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**Review of implementation of the**

**United Nations Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

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## II. Executive summary

### Plurinational State of Bolivia

#### 1. Introduction: Overview of the legal and institutional framework of the Plurinational State of Bolivia in the context of implementation of the United Nations Convention against Corruption

The Plurinational State of Bolivia signed the Convention on 9 December 2003, ratified it on 18 May 2005 and deposited its instrument of ratification on 5 December 2005.

The Convention is an integral part of the national legal system and, having the status of law, can be applied directly.

The legal system of the Plurinational State of Bolivia follows the continental legal tradition. Its criminal procedure follows the accusatorial system and consists of a preparatory stage and oral proceedings.

The most relevant institutions in the fight against corruption are the Ministry for Institutional Transparency and the Fight against Corruption, the Comptroller-General's Office, the Attorney-General's Office (Public Prosecution Service), the Bolivian Police, the Counsel-General's Office and the Financial Investigation Unit.

A national council for combating corruption has been established, comprising the above-mentioned entities and representatives of social organizations and indigenous groups of rural origin, its members being responsible for proposing and monitoring public policies on combating corruption.

Since the entry into force of its new Political Constitution (2009), Bolivia has carried out several major reforms relating to corruption, including the adoption of the Marcelo Quiroga Santa Cruz Act on Corruption, Illicit Enrichment and Asset Investigation (Act No. 004 of 31 March 2010) and the National Policy on Transparency and Combating Corruption (Supreme Decree No. 0214 of 22 July 2009).

Articles 116 and 123 of the Constitution and the first final provision of Act No. 004 refer to the principle of legality. The Plurinational Constitutional Court, in its Plurinational Constitutional Judgement No. 0770/2012, clarified the application of that principle and the interpretation of the references to the Constitution in article 123 of the Constitution itself and in the first final provision of Act No. 004. Consequently, substantive criminal law in force at the time of commission of an alleged criminal act applies. The retroactive application of the severest penalties provided for by criminal law is prohibited, although it is possible to retroactively apply lesser penalties under substantive criminal law. With respect to procedural law, the legislation in force applies.

## 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 national public officials is covered by article 158 of the Criminal Code; that provision does not cover undue advantages with respect to third parties, and does not explicitly deal with the concept of “offering”.

Articles 145, 147, 151 and 173 bis of the Criminal Code establish the passive bribery of public officials as an offence. Article 151, which refers to the “solicitation” of an undue advantage, does not cover advantages for third parties. Article 173 bis, which refers to passive bribery of a judge or prosecutor, does not deal with the indirect commission of an offence or advantages for third parties.

Transnational active and passive bribery are covered by articles 30 and 31 of Act No. 004.

The Plurinational State of Bolivia has not specifically criminalized active or passive trading in influence.

The conduct described in article 238 of the Criminal Code deals with some aspects of active bribery in the private sector. It does not cover “offering”, non-material advantages, indirect action or advantages for third parties. Passive bribery in the private sector is not established as an offence.

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

The laundering of the proceeds of crime is criminalized in article 185 bis of the Criminal Code, and that provision applies to all offences established pursuant to the Convention, except those relating to the private sector. The law also provides for cases in which the offender commits both the predicate offence and the laundering of the proceeds of that offence (“self-laundering”).

Concealment is covered by articles 171, 172 and 172 bis of the Criminal Code. Continued retention is not referred to explicitly, but might be considered to be covered by the concepts of “receive, conceal, sell or buy”.

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

Embezzlement is dealt with in articles 142 to 144 of the Criminal Code; it is established as an act committed only for the benefit of the perpetrator. Article 26 of Act No. 004 establishes the offence of improper use of property.

Abuse of functions does not exist as a specific offence, although the acts criminalized in articles 145 to 147, 150 to 154, 173, 173 bis, 174 and 228 of the Criminal Code, as well as in article 26 of Act No. 004, cover several elements of the conduct described as abuse of functions.

Illicit enrichment is established as an offence under articles 27 to 29 of Act No. 004. The offence of illicit enrichment may be committed by public officials or by private individuals to the detriment of the State. The Plurinational Constitutional Court, in its above-mentioned Judgement No. 0770/2012, clarified that illicit enrichment is interpreted as a continuing offence owing to its continuing effect on the protected legal asset. Consequently, the law cannot be applied retroactively, because the time

at which the assets in question increased in value without justifiable reason is irrelevant. Since the offence was established only recently, the details of how it should be treated in legal practice are still being established.

While embezzlement in the private sector is not established as a specific offence, certain elements of embezzlement are punishable under articles 345, 346, 346 bis and 349 of the Criminal Code.

*Obstruction of justice (art. 25)*

The Plurinational State of Bolivia has criminalized the conduct described in article 25 of the Convention under article 32 of Act No. 004.

*Liability of legal persons (art. 26)*

In the Plurinational State of Bolivia, legal persons are not usually subject to criminal liability; however, illicit enrichment of private individuals in detriment to the State is established as an offence that carries a criminal penalty for legal persons.

Bolivian legislation establishes civil liability and, in specific matters, administrative liability.

*Participation and attempt (art. 27)*

The Bolivian Criminal Code covers participation (arts. 20, 22 and 23) and attempt (art. 8).

The Plurinational State of Bolivia has not criminalized preparation of an offence, with the exception of criminal association and participation in a criminal organization with the aim of committing the offence of laundering of illicit proceeds.

*Knowledge, intent and purpose as elements of an offence (art. 28)*

Article 171 of the Code of Criminal Procedure provides for freedom of evidence; consequently, mens rea can be inferred from objective factual circumstances.

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

Bolivian legislation provides for severe penalties for the offences established in accordance with the Convention and aggravating circumstances that take into account the gravity of the offence.

With regard to jurisdictional privileges, the law provides for special proceedings in the case of the President and the Vice-President of the State, subject to authorization by the Plurinational Legislative Assembly, and a special procedure applies to senior officials of the judiciary and Public Prosecution Service (arts. 112, 180 and 184 of the Constitution).

Criminal proceedings must be public. The grounds on which the Attorney-General's Office may request the judge not to prosecute are limited and not usually relevant in corruption cases.

In corruption cases, pretrial detention is usually imposed (arts. 232 and 233 of the Code of Criminal Procedure).

A sentence may be suspended once two thirds of it have been served, but according to Act No. 004 suspension of the sentence is not applicable in corruption cases.

Bolivian legislation previously provided for the suspension of public officials accused of an offence, but the relevant provisions were declared unconstitutional.

Articles 34 and 36 of the Criminal Code provide for disqualification from carrying out certain activities. Four corruption offences are punishable by disqualification. There is a special provision applicable to judges that applies to all offences.

Provisions are in place for disciplinary proceedings, which in legal practice are independent of criminal investigation.

Bolivian legislation provides for measures that may facilitate social reintegration, but there are no programmes dedicated to that end.

Persons who cooperate with the law enforcement authorities benefit from a reduction of their sentence (art. 35 of Act No. 004), but are not granted immunity. It is only in the case of active bribery, if an individual on a sole occasion grants a request made by a public official and reports that fact prior to the commencement of criminal proceedings, that that individual is exempt from punishment. Persons who cooperate with the law enforcement authorities can be considered witnesses and can benefit from the protection provided for by Act No. 458 (Act on the Protection of Reporting Persons and Witnesses). The Plurinational State of Bolivia has not concluded any agreements on this subject with other States.

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

Bolivian law provides for measures to protect witnesses, experts and victims in Act No. 004, Act No. 260 (Act on the Public Prosecution Service) and Act No. 458. Protected persons are not relocated in Bolivian territory since such a measure would not be appropriate in the case of the Plurinational State of Bolivia. Technological means may be used to protect the identity of witnesses. Furthermore, in order to preserve evidence for the trial while protecting the identity of the witness, the judge may order the production of evidence in pretrial proceedings in the presence of the parties that may participate in those proceedings. The Plurinational State of Bolivia has not concluded any agreements with other States on the relocation of protected persons.

The participation of victims in proceedings is regulated by the Constitution (art. 121), the Code of Criminal Procedure (art. 11) and the Act on the Public Prosecution Service (art. 68).

The protection of reporting persons is regulated by article 17 of Act No. 004, articles 11 and 88 to 90 of Act No. 260 and by Act No. 458, which also provides for protection from retaliation in the workplace. Complaints received by the Ministry for Institutional Transparency and the Fight against Corruption are submitted to the investigation authorities on behalf of an official of the Ministry.

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

Confiscation is regulated by articles 71 and 71 bis of the Criminal Code. Seizure is regulated by article 253, and corruption offences causing serious damage to the State by article 253 bis of the Code of Criminal Procedure. Those provisions do not cover the confiscation or seizure of instrumentalities “destined for use” in the commission of offences.

An alternative to seizure is annotation of the registry entry detailing the property in question (art. 252 of the Code of Criminal Procedure and art. 1552 of the Code of Civil Procedure). The Financial Investigation Unit may carry out an administrative seizure for a period of up to 48 hours.

The Directorate for the Registration, Control and Administration of Seized Property (DIRCABI) is responsible for the administration of seized property (art. 254 of the Code of Criminal Procedure).

The confiscation of proceeds of crime that have been transformed or converted, in part or in full, into other property, and of income or other benefits derived from the proceeds of crime, is not explicitly provided for. Confiscation up to the assessed value of proceeds that have been intermingled with property acquired from legitimate sources is regulated only with respect to the offence of laundering of illicit proceeds.

The Plurinational State of Bolivia has no legislation on reversal of the burden of proof in cases of confiscation.

Articles 71 and 71 bis of the Criminal Code and article 255 of the Code of Criminal Procedure establish that seizures shall be carried out without prejudice to the rights of bona fide third parties.

Bank secrecy does not apply to the investigation of corruption offences (arts. 19 and 20 of Act No. 004 and art. 185 ter of the Criminal Code).

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

As of 2009, when the new Constitution entered into force, offences that are committed by public officials and that are directed against State assets and cause serious economic damage are no longer subject to a limitation period (art. 112 of the Constitution and art. 29 bis of the Code of Criminal Procedure). For other offences established in accordance with the Convention, limitation periods ranging from two to eight years are established (arts. 29 to 31 of the Code of Criminal Procedure).

An accused person who fails to appear in court without justification may be declared in contempt of court and the proceedings may take place in his or her absence.

Information on previous convictions in other States may be used in application of the principle of freedom of evidence.

*Jurisdiction (art. 42)*

The Plurinational State of Bolivia has established its jurisdiction over most of the offences referred to in article 42, although not over corruption offences committed by or against a Bolivian national.

It has not established its jurisdiction over offences alleged to have been committed by a Bolivian national whom the Plurinational State of Bolivia may not extradite on the ground that he or she is one of its nationals, on the basis of a bilateral treaty; or cases in which the alleged offender is present in its territory and the Plurinational State of Bolivia does not extradite him or her.

To date, the Plurinational State of Bolivia has not consulted with other States with regard to corruption cases in respect of which the other States are conducting proceedings.

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

There are no legislative provisions on the annulment of contracts or the withdrawal of concessions. Anti-corruption clauses are regularly included in public contracts.

Articles 36 to 41 of the Code of Criminal Procedure establish two ways of obtaining compensation, namely through criminal proceedings and through civil proceedings (art. 37). In the case of offences that affect State assets, the Attorney-General is required to initiate civil proceedings (art. 41).

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

The Public Prosecution Service has an office specializing in the prosecution of corruption offences in each of the country's nine departments, and the Bolivian Police has specialized investigators. Anti-corruption courts and tribunals have also been established.

Cooperation between national authorities is regulated by laws and inter-institutional agreements. The Plurinational State of Bolivia is establishing an integrated system of information on anti-corruption matters and the recovery of State assets (SIIARBE). There is also an inter-agency working group on asset recovery (GIRA) (established with the support of the Stolen Asset Recovery (StAR) Initiative) within the framework of which several institutions cooperate in prioritized overseas cases.

Companies of certain types are obliged to report officially to the Financial Investigation Unit when they detect possible elements of corruption (art. 21 of Act No. 004).

The Plurinational State of Bolivia has taken measures to encourage its citizens to report acts of corruption.

## **2.2. Successes and good practices**

*General*

- Since the entry into force of the new Political Constitution in 2009, the Plurinational State of Bolivia has carried out major legislative and institutional reforms that demonstrate that the country's political commitment to combating corruption is yielding results.
- Notable examples of those reforms are Act No. 004 (2010) and Act No. 458 (2013).

- The country's institutionalization of the fight against corruption is evidenced by its establishment of the Ministry for Institutional Transparency and the Fight against Corruption.
- A national council for combating corruption has been established.
- Transparency units have been created within all State bodies and at the departmental and municipal levels.
- The Bolivian authorities have adopted a consistent approach to the economic redress of damage to the State and compensation for such damage.
- Bolivian institutions maintain direct contact with one another for the purpose of strengthening inter-agency cooperation.
- Specialized anti-corruption agencies have been established within the judiciary, the Public Prosecution Service and the Bolivian Police.

#### *Criminalization and law enforcement*

- There are several institutions responsible for seizing assets subject to confiscation or for securing compensation, including the Financial Investigation Unit, which deals with administrative seizure (art. 31).
- The Plurinational State of Bolivia is establishing an integrated system of information on anti-corruption matters and the recovery of State assets (SIIARBE) for the purposes of centralizing and exchanging information furnished by the relevant entities (art. 38).
- It has established an inter-agency working group on asset recovery (GIRA), in which several institutions cooperate on priority cases of asset recovery abroad (art. 38).
- Measures implemented to encourage citizens to report acts of corruption include the creation of guides on reporting and the provision of training for public officials and representatives of social organizations (art. 39).
- Bank secrecy may not be invoked in relation to corruption offences (art. 40).

### **2.3. Challenges in implementation**

#### *General*

- It is recommended that the Plurinational State of Bolivia strengthen the collection of statistical data on the offences established pursuant to the Convention.
- Note is taken of the efforts of the Public Prosecution Service to create an inventory of and to improve the processing of cases, and the continuation of that process is encouraged.
- The Plurinational State of Bolivia is encouraged to continue strengthening its inter-agency cooperation.
- The Plurinational State of Bolivia may wish to consider, for the sake of legal certainty, the inclusion of the fundamental principles of interpretation of articles 116 and 123 of the Constitution and of the first final provision of

Act No. 004 on the principle of legality not only in legal practice but also in its legislation.

### *Criminalization*

With respect to criminalization, it is recommended that the Plurinational State of Bolivia:

- Include, in any future legislative reforms, the element of advantages for third parties in its provisions relating to active and passive bribery and embezzlement and misappropriation (arts. 15 and 17) and, in cases in which passive bribery is committed by a judge or prosecutor, offences committed indirectly (art. 15 (b)).
- Ensure that article 158 of the Criminal Code is applied to cases involving the “offering” of an undue advantage. In the event that, in the future, the courts do not interpret the law in that way, it may be necessary to clarify the law through legislative reform (art. 15 (a)).
- Consider the possibility of criminalizing trading in influence and, specifically, abuse of functions (arts. 18 and 19).
- Analyse future case law relating to the offence of illicit enrichment and illicit enrichment of private individuals to the detriment of the State, in order to ensure its continued consistency with the principle of legality (art. 20).
- Consider the possibility of amending its legislation to encompass all elements of active bribery in the private sector; criminalizing passive bribery in the private sector (art. 21); and establishing an offence that encompasses all elements of embezzlement in the private sector (art. 22).
- Consider the possibility of including offences relating to corruption in the private sector as predicate offences for the laundering of illicit proceeds, or move from a list approach to a reference to all offences (art. 23, paras. 2 (a) and (b)).
- Consider the possibility of providing more broadly for the liability, in particular the administrative liability, of legal persons for participation in corruption offences (art. 26, paras. 1 and 4).
- The Plurinational State of Bolivia may wish to clarify its legislation in order to establish preparation for an offence as a specific offence (art. 27, para. 3).

### *Law enforcement*

With regard to law enforcement, it is recommended that the Plurinational State of Bolivia:

- Consider the possibility of including the accessory penalty of disqualification for all corruption offences and with respect to the persons provided for in article 30, paragraph 7.
- Consider the possibility of establishing social reintegration programmes that apply to corruption offences (art. 30, para. 10).

- Include in its future legislative reforms the seizure and confiscation of instrumentalities “destined for use” in the commission of an offence (art. 31, paras. 1 and 2).
- Although such provisions are in place with respect to the offence of laundering of illicit proceeds, include in its future legislative reforms, for all offences established in accordance with the Convention, the confiscation of funds transformed or converted into other property, confiscation up to the assessed value of illicit proceeds intermingled with property acquired from legitimate sources and of the benefits derived from illicit proceeds, with respect to all offences established in accordance with the Convention (art. 31, paras. 4 to 6).
- Consider the possibility of requiring that an offender demonstrate the lawful origin of property liable to confiscation (art. 31, para. 8).
- Examine how to facilitate the relocation of protected persons, taking into account the specific conditions in the Plurinational State of Bolivia (art. 32, para. 2 (a)).
- Consider entering into agreements or arrangements with other States for the relocation of protected persons (art. 32, para. 3).
- Consider broader measures to address the consequences of acts of corruption (art. 34).
- Strengthen the capacity and resources of its law enforcement authorities specialized in combating corruption, and ensure the continuity of training activities (art. 36).
- Consider entering into agreements or arrangements providing for the treatment described in paragraphs 2 and 3 of article 37 in international cases (art. 37, para. 5).
- Consider the possibility of adopting a structured and broad approach to cooperation with the private sector (art. 39, para. 1).
- The Plurinational State of Bolivia may wish to adopt legislation providing for the consideration of previous convictions in another State of alleged offenders (art. 41).
- The Plurinational State of Bolivia may wish to establish its jurisdiction over offences committed by or against a Bolivian national (art. 42, para. 2 (a) and (b)); it is recommended that the Plurinational State of Bolivia clarify its legislation on jurisdiction in cases in which the extradition of its nationals is not permitted (art. 42, para. 3); it may wish to establish its jurisdiction over cases in which the alleged offender is present in its territory and it does not extradite him or her (art. 42, para. 4); and it is recommended that the country’s competent authorities consult with those of other States Parties in order to coordinate their actions in cases in which the other States Parties conduct proceedings in respect of the same conduct (art. 42, para. 5).

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

The Plurinational State of Bolivia has expressed interest in receiving technical assistance in relation to the protection of witnesses, experts and victims, in particular, summaries of best practices, training programmes for the authorities responsible for programmes for the protection of witnesses and experts, on-site assistance provided by an expert and model agreements and contracts (art. 32).

## 3. Chapter IV: International cooperation

### 3.1. Observations on the implementation of the articles under review

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

Extradition is regulated by the Constitution, the Criminal Code and the Code of Criminal Procedure. At the time of the on-site visit, the Plurinational State of Bolivia was preparing a draft law on international cooperation.

The country does not require a treaty but may extradite on the basis of reciprocity. The Plurinational State of Bolivia considers the Convention a legal basis for extradition.

Extradition cannot be granted in the absence of dual criminality.

Nationals may be extradited, unless their extradition is prohibited under a bilateral treaty; in such cases, the principle of *aut dedere aut judicare* and the enforcement of sentences imposed in another State are not provided for.

Extraditable offences are those that carry a minimum sentence of two years or more (in the case of nationals, more than two years), which applies to most corruption offences. If a treaty provides for a lower limit, the provisions of that treaty prevail. The Plurinational State of Bolivia does not consider corruption offences to be political offences.

Extradition is a judicial procedure and the decision to extradite lies with the Supreme Court of Justice and is not appealable. The Plurinational State of Bolivia does not have a simplified extradition procedure.

Consultations before refusing extradition are conducted with regard to issues of form rather than the substance of the request.

The Plurinational State of Bolivia has signed several agreements and arrangements relating to extradition.

It has concluded a bilateral agreement with Paraguay with respect to the transfer of sentenced persons.

It does not have legislation on the transfer of criminal proceedings, but applies the general principle of broad cooperation.

*Mutual legal assistance (art. 46)*

Mutual legal assistance is regulated by the Code of Criminal Procedure, Act No. 465 on the Foreign Relations Service and international conventions and treaties in force. The Plurinational State of Bolivia may use the Convention as a legal basis for

providing such assistance. It has concluded five bilateral treaties and various multilateral agreements on the subject.

The Plurinational State of Bolivia provides mutual assistance in the absence of dual criminality.

It can facilitate a broad range of procedures, including in relation to offences for which a legal person may be held liable. The voluntary appearance of persons in the requesting State Party may raise difficulties owing to the lack of domestic regulation. There are also no domestic regulations regarding the transfer to or from the Plurinational State of Bolivia of persons who are being detained or serving a sentence in another State.

The central authority is the Ministry of Foreign Affairs, which communicates directly with the central authorities of other States. In urgent circumstances, requests may be sent and received through the International Criminal Police Organization (INTERPOL) and accepted by fax or e-mail or orally.

The Plurinational State of Bolivia does not have legislative provisions on the principle of speciality, the confidentiality of requests or safe conduct; however, the Convention may be applied directly. The use of videoconferencing to facilitate the giving of testimony may be permitted, taking into account the principle of freedom of evidence.

Consultations before refusing assistance are conducted in relation to issues of form but not the substance of the request.

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

The authorities cooperate through organizations and networks such as INTERPOL, the Egmont Group, the Asset Recovery Network of the Financial Action Task Force of South America against Money-Laundering (RRAG), the Ibero-American Network for International Legal Cooperation (IberRed) and the Ibero-American Association of Public Prosecutors (AIAMP). The Financial Investigation Unit and the Public Prosecution Service have signed memorandums of understanding with their counterparts in other States.

The Code of Criminal Procedure provides for the possibility of creating joint investigative bodies for the investigation of organized crime.

The Plurinational State of Bolivia does not have legislation relating to the use of controlled delivery or other special investigative techniques in corruption cases, although a number of such techniques exist with respect to drug trafficking offences.

### **3.2. Successes and good practices**

- The Plurinational State of Bolivia may use the Convention as a legal basis for extradition, mutual legal assistance and international cooperation in the area of law enforcement (art. 44, paras. 5-7; art. 46, para. 1; art. 48).
- It does not consider corruption offences to be political offences and has advocated a regional declaration at the level of the Community of Latin

American and Caribbean States that underscores that principle (art. 44, para. 4).

- It may extradite on the basis of the principle of reciprocity (art. 44, paras. 5-7).
- The Plurinational State of Bolivia has used the Convention as a legal basis in at least one case of mutual legal assistance (art. 46, para. 1).
- It provides mutual assistance in the absence of dual criminality (art. 46, para. 9).
- The efforts of its central authority to assume a proactive role in the coordination and follow-up of cases of assistance, both at the national level and in cooperation with its counterparts abroad, have yielded positive results (art. 46, para. 13).
- Requests are accepted by fax and e-mail and orally (art. 46, para. 14).
- The Plurinational State of Bolivia has reduced the duration of simple procedures relating to mutual legal assistance from one to two years to one month (art. 46, para. 24).
- Bolivian legislation requires that grounds be given not only for refusal of a request but also for suspension of the assistance requested (art. 46, para. 25).
- The Plurinational State of Bolivia has concluded several agreements on extradition, transfer of sentenced persons and mutual legal assistance (arts. 44-46).
- The authorities cooperate by means of organizations and networks such as INTERPOL, the Egmont Group, RRAG, IberRed and AIAMP (art. 48).
- Bolivian legislation provides for the possibility of joint investigative bodies for the investigation of organized crime (art. 49).

### 3.3. Challenges in implementation

With regard to international cooperation, it is recommended that the Plurinational State of Bolivia:

- Make further progress in the preparation of the draft law on international cooperation and ensure that that law encompasses all of the precepts set out in the relevant provisions of chapter IV.
- Ensure that the offences of active bribery committed by nationals (art. 15) and concealment (art. 24) are considered extraditable offences (art. 44, paras. 1 and 7); consider the above-mentioned offences to be extraditable offences in any extradition treaty; and include all of the offences established pursuant to the Convention as extraditable offences in any future extradition treaty (art. 44, para. 4).
- The Plurinational State of Bolivia may wish to permit extradition in the absence of dual criminality and to extradite persons for related offences, on the basis of the Convention (art. 44, paras. 2 and 3).

- It is recommended that the Plurinational State of Bolivia include in its future legislative reforms, for cases in which the extradition of nationals is prohibited under a bilateral treaty, the obligation to extradite or prosecute, and consider the possibility of enforcing sentences imposed under the domestic law of requesting States Parties or the remainder thereof (art. 44, paras. 11 and 13).
- Study the possibility of establishing a simplified extradition procedure (art. 44, para. 9) and consider providing for the right of appeal in extradition cases (art. 44, para. 14).
- Consult, as appropriate, with the requesting State Party also on substantive issues before refusing extradition (art. 44, para. 17).
- As necessary, conclude bilateral and multilateral agreements or arrangements on extradition and the transfer of sentenced persons (art. 44, para. 18; art. 45).
- Consider the possibility of establishing a domestic procedure to facilitate the voluntary appearance of persons in the requesting State Party and the transfer and receiving of persons who are being detained or serving a sentence (art. 46, paras. 3 (h) and 10 to 12).
- The Plurinational State of Bolivia is encouraged to transmit information without prior request (art. 46, para. 4).
- If it is necessary to refuse or postpone the execution of a request, use existing communication channels to consult with the requesting State Party in order to consider the possibility of providing the requested assistance subject to such conditions as it deems necessary (art. 46, para. 26); and consult with the requesting State before requesting the resources necessary to cover extraordinary expenses, in order to determine the conditions under which the request is to be executed (art. 46, para. 28).
- As necessary, conclude further bilateral and multilateral agreements or arrangements on mutual legal assistance (art. 46, para. 30).
- Consider the possibility of clarifying, through its legislation, that its legal framework permits the transfer of criminal proceedings (art. 47).
- Recognizing the progress made, the Plurinational State of Bolivia is encouraged to strengthen its cooperation in the area of law enforcement, including through the exchange of personnel (art. 48, para. 1 (a) and 1 (e)).
- Consider the possibility of amending, as appropriate, agreements and arrangements with other States in that regard (art. 48, para. 2).
- Intensify its efforts to collaborate with other States in order to combat corruption offences committed through the use of modern technology (art. 48, para. 3).
- Include in its future legislative reforms the possibility of using controlled delivery and other special investigative techniques, such as electronic surveillance and undercover operations, in corruption cases (art. 50, paras. 1 and 4), to the extent permitted by the basic principles of its domestic legal

system. In the context of such reforms, consideration might be given to the use of such techniques at the international level (art. 50, paras. 2 and 3).

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

Bolivia has expressed interest in receiving technical assistance with respect to special investigative techniques, such as a summary of best practices, the provision of on-site assistance by an expert, training programmes for the authorities responsible for investigation, the design and management of the use of such techniques and international cooperation, the development of an action plan for implementation, legal advice and model agreements and contracts.

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