



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
30 November 2018

Original: English

**Implementation Review Group
Tenth session
Vienna, 27–29 May 2019
Item 2 of the provisional agenda*
Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

Contents

	<i>Page</i>
II. Executive summary	2
Belize.....	2

* CAC/COSP/IRG/2019/1.



II. Executive summary

Belize

1. Introduction: overview of the legal and institutional framework of Belize in the context of implementation of the United Nations Convention against Corruption

Belize is a sovereign parliamentary constitutional monarchy with Queen Elizabeth II as its titular head, represented by the Governor General. Belize became an independent State on 21 September 1981. The legal system is derived from English common law and statutes. The Belize Constitution (Constitution) is the supreme law of Belize and any law that is inconsistent with the Constitution shall be void to the extent of the inconsistency (art. 2). The Caribbean Court of Justice serves as the final appellate court of Belize for civil and criminal matters.

Belize acceded to the United Nations Convention against Corruption on 12 December 2016.

With regard to the incorporation of international law into domestic law, Belize follows a strictly dualist approach. All of the provisions of the Convention have not yet been incorporated into municipal law.

The main anti-corruption institutions include the Director of Public Prosecutions (DPP), the Attorney-General (AG), the Financial Intelligence Unit (FIU), the Belize Police Department, the Public Service Commission and the Central Bank of Belize.

The main pieces of anti-corruption legislation are the Prevention of Corruption Act (Chap. 105 of 2007, as amended, "PoCA"), the Criminal Code (Chap. 101 of 1981, as amended, "CC"), the Criminal Procedure Code (as amended, "CPC"), the Money Laundering and Terrorism (Prevention) Act (Chap. 104, "AMLA") and the Financial Intelligence Unit Act (Chap. 138:02, "FIU Act").

Belize is a member of the Caribbean Community and the Organization of American States and has been reviewed in four rounds under the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption. It is a member of the Caribbean Financial Action Task Force and has undergone three rounds of mutual evaluation reviews and eight follow-up reports.

2. Chapter III: criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery of public officials is regulated under sections 22, 24, 26, 27 and the Third Schedule of PoCA and under sections 289, 299, 301 and 303 to 307 of the CC. Section 303 CC provides that any act committed by a person in the expectation that he will or may become a public official is included in the offence of active bribery. The CC does not cover the element "offering", while PoCA does not cover the element "promising".

The definitions of "public official" under PoCA (sect. 2) and the CC (sect. 299) include elected officials as well as public officials appointed to positions and judicial officers. Both definitions do not encompass the military branch or employees of State-owned companies and the CC does not include unpaid personnel. The definition of "advantage" under PoCA excludes any material advantage inferior to 2,500 Belize dollars and does not include immaterial benefits. The definition of "valuable consideration" under the CC includes any "private advantage" which, according to governmental authorities, comprises immaterial benefits.

Passive bribery of public officials is criminalized (sects. 26, 27 and 28 PoCA and sect. 302 CC). Section 28 of PoCA specifies that "an agent or any other person who corruptly accepts or obtains; or corruptly agrees to accept or attempts to obtain for himself, or for any other person; any gift, consideration or advantage as an

inducement to, or reward for, or otherwise on account of, the agent doing any act in relation to his office or position or his principal's affairs of business commits an offence".

Active and passive bribery of foreign officials and officials of public organizations are not criminalized.

Active trading in influence is not criminalized. Passive trading in influence is criminalized (sect. 290 CC) but does not cover third person beneficiaries or the "supposed influence".

Belize has partially implemented active and passive bribery in the private sector (to the extent that it amounts to the promotion, execution or procurement of any contract and the fixing of its price (sect. 24 PoCA)).

Money-laundering, concealment (arts. 23 and 24)

Belize law criminalizes money-laundering in accordance with the Convention (sect. 3 AMLA). Participation, association, conspiracy and attempt to commit, or aiding and abetting, facilitating, counselling or procuring the commission of money-laundering are criminalized (sect. 3(1)(d) AMLA).

Belize takes an "all crimes approach" to money-laundering, which includes offences committed outside its jurisdiction, provided that the dual criminality requirement is fulfilled (sects. 2B and 10 AMLA). Under section 2B(1) AMLA, "property is the proceeds of crime if it constitutes a person's benefit from an offence or it represents such benefit, in whole or part and whether directly or indirectly". Any property obtained as a result or in connection to an offence is considered as a "benefit" (sect. 2B(2)(a) AMLA).

Concealment of proceeds of crime is covered by the provision on money-laundering (sect. 3(1)(b) AMLA) and handling stolen goods (sect. 171 CC).

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement and misappropriation of property in the private and public sectors are criminalized through the provisions on dishonest appropriation, which does not include acts committed for the benefit of third parties (sects. 139 to 146 CC), and through the provisions on illegal diversion (sect. 22 and Third Schedule (g) PoCA).

Section 22 in conjunction with the Third Schedule (a) PoCA criminalizes abuse of function.

Illicit enrichment was criminalized under the Unlawful Possession Act; however, the Act was found unconstitutional (Civil Appeal No. 3 of 2005).

Obstruction of justice (art. 25)

A number of provisions in the CC relate to obstruction of justice, namely the provisions on the use of violence with intent to deter a judge, magistrate, juror, witness, counsel, agent, prosecutor or party, in any legal proceeding, from acting in any manner (sect. 240); perjury or abet perjury (sect. 249); making a statement false (sect. 252); fabricating evidence (sect. 254); falsifying, destroying, removing or concealing any public register (sect. 256); removing, concealing, injuring or altering any instrument or document (sect. 258); deceiving any court or judicial officer (sect. 260); causing any person to disobey any summons, subpoena or order (sect. 262); perverting the course of justice (sect. 263); and interrupting or disturbing the proceedings of any court (sect. 267).

Liability of legal persons (art. 26)

Section 16 CC defines "person" as including a company or corporation. Section 2 AMLA defines "person" as including a legal person, such as a corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture

or other unincorporated organization or group capable of acquiring rights or entering into obligations. If an offence under PoCA is committed by a body corporate and is attributable to any wilful neglect of any officer of the body corporate, such person and the body corporate have committed an offence and may be punished (sect. 29 PoCA).

Liability of legal persons and liability of managers or employees for the same act do not exclude each other. The only sanctions available for legal persons are monetary sanctions.

Participation and attempt (art. 27)

Participation is covered in sections 20 and 21 CC, which include instigating, commanding, counselling, procuring, soliciting, aiding, facilitating, encouraging or promoting. Sections 49 and 22, in conjunction with Third Schedule (k) PoCA, criminalize abetting and participating. Section 7 AMLA extends liability to anyone who aids, abets, counsels, procures the commission of or conspires to commit the offence of money-laundering.

Attempt is criminalized for all offences in section 18 CC. Section 49 PoCA and section 7 AMLA also cover attempt. The mere preparation for corruption-related offences is not criminalized.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Belize has a broad range of sanctions for corruption-related offences. However, some of them appear to be insufficient when considering the gravity of the offence. There are no immunities or jurisdictional privileges accorded to Belize public officials.

Prosecution is not obligatory (sect. 50(2) of the Constitution of Belize). The Code for Prosecutors provides guidance on prosecutorial discretion. Decisions not to prosecute are subject to judicial review (sect. 127 Constitution and *Mohatt v. DPP of Mauritius* (2006)).

An accused person may be released on bail (sect. 5(5) Constitution and sects. 56 and 57 of the Indictable Procedure Act). A court may refuse bail if it believes that the accused person failed to provide sufficient sureties to ensure appearance at trial.

Under section 5 of the Belize Parole Act, an offender is eligible for release on parole upon expiry of one half of the term of imprisonment, in the case of serious offences, or of one third of the term of imprisonment in the case of minor offences.

A public officer that committed serious misconduct, which includes corruption-related offences, may be suspended or terminated (sect. 85 of the Belize Public Service Regulation), in accordance with the procedure foreseen under that same Act, which can be carried out simultaneously with criminal proceedings. The reassignment of public officials accused of having committed an offence is not regulated.

Belize has not established a reintegration programme.

While there is no plea bargaining in Belize, due to its discretionary power, the DPP may decline to prosecute or discontinue a prosecution at any stage before a judgment is made if the alleged offender provides useful information. A judge of the Supreme Court, with the written consent of the DPP, may order that a pardon be granted to any person that gave full and true evidence upon any preliminary inquiry or trial (sect. 95 Evidence Act).

Protection of witnesses and reporting persons (arts. 32 and 33)

Under the Justice Protection Act, the Attorney General “shall establish a programme to be known as the Justice Protection Programme, for the purpose of providing participants, subject to this Act, protection or assistance or both” (sect. 4(1)). However, in relation to the offences established in accordance with the Convention,

it only applies to money-laundering and, as explained by governmental authorities, it has not been implemented. Belize has not concluded agreements for the international relocation of witnesses and experts, but can cooperate on a case-by-case basis.

Belize does not have specific protection measures for reporting persons, except regarding section 32 PoCA that gives limited protection to persons reporting facts concerning offences under such Act.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Conviction-based confiscation is regulated under section 49 AMLA. Subject to conviction-based confiscation is any “tainted property”, as defined under section 2(1) AMLA, that includes “proceeds of crime”. If the “tainted property” cannot be located, has been legally transferred to a third party, is located outside Belize, has been diminished in value or rendered worthless or has been commingled with other property that cannot be divided, a court may order the person to pay an amount equal to the value of the property instead of confiscating such property (sect. 54 AMLA).

Section 49(2)(b) AMLA contains a rebuttable presumption according to which property acquired within six years after the commission of an offence is considered “tainted property” if “the income of the offender cannot reasonably account for the acquisition of that property”.

Seizure and freezing of property is regulated under section 40 AMLA. Cash derived from the commission of an offence or to be used in its commission may be seized by the police (sect. 38(1) AMLA). Under section 11(1)(d) AMLA, the FIU may request the seizure of funds to facilitate any investigation, prosecution or proceeding in conjunction with a money-laundering offence.

Regarding the administration of frozen or seized assets, courts may appoint any person as receiver (sect. 40(1)(ii)(a) AMLA). Money related to confiscation orders is administrated by the Belize Confiscated and Forfeited Assets Fund (sects. 78 and 79 AMLA). There is no comprehensive legal framework that regulates the administration of confiscated property.

Transformed or converted property is liable for confiscation pursuant to the definition of “tainted property”. Section 54 AMLA may apply in cases of intermingled property that cannot be divided.

Section 23 AMLA and section 9 FIU Act allow for the seizure of documents “of any person”, which includes banks, in the context of an investigation.

The protection of bona fide third parties in confiscation proceedings is regulated (sect. 52 AMLA). The time frame for the challenge or assertion of third party interest is six months from the date the forfeiture order is made (sect. 52(3) AMLA).

The provisions under AMLA supersedes any obligation as to secrecy or other restriction upon the disclosure of information (sect. 81 AMLA).

Statute of limitations; criminal record (arts. 29 and 41)

The statute of limitation for offences under PoCA is five years starting from the date when the cause of action accrued (sect. 58). The statute of limitation for offences under AMLA is five years from the date the offence was committed or the facts giving rise to such offence came to the knowledge of the DPP or the FIU. Neither PoCA nor AMLA provide for the suspension of the statute of limitation where the alleged offender has evaded the administration of justice. For any other offences established in accordance with the Convention there is no statute of limitations.

There is no legislation that permits the use of evidence of prior convictions in another State of an accused during trial.

Jurisdiction (art. 42)

Belize has established jurisdiction over offences committed wholly or partially within its territory (sects. 4 and 5 Indictable Procedure Act). It has not established jurisdiction aboard aircrafts or ships of Belize. Except for money-laundering offences (sect. 10 AMLA), Belize has not adopted the active or passive personality jurisdiction principle, or established jurisdiction over offences when the alleged offender is present in its territory and is not extradited. Jurisdiction for the purposes of paragraph 2(c) of article 42 of the Convention is established under section 10 AMLA.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Belize has no legislation that provides for the annulment or termination of contracts affected by corruption. Measures such as blacklisting, dissolution of a legal entity or revocation of licences do not exist. Under section 14 of Contractor-General Act, the Contractor-General has investigative powers to ensuring that there is no corruption in the awarding of contracts by a public body. However, it is not entitled to impose any sanctions.

The legal system of Belize provides for persons to seek compensation for wrongs through civil proceedings, including tort, contract or another common law principle.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Under section 3 PoCA, Belize established the Integrity Commission. Among other things, the Commission has jurisdiction to examine the declarations filled in accordance with PoCA and to investigate complaints regarding non-compliance with or breach of the provisions of PoCA. However, at the time of the country visit, the Chairperson had not been appointed by the Prime Minister.

The National Anti-Money Laundering Committee set out in section 77B AMLA serves as a platform for cooperation and coordination among different national authorities.

Under subsection 7(1)(c) FIU Act, the FIU is responsible to ensure coordination and cooperation between law enforcement agencies, Government departments, regulatory authorities, private institutions and members of relevant professions.

2.2. Successes and good practices

- The offence of active bribery includes any act executed by a person in the expectation that he will or may become a public official (sect. 303 CC)
- There are no immunities or jurisdictional privileges accorded to Belize public officials
- The rebuttable presumption, according to which property acquired within six years after the commission of an offence is considered “tainted property” if “the income of the offender cannot reasonably account for the acquisition of that property”
- The “all crimes” approach taken with regard to predicate offences for money-laundering

2.3. Challenges in implementation*General part*

- In the context of the limited number of cases made available, Belize is encouraged to introduce a national system of crime statistics disaggregated by offences, status of the process and outcome

Criminalization

With regard to criminalization and law enforcement, it is recommended that Belize:

- Harmonize the offences of active bribery under the CC with the offence of active bribery under PoCA, ensuring that both include the elements “promising”, “offering” and “giving” (art. 15(a))
- Harmonize the definition of “public official” under the CC with the definition under PoCA, ensuring that the military branch, unpaid personnel and employees of State owned companies are included (art. 15)
- Reduce the “monetary threshold” used to define “advantage” under PoCA and explicitly include “immaterial benefits” in the definitions of “advantage” and “valuable consideration” under PoCA and the CC, respectively (art. 15)
- Criminalize active bribery of foreign public officials and officials of public international organizations in accordance with the Convention and consider criminalizing passive bribery of those officials (art. 16)
- Include the element of advantages for third parties in its provisions relating to embezzlement and misappropriation (art. 17)
- Consider the criminalization of active trading in influence as described in the Convention (art. 18(a))
- Assess whether the existing sanctions for corruption-related offences are effective and dissuasive (art. 30). In particular, assess whether existing sanctions for legal persons are effective and dissuasive and consider increasing maximum fines and including other type of sanctions (art. 26)
- Establish a longer statute of limitations period under PoCA or change its starting date to the date the facts giving rise to such offence came to the knowledge of the DPP or the FIU and provide in PoCA and AMLA for its suspension where the alleged offender has evaded the administration of justice (art. 29)
- Consider establishing procedures through which a public official accused of committing a corruption offence can be reassigned (art. 30(6))
- Endeavour to further promote the reintegration into society of offenders (art. 30(10))
- Improve regulation of the administration of frozen, seized or confiscated assets (art. 31(3))
- Amend its legislation to ensure that the limitations upon the exercise of the rights of bona fide third parties do not prejudice the exercise of such rights by increasing the time frame (sect. 52(3) AMLA) and removing the exclusions under section 52(4) AMLA (art. 31(9))
- Take measures to establish an effective programme and system for the protection of witnesses and experts, their relatives and persons close to them (art. 32(1) and (2))
- Consider entering into agreements or arrangements with other States for the relocation of protected persons (art. 32(3))
- Continue efforts on the adoption and implementation of comprehensive legislation on the protection of reporting persons (art. 33)
- Provide for further measures to address consequences of acts of corruption, such as corruption as grounds to terminate contracts (art. 34)
- Take the necessary steps to make the Integrity Commission operational (art. 36)
- Include vessels and aircraft in the territorial jurisdiction (art. 42(1))

Belize may wish to:

- Criminalize the mere preparation of a corruption-related offence (art. 30(3))
- Take into consideration any conviction in another State (art. 41)
- Provide for the active and passive jurisdictional personality principle (art. 42(2))
- Establish its jurisdiction when the alleged offender is present in its territory and it does not extradite him or her (art. 42(4))

2.4. Technical assistance needs identified to improve implementation of the Convention

Belize indicated support in legislative drafting and capacity-building of law enforcement authorities as technical assistance needs.

3. Chapter IV: international cooperation

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is governed by the Extradition Act (Chap. 112, “EA”), which regulates extradition with Guatemala (sect. 8), the United States of America (sect. 9) and Mexico (newly inserted part IV). With regard to Guatemala, sections 8 and 2 of the EA refer to older English extradition acts from colonial times, in particular the United Kingdom Extradition Act 1870. With regard to the United States and Mexico, bilateral extradition agreements are annexed as schedules to the EA. Extradition to other countries is not possible. Belize cannot use the Convention as the basis for extradition. In practice, Belize makes extradition conditional on the existence of a bilateral treaty and does not use the London Scheme for extradition within the Commonwealth as a basis for extradition. As a general observation, it can be noted that Belize has very little practice with regard to extradition. Over the past 10 years, only a handful of extradition cases have been processed. Those cases all concerned Guatemala and the United States, and no request was based on the Convention.

Article 2(1) of the extradition treaty with the United States defines extraditable offences as those listed in the Schedule to the treaty or any other offence that is punishable in both States by imprisonment for a period of more than one year. The Schedule includes many but not all Convention offences, notably embezzlement (No. 9), handling stolen goods (No. 12), bribery (No. 19) and money-laundering (No. 23). Accessory extradition (cf. art. 44(3)) is provided for in article 2(5) of the United States Treaty.

In compliance with article 43(2), the United States Treaty looks at the underlying conduct, irrespective of terminology (art. 2(3)(a) of the United States Treaty).

The only grounds for refusal of assistance in the United States Treaty are the principle of *ne bis in idem* (art. 5(1)) and political and military offences (art. 4). Pursuant to article 4(2)(b), Convention offences are not considered political offences. Fiscal matters are not mentioned as a ground for refusal. The rule of specialty is enshrined in article 14 of the United States Treaty. Extradition shall not be refused on the ground that the person sought is a national of the requested State (art. 3), nor because of any statute of limitations (art. 8). Belize can and does extradite its nationals and does not make extradition conditional on the return of the person to serve his sentence. Consequently, there are no provisions on prosecution in lieu of extradition (*aut dedere aut judicare*).

The Constitution contains guarantees for fair trial for any person who is charged with a criminal offence (sects. 5 and 6). These rights and freedoms are directly applicable and are not limited to citizens. Article 9 of the United States Treaty regulates provisional arrest. The EA also contains provisions on the arrest of a person whose extradition is sought (sect. 6). The person sought can consent to be surrendered to the requesting State (art. 15).

There are no explicit provisions on consultations. Extradition proceedings are cost-free for the requesting State (art. 17(3) United States Treaty).

Belize has an arrangement on the transfer of sentenced persons with Mexico (the Exchange of Offenders (Belize/Mexico) Act (Chap. 114)) and is party to the Inter-American Convention on Serving Criminal Sentences Abroad. There are no provisions for the transfer of criminal proceedings.

Mutual legal assistance (art. 46)

Mutual legal assistance (MLA) is governed by the Mutual Legal Assistance and International Cooperation Act (Act No. 8 of 2014, “MLAA”). The Scheme Relating to Mutual Legal Assistance in Criminal Matters within the Commonwealth (Harare Scheme) can also be used. Moreover, Belize has domesticated the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters. Pursuant to section 3(2), assistance under MLAA may be provided to any foreign State, whether on the basis of a treaty or not. Where a request is made pursuant to a treaty, the provisions of that treaty prevail (sect. 3(5) MLAA). However, nothing precludes Belize from rendering a broader range of assistance under MLAA than may be provided for in a treaty (sect. 3(3) MLAA). Moreover, MLAA does not limit the power of the authorities of Belize to cooperate, including through the sharing of information, with any foreign State through other channels or in another manner (sect. 3(4) MLAA). This would include the use of the communication channels of the International Criminal Police Organization (INTERPOL). MLA can be afforded also in relation to offences committed by legal persons.

MLAA (sects. 12 and 15–28) provides for all of the types of investigative measures listed in article 46 (3). Moreover, forms of assistance not mentioned in MLAA, but available under domestic law, can also be provided (sect. 9).

Belize can spontaneously transmit information on the basis of section 5 MLAA and section 12(2) FIU Act. Confidentiality is provided for in section 36 MLAA and section 12(1) FIU Act, but there is no provision on exculpatory information.

Bank secrecy cannot be invoked vis à vis the FIU (sects. 9, 15 FIU Act). If formal evidence is required, the FIU can request a production order in court.

Section 4(1) MLAA designates the Attorney General as the central authority for MLA. Section 10 MLAA gives the central authority discretion to decline a request for a number of reasons, including costs, legal professional privilege, and *ordre public*, but not including bank secrecy. MLAA does not make dual criminality a requirement for granting assistance. Belize would not decline a request for MLA on the sole ground that the offence is also considered to involve fiscal matters. Pursuant to section 11 MLAA, the grounds for refusal of an MLA request must be communicated to the requesting country.

The outbound transfer of detained witnesses is governed by section 16 MLAA. Section 17(8) MLAA provides for safe conduct and the rule of specialty. For other witnesses, there are no explicit provisions on safe conduct in MLAA.

The central authority is empowered to transmit and receive MLA requests directly rather than through diplomatic channels. Section 7 MLAA sets out detailed requirements for the form and content of MLA requests to Belize. A request must be made in English (sect. 10(2)(b)) and must normally be in writing; if made orally owing to urgency, it must be confirmed in writing forthwith (sect. 6). If the information provided in the request is not sufficient, Belize may request the foreign State to provide additional information (sect. 7(2)). However, lack of information shall not affect the validity of the request nor preclude its execution (sect. 7(2) and (3)).

Procedures specified in the request can be followed even if they are not used in Belize or are not available domestically, to the extent that they are not contrary to the fundamental principles of Belize law (sect. 8(1) and (2) MLAA). The legal framework

for hearings conducted by videoconference has been created but has not been used yet. The rule of specialty (art. 46(19)) is observed in practice.

MLAA does not contain any rules on the time frame for carrying out a request but the Attorney General's office tries to execute it as soon as possible. Belize will bear the costs of executing a request up to 500 Belize dollars (sect. 10(1) MLAA). Above that amount, Belize would ask the requesting country to bear or share the costs. Documents in the public domain will be provided while confidential documents could be provided on an ad hoc basis.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Belize does not consider the Convention as a basis for law enforcement cooperation.

The Belize Police Department (BPD) is responsible for providing law enforcement across the country. Headed by a Police Commissioner, the BPD is part of the Belize Ministry of National Security, which shares administrative responsibility for the BPD with the Security Services Commission. Belize has been an INTERPOL member since 1987. As part of the Joint Intelligence Coordinating Centre, the INTERPOL National Central Bureau for Belize is located at BPD headquarters in Belmopan. The Bureau has access to INTERPOL databases through the I-24/7 global police communications system.

The BPD is also a member of the Police Community of the Americas (Ameripol) and the Association of Caribbean Commissioners of Police. The United States Drug Enforcement Agency has liaison officers in Belize, while the Federal Bureau of Investigation of the United States has liaison officers in El Salvador who are also responsible for Belize.

The Belize FIU has been a member of the Egmont Group of Financial Intelligence Units since 2009 and has entered into memorandums of understanding with several foreign FIUs.

Belize is part of the INTERPOL Regional Cybercrime Initiative.

Belize has not entered into any agreements that provide for joint investigations. Except for controlled delivery, special investigative techniques are not currently practiced in Belize, although there is a legal basis for electronic surveillance in the Interception of Communication Act. However, in accordance with common law principles of criminal procedure, any relevant evidence is admissible, even if it was obtained illegally, unless it has been obtained by unfair means or through a deliberate breach of procedures.

3.2. Successes and good practices

- Pursuant to section 3(3) MLAA, nothing precludes Belize from rendering a broader range of assistance under MLAA than may be provided for in a treaty (art. 46)
- MLAA does not make dual criminality a requirement for granting assistance (art. 46(9))
- The central authority is empowered to transmit and receive MLA requests directly rather than through diplomatic channels (art. 46(13))

3.3. Challenges in implementation

Belize is strongly encouraged to adopt a new, modern extradition act that implements all the requirements of the Convention (art. 44); in particular, it is recommended that Belize:

- Ensure that it can extradite persons sought for any Convention offence to any State party to the Convention; to that end, domesticate the Convention so that it can be used as a legal basis for extradition (art. 44)

- Ensure that all Convention offences are extraditable offences under the EA and any bilateral treaty (art. 44(4))
- Consider establishing a procedure for consultation before denying a request for extradition concerning a Convention offence (art. 44(17))
- Conclude more bilateral extradition treaties, especially in view of its bilateral approach to extradition (art. 44(6) and (18))

In addition, it is recommended that Belize:

- Ensure that exculpatory information received spontaneously can nevertheless be disclosed (art. 46(5))
- Include an explicit reference to the rule of specialty in MLAA (art. 46(19))
- Adopt explicit provisions on safe conduct for witnesses other than detainees (art. 46(27))
- Assess the necessity to increase the amount of 500 Belize dollars in section 10(1) MLAA to fulfil its obligation under article 46(28)
- Consider regulating the transfer of criminal proceedings, in particular in cases where several jurisdictions are involved (art. 47)
- Consider the establishment of joint investigative bodies, or undertake joint investigations on a case-by-case basis (art. 49)
- Allow for the appropriate use, in practice, by competent authorities of controlled delivery and, where appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, and allow for the admissibility in court of evidence derived therefrom (art. 50)

3.4. Technical assistance needs identified to improve implementation of the Convention

Belize indicated that the following technical assistance, if available, would be helpful in assisting it to strengthen the implementation of the Convention:

- Support in legislative drafting, particularly with regard to new extradition legislation