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Working Group on International Cooperation

Vienna, 19-21 October 2016

Item 3 of the provisional agenda**

**States parties' efforts to use the United Nations
Convention against Transnational Organized Crime as a
basis for international cooperation**

Information provided by the Secretariat on the notification requirement of article 16, paragraph 5(a) of the United Nations Convention against Transnational Organized Crime

Note by the Secretariat

I. Introduction

1. According to article 16(5) of the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "Organized Crime Convention"), 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 of or 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.

* Reissued for technical reasons on 17 October 2016.

** CTOC/COP/WG.3/2016/1.



II. Status of the notifications received by the Secretary-General at the time of deposit by States parties of their instruments of ratification, acceptance, approval of or accession

2. As of 4 October 2016, the following 45 States parties have fulfilled the notification requirement under article 16 (5)a of the Organized Crime Convention: Armenia, Azerbaijan, Bahamas, Belarus, Belize, Bolivia (Plurinational State of), Botswana, Burkina Faso, Burundi, China, Côte d'Ivoire, Cuba, Estonia, El Salvador, Holy See, India, Lao People's Democratic Republic, Latvia, Lesotho, Lithuania, Malawi, Malaysia, Malta, Mauritius, Mexico, Monaco, Nepal, Netherlands, Niue, Pakistan, Panama, Paraguay, Republic of Moldova, Romania, Russian Federation, Singapore, Slovenia, St. Lucia, St. Vincent and the Grenadines, the former Yugoslav Republic of Macedonia, Ukraine, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of) and Yemen.

3. At the time of depositing their respective instruments of ratification, acceptance, approval of or accession, each of the aforementioned States parties to the Organized Crime Convention declared its consent as to whether or not it will take the Convention as the legal basis for cooperation on extradition with other States Parties to it.

4. The following 31 States parties, declared that they would take the Organized Crime Convention as the legal basis for cooperation on extradition: Armenia, Azerbaijan, Bahamas, Belarus, Belize, Bolivia (Plurinational State of), China, Côte d'Ivoire, Cuba, Estonia, Holy See, India, Latvia, Lithuania, Malawi, Malta, Mauritius, Mexico, Monaco, Netherlands, Panama, Paraguay, Republic of Moldova, Romania, Russian Federation, Slovenia, St. Vincent and the Grenadines, the former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan and Venezuela (Bolivarian Republic of).

5. Among these States parties, there are those that — opted to specify certain additional conditions for the use of the Organized Crime Convention as a legal basis for cooperation on extradition with other States Parties to this Convention. For instance, some States parties refer to the principle of reciprocity as a criterion to be met when invoking the Organized Crime Convention as legal basis for cooperation on extradition, whereas other States parties indicate that the use of the Convention is subject to the limitations established in the domestic legislation, including with regard to the extradition of nationals and persons who have been granted political asylum in the country. Similarly, some States parties have consented to use the Organized Crime Convention as a legal basis for cooperation on extradition, only in the absence of existing bilateral and multilateral treaties on extradition, or to the extent that the Convention supplements and facilitates their application.

6. The following 14 States parties have declared that they will not use the Organized Crime Convention as the legal basis for cooperation on extradition, or did not expressly declare whether or not they will use the Convention as legal basis: Argentina, Botswana, Burkina Faso, Burundi, El Salvador, Lao People's Democratic Republic, Lesotho, Malaysia, Nepal, Pakistan, Singapore, St. Lucia, United States and Yemen.

7. In this regard, some States parties have indicated that their domestic laws and agreements they have concluded can be used as legal basis for extradition. Others

have expressed their preference in concluding treaties on extradition with other States parties, in order to implement article 16(5) of the Organized Crime Convention. The present background paper marks the tenth anniversary of the first meeting of the Working Group on International Cooperation. Its aim is to provide an overview of the mandates given and the work accomplished by the Working Group, and of the recommendations and feedback the Working Group has submitted to the Conference with a view to facilitating a more efficient implementation of the provisions of the Convention that govern international cooperation.

III. Notifications received in accordance with Decision 1/3 of the Conference of the Parties to the Organized Crime Convention

8. In 2005, 60 States parties to the Organized Crime Convention provided relevant information on article 16(5) of the Convention, in response to a questionnaire on reporting obligations that the Secretariat prepared in accordance with decision 1/3 of the Conference of the Parties to the Organized Crime Convention. Thirty-one (31) of these responses originated from States parties to the Convention that had already fulfilled the notification requirement at the time of deposit of their instrument of ratification, acceptance, approval or accession. Hence, such information was considered as complementary to the information provided through the official declarations at the time of deposit of their instrument of ratification, acceptance, approval of or accession, and is presented in the current paper through relevant footnotes in Section IV below.

9. The following twenty-nine (29) States parties to the Convention responded to the questionnaire, without having submitted to the Secretary-General the corresponding notification requirement under article 16(5) at the time of deposit of their instrument of ratification, acceptance, approval of or accession: Angola, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Egypt, Honduras, Jamaica, Kuwait, Morocco, Myanmar, Namibia, New Zealand, Nigeria, Philippines, Poland, Portugal, Slovakia, South Africa, Spain, Sweden, Tunisia, and Turkey. The responses of those States are contained in Section V of the present paper.

IV. Text of declarations under article 16(5)a of the Organized Crime Convention received at the time of deposit of instruments of ratification, acceptance, approval of or accession to the Convention¹

Argentina

“Where a treaty exists, the requirements established therein should be met. If there is no treaty governing extradition, the following requirements should be met: When the requested person has been charged: a) A clear description of the offence, with

¹ Available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en.

specific information on the date, place and circumstances under which it was committed, and the identity of the victim; b) The legal characterization of the offence; c) An explanation of the basis for the competence of the courts of the requesting State to try the case, as well as the reasons for which the limitations period has not expired. d) Affidavit or certified copy of the court order for the detention of the accused, with an explanation of the grounds on which the person is suspected of taking part in the offence, and the court order for the delivery of the extradition request; e) The text of the criminal and procedural provisions applicable to the case as they relate to the foregoing paragraphs; f) All available information for the identification of the requested person, including name, nicknames, nationality, date of birth, marital status, profession or occupation, distinguishing marks, photographs and fingerprints, and any available information on his domicile or whereabouts in Argentine territory. In the event that the requested person has been convicted, in addition to the foregoing, the following shall be added: g) An affidavit or certified copy of the court decision of conviction; h) Certification that the decision is not rendered in absentia and is final. If the judgment rendered in absentia, assurances must be given that the case will be reopened so that the convicted person may be heard and allowed to exercise the right of defence, and that a new judgment will be issued accordingly; i) Information on the length of the sentence remaining to be served; j) An explanation of the reasons for which the sentence has not been completed.”

Armenia

“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”.²

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.”³

² Armenia submitted additional information in 2005 in response to the questionnaire on basic reporting obligations. In this regard, Armenia stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties. However, at the same time it declared that it would apply the Convention in relations with the States parties to the European Convention on Extradition,² opened for signature at Paris on 13 December 1957, provided that the Organized Crime Convention supplemented and facilitated the application of the provisions of the European Convention.

³ Azerbaijan stated that extradition was not conditional on the existence of a treaty and that it would use the Convention as the legal basis for cooperation on extradition with other States parties.

Bahamas

“In accordance with Article 16 paragraph 5 (a), the Commonwealth of The Bahamas declares that it takes the Convention as the legal basis for cooperation on extradition on the basis of reciprocity with those States Parties which likewise have accepted the same.

With respect to States Parties with which extradition agreements have been signed, the Convention shall apply whenever these agreements are incompatible with it.”

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.”⁴

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.”⁵

Bolivia (Plurinational State of)

“Pursuant to Article 16, paragraph 5, on the subject of extradition, the Republic of Bolivia declares that it will be governed by its domestic laws, by the international treaties signed bilaterally with various States, and, supplementarily, by the Convention.”

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;”⁶

Burkina Faso

“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

⁴ Belarus stated that extradition was conditional on the existence of a treaty and it would use the Convention as a basis for cooperation on the issues of extradition with other States parties.

⁵ Belize stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

⁶ Botswana stated that it would not take the Convention as the legal basis for cooperation on extradition with other States parties.

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.”⁷

⁷ Burkina Faso stated that it had 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 had also signed several conventions on judicial cooperation, including: (a) the general convention on judicial cooperation, signed at Antananarivo on 12 September 1961 under the auspices of the former African and Malagasy Common Organization; (b) the convention on judicial cooperation among the States parties to the Accord on Non-Aggression and Mutual Assistance in Defence, adopted at Nouakchott on 21 April 1987; (c) 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; and (d) extradition convention A/P.1/8/94 of ECOWAS, signed at Abuja on 6 August. For States bound to Burkina Faso by a cooperation agreement or convention, those texts were applicable in their relations. For States not bound to Burkina Faso by an agreement or convention on judicial cooperation, the text that applied in the case of a request for extradition was the legislative act of 10 March 1927 on the extradition of foreigners. That law was promulgated in former French West Africa and made applicable to the former colonies by an

Côte d’Ivoire

“Pursuant to article 16, paragraph 5: The Government of the Republic of Côte d’Ivoire takes the United Nations Convention against Transnational Organized Crime as the legal basis for cooperation on extradition with other States parties to the Convention, in addition to existing bilateral and multilateral treaties, conventions and agreements.”

Cuba

“With respect to the provisions of article 16, paragraph 5 of the Convention, concerning its use as the legal basis for cooperation on extradition with States with which extradition agreements have been signed, the Convention shall apply whenever these agreements are incompatible with it.”

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

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 provided 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 was clear from the reading of the article on the extradition law of Burkina Faso was that the extradition of foreigners was not subject to the prior existence of a treaty, since the law in question was designed to regulate cases where no treaty existed or points on which existing treaties were silent. In the case of a request for extradition, the same law subjected the handing over of the foreigner who was 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 might be requested by foreign Governments, the law made a distinction between the case of persons being prosecuted and those sentenced (art. 4). For persons being prosecuted, the law allowed 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 required that the maximum sentence be at least two years of imprisonment. For sentenced offenders, the act dated 10 March 1927 required that the sentence handed down by the court in the requesting State equal or exceed two months of imprisonment. From those various clarifications, it might be said that the Organized Crime Convention alone could not serve as the legal basis for the offences it considered extraditable. It could certainly be affirmed, however, that the domestic laws of Burkina Faso, and the agreements to which the country was signatory, easily allowed for extradition and were not at variance with the Convention.

nonetheless endeavour, where necessary, to conclude extradition treaties with other States parties to the Convention.”⁸

Estonia

“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;”⁹

Holy See

“Pursuant to article 16.5 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.”

India

In pursuance of Article 16, paragraph 5(a) of the Convention, the Government of India shall apply the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

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 basis for cooperation on extradition with other States Parties to this Convention.”¹⁰

Latvia

“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

⁸ El Salvador stated that it recognized the extradition of nationals on the basis of article 28, second and third subparagraphs, of the Constitution of the Republic, which stated 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 Convention should not be considered to be the legal basis of cooperation on extradition in its relations with other States parties thereto, and that it would nonetheless endeavour, where necessary, to conclude extradition treaties with other States parties.

⁹ Estonia stated that extradition was not conditional on the existence of a treaty and that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

¹⁰ The Lao People’s Democratic Republic stated that it did not take the Convention as the legal basis for cooperation on extradition with other States parties.

Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.”¹¹

Lesotho

“2. In response to article 16 (5) of the Convention, in Lesotho, extradition is conditional on the existence of a treaty.”¹²

Lithuania

“... 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.”¹³

Malawi

“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.”¹⁴

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.”¹⁵

Malta

“... 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

¹¹ Latvia stated that extradition was conditional on the existence of a treaty and that it took the Convention as the legal basis for cooperation on extradition with other States parties.

¹² Lesotho stated that extradition was conditional on the existence of a treaty.

¹³ Lithuania stated that extradition was conditional on the existence of a treaty and that it would consider the Convention a legal basis for cooperation on extradition with other States parties; however, in no case would it consider the Convention a legal basis for the extradition of Lithuanian nationals, as was stipulated in the Constitution of the Republic of Lithuania.

¹⁴ Malawi stated that it regarded the Convention as the legal basis for matters relating to extradition, on the basis of reciprocity with those States parties which had likewise accepted the same.

¹⁵ Malaysia stated that extradition was conditional on the existence of a treaty and that it did not take the Convention as the legal basis for cooperation on extradition with other States parties to the Convention. It declared that it would render cooperation on extradition on the legal basis provided under the Extradition Act of 1992 of Malaysia.

Organized Crime as the legal basis for cooperation on extradition with other States Parties to the Convention.”¹⁶

Mauritius

“DECLARES that it shall take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention”.¹⁷

Mexico

“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.”¹⁸

Monaco

“In accordance with article 16, paragraph 5 of the Convention, the Principality of Monaco declares that, in the absence of a bilateral convention on extradition, it considers the United Nations Convention against Transnational Organized Crime to be the legal basis for cooperation on extradition with other States Parties to the Convention.”

Nepal

“In accordance with Articles 16 (5), 18 (13) and 18 (14) of the United Nations Convention against Transnational Organized Crime, [the] Government of Nepal hereby notifies that: a) In accordance with Article 16 (5) of the Convention, this will not be taken as the legal basis for cooperation on extradition.”

Netherlands

“With reference to article 16, paragraph 5, under a) of the Convention against Transnational Organized Crime, the Kingdom of the Netherlands, for the Netherlands Antilles, declares that it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention.

Notification under 16 (5) made upon ratification:

“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.”¹⁹

¹⁶ Malta stated that extradition was conditional on the existence of a treaty and that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

¹⁷ Mauritius stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

¹⁸ Mexico stated that extradition was not conditional on the existence of a treaty and that it would consider the Convention the legal basis of cooperation in extradition matters in respect of those States parties with which it had not concluded treaties in the matter.

¹⁹ The Netherlands stated that extradition was conditional on the existence of a treaty and that it took the Convention as the legal basis for cooperation on extradition with other States parties.

Niue

“Article 16(5) The Extradition Act 2007 provides for extradition on the basis of a treaty and it will seek to conclude treaties with other States Parties to this Convention in order to implement this Article.”

Pakistan

“Article 16. The Government of the Islamic Republic of Pakistan declares that pursuant to article 16 paragraph 5, of the Convention, it does not take this Convention as the legal basis for cooperation on extradition with other States Parties.”

Panama

“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.”²⁰

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.”²¹

Republic of Moldova

“Notification under Article 16 (5):

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.”

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.”²²

Russian Federation

“The Russian Federation, in accordance with article 16, paragraph 5 (a) of the Convention, declares that, on the basis of reciprocity, it will take the Convention as

²⁰ Panama stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

²¹ Paraguay stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

²² Romania stated that extradition was conditional on the existence of a treaty and that it considered the Convention the legal basis for cooperation on extradition with other States parties.

the legal basis for cooperation on extradition with other States Parties to the Convention.”²³

Singapore

“1. Pursuant to Article 16, paragraph 5 (a) of the above mentioned Convention, the Government of the Republic of Singapore declares that it does not take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.”

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 cooperation 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.”²⁴

St. Lucia

“The Government of Saint Lucia declares that pursuant to Article 16, paragraph 5 of the Convention, it does not take the Convention as the legal basis for cooperation on extradition with other state parties.”

St. Vincent and the Grenadines

“Pursuant to articles 5(3), 16(5), 18(13), 18 (14) and 31(6), the Government of Saint Vincent and the Grenadines would like to notify the Secretary-General of the following: ... Article 16 (5) of the above mentioned Convention highlights the legal basis for extradition by state parties under this Convention. International Law permits that state parties to a convention takes the Convention as the legal basis for extradition between the state parties. The Fugitive Offenders Act Cap. 126 of the Laws of Saint Vincent and the Grenadines, Revised Edition 1990, makes new provision for the return from Saint Vincent and the Grenadines or persons found therein who are accused of, or have been convicted of offences in other countries and whose return is requested by such other countries and for matters related thereto.”

²³ The Russian Federation stated that, on the basis of reciprocity, it would take the Convention as the legal basis for cooperation on extradition with other States parties.

²⁴ Slovenia stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties. In addition, it declared that, in the absence of an international agreement or any other arrangement regulating extradition between it and another State party, it would require documents relating to extradition in compliance with its domestic law.

The former Yugoslav Republic of Macedonia

“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.”²⁵

Ukraine

“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.”²⁶

United States of America

“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.”

Uzbekistan

“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.”²⁷

Venezuela (Bolivarian Republic of)

“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.”²⁸

Yemen

“The Republic of Yemen does not take this Convention as the legal basis for cooperation with other States Parties to the Convention on the extradition of criminals pursuant to article 16 concerning extradition, because extradition is governed by treaties that regulate cooperation in that field with the States Parties to the Convention. In accordance with article 16, paragraph 5 (a) we are therefore informing you to that effect.”

²⁵ The former Yugoslav Republic of Macedonia stated that it took the Convention as the legal basis for cooperation on extradition with other States parties.

²⁶ Ukraine stated that extradition was conditional on the existence of a treaty and that it took the Convention as the legal basis for cooperation on extradition with other States parties. It also stated that the Convention constituted the legal ground for cooperation in the matters of extradition if a request for extradition were received from a State party with which there was no treaty on extradition.

²⁷ Uzbekistan stated that it regarded the Convention as the legal basis for cooperation on extradition with other States parties to the Convention.⁵ However, it declared that that provision would not preclude it from concluding bilateral treaties on extradition with individual States parties.

²⁸ Venezuela (Bolivarian Republic of) stated that the Convention would be taken as the legal basis for cooperation on extradition in relations between the Bolivarian Republic and other States.

V. Notifications received in accordance with Decision 1/3 of the Conference of the Parties to the Organized Crime Convention (with no prior notification at the time of deposit of instruments of ratification, acceptance, approval of or accession to the Convention)²⁹

The following States parties stated that extradition was not conditional on the existence of a treaty: **Austria, Brazil, Canada, Chile, Costa Rica, Croatia, Kuwait, Morocco, Myanmar, New Zealand, Poland, Portugal, Slovakia, South Africa, Sweden, Tunisia, Turkey.**

The following States parties stated that extradition was conditional on the existence of a treaty and that they took the Convention as the legal basis for cooperation on extradition with other States parties: **Bahrain, Belgium, Cyprus, Egypt, Honduras, Philippines.**

The following States parties stated that extradition was conditional on the existence of a treaty and that they did not take the Convention as the legal basis for cooperation on extradition with other States parties: **Angola, Jamaica, Namibia, Nigeria, Spain.**

Australia stated that it was not required to make a notification under article 16, paragraph 5, as its extradition law did not operate in the manner covered by that article.

²⁹ This information is contained in documents CTOC/COP/2005/7 and CTOC/COP/2005/7/Add.1.