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No 14 (2002) Cm 5580



Treaty Series No. 12 (2006)

United Nations Convention against Transnational Organized Crime

New York, 15 November 2000

[The United Kingdom deposited its instrument of ratification on 9 February 2006 and the Convention entered into force for the United Kingdom on 11 March 2006]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

ARTICLE 1

Statement of purpose

The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.

ARTICLE 2

Use of terms

For the purposes of this Convention:

- (a) “Organized criminal group” 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 established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) “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;
- (c) “Structured group” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;
- (d) “Property” shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;
- (e) “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;
- (f) “Freezing” or “seizure” shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;
- (g) “Confiscation”, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;
- (h) “Predicate offence” shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 6 of this Convention.
- (i) “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;
- (j) “Regional economic integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to “States Parties” under this Convention shall apply to such organizations within the limits of their competence.

ARTICLE 3

Scope of application

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

- (a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and
- (b) Serious crime as defined in article 2 of this Convention;

where the offence is transnational in nature and involves an organized criminal group.

2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

- (a) It is committed in more than one State;
- (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State.

ARTICLE 4

Protection of sovereignty

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

ARTICLE 5

Criminalization of participation in an organized criminal group

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- (a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
 - (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
 - (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
 - a. Criminal activities of the organized criminal group;
 - b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
- (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

ARTICLE 6

Criminalization of the laundering of proceeds of crime

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- (a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;
- (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;
- (b) Subject to the basic concepts of its legal system;
 - (i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;
 - (ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

- (a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;
- (b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;
- (c) For the purposes of subparagraph (b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;
- (d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;
- (e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;
- (f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

ARTICLE 7

Measures to combat money-laundering

1. Each State Party:
 - (a) Shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions;
 - (b) Shall, without prejudice to articles 18 and 27 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.
2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.
3. In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.
4. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

ARTICLE 8

Criminalization of corruption

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - (a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
 - (b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.
2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9 of this Convention, “public official” shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

ARTICLE 9

Measures against corruption

1. In addition to the measures set forth in article 8 of this Convention, each State Party shall, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.

2. Each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

ARTICLE 10

Liability of legal persons

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8, and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

ARTICLE 11

Prosecution, adjudication and sanctions

1. Each State party shall make the commission of an offence established in accordance with articles 5, 6, 8 and 23 of this Convention liable to sanctions that take into account the gravity of that offence.

2. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences covered by this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

3. In the case of offences established in accordance with articles 5, 6, 8 and 23 of this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

4. Each State Party shall ensure that its courts or other competent authorities bear in mind the grave nature of the offences covered by this Convention when considering the eventuality of early release or parole of persons convicted of such offences.

5. Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence covered by this Convention and a longer period where the alleged offender has evaded the administration of justice.

6. Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law.

ARTICLE 12

Confiscation and seizure

1. States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of:

- (a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;
- (b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.

2. States Parties shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

6. For the purposes of this article and article 13 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States parties shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

7. States parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party.

ARTICLE 13

International cooperation for purposes of confiscation

1. A State Party that has received a request from another State Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

- (a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or
- (b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article 12, paragraph 1 of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over an offence covered by this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

3. The provisions of article 18 of this Convention are applicable, *mutatis mutandis*, to this article. In addition to the information specified in article 18, paragraph 15, requests made pursuant to this article shall contain:

- (a) in the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;
- (b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested;
- (c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party.

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

7. Cooperation under this article may be refused by a State Party if the offence to which the request relates is not an offence covered by this Convention.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. States Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article.

ARTICLE 14

Disposal of confiscated proceeds of crime or property

1. Proceeds of crime or property confiscated by a State Party pursuant to articles 12 or 13, paragraph 1, of this Convention shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.

2. When acting on the request made by another State Party in accordance with article 13 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another State Party in accordance with articles 12 and 13 of this Convention, a State Party may give special consideration to concluding agreements or arrangements on:

- (a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2(c), of this Convention and to intergovernmental bodies specializing in the fight against organized crime;
- (b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

ARTICLE 15

Jurisdiction

1. Each State party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of this Convention when:

- (a) The offence is committed in the territory of that State Party; or
- (b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:
- (a) The offence is committed against a national of that State Party;
 - (b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or
 - (c) The offence is:
 - (i) One of those established in accordance with article 5, paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory;
 - (ii) One of those established in accordance with article 6, paragraph 1(b)(ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 6, paragraph 1(a)(i) or (ii) or (b)(i), of this Convention within its territory.
3. For the purposes of article 16, paragraph 10, of this Convention, each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.
4. Each State Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite him or her.
5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that one or more other State Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those State Parties shall, as appropriate, consult one another with a view to coordinating their actions.
6. Without prejudice to norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

ARTICLE 16

Extradition

1. This article shall apply to the offences covered by this Convention or in cases where an offence referred to in article 3, paragraph 1(a) or (b), involves an organized criminal group and the person who is the subject of the request for extradition is located in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.
2. If the request for extradition includes several separate serious crimes, some of which are not covered by this article, the requested State Party may apply this article also in respect of the latter offences.
3. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between State Parties. State Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
4. If a State Party that makes extradition conditional on the existence of a treaty receives a request from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

5. States Parties that make extradition conditional on the existence of a treaty shall:
 - (a) At the time of deposit of their instrument of ratification, acceptance, approval or of accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and
 - (b) If they do not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.
6. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.
7. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.
8. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.
9. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.
10. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.
11. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 10 of this article.
12. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.
13. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.
14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

15. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

16. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

17. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

ARTICLE 17

Transfer of sentenced persons

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer of their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by this Convention, in order that they may complete their sentences there.

ARTICLE 18

Mutual legal assistance

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention as provided for in article 3 and shall reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offence referred to in article 3, paragraph 1(a) or (b), is transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party and that the offence involves an organized criminal group.

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 10 of this Convention in the requesting State Party.

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- (a) Taking evidence or statements from persons;
- (b) Effecting service of judicial documents;
- (c) Executing searches and seizures, and freezing;
- (d) Examining objects and sites;
- (e) Providing information, evidentiary items and expert evaluations;
- (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- (h) Facilitating the voluntary appearance of persons in the requesting State Party;
- (i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply these paragraphs if they facilitate cooperation.

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

9. States Parties may decline to render mutual legal assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party.

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

- (a) The person freely gives his or her informed consent;
- (b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

11. For the purposes of paragraph 10 of this article:

- (a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;
- (b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;
- (c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;
- (d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

15. A request for mutual legal assistance shall contain:

- (a) The identity of the authority making the request;
- (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
- (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;
- (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
- (e) Where possible, the identity, location and nationality of any person concerned; and
- (f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting

State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

21. Mutual legal assistance may be refused:

- (a) If the request is not made in conformity with the provisions of this article;
- (b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;
- (c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;
- (d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

23. Reasons shall be given for any refusal of mutual legal assistance.

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the requesting State Party on progress of its handling of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his

or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

29. The requested State Party:

- (a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;
- (b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.

ARTICLE 19

Joint investigations

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

ARTICLE 20

Special investigative techniques

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for the purpose of effectively combating organized crime.

2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods to continue intact or be removed or replaced in whole or in part.

ARTICLE 21

Transfer of criminal proceedings

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

ARTICLE 22

Establishment of criminal record

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous convictions in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence covered by this Convention.

ARTICLE 23

Criminalization of obstruction of justice

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- (a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;
- (b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

ARTICLE 24

Protection of witnesses

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

- (a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;
- (b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.

3. States Parties shall consider entering into agreements or arrangements with such other States for the relocation of persons referred to in paragraph 1 of this article.
4. The provisions of this article shall also apply to victims insofar as they are witnesses.

ARTICLE 25

Assistance to and protection of victims

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.
2. Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention.
3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

ARTICLE 26

Measures to enhance cooperation with law enforcement authorities

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in organized criminal groups:
 - (a) To supply information useful to competent authorities for investigative and evidentiary purposes on such matters as:
 - (i) The identity, nature, composition, structure, location or activities of organized criminal groups;
 - (ii) Links, including international links, with other organized criminal groups;
 - (iii) Offences that organized criminal groups have committed or may commit;
 - (b) To provide factual, concrete help to competent authorities that may contribute to depriving organized criminal groups of their resources or of the proceeds of crime.
2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.
3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.
4. Protection of such persons shall be as provided for in article 24 of this Convention.
5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

ARTICLE 27

Law enforcement cooperation

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each State Party shall, in particular, adopt effective measures:

- (a) To enhance and, where necessary, establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;
- (b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:
 - (i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;
 - (ii) The movement of proceeds of crime or property derived from the commission of such offences;
 - (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;
- (c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;
- (d) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;
- (e) To exchange information with other States Parties on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;
- (f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

3. States Parties shall endeavour to cooperate within their means to respond to transnational organized crime committed through the use of modern technology.

ARTICLE 28

Collection, exchange and analysis of information on the nature of organized crime

1. Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.

2. States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.

3. Each State Party shall consider monitoring its policies and actual measures to combat organized crime and making assessments of their effectiveness and efficiency.

ARTICLE 29

Training and technical assistance

1. Each State Party shall, to the extent necessary, initiative, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:

- (a) Methods used in the prevention, detection and control of the offences covered by this Convention;
- (b) Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;
- (c) Monitoring of the movement of contraband;
- (d) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;
- (e) Collection of evidence;
- (f) Control techniques in free trade zones and free ports;
- (g) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;
- (h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and
- (i) Methods used in the protection of victims and witnesses.

2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

3. States Parties shall promote training and technical assistance that will facilitate extradition and mutual legal assistance. Such training and technical assistance may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. In the case of existing bilateral and multilateral agreements or arrangements, States Parties shall strengthen, to the extent necessary, efforts to maximise operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

ARTICLE 30

Other measures: implementation of the Convention through economic development and technical assistance

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of organized crime on society in general, in particular on sustainable development.
2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:
 - (a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat transnational organized crime;
 - (b) To enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement this Convention successfully;
 - (c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to the aforementioned account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of this Convention;
 - (d) To encourage and persuade other States and financial institutions as appropriate to join them in efforts in accordance with this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.
3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.
4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of transnational organized crime.

ARTICLE 31

Prevention

1. States Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.
2. States Parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:
 - (a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;
 - (b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants;

- (c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;
 - (d) The prevention of the misuse of legal persons by organized criminal groups; such measures could include:
 - (i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons;
 - (ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction;
 - (iii) The establishment of national records of persons disqualified from acting as directors of legal persons; and
 - (iv) The exchange of information contained in the records referred to in subparagraphs (d)(i) and (iii) of this paragraph with the competent authorities of other States Parties.
3. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.
4. States Parties shall endeavour to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.
5. States Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.
6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.
7. States Parties shall, as appropriate, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article. This includes participation in international projects aimed at the prevention of transnational organized crime, for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime.

ARTICLE 32

Conference of the Parties to the Convention

1. A Conference of the Parties to the Convention is hereby established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention.
2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities).
3. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:
 - (a) Facilitating activities by States Parties under articles 29, 30 and 31 of this Convention, including by encouraging the mobilization of voluntary contributions;
 - (b) Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it;

- (c) Cooperating with relevant international and regional organizations and non-governmental organizations;
- (d) Reviewing periodically the implementation of this Convention;
- (e) Making recommendations to improve this Convention and its implementation.

4. For the purpose of paragraphs 3 (d) and (e) of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the Parties.

5. Each State Party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement this Convention, as required by the Conference of the Parties.

ARTICLE 33

Secretariat

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention.
2. The secretariat shall:
 - (a) Assist the Conference of the Parties in carrying out the activities set forth in article 32 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;
 - (b) Upon request, assist States Parties in providing information to the Conference of the Parties as envisaged in article 32, paragraph 5, of this Convention; and
 - (c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.

ARTICLE 34

Implementation of the Convention

1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.
2. The offences established in accordance with articles 5, 6, 8 and 23 of this Convention shall be established in the domestic law of each State Party independently of the transnational nature or the involvement of an organized criminal group as described in article 3, paragraph 1, of this Convention, except to the extent that article 5 of this Convention would require the involvement of an organized criminal group.
3. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating transnational organized crime.

ARTICLE 35

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 36

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.
2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Convention in accordance with paragraph 1 of this article.
3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

ARTICLE 37

Relation with protocols

1. This Convention may be supplemented by one or more protocols.
2. In order to become a Party to a protocol, a State or a regional economic integrated organization must also be a Party to this Convention.
3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.
4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

ARTICLE 38

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.
2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fortieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument.

ARTICLE 39

Amendment

1. After the expiry of five years from the entry into force of this Convention, a State Party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the Parties.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.
3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.
4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

ARTICLE 40

Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.
2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.
3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto.

ARTICLE 41

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Convention.
2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

[Here follow the signatures]

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Afghanistan	Signature	14 Dec 2000	
	Ratification	24 Sep 2003	24 Oct 2003
Albania	Signature	12 Dec 2000	
	Ratification	21 Aug 2002	29 Sep 2003
Algeria	Signature	12 Dec 2000	
	Ratification	07 Oct 2002	29 Sep 2003
Andorra	Signature	11 Nov 2001	
Angola	Signature	13 Dec 2000	
Antigua and Barbuda	Signature	26 Sep 2001	
	Ratification	24 Jul 2002	29 Sep 2003
Argentina	Signature	12 Dec 2000	
	Ratification	19 Nov 2002	29 Sep 2003
Armenia	Signature	15 Nov 2001	
	Ratification	01 Jul 2003	29 Sep 2003
Australia	Signature	13 Dec 2000	
	Ratification	27 May 2004	26 Jun 2004
Austria	Signature	12 Dec 2000	
	Ratification	23 Sep 2004	23 Oct 2004
Azerbaijan	Signature	12 Dec 2000	
	Ratification	30 Oct 2003	29 Nov 2003
Bahamas	Signature	09 Apr 2001	
Bahrain	Accession	07 Jun 2004	07 Jul 2004
Barbados	Signature	26 Sep 2001	
Belarus	Signature	14 Dec 2000	
	Ratification	25 Jun 2003	29 Sep 2003
Belgium	Signature	12 Dec 2000	
	Ratification	11 Aug 2004	11 Sep 2004
Belize	Accession	26 Sep 2003	26 Oct 2003
Benin	Signature	13 Dec 2000	
	Ratification	30 Aug 2004	29 Sep 2004
Bolivia	Signature	12 Dec 2000	
	Ratification	10 Oct 2005	09 Nov 2005
Bosnia and Herzegovina	Signature	12 Dec 2000	
	Ratification	24 Apr 2002	29 Sep 2003
Botswana	Signature	10 Apr 2002	
	Ratification	29 Aug 2002	29 Sep 2003
Brazil	Signature	12 Dec 2000	
	Ratification	29 Jan 2004	28 Feb 2004
Bulgaria	Signature	13 Dec 2000	
	Ratification	05 Dec 2001	29 Sep 2003
Burkina Faso	Signature	15 Dec 2000	
	Ratification	15 May 2002	29 Sep 2003
Burundi	Signature	14 Dec 2000	

Cambodia	Signature	11 Nov 2001	
	Ratification	12 Dec 2005	11 Jan 2005
Cameroon	Signature	13 Dec 2000	
	Ratification	06 Feb 2006	08 Mar 2006
Canada	Signature	14 Dec 2000	
	Ratification	13 May 2002	29 Sep 2003
Cape Verde	Signature	13 Dec 2000	
	Ratification	15 Jul 2004	14 Aug 2004
Central African Republic	Accession	14 Sep 2004	14 Oct 2004
Chile	Signature	13 Dec 2000	
	Ratification	29 Nov 2004	29 Dec 2004
China	Signature	12 Dec 2000	
	Ratification	23 Sep 2003	23 Oct 2003
Colombia	Signature	12 Dec 2000	
	Ratification	04 Aug 2004	03 Sep 2004
Comoros	Accession	25 Sep 2003	25 Oct 2003
Congo	Signature	14 Dec 2000	
Cook Islands	Accession	04 Mar 2004	03 Apr 2004
Costa Rica	Signature	16 Mar 2001	
	Ratification	24 Jul 2003	29 Sep 2003
Côte d'Ivoire	Signature	15 Dec 2000	
Croatia	Signature	12 Dec 2000	
	Ratification	24 Jan 2003	29 Sep 2003
Cuba	Signature	13 Dec 2000	
Cyprus	Signature	12 Dec 2000	
	Ratification	22 Apr 2003	29 Sep 2003
Czech Republic	Signature	12 Dec 2000	
Democratic Republic of the Congo	Accession	28 Oct 2005	27 Nov 2005
Denmark	Signature	12 Dec 2000	
	Ratification	30 Sep 2003	30 Oct 2003
Djibouti	Accession	20 Apr 2005	20 May 2005
Dominican Republic	Signature	13 Dec 2000	
Ecuador	Signature	13 Dec 2000	
	Ratification	17 Sep 2002	29 Sep 2003
Egypt	Signature	13 Dec 2000	
	Ratification	05 Mar 2004	04 Apr 2004
El Salvador	Signature	14 Dec 2000	
	Ratification	18 Mar 2004	17 Apr 2004
Equatorial Guinea	Signature	14 Dec 2000	
	Ratification	07 Feb 2003	29 Sep 2003
Estonia	Signature	14 Dec 2000	
	Ratification	10 Feb 2003	29 Sep 2003
Ethiopia	Signature	14 Dec 2000	
European Community	Signature	12 Dec 2000	
	Approval	21 May 2004	20 Jun 2004
Finland	Signature	12 Dec 2000	
	Ratification	10 Feb 2004	11 Mar 2004

France	Signature	12 Dec 2000	
	Ratification	29 Oct 2002	29 Sep 2003
Gabon	Accession	15 Dec 2004	14 Jan 2005
Gambia	Signature	14 Dec 2000	
	Ratification	05 May 2003	29 Sep 2003
Georgia	Signature	13 Dec 2000	
Germany	Signature	12 Dec 2000	
Greece	Signature	13 Dec 2000	
Grenada	Accession	21 May 2004	20 Jun 2004
Guatemala	Signature	12 Dec 2000	
	Ratification	25 Sep 2003	25 Oct 2003
Guinea	Accession	09 Nov 2004	09 Dec 2004
Guinea-Bissau	Signature	14 Dec 2000	
Guyana	Accession	14 Sep 2004	14 Oct 2004
Haiti	Signature	13 Dec 2000	
Honduras	Signature	14 Dec 2000	
	Ratification	02 Dec 2003	01 Jan 2004
Hungary	Signature	14 Dec 2000	
Iceland	Signature	13 Dec 2000	
India	Signature	12 Dec 2002	
Indonesia	Signature	12 Dec 2000	
Iran (Islamic Republic of)	Signature	12 Dec 2000	
Ireland	Signature	13 Dec 2000	
Israel	Signature	13 Dec 2000	
Italy	Signature	12 Dec 2000	
Jamaica	Signature	26 Sep 2001	
	Ratification	29 Sep 2003	29 Oct 2003
Japan	Signature	12 Dec 2000	
Jordan	Signature	26 Nov 2002	
Kazakhstan	Signature	13 Dec 2000	
Kenya	Accession	16 Jun 2004	16 Jul 2004
Kiribati	Accession	15 Sep 2005	15 Oct 2005
Kuwait	Signature	12 Dec 2000	
Krgyzstan	Signature	13 Dec 2000	
	Ratification	02 Oct 2003	01 Nov 2003
Lao People's Democratic Republic	Accession	26 Sep 2003	26 Oct 2003
Latvia	Signature	13 Dec 2000	
	Ratification	07 Dec 2001	29 Sep 2003
Lebanon	Signature	18 Dec 2001	
	Ratification	05 Oct 2005	04 Nov 2005
Lesotho	Signature	14 Dec 2000	
	Ratification	24 Sep 2003	24 Oct 2003
Liberia	Accession	22 Sep 2004	22 Oct 2004
Libyan Arab Jamahiriya	Signature	13 Nov 2001	
	Ratification	18 Jun 2004	18 Jul 2004
Liechtenstein	Signature	12 Dec 2000	

Lithuania	Signature	13 Dec 2000	
	Ratification	09 May 2002	29 Sep 2003
Luxembourg	Signature	13 Dec 2000	
Madagascar	Signature	14 Dec 2000	
	Ratification	15 Sep 2005	15 Oct 2005
Malawi	Signature	13 Dec 2000	
	Ratification	17 Mar 2005	16 Apr 2005
Malaysia	Signature	26 Sep 2002	
	Ratification	24 Sep 2004	24 Oct 2004
Mali	Signature	15 Dec 2000	
	Ratification	12 Apr 2002	29 Sep 2003
Malta	Signature	14 Dec 2000	
	Ratification	24 Sep 2003	24 Oct 2003
Mauritania	Accession	22 Jul 2005	21 Aug 2005
Mauritius	Signature	12 Dec 2000	
	Ratification	21 Apr 2003	29 Sep 2003
Mexico	Signature	13 Dec 2000	
	Ratification	04 Mar 2003	29 Sep 2003
Micronesia (Federated States of)	Accession	24 May 2004	23 Jun 2004
Monaco	Signature	13 Dec 2000	
	Ratification	05 Jun 2001	29 Sep 2003
Morocco	Signature	13 Dec 2000	
	Ratification	19 Sep 2002	29 Sep 2003
Mozambique	Signature	15 Dec 2000	
Myanmar	Accession	30 Mar 2004	29 Apr 2004
Namibia	Signature	13 Dec 2000	
	Ratification	16 Aug 2002	29 Sep 2003
Nauru	Signature	12 Nov 2001	
Nepal	Signature	12 Dec 2002	
Netherlands	Signature	12 Dec 2000	
	Ratification	26 May 2004	25 Jun 2004
New Zealand	Signature	14 Dec 2000	
	Ratification	19 Jul 2002	29 Sep 2003
Nicaragua	Signature	14 Dec 2000	
	Ratification	09 Sep 2002	29 Sep 2003
Niger	Signature	21 Aug 2001	
	Ratification	30 Sep 2004	30 Oct 2004
Nigeria	Signature	13 Dec 2000	
	Ratification	28 Jun 2001	29 Sep 2003
Norway	Signature	13 Dec 2000	
	Ratification	23 Sep 2003	23 Oct 2003
Oman	Accession	13 May 2005	12 Jun 2005
Pakistan	Signature	14 Dec 2000	
Panama	Signature	13 Dec 2000	
	Ratification	18 Aug 2004	17 Sep 2004
Paraguay	Signature	12 Dec 2000	
	Ratification	22 Sep 2004	22 Oct 2004

Peru	Signature	14 Dec 2000	
	Ratification	23 Jan 2002	29 Sep 2003
Philippines	Signature	14 Dec 2000	
	Ratification	28 May 2002	29 Sep 2003
Poland	Signature	12 Dec 2000	
	Ratification	12 Nov 2001	29 Sep 2003
Portugal	Signature	12 Dec 2000	
	Ratification	10 May 2004	09 Jun 2004
Republic of Korea	Signature	13 Dec 2000	
Republic of Moldova	Signature	14 Dec 2000	
	Ratification	16 Sep 2005	16 Oct 2005
Romania	Signature	14 Dec 2000	
	Ratification	04 Dec 2002	29 Sep 2003
Russian Federation	Signature	12 Dec 2000	
	Ratification	26 May 2004	25 Jun 2004
Rwanda	Signature	14 Dec 2000	
	Ratification	26 Sep 2003	26 Oct 2003
Saint Kitts and Nevis	Signature	20 Nov 2001	
	Ratification	21 May 2004	20 Jun 2004
Saint Lucia	Signature	26 Sep 2001	
Saint Vincent and the Grenadines	Signature	24 Jul 2002	
San Marino	Signature	14 Dec 2000	
Saudi Arabia	Signature	12 Dec 2000	
	Ratification	18 Jan 2005	17 Feb 2005
Senegal	Signature	13 Dec 2000	
	Ratification	27 Oct 2003	26 Nov 2003
Serbia and Montenegro	Signature	12 Dec 2000	
	Ratification	06 Sep 2001	29 Sep 2003
Seychelles	Signature	12 Dec 2000	
	Ratification	22 Apr 2003	29 Sep 2003
Sierra Leone	Signature	27 Nov 2001	
Singapore	Signature	13 Dec 2000	
Slovakia	Signature	14 Dec 2000	
	Ratification	03 Dec 2003	02 Jan 2004
Slovenia	Signature	12 Dec 2000	
	Ratification	21 May 2004	20 Jun 2004
South Africa	Signature	14 Dec 2000	
	Ratification	20 Feb 2004	21 Mar 2004
Spain	Signature	13 Dec 2000	
	Ratification	01 Mar 2002	29 Sep 2003
Sri Lanka	Signature	13 Dec 2000	
Sudan	Signature	15 Dec 2000	
	Ratification	10 Dec 2004	09 Jan 2005
Swaziland	Signature	14 Dec 2000	
Sweden	Signature	12 Dec 2000	
	Ratification	30 Apr 2004	30 May 2004
Switzerland	Signature	12 Dec 2000	

Syrian Arab Republic	Signature	13 Dec 2000	
Tajikstan	Signature	12 Dec 2000	
	Ratification	08 Jul 2002	29 Sep 2003
Thailand	Signature	13 Dec 2000	
The Former Yugoslav Republic of Macedonia	Signature	12 Dec 2000	
	Ratification	12 Jan 2005	11 Feb 2005
Togo	Signature	12 Dec 2000	
	Ratification	02 Jul 2004	01 Aug 2004
Trinidad and Tobago	Signature	26 Sep 2001	
Tunisia	Signature	13 Dec 2000	
	Ratification	19 Jun 2003	29 Sep 2003
Turkey	Signature	13 Dec 2000	
	Ratification	25 Mar 2003	29 Sep 2003
Turkmenistan	Accession	28 Mar 2005	27 Apr 2005
Uganda	Signature	12 Dec 2000	
	Ratification	09 Mar 2005	08 Apr 2005
Ukraine	Signature	12 Dec 2000	
	Ratification	21 May 2004	20 Jun 2004
United Arab Emirates	Signature	09 Dec 2002	
United Kingdom	Signature	14 Dec 2000	
	Ratification	09 Feb 2006	11 Mar 2006
United Republic of Tanzania	Signature	13 Dec 2000	
Unite States of America	Signature	13 Dec 2000	
	Ratification	03 Nov 2005	03 Dec 2005
Uruguay	Signature	13 Dec 2000	
	Ratification	04 Mar 2005	03 Apr 2005
Uzbekistan	Signature	13 Dec 2000	
	Ratification	09 Dec 2003	09 Jan 2004
Vanuatu	Accession	04 Jan 2006	03 Feb 2006
Venezuela	Signature	14 Dec 2000	
	Ratification	13 May 2002	29 Sep 2003
Vietnam	Signature	13 Dec 2000	
Yemen	Signature	15 Dec 2000	
Zambia	Accession	24 Apr 2005	24 May 2005
Zimbabwe	Signature	12 Dec 2000	

DECLARATIONS AND RESERVATIONS

(Unless otherwise indicated, the declarations were made upon ratification, acceptance, approval or accession.)

Declarations

Algeria

Reservation:

The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 35, paragraph 2, of this Convention, which provide that any dispute between two or more States concerning the interpretation or application of this Convention that has not been settled by negotiation shall be submitted to arbitration or to the International Court of Justice at the request of any of the parties thereto.

The Government of the People's Democratic Republic of Algeria considers that no dispute of such nature must be submitted to arbitration or to the International Court of Justice without the consent of all the parties to the dispute.

Declaration:

The ratification of this Convention by the People's Democratic Republic of Algeria does not in any way signify recognition of Israel.

The present ratification does not entail the establishment of relations of any kind with Israel.

Azerbaijan

Declaration:

"The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation."

Réservation:

"In accordance with paragraph 3 of Article 35 of the Convention, the Republic of Azerbaijan declares that it does not consider itself bound by the provision of paragraph 2 of Article 35."

Bahrain

Reservation:

"... the Kingdom of Bahrain does not consider itself bound by paragraph 2 of article 35 of the Convention."

Belarus

Statement:

"The Republic of Belarus understands the implementation of the provisions of Article 10 of the Convention to the degree that will not contradict its national legislation."

Belgium

Upon signature:

Declaration:

The French, Flemish and German-speaking Communities and the Regions of Wallonia, Flanders and Brussels-Capital are also bound by this signature.

Belize

Reservation:

"The Government of Belize does not consider itself bound by the provisions of article 35, paragraph 2, of this Convention, which provide that any dispute between two or more States concerning the interpretation or application of this Convention that has not been settled by negotiation shall be submitted to arbitration or to the International Court of Justice at the request of any of the parties thereto."

China

Reservation:

The People's Republic of China makes a reservation with regard to Article 35, paragraph 2 of the Convention and is not bound by the provisions of Article 35, paragraph 2.

Colombia

Reservation:

In accordance with article 35, paragraph 3, of the Convention, Colombia declares that it does not consider itself bound by paragraph 2 of that article.

Ecuador

Reservation:

...

With regard to article 10 of the United Nations Convention against Transnational Organized Crime, the Government of Ecuador points out that the concept of criminal liability of legal persons is not at the moment embodied in Ecuadorian legislation. When legislation progresses in this area, this reservation will be withdrawn.

Exercising the powers referred to in article 35, paragraph 3, of the Convention, the Government of Ecuador makes a reservation with regard to article 35, paragraph 2, relating to the settlement of disputes.

Egypt

Upon signature:

Declaration:

The Arab Republic of Egypt declares that it does not consider itself bound by article 35, paragraph 2, thereof.

European Community

Declaration:

"Article 36 (3) of the United Nations Convention against transnational organised crime provides that the instrument of ratification, acceptance or approval of a regional economic integration organisation shall contain a declaration on the extent of its competence.

The Community points out that it has competence with regard to progressively establishing the internal market, comprising an area without internal frontiers in which the free movement of goods and services is ensured in accordance with the provisions of the Treaty establishing the European Community. For this purpose, the Community has adopted measures to combat money laundering. They do, however, at present not include measures concerning cooperation between

Financial Intelligence Units, detection and monitoring the movement of cash across the borders between the Member States or cooperation among judicial and law enforcement authorities. The Community also has adopted measures to ensure transparency and the equal access of all candidates for the public contracts and services markets which contributes to preventing corruption. Where the Community has adopted measures, it is for the Community alone to enter into external undertakings with third States or competent international organisations which affect those measures or alter their scope. This competence relates to Articles 7, 9 and 31 (2)(c) of the Convention. Moreover, Community policy in the sphere of development cooperation complements policies pursued by Member States and includes provisions to combat corruption. This competency relates to Article 30 of the Convention. Moreover, the Community considers itself bound by other provisions of the Convention to the extent that they are related to the application of Articles 7, 9, 30 and 31 (2)(c). in particular the articles concerning its purpose and definitions and its final provisions.

The scope and the exercise of Community competence are, by their nature, subject to continuous development and the Community will complete or amend this declaration, if necessary, in accordance with Article 36 of the Convention.

2) The United Nations Convention against transnational organised crime shall apply, with regard to the competence of the Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof.

Pursuant to Article 299, this declaration is not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Convention by the Member States concerned on behalf of and in the interests of those territories."

Statement:

"With respect to Article 35, paragraph 2, the Community points out that, according to Article 34, paragraph 1, of the Statute of the International Court of Justice, only States may be parties before that Court. Therefore, under Article 35, paragraph 2, of the Convention, in disputes involving the community only dispute settlement by way of arbitration will be available."

El Salvador

Reservation:

With regard to article 35, paragraph 3, of the said Convention, the Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of the said article because it does not recognize the compulsory jurisdiction of the International Court of Justice.

Jordan

Upon signature:

Reservation:

"The Hashemite Kingdom of Jordan declares its intention not to be bound by the provisions of article 35, Paragraph (2) of the United Nations Convention against Transnational Organized Crime."

Lao People's Democratic Republic

Reservation:

"In accordance with paragraph 3, Article 35 of the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself

bound by paragraph 2, Article 35 of the present Convention. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Convention to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary."

Lithuania

Declarations:

".....according to paragraph 6 of Article 13 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall consider the Convention the necessary and sufficient treaty basis for the taking of the measures referred to in paragraphs 1 and 2 of Article 13 of this Convention;

...

.....pursuant to paragraph 3 of Article 35 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall not consider itself bound by the provisions of paragraph 2 of Article 35, stipulating that any disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice."

Micronesia (Federated States of)

Reservation:

"... with a reservation that the FSM Government shall not consider itself bound by article 35, paragraph 2, of the Convention; ..."

Malaysia

Declarations:

"(a) Pursuant to Article 35, paragraph 3 of the Convention, the Government of Malaysia declares that it does not consider itself bound by Article 35, paragraph 2 of the Convention, and
(b) the Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 35, paragraph 2 of the Convention or any other procedure for arbitration."

Myanmar

Reservations:

"The Government of the Union of Myanmar wishes to express reservations on Article 16 relating to extradition and does not consider itself bound by the same.

The Government further wishes to make a reservation on Article 35 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Convention to the International Court of Justice."

Nicaragua

Upon signature:

Declaration:

The State of the Republic of Nicaragua declares that such measures as may be necessary to harmonize the Convention with its domestic law, will be the outcome of the processes of revision of criminal legislation which the State of the Republic of Nicaragua is currently pursuing or which it may pursue in the future. Moreover, the State of the Republic of Nicaragua reserves the right, at the moment of depositing its instrument of ratification of the present Convention, to

invoke, in accordance with the general principles of international law, article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969.

Panama

Declaration:

The Government of the Republic of Panama hereby declares that, in connection with articles 16 and 18 of the Convention, it shall not be obliged to carry out extraditions or to render mutual legal assistance in cases where the events giving rise to a request for extradition or mutual legal assistance are not offences under the criminal legislation of the Republic of Panama.

Republic of Moldova

Declarations:

In accordance with paragraph 3 of Article 35 of the Convention, the Republic of Moldova does not consider itself bound by paragraph 2 of Article 35 of the Convention.

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention will be applied only on the territory controlled by the authorities of the Republic of Moldova.

In accordance with paragraph 5 (a) of Article 16 of the Convention, the Republic of Moldova consider the Convention as legal basis for cooperation with other States Parties on extradition. The Republic of Moldova does not consider the Convention as legal basis for extradition of its own citizens and persons who have been granted political asylum in the country, according to national legislation.

Russian Federation

Declarations:

The Russian Federation, in accordance with article 13, paragraph 6 of the Convention declares that, on the basis of reciprocity, it will consider the Convention the necessary and sufficient treaty basis for the taking of the measures referred to in article 13, paragraphs 1 and 2 of the Convention;

The Russian Federation shall have jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of the Convention in the cases envisaged in article 15, paragraphs 1 and 3 of the Convention;

The Russian Federation considers that the provisions of article 16, paragraph 14 of the Convention must be applied in such a way as to ensure the inevitability of responsibility for the commission of offences falling within the purview of the Convention, without detriment to the effectiveness of international cooperation in the areas of extradition and legal assistance;

The Russian Federation, on the basis of article 18, paragraph 7 of the Convention, declares that, on the basis of reciprocity, it will apply article 18, paragraphs 9 to 29 instead of the relevant provisions of any treaty of the mutual legal assistance concluded by the Russian Federation with another State Party to the Convention, if, in the view of the central authority of the Russian Federation, that will facilitate cooperation;

The Russian Federation declares that, in accordance with article 27, paragraph 2 of the Convention, it will consider the Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by the Convention, on condition that such cooperation does not include the conduct of investigatory or other procedural actions in the territory of the Russian Federation.

Saudi Arabia

Reservations:

"The Kingdom of Saudi Arabia does not consider itself obligated by paragraph 2 of article 35 of the Convention."

Slovakia

Declaration:

"Pursuant to Article 6, paragraph 2 (d) and Article 13, paragraph 5 the appropriate authority which will furnish copies of the laws and regulations of the Slovak Republic that give effect to these paragraphs and of any subsequent changes to such laws and regulations or a description thereof to the Secretary General of the United Nations is the Ministry of Justice of the Slovak Republic."

South Africa

Reservation :

"AND WHEREAS pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, the Government of the Republic does not consider itself bound by the terms of Article 35 (2) of the Convention which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Convention. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case."

The Former Yugoslav Republic of Macedonia

Reservation:

"In accordance with Article 35, paragraph 3, of the Convention, the Republic of Macedonia states that it does not consider itself bound by Article 35, paragraph 2, which stipulates that all disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice."

Tunisia

Reservation:

In ratifying the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000, the Tunisian Government declares that it does not consider itself bound by the provisions of article 35, paragraph 2, of the Convention and emphasizes that disputes over the interpretation or application of this Convention may not be submitted to the International Court of Justice unless there is agreement in principle among all the parties concerned.

Ukraine

Reservations and declarations:

The Verkhovna Rada of Ukraine declares that it ratified the following acts:

1. United Nations Convention against Transnational Organized Crime (referred hereinafter as this Convention) signed by Ukraine in Palermo on 12 December 2000 with the following reservations and declarations:

to the paragraph 6 of Article 13:

The Convention shall be applied only subject to the observation of the constitutional principles and fundamental basis of the legal system of Ukraine;

to the paragraph b of Article 2:

The term "serious crime" corresponds to the terms "grave crime" and "especially grave crime" in the Ukrainian criminal law. Grave crime means the crime for which the law provides such type of punishment as imprisonment for at least five years and not exceeding ten years (paragraph 4 of Article 12 of the Criminal Code of Ukraine), and especially grave crime means crime for which the law provides such type of punishment as imprisonment for more than ten years or life imprisonment (paragraph 5 of Article 12 of the Criminal Code of Ukraine);

United States of America

Reservation:

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1 (b) with respect to the offenses established in the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S. -flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1 (b) to the extent provided for under its federal law.

(3) In accordance with Article 35, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2."

Uzbekistan

Reservation:

The Republic of Uzbekistan does not consider itself bound by the provisions of paragraph 2 of article 35 of this Convention.

Declaration:

Communication concerning article 2, paragraph (a), of the Convention

Under article 29, section 4, of the Criminal Code of the Republic of Uzbekistan, approved by the Act of 22 September 1994, a group of two or more persons constituted in advance for the purpose of joint criminal activity is considered an organized group.

Communication concerning article 2, paragraph (b), of the Convention

Under article 15 of the Criminal Code of the Republic of Uzbekistan, offences are subdivided, according to their nature and the degree of danger they pose to society, into: offences that do not pose a great danger to society, less grave, grave and especially grave offences.

Offences that do not pose a great danger to society are premeditated offences punishable by deprivation of liberty for not more than three years and offences committed through negligence and punishable by deprivation of liberty for not more than five years.

Less grave offences are premeditated offences punishable by deprivation of liberty for more than three years but not exceeding five years and offences committed through negligence and punishable by deprivation of liberty for more than five years.

Grave offences are premeditated offences punishable by deprivation of liberty for more than 5 years but not exceeding 10 years.

Especially grave offences are premeditated offences punishable by deprivation of liberty for more than 10 years or the death penalty.

Communication concerning article 2, paragraph (g), of the Convention

Pursuant to the Act of the Republic of Uzbekistan of 29 August 2001, confiscation of property as a form of punishment has been removed from the Criminal Code.

Article 284 of the Code of Criminal Procedure of the Republic of Uzbekistan provides that property that is the object of a crime shall, on the judgement of a court, become State property, unless it is subject to return to the former owner.

Communication concerning article 7 of the Convention

Under article 38 of the Act of the Republic of Uzbekistan of 25 April 1996 on banks and bank activities, information on transactions by and accounts belonging to natural and legal persons may be transmitted to the clients and organizations themselves, to the procurator, and to courts and bodies conducting initial inquiries and investigations:

(a) Information on transactions by and accounts belonging to legal persons and other organizations may be transmitted to the organizations themselves, to the procurator, and to courts and bodies conducting initial inquiries and investigations when criminal proceedings have been initiated;

(b) Information on accounts and deposits belonging to natural persons may be transmitted to the clients themselves and their legal representatives and, provided that such information pertains to cases they are handling, to courts and bodies conducting initial inquiries and investigations when financial resources and other assets of the client in the account or deposit may be subject to seizure, when a penalty is enforced or when property is confiscated.

Communication concerning article 10 of the Convention

The legislation of the Republic of Uzbekistan does not provide for criminal or administrative liability in respect of legal persons.

Venezuela (Bolivarian Republic of)

14 January 2005⁵

Reservation:

Pursuant to article 35, paragraph 3, the Bolivarian Republic of Venezuela declares that it enters an express reservation concerning the provisions of paragraph 2 of this article. Consequently, it

does not consider itself bound to submit to arbitration as a means of settling disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

Notifications

Armenia

"Article 5

Pursuant to paragraph 3 of Article 5 of the United Nations Convention against Transnational Organized Crime, adopted in New York on the 15th day of November 2000 (hereinafter referred as to Convention) the Republic of Armenia declares that its Criminal Code (chapter 7, in particular Article 41 of the Code) covers all serious crimes involving organized criminal groups provided in paragraph 1 (a) (i) of Article 5 of the Convention.

Article 16

Pursuant to paragraph 5 of Article 16 of the Convention the Republic of Armenia declares that it will take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

However, at the same time the Republic of Armenia declares that it shall apply the Convention in relations with the States Parties of the European Convention on Extradition, done at Paris, on 13th day of December 1957, provided that the Convention supplements and facilitates the application of the provisions of the European Convention on Extradition.

Article 18

Pursuant to paragraph 13 of Article 18 of the Convention the Republic of Armenia designates the following central authorities to receive the requests for mutual legal assistance:

a/ in respect of the cases of pretrial investigation phase

- the General Prosecutor's Office of the Republic of Armenia

b/ in respect of the cases of court proceedings phase or connected with the implementation of the judgment

- the Ministry of Justice of the Republic of Armenia.

Pursuant to paragraph 14 Article 18 of the Convention the Republic of Armenia declares that the acceptable languages are Armenian, English or Russian."

Australia

2 July 2004

Australia has the additional honour to note that, under article 5 (3) of the United Nations Convention against Transnational Organised Crime, Australia is required to inform the Secretary General of the United Nations if its law operates in a way that is covered by the paragraph. In accordance with that obligation, the Permanent Mission of Australia is pleased to advise that Australia's law does require an act of furtherance of the Agreement for the conspiracy offence to be made out.

The Permanent Mission of Australia is also pleased to advise that the appropriate Australian authority to contact for the purposes of articles 18 and 31 of the United Nations Convention against Transnational Organised Crime is:

The Attorney-General's Department

(Assistant Secretary, International Crime Branch)

Robert Garran Offices

National Circuit

BARTON ACT 2602

Australia further notes that Australia is not required to make a notification under article 16 (5) of the United Nations Convention against Transnational Organised Crime as Australian extradition law does not operate in the manner covered by this article."

Azerbaijan

"In accordance with paragraph 5 of Article 16 of the Convention, the Republic of Azerbaijan declares that it will use the Convention as the legal basis for cooperation on extradition with other States- Parties to the Convention.

In accordance with paragraph 13 of Article 18 of the Convention, the Republic of Azerbaijan declares that the Ministry of Justice of the Republic of Azerbaijan is designated as the central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

In accordance with paragraph 14 of Article 18 of the Convention, the Republic of Azerbaijan declares that the requests and supporting documents should be submitted in Russian or English as the UN official languages, and should be accompanied by a translation in Azeri.

In accordance with paragraph 6 of Article 31 of the Convention, the Republic of Azerbaijan declares that the following authority can assist other States Parties in developing measures to prevent transnational organized crime:

Ministry of Internal Affairs of the Republic of Azerbaijan H. Hajiev st. 7, Baky, Azerbaijan."

Belarus

" The Republic of Belarus in accordance with Article 16 of the Convention will use the Convention as a basis for cooperation on the issues of extradition with other states - members of the Convention."

Belgium

In accordance with article 18, paragraph 13 of the Convention, the Federal Department of Justice, head office for legislation, fundamental rights and freedoms, 115 Boulevard de Waterloo, 1000 Brussels, has been designated as the central authority.

Belize

"[The Government of Belize] declares that it shall take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

[The Government of Belize] further declares that the central authority designated for the purpose of article 18, paragraph 13 of the aforesaid Convention is the Attorney-General's Office and the language acceptable to Belize for the purposes of article 18, paragraph 14 is English."

Botswana

"The Government of the Republic of Botswana hereby notified the Secretary-General of the United Nations that pursuant to:

a) paragraph 5 (a) of Article 16, the Government of the Republic of Botswana will not take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

b) paragraph 13 of Article 18, the Government of the Republic of Botswana designates the Attorney General of the Republic of Botswana as the central authority that shall have the

responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution;

c) paragraph 14 of Article 18, English is the acceptable language to the Government of the Republic of Botswana;

d) paragraph 6 of Article 31, the following authorities can assist other State Parties in developing measures to prevent transnational organized crime:

i) The Commissioner of Police

Botswana Police Headquarter

Government Enclave

Private Bag 0012

Gaborone, Botswana

ii) The Attorney General of the Republic of Botswana

Attorney General's Chambers

Government Enclave

Private Bag 009

Gaborone, Botswana."

Brazil

15 August 2005

".....the Brazilian government has designated its Ministry of Justice as the central authority for matters related to mutual legal assistance, in accordance with article 18, paragraph 13 of the United Nations Convention against Transnational Organized Crime (Palermo Convention).

Any requests for international legal assistance under the Palermo Convention shall be directed, in Portuguese or in English, to the following focal points:

* International legal assistance

Department of Asset Recovery and International Legal Cooperation (DRCI)

SCN-Block 1-Building A - Office 101

Zip Code: 70711-900

Phone: 00. 55. 61. 429 8900

Fax: 00. 55. 61. 328 1347

E-mail: drci-cgci@mj.gov.br

* Extradition and transference of convicted criminals

Department of Foreigners (DEEST)

Esplanade of Ministries - Ministry of Justice - Building T - Annex II

3rd Floor - Office 305

Zip Code: 70064-900

Phone: 00. 55. 61. 429 3325

Fax: 00. 55. 61. 429 9383

E-mail: deesti@mj.gov.br."

Burkina Faso

... the information below relates to the criminalization of an organized criminal group and of certain offences provided for in the Convention, the extradition regime, the central authority competent to receive and execute requests for mutual legal assistance, and the acceptable language for submitting such requests to Burkina Faso.

I. Criminalization of an organized criminal group, and certain offences covered by the Convention

In the positive law of Burkina Faso, the applicable Penal Code (Act 43/96/ADP of 13 November 1996) criminalizes an organized criminal group.

Article 222 of the Penal Code, which defines the crime of association of offenders, stipulates that "any association or agreement of whatever duration or number of members, formed or established for the purpose of committing crimes against persons or property, shall constitute the crime of association of offenders, which exists by the sole fact of the resolution to act decided by mutual consent".

Articles 223 and 224, which punish that offence, set the following penalties for offenders:

- Five to 10 years of imprisonment for any person belonging to the association or agreement defined in article 222;

- Ten to 20 years of imprisonment for the leaders of such an association or agreement.

The Penal Code of Burkina Faso accordingly criminalizes the existence of an organized criminal group as a separate offence, before the commission of any act that is the subject of the agreement.

It should also be pointed out that the Penal Code allows for the extension of the prosecution of members of an organized group to persons outside the group who have participated in the commission of an offence by the group, as associates or accomplices (arts. 64 and 65 of the Penal Code). Receiving, which is defined as the knowing possession or enjoyment of proceeds of crime or of money laundered from drug trafficking by an individual, is also a crime under articles 508 to 510 and article 446 of the Penal Code.

With regard to corruption, whose criminalization has been recommended by the United Nations Convention against Transnational Organized Crime, it should be noted that the Penal Code of Burkina Faso, in articles 156 and 160, defines and imposes penalties for the commission of such an offence.

Regarding the criminal liability of legal persons, the Penal Code allows for the establishment of such liability, since article 64, paragraph 2, thereof provides that "any legal person having a civil, commercial, industrial or financial purpose on whose behalf or in whose interest the act of commission or omission that constitutes an offence has been wilfully perpetrated by its organs shall also be considered an accomplice".

II. Extradition regime

Burkina Faso has signed agreements on mutual legal assistance, including extradition, with France (an agreement on judicial cooperation, signed at Paris on 24 April 1961) and Mali (a general convention on cooperation in judicial matters, signed at Ouagadougou on 23 November 1963).

At the multilateral level, Burkina Faso has also signed several conventions on judicial cooperation, including:

- The general convention on judicial cooperation, signed at Antananarivo on 12 September 1961 under the auspices of the former African and Malagasy Common Organization (OCAM);

- The convention on judicial cooperation among the States parties to the Accord on Non-Aggression and Mutual Assistance in Defence (ANAD), adopted at Nouakchott on 21 April 1987;

- The convention A/P.1/7/92 of the Economic Community of West African States (ECOWAS) on mutual legal assistance in criminal matters, adopted at Dakar on 29 July 1992;

- The extradition convention A/P.1/8/94 of ECOWAS, signed at Abuja on 6 August.

For countries bound to Burkina Faso by a cooperation agreement or convention, these texts are applicable in their relations.

For countries not bound to Burkina Faso by an agreement or convention on judicial cooperation, the text which applies in the case of a request for extradition is the legislative act of 10 March 1927 on the extradition of foreigners. That law was promulgated in former French West Africa

(AOF) and made applicable to the former colonies by an order dated 2 April 1927 (Official Journal of French West Africa, 1927, p. 297). It remained in force in Burkina Faso after independence. Article 1 of the act provides that, "in the absence of a treaty, the conditions, procedure and modalities of extradition shall be determined by the provisions of the present law. The law shall also apply to those issues not regulated by treaties".

What is clear from the reading of this article on the extradition law of Burkina Faso is that the extradition of foreigners is not subordinated to the prior existence of a treaty, since the law in question is designed to regulate cases where no treaty exists or points on which existing treaties are silent.

In the case of a request for extradition, the same law subordinates the handing over of the foreigner who is the subject of the request to the existence of legal proceedings or a conviction for an offence under the law (art. 2).

With regard to offences for which extradition may be requested by foreign Governments, the law makes a distinction between the case of persons being prosecuted and those sentenced (art. 4). For persons being prosecuted, the law allows extradition for all offences constituting crimes under the laws of the requesting State. Regarding offences punishable by custodial sentences under the laws of the requesting State, the laws of Burkina Faso require that the maximum sentence must be at least two years of imprisonment.

For sentenced offenders, the act dated 10 March 1927 requires that the sentence handed down by the court in the requesting State must equal or exceed two months of imprisonment.

From these various clarifications, it may be said that the United Nations Convention against Transnational Organized Crime alone cannot serve as the legal basis for the offences it considers extraditable. It can certainly be affirmed, however, that the domestic laws of Burkina Faso, and the agreements to which the country is signatory, easily allow for extradition and are not at variance with the Convention.

III. Central authority competent to receive and execute requests for mutual legal assistance

In Burkina Faso, the central authority competent to receive and execute requests for mutual legal assistance is the Garde des sceaux, Minister of Justice. This principle is enshrined in articles 9 and 10 of the act dated 10 March 1927 on extradition and is applicable to any form of mutual legal assistance.

- Under article 9 of that act, requests for extradition should be addressed to the Government of Burkina Faso through the diplomatic channel;

- Article 10 of the act stipulates that, "after documentary verification, the request for extradition shall be transmitted, with the supporting documents, by the Minister for Foreign Affairs to the Minister of Justice, who shall ensure that the request is in order and shall take such action as is required under law";

- Thus, the principle is that the Minister for Foreign Affairs serves as the intermediary for transmission of the request for mutual legal assistance sent through the diplomatic channel, while the Minister of Justice is the authority empowered to receive and execute the request.

It should be mentioned that agreements on judicial cooperation intended to simplify procedures between the States parties, often provide for a waiver of this principle by allowing for direct transmittal of the request for mutual legal assistance from the competent judicial authority of the requesting State to that of the requested State.

IV. Language acceptable for requesting mutual legal assistance

In accordance with the provisions of article 35, paragraph 1, of the Constitution, the official language of Burkina Faso is French. For that reason, the language acceptable for official documents addressed to the Government, including requests for mutual legal assistance, is French.

Chile

The Republic of Chile, in accordance with paragraph 3 of article 5 of the United Nations Convention against Transnational Organized Crime, hereby gives notification that under the Chilean legal system involvement of an organized criminal group is required for purposes of the offences established in accordance with paragraph 1(a)(i) of article 5.

Moreover, in accordance with paragraph 6 of article 31 of the Convention, it hereby designates the Ministry of the Interior, with address at the Palacio de la Moneda, Santiago, Chile, as the national authority that can assist other States parties in developing measures to prevent transnational organized crime.

Furthermore, in accordance with paragraph 13 of article 18, it hereby designates the Ministry of Foreign Affairs as the central authority for purposes of receiving requests for mutual legal assistance, further specifying in accordance with paragraph 14 of that article that for purposes of such requests the language acceptable to Chile is Spanish.

China¹

29 March 2006

"In accordance with the provisions of paragraph 13 of Article 18 of the United Nations Convention against Transnational Organized Crime, the Ministry of Justice and the Ministry of Public Security of the People's Republic of China are designated as the central authorities that have the responsibility and power to receive requests for legal assistance. The address of the Ministry of Justice is: 10 Chaoyangmen Nandajie, Chaoyang District, Beijing, China, 100020; and the address of the Ministry of Public Security is: 14 Dong Chang'anjie, Dongcheng District, Beijing, China, 100741.

In accordance with the provisions of paragraph 14 of Article 18 of the Convention, Chinese is the only language acceptable to the People's Republic of China for the written requests for legal assistance."

Colombia

Furthermore, in accordance with article 18, paragraph 13, Colombia gives notice that the central authorities designated to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution, and to formulate requests for legal assistance, shall be as follows:

(a) The Office of the Prosecutor-General, to receive and execute or transmit requests for mutual legal assistance made by other States Parties, and to formulate requests for legal assistance to other States Parties in the case of investigations being handled by that Office.

Address: Diagonal 22B No. 52-01 Ciudad Salitre

Switchboard: 5702000-41449000

Electronic mail: contacto@commat.fiscalia.gov.co

Bogotá D.C., Colombia

(b) The Ministry of the Interior and Justice, to formulate requests to other States Parties for legal assistance in cases other than investigations being handled by the Office of the Prosecutor-General.

Address: Avenida Jiménez No. 8-89

Switchboard: 5960500

Electronic mail: admin@web.commat.mininteriorjusticia.gov.co

Bogotá D.C., Colombia

Finally, in accordance with article 18, paragraph 14, of the Convention, notice is given that Spanish is the language acceptable to Colombia for requests for legal assistance.

Cook Islands

"In accordance with the provisions of article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Cook Islands declares that the Attorney General of the Cook Islands is designated by the Government of the Cook Islands as the Central Authority that shall have the responsibility and power to receive requests for mutual legal assistance.

AND pursuant to article 18, paragraph 14, of the United Nations Convention against Transnational Organized Crime, that the English language is designated by the Government of the Cook Islands as the acceptable language in which to make requests for mutual legal assistance."

Denmark²

"In accordance with Article 18 (13) of the Convention Denmark declares that the central authority in Denmark competent to receive requests for mutual legal assistance is the Ministry of Justice. The address is: Justitsministeriet, Det Internationale Kontor, Slotsholmsgade 10, DK-1216 Copenhagen K, tel. +45 33 92 33 40, fax +45 33 93 35 10, email: *jm@jm.dk*.

In accordance with Article 18 (14) of the Convention Denmark declares that it will accept requests in the following languages: Danish, Swedish Norwegian, English, French and German."

Ecuador

For the purposes of the United Nations Convention against Transnational Organized Crime, the Government of Ecuador designates the Office of the Public Prosecutor as the central Ecuadorian authority [in accordance with article 18, paragraph 13].

El Salvador

The Government of the Republic of El Salvador recognizes the extradition of nationals on the basis of article 28, second and third subparagraphs, of the Constitution of the Republic, which states as follows: 'Extradition shall be governed by international treaties and, where Salvadorans are involved, shall be in order only where a treaty expressly so stipulates and has been approved by the legislative bodies of the signatory countries. In any event, its stipulations shall embody the principle of reciprocity and shall grant to all Salvadorans all of the penal and procedural guarantees that are set forth in this Constitution.' 'Extradition shall be in order only where the offence has been committed within the territorial jurisdiction of the requesting country, except where offences of international reach are involved. Under no circumstances may extradition be stipulated for political offences, even where common crimes are the result of such offences,' advising further that the said Convention shall not be considered to be the legal basis of cooperation on extradition in its relations with other States parties thereto, and that it shall nonetheless endeavour, where necessary, to conclude extradition treaties with other States parties to the Convention.

With regard to article 18, paragraphs 13 and 14, the Government of the Republic of El Salvador states that the designated central authority is the Ministry of the Interior. Communications shall be transmitted through the diplomatic channel, and the acceptable language is Spanish.

Estonia

"... the Riigikogu of the Republic of Estonia, while ratifying the Convention, made the following declarations:

- 1) pursuant to Article 5 paragraph 3 of the Convention the Republic of Estonia declares that under its legislation it considers the act provided in paragraph 1(a)(i) of Article 5 as a crime;
- 2) pursuant to Article 16 paragraph 5 of the Convention the Republic of Estonia declares that it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;
- 3) pursuant to Article 18 paragraph 13 of the Convention the Republic of Estonia designates the Ministry of Justice as a central authority to receive the requests for mutual legal assistance;
- 4) pursuant to Article 18 paragraph 14 of the Convention the Republic of Estonia declares that the acceptable languages are Estonian and English."

Kiribati

"... pursuant to article 18 (13) of the Convention that the Attorney-General of Kiribati is designated by the Republic of Kiribati as the Central Authority who shall have the responsibility and power to receive requests for mutual legal assistance; and
... pursuant to Article 18 (14) of the Convention that English is designated by the Republic of Kiribati as the acceptable language in which to make requests for mutual legal assistance."

Lao People's Democratic Republic

- "1. In accordance with paragraph 5(a), Article 16 of the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not take this Convention as the legal basic for cooperation on extradition with other States Parties to this Convention.
2. In accordance with paragraph 13, Article 18, the Government of the Lao People's Democratic Republic designates the Ministry of Public Security as central authority and the Ministry of Foreign Affairs as alternate central authority that have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.
3. In accordance with paragraph 14, Article 18, in addition to the Lao language, English is acceptable to the Government of the Lao People's Democratic Republic."

Latvia

"Declaration

In accordance with paragraph 3 of Article 5 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that its domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of Article 5."

"Declaration

In accordance with paragraph 5 of Article 16 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that it takes the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention."

"Declaration

In accordance with paragraph 13 of Article 18 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that the designated authorities are:

1) Prosecutor General's Office - during a pre-trial investigation

O. Kalpaka blvd. 6, Riga, LV-1801, Latvia

Phone: +371 704 4400

Fax: +371 704 4449

E-mail: gen@lrp.gov.lv

2) Ministry of Justice - during a trial.

Brivibas blvd. 36, Riga, LV- 1536, Latvia

Phone: +371 703 6801, 703 6716

Fax: +371 721 0823, 728 5575

E-mail: tm.kanceleja@tm.gov.lv"

"Declaration

In accordance with paragraph 14 of Article 18 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that the acceptable language is English or Latvian."

Lesotho

"1. The legal system pertaining in the Kingdom of Lesotho requires involvement of an organized criminal groups for purposes of the offences established in accordance with article 5 (1) (a) (i), and further requires an act in furtherance of an agreement for purposes of the offences established in accordance with article 5 (1) (a) (i) of the Convention.

2. In response to article 16 (5) of the Convention, in Lesotho, extradition is conditional on the existence of a treaty.

3. In response to article 18 (13) of the Convention, in Lesotho the office of the Attorney-General shall be the designated central authority with the responsibility and power to receive requests for mutual legal assistance.

4. In response to article 18 (14) of the Convention, the English language is acceptable for purposes of requests for mutual legal assistance."

Lithuania

..... pursuant to paragraph 13 of Article 18 of the Convention, the Seimas of the Republic of Lithuania declares that the Ministry of Justice of the Republic of Lithuania and the Prosecutor General's Office under the Supreme Court of the Republic of Lithuania shall be designated as central authorities to receive requests for mutual legal assistance;

.... pursuant to paragraph 14 of Article 18 of the Convention, the Seimas of the Republic of Lithuania declares that requests for legal assistance and documents pertaining thereto, which shall be submitted to the Republic of Lithuania, should be accompanied by respective translations into English, Russian or Lithuanian, in case the aforementioned documents are not in one of these languages;

.... pursuant to paragraph 5 (a) of Article 16 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall consider this Convention a legal basis for cooperation on extradition with other States Parties to the Convention; however, the Republic of Lithuania in no case shall consider the Convention a legal basis for the extradition of Lithuanian nationals, as it is stipulated in the Constitution of the Republic of Lithuania.

Malawi

"The Government of the Republic of Malawi is currently in the process of reviewing its domestic legislation with the aim of incorporating obligations assumed on, ratification of this convention, specifically, offences stipulated in consonant with Article 5 (1) and (2).

The Government also undertakes to notify, the Secretary-General of the United Nations once the enabling legislation has been prepared and passed perforce Article 5 (3).

Further, the Government regards this convention as the legal basis for matters relating to extradition, on the basis of reciprocity with those States Parties which likewise have accepted the same.

Further informs consistent with Article 18 (13) that the Competent Authority for the administration of this convention is the Ministry responsible for Home Affairs and Internal Security whose address is given below;

The Principal Secretary

Ministry of Home Affairs and Internal Security

P/Bag 331

Capital Hill,

Lilongwe 3. Malawi.

The Preferred language for Official Communications perforce Article 18 (14) is English language."

Malaysia

"1. Pursuant to Article 16, paragraph 5 (a) of the Convention, the Government of Malaysia declares that it does not take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention. The Government of Malaysia declares that it will render cooperation on extradition on the legal basis provided under the Extradition Act 1992 of Malaysia.

2. Pursuant to Article 18, paragraph 13 of the Convention, the Government of Malaysia designates the Attorney General of Malaysia as the central authority.

3. In accordance with Article 18, paragraph 14 of the Convention, the Government of Malaysia declares that requests and attachments thereto addressed to the central authority of Malaysia should be in the English language or a translation into the English language should be attached thereto.

4. Pursuant to Article 31, paragraph 6 of the Convention, the Government of Malaysia notifies that the authorities that can assist other States Parties in developing measures to prevent transnational organized crime are -

- a) Ministry of Internal Security;
- b) Ministry of Home Affairs;
- c) Attorney General's Chambers;
- d) Royal Malaysian Police;
- e) Anti-Corruption Agency;
- f) Central Bank of Malaysia;
- g) Immigration Department;
- h) National Drugs Agency."

Malta

11 December 2003

"... the Government of Malta wishes to enter the following declarations:

Article 16, paragraph 5 (a)

Pursuant to Article 16, paragraph 5 of the Convention, Malta declares that it will take the United Nations Convention against Transnational Organized Crime as the legal basis for co-operation on extradition with other States Parties to the Convention.

Article 18, paragraph 13

Pursuant to Article 18, paragraph 13 of the Convention Malta designates the Attorney General of Malta as the central authority to receive requests for mutual assistance.

Article 18, paragraph 14

Pursuant to Article 18, paragraph 14 of the Convention, Malta declares that the acceptable languages are Maltese and English."

Mauritius

"DECLARES that it shall take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

AND FURTHER declares that the central authority designated for the purpose of article [18], paragraph 13 of the aforesaid Convention is the Attorney-General's Office and the languages acceptable to the Republic of Mauritius for the purposes of article [18], paragraph 14 are English and French."

Mexico

Article 5 (3) - The United Mexican States wishes to state that in criminalizing the offences defined in accordance with article 5, paragraph 1 (a) (i), the domestic law of the Mexican State covers all serious crimes involving the participation of an organized criminal group. The criminalization of an agreement with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit involves the participation of an organized criminal group in the offence of organized crime provided for in article 2 of the Federal Act to Combat Organized Crime, insofar as it is relevant to the crimes to which the said article refers. The offence of criminal association, provided for in article 164 of the Federal Criminal Code, is applicable insofar as it is relevant to the other serious crimes to which the Convention refers.

Article 16, paragraph 5 (a) - The Mexican State shall consider the Convention as the legal basis of cooperation in extradition matters in respect of those States parties with which it has not concluded treaties in the matter.

Article 18, paragraph 13 - The Office of the Attorney-General of the Republic is designated as the central authority in matters of mutual legal assistance.

Article 18, paragraph 14 - Requests for judicial assistance shall be submitted in the Spanish language. Requests may also be submitted in the language of the requesting State, provided that they are accompanied by a translation into Spanish.

Netherlands³

"With reference to Article 16, paragraph 5, under a), of the Convention against Transnational Organized Crime, done at New York on 15 November 2000, the Kingdom of the Netherlands declares that it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention."

New Zealand⁴

".....DECLARES pursuant to Article 18 (13) of the Convention that the Attorney General of New Zealand is designated by the Government of New Zealand as the Central Authority that shall have the responsibility and power to receive requests for mutual legal assistance;
AND DECLARES pursuant to Article 18 (14) of the Convention that English is designated by the Government of New Zealand as the acceptable language in which to make requests for mutual legal assistance."

Nicaragua

10 February 2005

... in accordance with article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Republic of Nicaragua has designated the Office of the Attorney-General of the Republic as the central authority with the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

Norway

"Article 5 of the Palermo Convention has been implemented in Norwegian law through Section 162 c of the Penal Code, which reads as follows:

"Any person who enters into an agreement with another person to commit an act that is punishable by imprisonment for a term of not less than three years, and that is to be committed as a step in the activity of an organized criminal group, shall be liable to imprisonment for a term not exceeding three years unless the offence comes under a more severe penal provision. An increase of the maximum penalty in the case of a repeated offence or a concurrence of felonies is not to be taken into account.

An organized criminal group is here defined as an organized group of three or more persons whose main purpose is to commit an act that is punishable by imprisonment for a term of not less than three years, or whose activity largely consists of committing such acts."

Under Article 5 (3) of the Palermo Convention, States Parties are to inform the Secretary-General when the national legislation implementing Article 5 requires 1) "involvement of an organized criminal group" or 2) that "an act in furtherance of the agreement" has taken place.

1. Section 162 c of the Norwegian Penal Code requires that the "agreement" has some link with the criminal activity of an organized criminal group. The provision only applies to an agreement concerning acts that are committed as "a step in the activity of an organized criminal group". At least one of the Parties to the agreement must be a member of such a group, and the agreement must have been entered into by the group or by an individual representing the group. This is specified in the "travaux préparatoires" of this legislation, cf. Proposition No. 62 (2002-2003) to the Odelsting, pp. 31-32 and 95-96. This condition means that Section 162 c requires the "involvement of an organized criminal group".

2. On the other hand, if "an act in furtherance of the agreement" has taken place, this is not a necessary condition for punishment, cf. Proposition No. 62 (2002-2003) to the Odelsting, p.95.

Communications concerning mutual assistance in criminal matters are to be addressed to the Department of Civil Affairs, Ministry of Justice, as the competent authority in Norway.

Communications concerning legal aid may be made in the Norwegian, Swedish, Danish and English languages.

The Norwegian agency responsible for receiving requests from other States Parties for assistance in developing measures to prevent transnational crime is the Police Department, Ministry of Justice."

Panama

In that connection, I have the honour to inform you that requests to the Republic of Panama for legal assistance pursuant to article 18, paragraph 13, of the Convention must be made through the diplomatic channel.

13 December 2004

1. In accordance with article 5 (3) of the aforementioned Convention, the domestic law of the Republic of Panama does not require the involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of the aforementioned article. Similarly, the domestic law of the Republic of Panama requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of the aforementioned article.

2. In accordance with article 16 (5) (a), the Republic of Panama will take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

3. In accordance with article 18 (14), the acceptable languages for requests for judicial assistance addressed to the Republic of Panama are Spanish and English.

4. In accordance with article 31 (6), the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime are:

National Police

Address: Corregimiento de Ancón

Telephone: (507) 227-1801, (507) 232-5756,

(507) 232-5898 Fax: (507) 5757

Criminal Investigation Department

Address: Edificio Ancón, Avenida Frangipani, frente

al Mercado de Abasto

Telephone: (507) 212-2223

Fax: (507) 212-2400

Public Security and National Defence Council

Address: San Felipe, frente a la Presidencia de la República

Telephone: (507) 227-9871

Fax: (507) 225-1355

Paraguay

Article 16, paragraph 5 (a):

..., in accordance with article 16, paragraph 5 (a) of the Convention, I hereby inform you that the Republic of Paraguay will take the aforementioned Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

Article 18, paragraph 13: ..., in accordance with article 18, paragraph 13, of the Convention, I hereby notify you that the Republic of Paraguay has designated the following institution as its central authority:

Central authority: Office of the Public Prosecutor

Department responsible: Department of International Affairs and External Legal Assistance

Director: Juan Emilio Oviedo Cabañas, lawyer

Address: Nuestra Señora de la Asunción 737 entre Víctor Haedo y Humaitá

Telephone: 595-21-4155000 extensions 162 and 157; 595-21-4155100; 595-21-454603

e-mail: jeoviedo@ministeriopublico.gov.py

Poland

Pursuant to article 18, paragraph 13 the Republic of Poland declares that the Ministry of Justice is designated as the central authority competent to receive requests for mutual legal assistance. The Republic of Poland declares that Polish and English shall be the languages acceptable pursuant to article 18, paragraph 14.

Republic of Moldova

In accordance with paragraph 13 of Article 18 of the Convention, the Republic of Moldova designate the following central authorities responsible for receiving requests of legal assistance:

- a) General Prosecutor's Office - during pre-trial investigation;
- b) Ministry of Justice - during the trial or execution of punishment.

In accordance with paragraph 14 of Article 18 of the Convention, the acceptable languages for the requests of legal assistance and for appended documents are: Moldovan, English or Russian.

Romania

"1. In accordance with Article 16 paragraph 5 (a) of the Convention, Romania considers this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

2. In accordance with Article 18 paragraph 13 of the Convention, the Romanian central authorities designated to receive the requests for mutual legal assistance are:

- a) The Prosecutor's Office attached to the Supreme Court of Justice, for the requests for mutual legal assistance formulated in pre-trial investigation (Blvd. Libertatii nr.14, sector 5 Bucuresti, tel. 410 54 35/fax.337 47 54);
- b) The Ministry of Justice, for the requests for mutual legal assistance formulated during the trial or execution of punishment, as well as for the requests of extradition (Str. Apollodor nr.17, sector 5 Bucuresti, tel. 3141514/fax. 310 16 62);

3. In accordance with Article 18 paragraph 14 of the Convention, the requests for mutual legal assistance and the enclosed documents submitted to the Romanian authorities shall be accompanied by translations in the Romanian language or in the French or English languages."

Russian Federation

The Russian Federation, in accordance with article 16, para-graph 5 (a) of the Convention, declares that, on the basis of reci-procity, it will take the Convention as the legal basis for coo- peration on extradition with other States Parties to the Convention;

The Russian Federation, on the basis of the last sentence of article 18, paragraph 13 of the Convention declares that, on the basis of reciprocity, and in urgent circumstances, it will receive requests for mutual legal assistance and communications through the International Criminal Police Organization, on condition that documents containing such requests or communications are transmitted without delay under the established procedure;

The Russian Federation, in accordance with article 18, para-graph 14 of the Convention, declares that requests for legal assistance and related materials transmitted to the Russian Fede-ration must be accompanied by a translation into Russian, unless otherwise provided by international treaty of the Russian Federation, or unless agreement has otherwise been reached between the central authority of the Russian Federation and the central authority of the other State Party to the Convention.

7 December 2004

".....the central authorities of the Russian Federation with responsibility for ensuring the implementation of the provisions of the Convention relating to mutual legal assistance are: the Ministry of Justice of the Russian Federation (in civil law matters, including civil-law aspects of criminal cases) and the Office of the Public Prosecutor of the Russian Federation (in criminal law matters)."

Saudi Arabia

"The Kingdom of Saudi Arabia is one of the countries whose domestic laws stipulate that an act is to be undertaken in furtherance of the agreement, in order for the act to be criminalized as stated in paragraph 1/a/i of article 5 of the Convention."

Slovakia

"Pursuant to Article 18, paragraph 13 the Slovak Republic designates the following central authorities to receive requests for mutual legal assistance:

(a) The General Prosecutor's Office of the Slovak Republic - in respect of cases of pretrial investigation phase.

(b) The Ministry of Justice of the Slovak Republic - in respect of cases of court proceedings phase.

Pursuant to Article 18, paragraph 14 the acceptable languages for the Slovak Republic for receiving and producing a written records in respect of requests for mutual legal assistance are Slovak, Czech, English and French.

Pursuant to Article 31, paragraph 6 the authority that can assist other States Parties in developing measures to prevent transnational organized crime is the Ministry of Interior of the Slovak Republic."

Slovenia

"Pursuant to Article 16, Paragraph 5 (a) of the Convention, the Republic of Slovenia declares that it will take this Convention as the legal basis for co-operation on extradition with other States Parties to this Convention. In the absence of an international agreement or any other arrangement regulating extradition between the Republic of Slovenia and another State Party to this Convention, the Republic of Slovenia will require documents relating to extradition in compliance with its domestic law.

Pursuant to Article 18, Paragraph 13 of the Convention, the Republic of Slovenia declares that the central authority for the implementation of the Convention shall be the Ministry of Justice of the Republic of Slovenia.

In compliance with Article 18, Paragraph 14 of the Convention, the Republic of Slovenia declares that requests and attachments thereto addressed to the central authority of the Republic of Slovenia should be in the Slovenian language or a translation into Slovenian should be attached thereto. Should it be impossible to provide translation into the Slovenian language, requests and attachments should be in the English language or a translation into English should be enclosed."

South Africa

"AND WHEREAS the Secretary-General is hereby notified, in accordance with Article 18 (13) of the Convention that the Director-General of the Department of Justice and Constitutional

Development has been designated as the central authority to receive requests for mutual legal assistance.

AND WHEREAS the Secretary-General is hereby notified, as provided for in Article 18 (14) of the Convention, that English is the acceptable language for receiving requests for mutual legal assistance."

Sweden

"Pursuant to Article 18 (13) of the Convention, the central authority in Sweden competent to receive requests for mutual assistance is the Ministry of Justice.

Pursuant to Article 18 (14) of the Convention, a request together with the appendices shall be translated into Swedish, Danish or Norwegian, unless the authority dealing with the application otherwise allows in the individual case."

The Former Yugoslav Republic of Macedonia

"1. The acts determined in Article 5, paragraph 1 (a) (i), of the United Nations Convention against Transnational Organized Crime, represent, according to the Criminal Code of the Republic of Macedonia, a criminal offense in Article 393 conspiracy to commit a crime. According to Article 5, paragraph 3, of the Convention, the Criminal Code of the Republic of Macedonia does not require an act of furtherance of the agreement for the purposes of the offenses established in accordance with Article 5, paragraph 1 (a) (i).

2. In accordance with Article 18, paragraph 13, of the Convention, the Republic of Macedonia states that the central authority for receiving requests for mutual legal assistance shall be the Ministry of Justice of the Republic of Macedonia.

3. In accordance with Article 18, paragraph 14, of the Convention, the Republic of Macedonia states that requests for mutual legal assistance and the documents enclosed that shall be made to the Republic of Macedonia, should be accompanied by translation in Macedonian and English.

4. In accordance with Article 16, paragraph 5, of the Convention, the Republic of Macedonia states that it takes this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention."

Ukraine

to the paragraph 5 (a) of Article 16:

Ukraine declares that the Convention constitutes the legal ground for cooperation in the matters of extradition if a request for extradition is received from the State Party to the Convention with which there is no treaty on extradition;

to the paragraph 13 of Article 18:

Central authorities in Ukraine, designated in accordance with the paragraph 13 of Article 18, are the Ministry of Justice of Ukraine (with respect to judicial decisions) and the Office of the Prosecutor-General of Ukraine (with respect to legal proceedings during the investigation of criminal cases);

to the paragraph 14 of Article 18:

Requests for legal assistance and documents attached therein will be sent to Ukraine together with their authenticated translation in Ukrainian, Russian, English or French, if they have not been drawn up in one of these languages.

to the paragraph 3 of Article 26:

Provisions of paragraph 3 shall not be applied to the organizer or leader of criminal group in respect of granting immunity from criminal prosecution. In accordance with the legislation of

Ukraine (paragraph two of Article 255 of the Criminal Code of Ukraine) the above persons bear criminal responsibility notwithstanding the grounds provided for in the Article 26 of the Convention.

United States of America

"Pursuant to Article 5, paragraph 3, of the Convention, I have the honour to inform you that, in order to establish criminal liability under the United States law with respect to the offense described in Article 5, paragraph 1 (a) (i), the commission of an overt act in furtherance of the agreement is generally required.

Pursuant to Article 16, paragraph 5, of the Convention, I have the honour to inform you that the United States of America will not apply Article 16, paragraph 4.

Pursuant to Article 18, paragraph 13, of the Convention, I have the honour to inform you that the Office of International Affairs, United States Department of Justice, Criminal Division, is designated as the central authority of the United States of America for mutual legal assistance under the Convention.

Pursuant to Article 18, paragraph 14, of the Convention, I have the honour to inform you that requests for mutual legal assistance under the Convention should be made in, or accompanied by, a translation into the English language.

Pursuant to Article 31, paragraph 6, of the Convention, I have the honour to inform you that requests for assistance on developing measures to prevent transnational organized crime should be directed to the United States Department of Justice, Office of Justice Programs, National Institute of Justice."

Uzbekistan

Communication concerning article 5, paragraph 3, of the Convention

The Republic of Uzbekistan communicates hereby that, under the Criminal Code of the Republic of Uzbekistan, offences committed by organized groups or for their benefit are categorized as grave or especially grave offences, depending on their defining elements and on the form of punishment for the separate types of offence.

Communication concerning article 16, paragraph 5, of the Convention

The Republic of Uzbekistan regards this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention. However, this provision shall not preclude the Republic of Uzbekistan from concluding bilateral treaties on extradition with individual States Parties to this Convention.

Notification concerning article 18, paragraphs 13 and 14, of the Convention

Concerning paragraph 13

The Republic of Uzbekistan has designated the Office of the Procurator General of the Republic of Uzbekistan as the central authority with responsibility for receiving requests for mutual legal assistance and either executing them or transmitting them to the competent authorities for execution.

Concerning paragraph 14

The Republic of Uzbekistan designates the Russian language as the language acceptable to it.

Venezuela (Bolivarian Republic of)

19 December 2003

Pursuant to the provisions of article 5, paragraph 3 of the United Nations Convention against Transnational Organized Crime, the Government of the Bolivarian Republic of Venezuela declares the following:

With respect to national laws governing the offences described in article 5, paragraph 1 (a)(i), Venezuelan law typifies and penalizes such offences under articles 287 to 293 of the current Penal Code referring to the offence of forming an organized criminal group. Pursuant to article 16, paragraph 5, the Bolivarian Republic of Venezuela declares:

The United Nations Convention against Transnational Organized Crime shall be taken as the legal basis for cooperation on extradition in relations between the Bolivarian Republic of Venezuela and other States Parties to the Convention.

Pursuant to article 18, paragraph 13, the Bolivarian Republic of Venezuela declares:

The central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution shall be the Public Prosecutor's Office, in accordance with the powers conferred upon the said institution by the Act for partial reform of the Code of Criminal Procedure.

Pursuant to article 18, paragraph 14, the Bolivarian Republic of Venezuela declares:

Requests for mutual legal assistance in criminal matters made to the Government of the Bolivarian Republic of Venezuela shall be written in Spanish, in accordance with Venezuelan constitutional and legal provisions.

NOTES

1. With the following declaration in respect of Hong Kong and Macao:

1. In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and after consultation with the Government of the Hong Kong Special Administrative Region (hereinafter as HKSAR), the application of the Convention to the HKSAR requires prior enactment of domestic legislation by the HKSAR. To this end, the Convention shall not apply to the HKSAR until the Government of the People's Republic of China notifies otherwise.

2. In accordance with the Basic Law of the Macao Special Administrative Region of the People's Republic of China and after consultation with the Government of the Macao Special Administrative Region (hereinafter as MSAR), the Government of the People's Republic of China decides that the Convention shall apply to the MSAR and states for the MSAR as follows:

(a) The identification of the offences established under paragraph 1 (a) (i) of Article 5 of the Convention requires involvement of an organized crime group in accordance with the domestic law of the MSAR;

(b) In accordance with the provisions of Article 18, paragraph 13 of the Convention, the MSAR designates the Secretary for Administration and Justice of the MSAR as the Central Authority in the MSAR to receive the requests for legal assistance and to transmit them to the competent authorities of the MSAR for execution;

(c) In accordance with the provisions of Article 18, paragraph 14 of the Convention, requests for legal assistance will only be accepted by the MSAR in the Chinese or Portuguese language.

2. With a territorial exclusion in respect of the Faroe Islands and Greenland.

3. *For the Kingdom in Europe.*

4. *With the following territorial exclusion:*

".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory....."

5. *By 14 January 2005, i.e., within a period of one year from the date of depositary notification C.N.1593.2003.TREATIES-41 of 14 January 2004, no objection had been notified to the Secretary-General. Consequently, in keeping with the depositary practice followed in similar cases, the Secretary-General proposes to receive the reservation in question for deposit.*

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