"/> | Assistance, compensation and restitution for victims |
| <input type="checkbox"/> | <input type="checkbox"/> | Measures for persons involved in organized crimes to cooperate with legal authorities |

D. Special investigation techniques included in the national law:

- | | Y | N | |
|----|--------------------------|--------------------------|------------------------|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Undercover operations |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Telephone line tapping |

3. Undercover agents
4. Controlled deliveries⁽⁴⁾
5. Others, please specify

E. Authorities responsible for enforcing the law:

F. Observations:

G. Agency providing information:

H. Official providing information:

DEFINITIONS AND EXPLANATIONS:

(1) **Transnational Organized Crime** shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit.

(2) **Serious Crime** shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

(3) **Confiscation** shall mean the permanent deprivation of property by order of a court or other competent authority.

(4) **Controlled Delivery** shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.

2

Enforcement of laws against Transnational Organized Crime

PURPOSE OF INDICATOR:

IDENTIFY THE ENFORCEMENT OF LAWS AGAINST TRANSNATIONAL ORGANIZED CRIME

- A. Which institutions participate in enforcing laws against transnational organized crime?

- B. Please indicate the functions of institutions responsible for combating transnational organized crime:

- | | Y | N | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="Has intelligence agencies (1)"/> |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="Prepares and maintains centralized databanks"/> |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text" value="Has liaison agents (2) in other countries"/> |

- C. Are training programs available for officials responsible for enforcing laws against transnational organized crime?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

1. If yes, please indicate how many officials received training during the period 2002-2004:

2. If the answer is negative, please indicate which areas require training. Please explain briefly.

- D. Do mechanisms exist to evaluate the efficiency and transparency of institutions responsible for combating transnational organized crime? (procedures to assure the trustworthiness of employees, control of public expenses etc.)

Y **N**

1. If yes, Please explain briefly the mechanisms used in your country.

- E. Does your country keep public statistics on the number of persons arrested linked to transnational organized crime?

Y **N**

- F. If yes, does your country consider these statistics to accurately reflect the magnitude of the problem in your country? Please indicate why?

- G. Provide the number of persons arrested, tried and convicted for transnational organized crime for the following years:

1.

Number of persons arrested		
2002	2003	2004

2.

Number of persons tried		
2002	2003	2004

3.

Number of persons convicted		
2001	2002	2003

- H. Observations:

I. Agency providing information:

J. Official providing information:

DEFINITIONS AND EXPLANATIONS:

(1) **Intelligence agencies** shall mean..... (pending)

(2) **Liaison agents** shall mean..... (pending)