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**Conference of the Parties to the United Nations
Convention against Transnational Organized Crime****Fifth session**

Vienna, 18-22 October 2010

Agenda item 6

International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities**Catalogue of cases involving extradition, mutual legal assistance and other forms of international legal cooperation requested on the basis of the United Nations Convention against Transnational Organized Crime****Corrigendum****1. Section III.**After paragraph 13, insert a title and paragraphs *reading***China**

13 bis. In January 2008, the law enforcement authorities of the United Kingdom carried out an investigation of a case of value-added tax fraud and money-laundering involving a large amount of funds. Since a Chinese company, in Guangdong Province of China, was related to the case, United Kingdom authorities made a request of mutual legal assistance in criminal matters to the Ministry of Justice of China, on the basis of the Organized Crime Convention, with the hope of sending officials to China for evidence collection. The Ministry of Justice of China transmitted the request to the General Administration of Customs of China after it had reviewed the request and confirmed that the request was in conformity with the main elements of the Organized Crime Convention format. Authorities of the two countries conducted several rounds of consultations on the timing and means of evidence collection; ways for witnesses to present testimony and the associated costs; and the methodology and scope of the inquiry. On 15 April 2008, presided by



the Chinese central authorities, the witness testimony and related evidential documentation were provided to the United Kingdom authorities. The Chinese authorities concerned did a large amount of work throughout the process to ensure the successful collection of evidence for the case.

13 ter. In the investigation by the Chinese justice authorities of the general goods smuggling case involving Mr. Wen Yuman, the Ministry of Justice of China made a request for mutual legal assistance in criminal matters to the Home Office of the United Kingdom, on the basis of the Organized Crime Convention, requesting the United Kingdom authorities to provide relevant evidence. In 2009, the United Kingdom authorities completed the investigation and handed over the evidence related to the case and requested to attend the proceedings. For the purpose of promoting international cooperation, the Chinese authorities accepted the request, which led to positive results.

2. Section VI.

After paragraph 94, insert paragraphs *reading*

94 bis. The office of INTERPOL in Spain had used the 1988 Convention and the Organized Crime Convention as an alternative to extradition treaties with countries that had no contract, treaty or agreement relating to extradition with Spain. In those cases, the arrest of the demanded person for the purpose of extradition was carried out if the requesting country was a party to the 1988 Convention or the Organized Crime Convention. Moreover, INTERPOL was used as a channel to forward the international arrest warrant.

94 ter. That procedure was used in the case of eight Spanish and Ukrainian nationals convicted of trafficking 75 tons of drugs discovered on a ship on the coast of Galicia, Spain. The authorities of Cape Verde granted extradition, and all eight detainees were surrendered to Spain. Furthermore, the same procedure was applied when a Spanish national, sentenced to serve 11 years of imprisonment for drug trafficking, was arrested in Ghana and when a national of the United Kingdom accused of the same offence was arrested in the United Arab Emirates in 2009. Another example was the case of a Georgian citizen who headed a well-known organized criminal group active in countries of the former Union of Soviet Socialist Republics; the individual was arrested in the United Arab Emirates and extradited to Spain in 2006.

94 quater. Spain also referred to the use of the 1988 Convention and the Organized Crime Convention in the case that letters rogatory, using diplomatic channels or through INTERPOL, were directed to Spain by States with which no bilateral or multilateral agreement concerning mutual legal assistance had been concluded. In the above-mentioned case involving Cape Verde, several letters rogatory had been sent by the Spanish National Court in Madrid.

94 quinquies. Further, the Organized Crime Convention had been used by Spain as a legal basis to send international letters rogatory concerning the laundering of money derived from organized criminal activities. Those letters rogatory were forwarded by INTERPOL or through diplomatic channels.

94 sexies. On the basis of that procedure, in 2009, a Spanish citizen was arrested in Costa Rica and later extradited to Spain pursuant to the request made by the court of Azpeitia, Spain. In accordance with the Organized Crime Convention, an

international letter rogatory, related to the interception of goods obtained through the laundering of money derived from organized criminal activities, was sent and accepted. In addition, the Convention had been used by Spain as a legal instrument to send letters rogatory to the Bolivarian Republic of Venezuela, requesting the interception of property belonging to one of the persons involved in “Operation Malaya”. A letter rogatory, concerning trafficking in narcotics, is currently being forwarded to Pakistan.

94 septies. Spain also informed the Secretariat that with respect to the effective use and application of articles 13, 16 and 18 of the Organized Crime Convention, the competent Spanish authority was the Ministry of Foreign Affairs or the Ministry of Justice. Accordingly, the Ministry of the Interior did not dispose of the necessary information and could provide only examples of policy acts related to article 13 of the Organized Crime Convention.

94 octies. Requests for information from other States parties to the Convention, above all, by the United Kingdom (concerning the localization of assets), were transmitted through the national unit of the European Police Office. The requested information was collected and forwarded to the requesting State, without developing operational activities related to subsequent confiscations. So far, Spain has not directed requests for information to other States parties.

94 nonies. In addition, the Secretariat received information from Spain regarding legislative and programme initiatives related to the fight against organized crime.