



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Consideration of notification requirements in accordance with the relevant articles of the Convention (art. 5, para. 3; art. 6, para. 2 (d); art. 13, para. 5; art. 16, para. 5 (a); art. 18, paras. 13 and 14; and art. 31, para. (6) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (art. 8)**

## **Notifications, declarations and reservations received by the Secretary-General**

### **Note by the Secretariat**

#### **I. Introduction**

1. In its decision 1/3, entitled “Notifications, declarations and reservations concerning the United Nations Convention against Transnational Organized Crime”, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime requested the Secretariat to submit a report containing the full text of notifications submitted by States parties under articles 5, 6, 13, 16, 18 and 31 of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), as well as declarations and reservations received by the Secretary-General in connection with the Convention and the Protocols thereto, to the Conference of the Parties at its second session and to update that information regularly.
2. The present report is submitted pursuant to that request.

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\* CTOC/COP/2005/1.



## II. Notifications

### A. United Nations Convention against Transnational Organized Crime

#### 1. Criminalization of participation in an organized criminal group (art. 5, para. 3)

3. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations: Angola, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Egypt, El Salvador, Estonia, Finland, Jamaica, Kuwait, Latvia, Lesotho, Lithuania, Malawi, Malaysia, Malta, Mexico, Morocco, Myanmar, Namibia, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uzbekistan and Venezuela (Bolivarian Republic of).

4. Angola stated in its notification that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did not cover all serious crimes involving organized criminal groups and did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

5. Armenia stated that its Criminal Code (chap. 7, in particular art. 41, of the Code) covered all serious crimes involving organized criminal groups provided for article 5, paragraph 1 (a) (i).

6. Australia stated that its law required an act of furtherance of the agreement for the conspiracy offence to apply.

7. Austria stated that its domestic law did not require involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

8. Azerbaijan stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups.

9. Belarus stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i); covered all serious crimes involving organized criminal groups; and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

10. Belgium stated that its law criminalized participation in an organized criminal group on the basis of paragraph 1 (a) (ii), not paragraph 1 (a) (i) of article 5.

11. Brazil stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did not cover all serious crimes involving organized criminal groups, and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

12. Burkina Faso stated that, in the positive law of Burkina Faso, the applicable Penal Code (Act 43/96/ADP of 13 November 1996) criminalized an organized criminal group. Article 222 of the Penal Code, which defined the crime of association of offenders, stipulated that “any association or agreement of whatever duration or number of members, formed or established for the purpose of committing crimes against persons or property, shall constitute the crime of association of offenders, which exists by the sole fact of the resolution to act decided by mutual consent”. Articles 223 and 224, which punished that offence, set the following penalties for offenders: (a) 5-10 years of imprisonment for any person belonging to the association or agreement defined in article 222; and (b) 10-20 years of imprisonment for the leaders of such an association or agreement. The Penal Code of Burkina Faso accordingly criminalized the existence of an organized criminal group as a separate offence, before the commission of any act that was the subject of the agreement. It should also be pointed out that the Penal Code allowed for the extension of the prosecution of members of an organized group to persons outside the group who had participated in the commission of an offence by the group, as associates or accomplices (arts. 64 and 65 of the Penal Code). Receiving, which was defined as the knowing possession or enjoyment of proceeds of crime or of money laundered from drug trafficking by an individual, was also a crime under articles 508-510 and article 446 of the Penal Code. With regard to corruption, whose criminalization had been recommended by the Convention, the Penal Code of Burkina Faso, in articles 156 and 160, defined and imposed penalties for the commission of such an offence. Regarding the criminal liability of legal persons, the Penal Code allowed for the establishment of such liability, since article 64, paragraph 2, thereof provided that “any legal person having a civil, commercial, industrial or financial purpose on whose behalf or in whose interest the act of commission or omission that constitutes an offence has been wilfully perpetrated by its organs shall also be considered an accomplice”.

13. Canada stated that its domestic law required neither involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), nor an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

14. Chile stated that under its legal system involvement of an organized criminal group was required for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i). Chile also stated that its legislation covered all serious crimes involving organized criminal groups and did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

15. China stated:

(a) For the Mainland Region, that its domestic law required neither involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), nor an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i);

(b) For the Macao Special Administrative Region (SAR), that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all

serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

16. Costa Rica stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

17. Croatia stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

18. Cyprus stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

19. Egypt stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

20. El Salvador stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did not cover all serious crimes involving organized criminal groups, and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

21. Estonia stated that under its legislation it considered the act provided for in article 5, paragraph 1 (a) (i), a crime. Estonia also stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

22. Finland stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

23. Jamaica stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

24. Kuwait stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
25. Latvia stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
26. Lesotho stated that the legal system pertaining in Lesotho required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and required an act in furtherance of an agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
27. Lithuania stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
28. Malawi stated that it was currently in the process of reviewing its domestic legislation with the aim of incorporating obligations assumed on ratification of the convention, specifically, offences stipulated in accordance with article 5, paragraphs 1 and 2. It also stated that it undertook to notify the Secretary-General once the enabling legislation had been prepared and passed pursuant to article 5, paragraph 3.
29. Malaysia stated that its domestic law did not require involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
30. Malta stated that its domestic law required neither involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), nor an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).
31. Mexico stated that, in criminalizing the offences defined in accordance with article 5, paragraph 1 (a) (i), the domestic law of the Mexican State covered all serious crimes involving the participation of an organized criminal group. The criminalization of an agreement with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit involved the participation of an organized criminal group in the offence of organized crime provided for in article 2 of the Federal Act to Combat Organized Crime, insofar as it was relevant to the crimes to which the said article referred. The offence of criminal association, provided for in article 164 of

the Federal Criminal Code, was applicable insofar as it was relevant to the other serious crimes to which the Convention referred.<sup>1</sup>

32. Morocco stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did not cover all serious crimes involving organized criminal groups, and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

33. Myanmar stated that its domestic law did not require involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

34. Namibia stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

35. Norway stated that article 5 of the Convention had been implemented in Norwegian law through section 162 c of the Penal Code, which read as follows:

“(a) Any person who enters into an agreement with another person to commit an act that is punishable by imprisonment for a term of not less than three years, and that is to be committed as a step in the activity of an organized criminal group, shall be liable to imprisonment for a term not exceeding three years unless the offence comes under a more severe penal provision;

“(b) An increase of the maximum penalty in the case of a repeated offence or a concurrence of felonies is not to be taken into account.

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

Under article 5, paragraph 3, of the Convention, States parties were to inform the Secretary-General when the national legislation implementing article 5 required: (a) “involvement of an organized criminal group”; or (b) that “an act in furtherance of the agreement” had taken place:

(a) Section 162 c of the Norwegian Penal Code required that the “agreement” had some link with the criminal activity of an organized criminal group. The provision only applied to an agreement concerning acts that were committed as “a step in the activity of an organized criminal group”. At least one of the parties to the agreement must be a member of such a group and the agreement must have been entered into by the group or by an individual representing the group.

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<sup>1</sup> In its response to the brief questionnaire on basic reporting obligations, Mexico stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did not cover all serious crimes involving organized criminal groups and did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

This was specified in the *travaux préparatoires* of this legislation (cf. Proposition No. 62 (2002-2003) to the Odelsting, pp. 31-32 and 95-96). This condition meant that section 162 c required the “involvement of an organized criminal group”;

(b) On the other hand, if “an act in furtherance of the agreement” had taken place, this was not a necessary condition for punishment (cf. Proposition No. 62 (2002-2003) to the Odelsting, p. 95).

36. Panama stated that its domestic law did not require the involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but did require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

37. The Philippines stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

38. Poland stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), and covered all serious crimes involving organized criminal groups, but did not require an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

39. Portugal stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

40. Romania stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

41. The Russian Federation stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

42. Saudi Arabia stated that its domestic laws stipulated that an act was to be undertaken in furtherance of the agreement in order for the act to be criminalized as stated in article 5, paragraph 1 (a) (i).

43. Slovakia stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

44. South Africa stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

45. Spain stated that its domestic law did not require involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), but required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

46. Sweden stated that its domestic law required neither involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), nor an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

47. The former Yugoslav Republic of Macedonia stated that the acts determined in article 5, paragraph 1 (a) (i), of the Convention represented, according to its Criminal Code, a criminal offence under article 393, Conspiracy to commit a crime. It also stated that its Criminal Code did not require an act of furtherance of the agreement for the purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), of the Convention.

48. Tunisia stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

49. Turkey stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

50. Uzbekistan stated that, under its Criminal Code, offences committed by organized groups or for their benefit were categorized as grave or especially grave offences, depending on their defining elements and on the form of punishment for the separate types of offence. Uzbekistan also stated that its domestic law required involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i), covered all serious crimes involving organized criminal groups and required an act in furtherance of the agreement for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

51. Venezuela (Bolivarian Republic of) stated that, with respect to national laws governing the offences described in article 5, paragraph 1 (a) (i), of the Convention, its law typified and penalized such offences under articles 287-293 of the current Penal Code referring to the offence of forming an organized criminal group.

## **2. Criminalization of the laundering of proceeds of crime (art. 6, para. 2 (d))**

52. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations:



Angola, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Egypt, El Salvador, Estonia, Finland, Jamaica, Kuwait, Latvia, Lithuania, Malaysia, Malta, Mexico, Morocco, Myanmar, Namibia, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, South Africa, Spain, Sweden, Tunisia, Turkey and Uzbekistan.

53. Angola stated in its notification that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; did not include as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and did not include in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Angola's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Angolan law had it been committed within Angola. Angola indicated its laws and regulations that gave effect to article 6.

54. Austria stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Austria's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Austrian law had it been committed within Austria. Austria provided copies of its laws and regulations that gave effect to article 6.

55. Azerbaijan stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; did not include as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Azerbaijan's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Azerbaijani law had it been committed within Azerbaijan. Azerbaijan provided copies of its laws and regulations that gave effect to article 6.

56. Bahrain stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1, included a provision to establish a list of specific predicate offences and did not include in the list a comprehensive range of offences associated with organized criminal groups. Bahrain indicated its laws and regulations that gave effect to article 6.

57. Belarus stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of

specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Belarus' jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Belarusian law had it been committed within Belarus. Belarus provided copies of its laws and regulations that gave effect to article 6.

58. Belgium stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Belgium's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Belgian law had it been committed within Belgium. Belgium provided copies of its laws and regulations that gave effect to article 6.

59. Brazil stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Brazil's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Brazilian law had it been committed within Brazil. Brazil indicated its laws and regulations that gave effect to article 6.

60. Canada stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Canada's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Canadian law had it been committed within Canada. Canada provided copies of its laws and regulations that gave effect to article 6.

61. Chile stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Chile's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Chilean law had it been committed within Chile. Chile indicated its laws and regulations that gave effect to article 6.

62. China stated:

(a) For the Mainland Region, that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside China's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Chinese law had it been committed within China. China indicated its laws and regulations for the Mainland Region that gave effect to article 6;

(b) For Macao SAR, that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside China's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the country where it was committed and would have been a criminal offence under Chinese law had it been committed within China. China indicated its laws and regulations for Macao SAR that gave effect to article 6.

63. Costa Rica stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Costa Rica's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Costa Rican law had it been committed within Costa Rica. Costa Rica provided copies of its laws and regulations that gave effect to article 6.

64. Croatia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Croatia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Croatian law had it been committed within Croatia. Croatia provided copies of its laws and regulations that gave effect to article 6.

65. Cyprus stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Cyprus' jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have

been a criminal offence under Cypriot law had it been committed within Cyprus. Cyprus indicated its laws and regulations that gave effect to article 6.

66. Egypt stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Egypt's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Egyptian law had it been committed within Egypt. Egypt provided copies of its laws and regulations that gave effect to article 6.

67. El Salvador stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside El Salvador's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Salvadoran law had it been committed within El Salvador. El Salvador provided copies of its laws and regulations that gave effect to article 6.

68. Estonia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Estonia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Estonian law had it been committed within Estonia. Estonia indicated its laws and regulations that gave effect to article 6.

69. Finland stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Finland's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Finnish law had it been committed within Finland. Finland provided copies of its laws and regulations that gave effect to article 6.

70. Jamaica stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision

to establish a list of specific predicate offences. Jamaica indicated its laws and regulations that gave effect to article 6.

71. Kuwait stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with article 5, 8 and 23; included a provision to establish a list of specific predicate offences; and did not include in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences did not include offences committed outside Kuwait's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Kuwaiti law had it been committed within Kuwait.

72. Latvia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Latvia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Latvian law had it been committed within Latvia. Latvia provided copies of its laws and regulations that gave effect to article 6.

73. Lithuania stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Lithuania's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Lithuanian law had it been committed within Lithuania. Lithuania provided copies of its laws and regulations that gave effect to article 6.

74. Malaysia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Malaysia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Malaysian law had it been committed within Malaysia. Malaysia indicated its laws and regulations that gave effect to article 6.

75. Malta stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and did not include in the list a comprehensive range of

offences associated with organized criminal groups; and that predicate offences included offences committed outside Malta's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Maltese law had it been committed within Malta. Malta indicated its laws and regulations that gave effect to article 6.

76. Mexico stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Mexico's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Mexican law had it been committed within Mexico. Mexico provided copies of its laws and regulations that gave effect to article 6.

77. Morocco stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; did not include as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences did not include offences committed outside Morocco's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Moroccan law had it been committed within Morocco.

78. Myanmar stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Myanmar's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under the law of Myanmar had it been committed within Myanmar. Myanmar provided copies of its laws and regulations that gave effect to article 6.

79. Namibia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Namibia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Namibian law had it been committed within Namibia. Namibia provided copies of its laws and regulations that gave effect to article 6.

80. The Philippines stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as

predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and that predicate offences did not include offences committed outside the Philippines' jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Philippine law had it been committed within the Philippines. The Philippines provided copies of its laws and regulations that gave effect to article 6.

81. Poland stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Poland's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Poland's law had it been committed within Poland. Poland provided copies of its laws and regulations that gave effect to article 6.

82. Portugal stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and did not include in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Portugal's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Portuguese law had it been committed within Portugal. Portugal indicated its laws and regulations that gave effect to article 6.

83. Romania stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences. Romania indicated its laws and regulations that gave effect to article 6.

84. The Russian Federation stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; and included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and that predicate offences included offences committed outside Russian jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Russian law had it been committed within the Russian Federation. The Russian Federation provided copies of its laws and regulations that gave effect to article 6.

85. Slovakia stated that the authority that would furnish copies of its relevant laws and regulations in accordance with the provision contained in article 6, paragraph 2 (d), of the Convention was the Ministry of Justice. Slovakia also stated that its legislation included a specific offence of laundering of proceeds of crime, as

described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Slovakia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Slovakian law had it been committed within Slovakia. Slovakia provided copies of its laws and regulations that gave effect to article 6.

86. South Africa stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside South Africa's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under South African law had it been committed within South Africa. South Africa indicated its laws and regulations that gave effect to article 6.

87. Spain stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Spain's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Spanish law had it been committed within Spain. Spain indicated its laws and regulations that gave effect to article 6.

88. Sweden stated that its legislation did not include a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Sweden's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Swedish law had it been committed within Sweden. Sweden indicated its laws and regulations that gave effect to article 6.

89. Tunisia stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; and did not include a provision to establish a list of specific predicate offences; and that predicate offences included offences committed outside Tunisia's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Tunisian law had it been committed within Tunisia. Tunisia indicated its laws and regulations that gave effect to article 6.



90. Turkey stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Turkey's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Turkish law had it been committed within Turkey. Turkey provided copies of its laws and regulations that gave effect to article 6.

91. Uzbekistan stated that its legislation included a specific offence of laundering of proceeds of crime, as described in article 6, paragraph 1; included as predicate offences all serious crime, as defined in article 2, and the offences established in accordance with articles 5, 8 and 23; included a provision to establish a list of specific predicate offences; and included in the list a comprehensive range of offences associated with organized criminal groups; and that predicate offences included offences committed outside Uzbekistan's jurisdiction when the relevant conduct was a criminal offence under the domestic law of the State where it was committed and would have been a criminal offence under Uzbek law had it been committed within Uzbekistan. Uzbekistan provided copies of its laws and regulations that gave effect to article 6.

### **3. International cooperation for purposes of confiscation (art. 13, para. 5)**

92. The following States parties provided copies of their laws and regulations that gave effect to article 13 in response to the brief questionnaire on basic reporting obligations: Austria, Azerbaijan, Belarus, Belgium, Canada, Costa Rica, Croatia, Egypt, El Salvador, Latvia, Lithuania, Mexico, Myanmar, Namibia, Poland, Slovakia, Turkey and Uzbekistan.

93. The following States parties indicated their laws and regulations that gave effect to article 13 in their responses to the brief questionnaire on basic reporting obligations: Angola, Bahrain, Brazil, China, Cyprus, Estonia, Malaysia, Malta, Morocco, Romania, South Africa, Spain and Sweden.

94. Slovakia stated that the authority that would furnish copies of its relevant laws and regulations in accordance with the provision contained in article 13, paragraph 5, of the Convention was the Ministry of Justice.

95. Although not required to do so by the Convention, the Governments of Lithuania and the Russian Federation declared that they considered the Convention the necessary and sufficient treaty basis for the taking of the measures referred to in article 13, paragraphs 1 and 2, in accordance with article 13, paragraph 6, under certain circumstances.

### **4. Extradition (art. 16, para. 5 (a))**

96. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations, in accordance with article 16, paragraph 5 (a), of the Convention: Angola, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Belize, Botswana, Brazil,

Burkina Faso, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Egypt, El Salvador, Estonia, Jamaica, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Lithuania, Malawi, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, Netherlands, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Uzbekistan and Venezuela (Bolivarian Republic of).

97. Angola 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.

98. 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,<sup>2</sup> 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.

99. 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.

100. Austria stated that extradition was not conditional on the existence of a treaty.

101. 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.

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

103. 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.

104. Belgium 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.

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

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

107. Brazil stated that extradition was not conditional on the existence of a treaty.

108. 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,

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<sup>2</sup> United Nations, *Treaty Series*, vol. 359, No. 5146.

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 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.

109. Canada stated that extradition was not conditional on the existence of a treaty.
110. Chile stated that extradition was not conditional on the existence of a treaty.
111. China stated, for the Mainland Region, that extradition was not conditional on the existence of a treaty.
112. Costa Rica stated that extradition was not conditional on the existence of a treaty.
113. Croatia stated that extradition was not conditional on the existence of a treaty.

114. Cyprus 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.

115. Egypt 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.

116. 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.<sup>3</sup>

117. 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.

118. Jamaica 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.

119. Kuwait stated that extradition was not conditional on the existence of a treaty.

120. 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.

121. 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.

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

123. 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

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<sup>3</sup> In its response to the brief questionnaire on basic reporting obligations, El Salvador 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.

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.

124. 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.

125. 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.

126. 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.

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

128. 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.

129. Morocco stated that extradition was not conditional on the existence of a treaty.

130. Myanmar stated that extradition was not conditional on the existence of a treaty.

131. Namibia 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.

132. The Netherlands stated that it would take the Convention as the legal basis for cooperation on extradition with other States parties.

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

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

135. The Philippines 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.

136. Poland stated that extradition was not conditional on the existence of a treaty.

137. Portugal stated that extradition was not conditional on the existence of a treaty.

138. 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.

139. 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.<sup>4</sup>

140. Slovakia stated that extradition was not conditional on the existence of a treaty.

141. 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.

142. South Africa stated that extradition was not conditional on the existence of a treaty.

143. Spain 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.

144. Sweden stated that extradition was not conditional on the existence of a treaty.

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

146. Tunisia stated that extradition was not conditional on the existence of a treaty.

147. Turkey stated that extradition was not conditional on the existence of a treaty.

148. 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.

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

150. 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.

## **5. Mutual legal assistance (art. 18, para. 13)**

151. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations, in accordance with article 18, paragraph 13, of the Convention: Angola, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Botswana, Brazil, Burkina

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<sup>4</sup> In its response to the brief questionnaire on basic reporting obligations, the Russian Federation stated that extradition was not conditional on the existence of a treaty.

<sup>5</sup> In its response to the brief questionnaire on basic reporting obligations, Uzbekistan 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.

Faso, Canada, Chile, China, Colombia, Cook Islands, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, Jamaica, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Lithuania, Malawi, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Uzbekistan and Venezuela (Bolivarian Republic of).

152. Angola stated in its notification that its central authority was as follows:

National Division of Criminal Investigation  
Rue Senadoda Caiwara  
Luanda  
Tel.: (+244) 430970

153. Armenia stated that it had designated the following central authorities to receive requests for mutual legal assistance: (a) concerning the pre-trial investigation phase, the General Prosecutor's Office; and (b) concerning the court proceedings phase in connection with the application of a judgement, the Ministry of Justice.

154. Australia stated that the appropriate Australian authority to contact for the purpose of article 18 was the Attorney General's Department (Assistant Secretary, International Crime Branch), Robert Garran Offices, National Circuit, Barton ACT 2602, Australia.

155. Austria stated that its central authority was as follows:

Ministry of Justice  
Unit IV 1 (International Criminal Affairs)  
Museumstraße 7  
1070 Vienna  
Austria  
Tel.: (+43-1) 52152 0  
Fax: (+43-1) 52152 2500  
Home page: [www.bmj.gv.at](http://www.bmj.gv.at)

156. Azerbaijan stated that the Ministry of Justice had been designated the central authority that would have responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

157. Belarus stated that the central authority designated for the purpose of article 18, paragraph 13, was as follows:

General Prosecutor's Office  
International street 22  
Minsk, GSP  
220050 Belarus  
Tel.: (+375-172) 26 43 57, (+375-172) 06 55 41  
Fax: (+375-172) 26 42 52, (+375-172) 26 41 67

158. Belgium stated that the Federal Department of Justice, Head Office for Legislation, Fundamental Rights and Freedoms, 115 Boulevard de Waterloo, 1000 Brussels, had been designated the central authority:

Central Authority for Mutual Legal Assistance on Criminal Matters  
M. Mine, Director

Tel.: (+32-2) 542 75 42  
Fax: (+32-2) 542 67 67  
E-mail: jean-yves.mine@just.fgov.be

159. Belize stated that the central authority designated for the purpose of article 18, paragraph 13, was the Attorney General's Office.

160. Botswana stated that it had designated the Attorney General the central authority that would have responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

161. Brazil stated that it had designated its Ministry of Justice the central authority for matters related to mutual legal assistance. Any requests for international legal assistance under the Convention should be directed to the following focal points:

(a) *International legal assistance*

Department of Asset Recovery and International Legal Cooperation  
(DRCI)

Arnaldo José Alves Silverira, Coordinator General of International Legal  
Cooperation

SCN Quadra 01, Bloco A, Sala 101

Ed. Number One

70711-902, Brasilia, DF

ZIP Code: 70711-900

Tel.: (+55-61) 3429 8900

Fax: (+55-61) 3328 1347

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

Home page: www.mj.gov.br/drci

(b) *Extradition and transference of convicted criminals*

Department of Foreigners (DEEST)

Departamento de Estrangeiros/SNJ, Ministério da Justiça, Anexo II,  
Sala 300

Izaura Miranda/César Augusto Toselli, Chief of Division for Compulsory  
Measures

Brasilia/DF, CEP:70.064-901

Tel.: (+55-61) 3429 3325/3429 3478

Fax: (+55-61) 3429 9383/3323 3461

E-mail: deesti@mj.gov.br

Home page: www.mj.gov.br/estrangeiros

162. Burkina Faso stated that the central authority competent to receive and execute requests for mutual legal assistance was the Garde des sceaux, the Minister of



Justice. That principle was enshrined in articles 9 and 10 of the act dated 10 March 1927 on extradition and was applicable to any form of mutual legal assistance: (a) under article 9 of that act, requests for extradition should be addressed to the Government of Burkina Faso through diplomatic channels; (b) article 10 of the act stipulated that “after documentary verification, the request for extradition shall be transmitted, with the supporting documents, by the Minister for Foreign Affairs to the Minister of Justice, who shall ensure that the request is in order and shall take such action as is required under law”; and (c) thus, the principle was that the Minister for Foreign Affairs served as the intermediary for transmission of a request for mutual legal assistance sent through diplomatic channels, while the Minister of Justice was the authority empowered to receive and execute the request. It should be mentioned that agreements on judicial cooperation intended to simplify procedures between States parties often provided for a waiver of that principle by allowing for direct transmittal of the request for mutual legal assistance from the competent judicial authority of the requesting State to that of the requested State.

163. Canada stated that its central authority was as follows:

Justice Canada  
International Assistance Group, Justice Canada  
Room 2215, East Memorial Building  
284 Wellington Street  
Ottawa, Ontario  
Canada, K1A 0H8  
  
Tel.: (+1-613) 957-4758  
Fax: (+1-613) 957-8412

164. Chile stated that it had designated the Ministry of Foreign Affairs the central authority for purposes of receiving requests for mutual legal assistance.

165. China stated for the Mainland Region that it did not have a central authority designated to receive, respond to and process requests for mutual legal assistance. China further notified that the Macao SAR had designated the Secretary for Administration and Justice of the Macao SAR its central authority to receive requests for legal assistance and to transmit them to the competent authorities of the Macao SAR for execution.

166. Colombia stated that the central authorities designated to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution, and to formulate requests for legal assistance, would be as follows:

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

Diagonal 22B No. 52-01 Ciudad Salitre  
Bogotá D.C.  
Colombia  
  
Switchboard: 5702000-41449000  
E-mail: [contacto@fiscalia.gov.co](mailto:contacto@fiscalia.gov.co)

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

Avenida Jiménez No. 8-89  
Bogotá D.C.  
Colombia

Switchboard: 5960500  
E-mail: admin\_web@mininteriorjusticia.gov.co

167. The Cook Islands stated that the Attorney General had been designated the central authority that would have responsibility and power to receive requests for mutual legal assistance.

168. Costa Rica stated that it did not have a central authority designated to receive, respond to and process requests for mutual legal assistance.

169. Croatia stated that its central authority was as follows:

Ministry of Justice  
Directorate for International Legal Assistance, Cooperation and Human Rights  
Republike Austriye 14  
10000 Zagreb  
Croatia

Ms. Helanya Grigić, Head of Sector for Mutual Legal Assistance

Tel.: (+385-1) 3710 671  
Fax: (+385-1) 3710 672

Mr. Dinko Kovrčević, Head of Department for Mutual Legal Assistance in Criminal Matters

Tel.: (+385-1) 3710 680  
Fax: (+385-1) 3710 672

170. Cyprus stated that its central authority was as follows:

Ministry of Justice and Public Order  
Unit for International Legal Cooperation  
Mrs. Malvo Koletta, Administrative Officer  
125 Athalassas Avenue  
1461 Nicosia  
Cyprus

Tel.: (+357-2) 2805928, (+357-2) 2805932  
Fax: (+357-2) 2518328  
E-mail: registry@mjpo.gov.cy

171. Denmark stated that the central authority competent to receive requests for mutual legal assistance was the Ministry of Justice: Justitsministeriet, Det Internationale Kontor, Slotsholmsgade 10, DK-1216 Copenhagen K (tel. (+45-33) 92 33 40; fax (+45-33) 93 35 10; e-mail: jm@jm.dk).

172. Ecuador stated that it designated the Procurator General of the Nation as its central authority.

173. Egypt stated that its central authority was as follows:

Ministry of Justice  
International and Cultural Cooperation Division  
Lazoghly Square  
Cairo  
Egypt

Tel.: (+20-2) 7950953, (+20-2) 7922269

Fax: (+20-2) 7956059

174. El Salvador stated that the designated central authority was the Ministry of the Interior and that communications should be transmitted through diplomatic channels:<sup>6</sup>

(a) *Supreme Court of Justice*

Corte Suprema de Justicia  
Doctora Emma Bonilla de Avelar, General Secretary  
Centro de Gobierno  
San Salvador  
El Salvador  
Centro América

Tel.: (+503) 271 8834

Fax: (+503) 271 8888, ext. 2019

E-mail: emma-bonilla@csj.gob.sv

(b) *Ministry of External Relations, General Division of Legal Affairs and Human Rights*

Lic. Ana Elizabeth Villalta Vizcarra, Director General  
Alameda Juan Pablo II  
Edificio B-2 Ministerio de Gobernación, Primera Planta  
Centro de Gobierno, frente al Banco Central de Reserva de El Salvador  
San Salvador  
El Salvador  
Centro América

Tel.: (+503) 231 1037

Fax: (+503) 231 1285

E-mail: avillalta@rree.gob.sv

175. Estonia stated that it had designated the Ministry of Justice the central authority to receive the requests for mutual legal assistance:

(a) *Ministry of Justice*

Tõnismägi 5a  
Tallinn  
Estonia 15191

<sup>6</sup> In its response to the brief questionnaire on basic reporting obligations, El Salvador also indicated its central authorities.

Tel. (+372) 6 208 100  
Fax: (+372) 6 208 109  
E-mail: info@just.ee  
Home page: www.just.ee

(b) *Courts' Department*

Referent Ms. Natalja Nikolayeva  
International Judicial Cooperation Division  
Tel. (+372) 6 208 183  
E-mail: natalja.nikolajeva@just.ee

176. Finland stated that the Ministry of Justice was the central authority competent to receive, execute or transmit requests for mutual legal assistance:

National Bureau of Investigation  
Communication Center  
P.O. Box 285  
Fin-01301 Vantaa  
Finland  
Tel.: (+358-9) 8388 6281  
Fax: (+358-9) 8388 6299  
E-mail: krp-rtp-ulp@krp.poliisi.fi

177. Jamaica stated that its central authority was as follows:

Ministry of Justice  
Mrs. Carol Palmer, Permanent Secretary  
Director of Public Prosecution  
Tel.: 876 906 4908 31  
Fax: 876 906 1712  
Home page: www.moj.gov.jm

178. Kuwait stated that its central authorities were the Ministry of Justice and the Office of the Prosecutor.

179. The Lao People's Democratic Republic stated that it had designated the Ministry of Public Security central authority and the Ministry of Foreign Affairs alternate central authority with responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

180. Latvia stated that the designated authorities were:

(a) *Prosecutor General's Office* (during a pre-trial investigation)  
O. Kalpaka blvd. 6  
Riga  
LV-1801 Latvia  
Tel.: (+371) 704 4400  
Fax: (+371) 704 4449  
E-mail: gen@lrp.gov.lv

(b) *Ministry of Justice* (during a trial)

Brivibas blvd. 36  
Riga  
LV-1536 Latvia  
  
Tel.: (+371) 703 6801, 703 6716  
Fax: (+371) 721 0823, 728 5575  
E-mail: tm.kanceleja@tm.gov.lv

181. Lesotho stated that the office of the Attorney General would be the designated central authority with responsibility and power to receive requests for mutual legal assistance.

182. Lithuania stated that the Ministry of Justice and the Prosecutor General's Office under the Supreme Court would be designated the central authorities to receive requests for mutual legal assistance. Their contact information is as follows:

(a) *Ministry of Justice*

International Law Department  
Gedimino ave. 30/1  
Vilnius  
LT-01104 Lithuania  
  
Fax: (+370) 5 262 5940, (+370) 5 266 2854  
E-mail: tminfo@tic.lt

(b) *Prosecutors' General Office*

Smetonos st. 4  
Vilnius  
LT-2709 Lithuania  
  
Fax: (+370) 5 2662386/2662317

183. Malawi stated that the competent authority for administration of the Convention was the Ministry of Home Affairs and Internal Security: Principal Secretary, Ministry of Home Affairs and Internal Security, P/Bag 331, Capital Hill, Lilongwe 3, Malawi.

184. Malaysia stated that it had designated the Attorney General the central authority:

Attorney General's Chambers  
Head of the International Affairs Division  
Level 8, Block C3  
Federal Government Administrative Centre  
62512 Putrajaya  
Malaysia  
  
Tel.: (+60-3) 88855000  
Fax: (+60-3) 88883518

185. Malta stated that it designated the Attorney General the central authority to receive requests for mutual assistance:

Attorney General's Office  
Dr. Frendo Dimech  
International Cooperation in Criminal Matters Unit

Tel. (+356) 21221223  
Fax: (+356) 21240738  
E-mail: donatella.m.frendo-dimech@gov.mt

186. Mauritius stated that the central authority designated for the purpose of article 18, paragraph 13, was the Attorney General's Office.

187. Mexico stated that the Office of the Attorney General of the Republic had been designated the central authority in matters of mutual legal assistance:

Lic. Miguel Nava Alvarado, Director General of Extradition and Judicial Assistance  
Avenida Paseo de la Reforma 211-213, 2do. Piso  
Colonia Cuauhtémoc, Delegación Cuauhtémoc, Cp 06500  
Mexico, D.F.

Tel.: (+52-55) 53462039/53462037  
Fax: (+52-55) 53462354/53462355  
E-mail: mnav@pgr.gob.mx, dajie@pgr.gob.mx  
Home page: www.pgr.gob.mx

188. Morocco stated that its central authority was as follows:

Ministry of Justice  
Director of Penal Affairs and Pardon  
Mohamed Dahbi, Chief of the Division of Execution of Judicial Measures in Penal Matters  
Place Ramounia  
Rabat  
Tel.: 037 709728  
Fax: 037 709728

189. Myanmar stated that its central authority was as follows:

The Central Authority for Mutual Assistance in Criminal Law Matters  
Ministry of Home Affairs  
Yangon  
Myanmar

Myanmar Police Force, Police Major General Khin Yee  
Tel.: (+95-1) 549 195/196  
Fax: (+95-1) 549 756, (+95-1) 549 653, (+95-1) 545 255  
E-mail: wynnm@mpf.gov.mm  
Home page: www.moha.gov.mm

190. Namibia stated that its central authority was as follows:

International Cooperation Division  
Dennis Khama, State Advocate  
Ministry of Justice  
Private Bag 13302

Windhoek  
Namibia

Tel.: (+264-61) 2805317  
Fax: (+264-61) 221233/254054  
E-mail: dkhama@moj.gov.na

191. New Zealand stated that the Attorney General had been designated by the Government of New Zealand the central authority that would have responsibility and power to receive requests for mutual legal assistance.

192. Nicaragua stated that it had designated the Office of the Attorney General the central authority with responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

193. Norway stated that communications concerning mutual assistance in criminal matters were to be addressed, as the competent authority in Norway, to:

The Ministry of Justice and the Police  
Department of Civil Affairs  
P.O. Box 8005 Dep  
0030 Oslo  
Norway

Tel.: (+47) 22 24 54 51  
Fax: (+47) 22 24 27 22

194. Panama stated that requests to the Republic of Panama for legal assistance pursuant to article 18, paragraph 13, must be made through diplomatic channels.

195. Paraguay stated that it had designated the following institution as its central authority:

Office of the Public Prosecutor  
Juan Emilio Oviedo Cabañas, lawyer  
Department of International Affairs and External Legal Assistance  
Nuestra Señora de la Asunción 737 entre Víctor Haedo y Humaitá  
Asunción

Tel.: (+595-21) 4155000, ext. 162, and 157; (+595-21) 4155100;  
(+595-21) 454603  
E-mail: jeoviedo@ministeriopublico.gov.py

196. The Philippines stated that its central authority was:

Department of Justice  
Chief State Counsel, Ricardo V. Paras III  
Paare Faura  
Ermita  
Manila

Tel.: (+63-2) 525-07-64  
Fax: (+63-2) 525-22-18

197. Poland stated that the Ministry of Justice had been designated the central authority competent to receive requests for mutual legal assistance:

National Prosecutor's Office Bureau for Preparatory Proceeding  
Prosecutor Andrzej Kępiński  
Unit for International Legal Turnover  
Ministry of Justice 00-955 Warsaw  
Al. Ujazdowskie 11  
Tel.: (+48-22) 5212 401  
Fax: (+48-22) 628 16 82

198. Portugal stated that the designated central authority was:

Prosecutor General  
Rua da Escola Politécnica, 140  
1269-269 Lisboa  
Tel.: 21 392 19 00  
Fax: 21 397 52 55  
Home page: [www.pgr.pt](http://www.pgr.pt)

199. Romania stated that the Romanian central authorities designated to receive the requests for mutual legal assistance were:

(a) The Prosecutor's Office attached to the Supreme Court of Justice, for requests for mutual legal assistance concerning pre-trial investigation (Blvd. Libertatii nr. 14, sector 5 Bucuresti (tel.: (+40-1) 410 54 35; fax: (+40-1) 337 47 54));

(b) The Ministry of Justice, for requests for mutual legal assistance concerning trial or execution of punishment, as well as requests for extradition (Str. Apollodor nr. 17, sector 5 Bucuresti (tel.: (+40-1) 314 15 14; fax: (+40-1) 310 16 62)).

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

International Legal Division  
B. Dmitrovka str., 15 a  
125993, GSP-3, Moscow  
Russian Federation

The Russian Federation also declared that, on the basis of reciprocity and in urgent circumstances, it would receive requests for mutual legal assistance and communications through the International Criminal Police Organization (Interpol), on condition that documents containing such requests or communications were transmitted without delay under the established procedure.

201. Slovakia stated that it had designated the following central authorities to receive requests for mutual legal assistance: (a) General Prosecutor's Office (concerning the pre-trial investigation phase); and (b) Ministry of Justice (concerning the court proceedings phase):

Slovak Republic Prosecutor General's Office  
JUDr. Jolana Madejova, Head, Department for Legal Contact with Foreign  
Countries and Extradition  
Štúrova 2  
812 85 Bratislava



202. Slovenia stated that the central authority would be the Ministry of Justice.
203. South Africa stated that the Director General of the Department of Justice and Constitutional Development had been designated the central authority to receive requests for mutual legal assistance:
- Directorate: International Affairs  
Mr. N. J. Makhubele, Director  
Private Bag X81  
Pretoria, 0001
- Tel.: (+27-12) 315 1658/9  
Fax: (+27-12) 315 1557  
E-mail: [jmakhubele@justice.gov.za](mailto:jmakhubele@justice.gov.za)
204. Spain stated that its central authority designated to receive, respond to and process requests for mutual legal assistance was the Ministry of Justice.
205. Sweden stated that the central authority in Sweden competent to receive requests for mutual assistance was the Ministry of Justice:
- Ministry of Justice  
Mr. Per Hedvall, Director  
Division for Criminal Cases and International Judicial Cooperation  
Central Authority  
SE 10333 Stockholm  
Sweden
- Tel.: (+46-8) 405 10 00 (switchboard), (+46-8) 405 4500 (office),  
(+46-8) 405 5048 (Mr. Hedvall)  
Fax: (+46-8) 405 4676
206. The former Yugoslav Republic of Macedonia stated that the central authority for receiving requests for mutual legal assistance would be the Ministry of Justice.
207. Tunisia stated that its central authority was as follows:
- Ministry of Justice and Human Rights  
Public Prosecutor, Head, Criminal Affairs Directorate  
Bab al-Banat Street  
Tunis
208. Turkey stated that its central authority was as follows:
- General Directorate for International Law and Foreign Relations  
Mr. Ergin Ergül, Head of Department  
Milli Müdafaa Cad. 22/8  
06659 Bakanliklar-Ankara  
Turkey
- Tel.: (+90-312) 414 78 34  
Fax: (+90-312) 425 02 90  
E-mail: [eergul@adalet.gov.tr](mailto:eergul@adalet.gov.tr)

209. Ukraine stated that the central authorities designated in accordance with article 18, paragraph 13, were the Ministry of Justice (with respect to judicial decisions) and the Office of the Prosecutor General (with respect to legal proceedings during the investigation of criminal cases):

(a) *Ministry of Justice*

Shevchenko Ecaterina Georgievna, Deputy Director  
Department of International Cooperation, Division of International Legal Affairs  
13, Gorodetskogo str.  
01001 Kyiv City  
Ukraine

Tel.: 380 44 228 97 17  
Fax: 380 44 228 97 29  
E-mail: ilad@minjust.gov.ua

(b) *Office of the Prosecutor General*

Kravchuk Serge Fedorovich, Director  
Department of International Cooperation, Legal Advisory Section  
13/15 Riznytska str.  
01601 Kyiv City  
Ukraine

Tel.: (+380-44) 254 31 84, (+380-44) 200 74 39  
Fax: (+380-44) 290 28 51  
E-mail: kravchuk@gp.gov.ua

210. Uzbekistan stated that it had designated the Office of the Procurator General as the central authority with responsibility for receiving requests for mutual legal assistance and either executing them or transmitting them to the competent authorities for execution:

Office of the Procurator General  
A. Muhammedov, Head  
International Legal Department  
66, Gulomov Street  
Tashkent  
Uzbekistan 700000

Tel.: (+998-71) 133 4835, (+998-71) 133 9910  
Fax: (+998-71) 133 3917  
E-mail: prokuratura@lawyer.com

211. Venezuela (Bolivarian Republic of) stated that its central authority with responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution would be the Public Prosecutor's Office, in accordance with the powers conferred upon the said institution by the Act for Partial Reform of the Code of Criminal Procedure.

**6. Mutual legal assistance (art. 18, para. 14)**

212. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations, in accordance with article 18, paragraph 14, of the Convention: Armenia, Austria, Azerbaijan, Belgium, Belize, Botswana, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Cook Islands, Croatia, Cyprus, Denmark, Egypt, El Salvador, Estonia, Finland, Jamaica, Lao People's Democratic Republic, Latvia, Lesotho, Lithuania, Malawi, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Namibia, New Zealand, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Uzbekistan and Venezuela (Bolivarian Republic of).

213. Armenia stated in its notification that the acceptable languages were Armenian, English or Russian.

214. Austria stated that the acceptable language was German.

215. Azerbaijan stated that the requests and supporting documents should be submitted in Russian or English as they were official languages of the United Nations, and should be accompanied by a translation in Azeri.

216. Belgium stated that the acceptable languages were English, French and Dutch.

217. Belize stated that the acceptable language was English.

218. Botswana stated that English was the acceptable language.

219. Brazil stated that any request for international legal assistance under the Convention should be in Portuguese or in English.

220. Burkina Faso stated that, because the official language of Burkina Faso was French, in accordance with the provisions of article 35, paragraph 1, of the Constitution, the language acceptable for official documents addressed to the Government, including requests for mutual legal assistance, was French.

221. Canada stated that the acceptable languages were English and French.

222. Chile stated that the acceptable language was Spanish.

223. China stated that requests for legal assistance to the Macao SAR would only be accepted by the Macao SAR in Chinese or Portuguese.

224. Colombia stated that Spanish was the language acceptable to Colombia for requests for legal assistance.

225. The Cook Islands stated that the English language was designated by the Government of the Cook Islands as the acceptable language in which to make requests for mutual legal assistance.

226. Croatia stated that the acceptable language was English.

227. Cyprus stated that the acceptable languages were Greek and English.

228. Denmark stated that it would accept requests in the following languages: Danish, Swedish, Norwegian, English, French and German.

229. Egypt stated that the acceptable languages were Arabic, English, French and Italian.
230. El Salvador stated that the acceptable language was Spanish or any language of the province to which the request was sent.
231. Estonia stated that the acceptable languages were Estonian and English.
232. Finland stated that it accepted documents that were in Finnish, Swedish, Danish, English, French or German.<sup>7</sup>
233. Jamaica stated that the acceptable language was English.
234. The Lao People's Democratic Republic stated that, in addition to the Lao language, English was acceptable to the Government of the Lao People's Democratic Republic.
235. Latvia stated that the acceptable language was English or Latvian.
236. Lesotho stated that the English language was acceptable for purposes of requests for mutual legal assistance.
237. Lithuania stated that requests for legal assistance and documents pertaining thereto that were to be submitted to the Republic of Lithuania should be accompanied by respective translations into English, Russian or Lithuanian if the aforementioned documents were not in one of those languages.
238. Malawi stated that the preferred language for official communications pursuant to article 18, paragraph 14, of the Convention was the English language.
239. Malaysia stated that requests and attachments thereto addressed to the central authority of Malaysia should be in the English language or a translation into the English language should be attached thereto.
240. Malta stated that the acceptable languages were Maltese and English.
241. Mauritius stated that the acceptable languages were English and French.
242. Mexico stated that requests for judicial assistance should be submitted in the Spanish language and requests might also be submitted in the language of the requesting State, provided that they were accompanied by a translation into Spanish.
243. Morocco stated that the acceptable languages were Arabic and French.
244. Myanmar stated that the acceptable language was English.
245. Namibia stated that the acceptable language was English.
246. New Zealand stated that English had been designated as the acceptable language in which to make requests for mutual legal assistance.
247. Norway stated that communications with Norway concerning legal aid might be made in Norwegian, Swedish, Danish and English.
248. Panama stated that the acceptable languages for requests for judicial assistance addressed to the Republic of Panama were Spanish and English.

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<sup>7</sup> In its response to the brief questionnaire on basic reporting obligations, Finland added Norwegian as an acceptable language.

249. The Philippines stated that the acceptable language was English.
250. Poland stated that Polish and English were the acceptable languages.
251. Portugal stated that the acceptable languages were English and French.
252. Romania stated that the requests for mutual legal assistance and the enclosed documents submitted to the Romanian authorities should be accompanied by translations in the Romanian language or in French or English.
253. The Russian Federation stated that requests for legal assistance and related materials transmitted to the Russian Federation must be accompanied by a translation into Russian, unless otherwise provided by international treaty of the Russian Federation, or unless agreement had otherwise been reached between the central authority of the Russian Federation and the central authority of the other State party to the Convention.
254. Slovakia stated that the acceptable languages for receiving and producing written records in respect of requests for mutual legal assistance were Slovak, Czech, English and French.
255. Slovenia stated that requests and attachments thereto addressed to the central authority of the Republic of Slovenia should be in the Slovenian language or a translation into Slovenian should be attached thereto and, should it be impossible to provide translations into the Slovenian language, requests and attachments should be in the English language or a translation into English should be enclosed.
256. South Africa stated that English was the acceptable language for receiving requests for mutual legal assistance.
257. Sweden stated that a request, together with the appendices, should be translated into Swedish, Danish or Norwegian, "unless the authority dealing with the application otherwise allows in the individual case".
258. The former Yugoslav Republic of Macedonia stated that requests for mutual legal assistance, as well as the documents enclosed, to be submitted to the Republic of Macedonia should be accompanied by a translation in Macedonian and English.
259. Tunisia stated that the language of the requesting State, together with an official translation into the language of the requested State, was acceptable.
260. Turkey stated that the acceptable languages were French and English.
261. Ukraine stated that requests for legal assistance and documents attached therein would be sent to Ukraine, together with their authenticated translation in Ukrainian, Russian, English or French, if they had not been drawn up in one of those languages.
262. Uzbekistan stated that it had designated the Russian language as the language acceptable to it.
263. Venezuela (Bolivarian Republic of) stated that requests for mutual legal assistance in criminal matters made to the Government of the Bolivarian Republic of Venezuela should be written in Spanish, in accordance with Venezuelan constitutional and legal provisions.

**7. Prevention (art. 31, para. 6)**

264. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations in accordance with article 31, paragraph 6, of the Convention: Angola, Australia, Austria, Azerbaijan, Belarus, Botswana, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Egypt, El Salvador, Estonia, Finland, Jamaica, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, Norway, Panama, Philippines, Poland, Portugal, Romania, Slovakia, Spain, Sweden and Uzbekistan.

265. Angola stated in its notification that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Ministry of External Affairs  
National Director of Criminal Investigation  
Rue Major Kanhangulo  
Tel.: (+244) 394827

266. Australia stated that the appropriate Australian authority to contact for the purpose of article 31 was:

Attorney General's Department (Assistant Secretary, International Crime Branch)  
Robert Garran Offices  
National Circuit, Barton ACT 2602  
Australia

267. Austria stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

268. Azerbaijan stated that the following authority could assist other States parties in developing measures to prevent transnational organized crime:

Ministry of Internal Affairs  
H. Hajiev st. 7  
Baku, Azerbaijan

269. Belarus stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

General Prosecutor's Office  
Intersatoaal Street 22  
Minsk, GSP  
220050 Belarus  
  
Tel.: (+375) 17226 43 57, (+375) 17206 55 41  
Fax: (+375) 17226 42 52, (+375) 17226 41 67

270. Botswana stated that the following authorities could assist other States parties in developing measures to prevent transnational organized crime:

(a) Commissioner of Police  
Botswana Police Headquarters  
Government Enclave  
Private Bag 0012  
Gaborone, Botswana

- (b) Attorney General  
Attorney General's Chambers  
Government Enclave  
Private Bag 009  
Gaborone, Botswana

271. Brazil stated that its authorities for assisting other States parties in developing measures to prevent transnational organized crime were as follows:

- (a) *Ministry of External Relations*

Coordinator General  
Secretary, Luiza Lopes da Silva o Antonio Carlos Antunes Santos  
Coordination General to Combat Transnational Crime  
Ministério das Relações Exteriores, Explanada dos Ministerios  
Bloco H, Anexo I, Sala 338  
Brasilia/DF. CEP: 70.170-900  
  
Tel.: (+55-61) 3411 6662/6265  
Fax: (+55-61) 3225 3198  
E-mail: cocit@mre.gov.br

- (b) *Ministry of Justice*

Executive Secretary  
Cabinet Chief, Donald Hamú Magalhães  
Ministério da Justiça, Secretária Executiva  
Edifício Sede, Sala 300  
Brasilia/DF. CEP: 70.064-901  
  
Tel.: (+55-61) 3429 3335  
Fax: (+55-61) 3321 5172  
E-mail: luiz.barreto@mj.gov.br

272. Canada stated that there was a full range of Canadian bodies and agencies that were in a position to provide assistance to other States parties in developing measures to prevent transnational organized crime and that those would be consulted by the Government of Canada if requests for assistance were received.

273. Chile stated that it had designated the Ministry of the Interior, whose address was at the Palacio de la Moneda, Santiago, Chile, as the national authority for assisting other States parties in developing measures to prevent transnational organized crime.

274. China stated that, for the mainland, its authorities for assisting other States parties in developing measures to prevent transnational organized crime were as follows:

- (a) *Ministry of Public Security*

Mr. Jian Shen  
Bureau of Foreign Affairs  
No. 14, Dongchanganjie  
Beijing 100741  
China

Tel.: (+86-10) 65208635  
Fax: (+86-10) 65241596  
Home page: www.mps.gov.cn

(b) *Supreme People's Procuratorate*

Mr. Chun Ouyang  
Research Sect.  
No. 147, Beiheyandajie  
Beijing 100726  
China

Tel.: (+86-10) 62107524  
Fax: (+86-10) 62107520  
Home page: www.spp.gov.cn/gzdt

China also stated that, for the Macao SAR, there was an authority or authorities that could assist other States parties in developing measures to prevent transnational organized crime.

275. Costa Rica stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

276. Croatia stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Ministry of Justice  
Ms. Santr Stimac  
Head, International Cooperation Department, Coordinator for Organized Crime  
Republike Austrije 14  
10000 Zagreb  
Croatia

Tel.: 00 1 3710 674  
Fax: 00 1 3710 672  
E-mail: sstimac@prarosvdje.hr

277. Cyprus stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Cyprus Police  
Director  
Criminal Investigation Department  
Police Headquarters  
1478 Nicosia, Cyprus

Tel.: (+357-2) 2808018  
Fax: (+357-2) 2808607  
E-mail: gavistidou@police.gov.cy  
Home page: www.police.gov.cy

278. Egypt stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

279. El Salvador stated that its authorities for assisting other States parties in developing measures to prevent transnational organized crime were as follows:



(a) *Central National Office of Interpol*

Licenciado Ángel Miguel Barquero Silva  
 Chief of the Division  
 Centro de Gobierno  
 11°, Avenida norte Bis, No. 611  
 San Salvador, El Salvador

Tel.: (+503) 281 5791 or 503 888 5042  
 Fax: (+503) 281 5790  
 E-mail: angelbarquero@interpol.gob.sv

(b) *Unit of International Technical Evaluation, Supreme Court of Justice*

Licenciada Ana Elizabeth Villalta Vizcarra  
 Coordinator of the Unit  
 Corte Suprema de Justicia  
 Tercer Nivel, Área de asesores  
 Centro de Gobierno  
 San Salvador, El Salvador

Tel.: (+503) 271 3767, (+503) 271 8839, (+503) 271 8888/ext. 2089 or  
 1341  
 Fax: (+503) 271 3767/8839  
 E-mail: aevillalta@yahoo.com

280. Estonia stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Ministry of Justice  
 Mr. Martin Hirvoja, Deputy Chancellor  
 Tõnismägi 5a  
 Tallinn, Estonia 15191

Tel.: (+372) 6 208 100, (+372) 6 208 183  
 Fax: (+372) 6 208 109  
 E-mail: info@just.ee; www.just.ee; martin.hirvoja@just.ee

281. Finland stated that the authorities for assisting other States parties in developing measures to prevent transnational organized crime were as follows:

(a) National Council for Crime Prevention  
 P.O. Box 25, FIN 00023 Government, Finland

(b) Crime Policy Department of the Ministry of Justice  
 P.O. Box 25, FIN 00023 Government, Finland

(c) National Bureau of Investigations  
 P.O. Box 285, FIN 01301 Vantaa, Finland

Tel.: (+358-9) 8388 6281  
 Fax: (+358-9) 8388 6299  
 E-mail: krp-rtp-ulp@krp.poliisi.fi

282. Jamaica stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Jamaica Constabulary Force  
Mr. Lucius Thomas, Commissioner of Police  
101-105 Old Hope Road  
Kingston 6

Tel.: 927 4421  
Fax: 927 7516  
Home page: [www.jamaicapolice.org.jm](http://www.jamaicapolice.org.jm)

283. Kuwait stated that it had an authority or authorities that could assist other States parties in developing measures to prevent transnational organized crime.

284. Malaysia stated that the authorities for assisting other States parties in developing measures to prevent transnational organized crime were as follows: (a) Ministry of Internal Security; (b) Ministry of Home Affairs; (c) Attorney General's Chambers; (d) Royal Malaysian Police; (e) Anti-Corruption Agency; (f) Central Bank of Malaysia; (g) Immigration Department; and (h) National Drugs Agency.

285. Malta stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Security Service (MALTA)  
Mr. Mark Galea  
Assistant Head (Security Service) Operations  
P.O. Box 146  
Valletta, CMR 18  
Malta

Tel.: (+356) 25695327  
Fax: (+356) 25695321  
E-mail: [mark.galea@gov.mt](mailto:mark.galea@gov.mt)

286. Mexico stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

287. Morocco stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

288. Myanmar stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Transnational Crime Department  
Police Colonel Sit Aye, Head of Department  
Myanmar Police Force  
Myanmar Police Force Headquarters  
Yangon, Myanmar

Tel.: (+95-1) 549 653  
Fax: (+95-1) 545 255, 951 549 653  
E-mail: [sitaye@mpf.gov.mm](mailto:sitaye@mpf.gov.mm)

289. Norway stated that the Norwegian agency responsible for receiving requests from other States parties for assistance in developing measures to prevent transnational crime was the Police Department, Ministry of Justice.

290. Panama stated that the authorities that could assist other States parties in developing measures to prevent transnational organized crime were:

- (a) National Police  
Address: Corregimiento de Ancón  
Tel.: (+507) 227-1801, (+507) 232-5756, (+507) 232-5898  
Fax: (+507) 5757
- (b) Criminal Investigation Department  
Address: Edificio Ancón  
Avenida Frangipani, frente al Mercado de Abasto  
Tel.: (+507) 212-2223  
Fax: (+507) 212-2400
- (c) Public Security and National Defence Council  
Address: San Felipe, frente a la Presidencia de la República  
Tel.: (+507) 227-9871  
Fax: (+507) 225-1355

291. The Philippines stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Interpol Division, Directorate for Operations  
Philippine Center on Transnational Crime  
2nd Flr., Computer Svc. Bldg.  
Camp Crame  
Quezon City  
Tel.: 721-41-62  
Fax: 721-30-65

292. Poland stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

293. Portugal stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

GRIEC-Bureau for Co-operation, International and European Relations  
Ministry of Justice  
Rua Sousa Martins, 21 6º and 7º  
1050-217 Lisboa  
Tel.: (+351) 21312100  
Fax: (+351) 213121055/56  
Home page: [www.griec.mj.pt](http://www.griec.mj.pt)

294. Romania stated that it did not have an authority that could assist other States parties in developing measures to prevent transnational organized crime.

295. Slovakia stated that the authority for assisting other States parties in developing measures to prevent transnational organized crime was the Ministry of the Interior.<sup>8</sup>

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<sup>8</sup> In its response to the brief questionnaire on basic reporting obligations, Slovakia stated that it

296. Spain stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was the Ministry of Justice and the Ministry of the Interior.

297. Sweden stated that its authority for assisting other States parties in developing measures to prevent transnational organized crime was as follows:

Swedish National Police Board  
National Criminal Investigation Department  
P.O. Box 12256  
102 26 Stockholm  
  
Tel.: (+46-8) 401 9000  
Fax: (+46-8) 409 9090

298. Uzbekistan stated that it did not have an authority for assisting other States parties in developing measures to prevent transnational organized crime.

## **B. Protocol against the Smuggling of Migrants by Land, Sea and Air**

### **Measures against the smuggling of migrants by sea (art. 8, para. 6)**

299. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations, in accordance with article 8, paragraph 6, of the Protocol against the Smuggling of Migrants by Land, Sea and Air (General Assembly resolution 55/25, annex III): Angola, Austria, Azerbaijan, Belarus, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Egypt, El Salvador, Estonia, Jamaica, Kuwait, Latvia, Malawi, Malta, Mexico, Myanmar, Namibia, Panama, Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Sweden and Uzbekistan.

300. Angola stated in its notification that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Service of Migration and Foreigners  
Rue 17 e Setembro (Diogo Cao nc56)  
  
Tel.: (+244) 339695, (+244) 392834

301. Austria stated that it did not have an authority designated in accordance with article 8, paragraph 6.

302. Azerbaijan stated that the Ministry of Transport was designated as an authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures.

303. Belarus stated that it had an authority designated in accordance with article 8, paragraph 6.

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had no authority that could assist other States parties in developing measures to prevent transnational organized crime.

304. Belgium stated that the Federal Department of the Interior (rue de Louvain 3, 1000 Brussels) (for the coastline, the maritime coordination and rescue centre) had been designated as the authority.

305. Brazil stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Paulo Roberto Ornelas de Lindares  
General Coordinator of Immigration Police  
SAS, Quadra 06, Lotes 09/10, 8º andar, sala 824  
Edifício Sede do DPF  
Brasilia, DF, CEP 70037-900  
  
Tel.: (+55-61) 3311 8517/8370  
Fax: (+55-61) 3226 0423  
E-mail: [plantaocgpi@dpf.gov.br](mailto:plantaocgpi@dpf.gov.br)

306. Canada stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures were as follows:

Public Security and Emergency Preparedness Canada  
Government Operations Centre (GOC)  
Room TMP-0135  
340 Laurier Avenue West  
Ottawa, Ontario  
Canada, K1A 0P8  
  
Tel.: (613) 991-7000  
Fax: (613) 991-7094  
E-mail: [goc-cog@psepc.gc.ca](mailto:goc-cog@psepc.gc.ca)

307. Chile stated that its designated authority was as follows: Director General of the Maritime Security and Commercial Navy.

308. Costa Rica stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Ministry of Governmental Police and Public Security  
Sr. Claudio Pacheco Chinchilla, Director General  
National Service of Coastguards  
4768-1000 San José  
  
Tel.: (+506) 233 5022  
Fax: (+506) 233 6510  
Home page: [www.msp.go.cr](http://www.msp.go.cr)

309. Croatia stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Ministry of the Sea, Tourism, Transport and Development  
Vladimira Nazora 61  
10000 Zagreb, Croatia

Tel.: (+385-1) 3784 500  
Fax: (+385-1) 3784 550  
Home page: www.mmtpr.hr

310. Cyprus stated that its designated authority was as follows:

Ministry of Justice and Public Order  
Mrs. Malvo Koletta, Administrative Officer  
Unit for International Legal Cooperation  
125 Athalassas Avenue, 1461 Nicosia, Cyprus  
  
Tel.: (+357-2) 2805928, (+357) 22805932  
Fax: (+357-2) 2518328  
E-mail: registry@mjpo.gov.cy

311. Egypt stated that, although there was no specific authority to follow up such activity, all requests related to that field should be dealt with through diplomatic channels at the Ministry of Foreign Affairs, which would send them to the competent authorities.

312. El Salvador stated that it did not have an authority designated in accordance with article 8, paragraph 6.

313. Estonia stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Estonian Maritime Administration  
Valge 4  
11413 Tallinn  
Estonia  
  
Tel.: (+372) 6 205 500  
Fax: (+372) 6 205 506  
E-mail: eva@vta.ee

314. Jamaica stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Maritime Authority of Jamaica  
Rear Admiral Peter Brady, Executive Director  
4th Floor, Dyoll Life Building  
40 Knutsford Boulevard  
Kingston 5  
  
Tel.: (+876) 929 2201, (+876) 954 7760  
Fax: (+876) 954 7236  
E-mail: maj@jamaicaships.com  
Home page: www.jamaicaships.com

315. Kuwait stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was the General Directorate of Ports, Ministry of Transport.

316. Latvia stated that it had designated the following national authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures:

(a) *Ministry of the Interior*

Raina blvd. 6  
Riga, LV-1050  
Latvia  
  
Tel.: (+371) 7219263  
Fax: (+371) 7271005  
E-mail: kanceleja@iem.gov.lv  
Home page: www.iem.gov.lv

(b) *Ministry of Transport*

Gogola iela 3  
Riga, LV-1743  
Latvia  
  
Tel.: (+371) 7226922  
Fax: (+371) 7217180  
E-mail: satmin@sam.gov.lv  
Home page: www.sam.gov.lv

317. Malawi stated that the competent authority charged with the responsibility of coordinating and rendering mutual legal assistance was:

Principal Secretary  
Ministry of Home Affairs and Internal Security  
Private Bag 331  
Lilongwe 3, Malawi  
  
Tel.: (+265) 1 789 177  
Fax: (+265) 1 789 509

It also stated that the official language of communication was English.

318. Malta stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Malta Maritime Authority  
Registrar of Shipping  
Merchant Shipping Directorate  
Maritime House, Lascaris Wharf  
Valletta, Malta  
  
Home page: www.mma.gov.mt

319. Mexico stated that it did not have an authority designated in accordance with article 8, paragraph 6.

320. Myanmar stated that the designated authority was as follows:

Police Colonel Sit Aye, Head of Department  
Transnational Crime Department  
Myanmar Police Force  
Myanmar Police Force Headquarters  
Yangon  
Myanmar

Tel.: (+951) 549 653  
Fax: (+951) 545 255, (+951) 549 653  
E-mail: sitaye@mpf.gov.mm

321. Namibia stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Mr. M. M. Nangolo, Director of Maritime Affairs  
Maritime Affairs Directorate  
Private Bag 12005  
Windhoek  
Namibia

Tel.: (+264-61) 2088025/6  
Fax: (+264-61) 240024  
E-mail: mmmnangolo@mwtc.gov.na

322. Panama stated that it had designated the Maritime Authority of Panama as the authority to receive and respond to requests for assistance and for confirmation of registry or of the right of a vessel to fly its flag.

323. The Philippines stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Philippine Ports Authority  
Marksman Bldg.  
South Harbor, Port Area  
Manila

Tel.: (+63-2) 527-48-53

324. Poland stated that it did not have an authority designated in accordance with article 8, paragraph 6.

325. Portugal stated that its authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Public Prosecutors Office  
Rua da Escola Politécnica, 140  
1269-269 Lisboa

Tel.: 21 392 19 00  
Fax: 21 397 52 55  
Home page: [www.pgr.pt](http://www.pgr.pt)



326. Romania stated that its central authority designated to receive requests for assistance was as follows:<sup>9</sup>

Ministry of Public Works, Transports and Housing  
Blvd. Dinicu Golescu nr. 38  
Sector 1 Bucuresti  
Tel. 223 29 81  
Fax. 223 0272

327. Slovakia explained that it had a designated authority as follows:

This area is in the competence of the Ministry of Transport; however, requests for legal assistance in criminal proceedings are dealt with by the prosecutor, who in this case would request cooperation from the relevant authorities under the Ministry of Transport, as well as the relevant police bodies.

328. South Africa stated that the Director General of the Department of Transport had been designated as the authority to receive and respond to requests for assistance in terms of the Migrants Protocol. Its contact information is as follows:

South African Maritime Safety Authority (SAMSA)  
Mrs. E. L. Howard, Registrar of Ships  
Private Bag X193  
Pretoria, 0001  
Tel.: (+27) 21 402 8980  
Fax: (+27) 21 421 6109  
E-mail: ehoward@samsa.org.za

329. Sweden stated that its authority preliminarily designated to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures was as follows:

Officer on Duty  
Regional Command South, NCC Sweden  
Swedish Coastguard  
Stumholmen  
P.O. Box 536  
S-37123, Karlskrona, Sweden  
Tel.: (+46-455) 35 35 35, 24 4  
Fax: (+46-455) 812 75, 24 4

330. Uzbekistan stated that it did not have an authority designated in accordance with article 8, paragraph 6.

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<sup>9</sup> In its response to the brief questionnaire on the reporting obligations, Romania indicated that the designated authority was the Ministry of Justice.

## **C. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition**

### **Cooperation (art. 13, para. 2)**

331. The following States parties have submitted notifications to the Secretary-General in accordance with article 13, paragraph 2, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (General Assembly resolution 55/255, annex): Azerbaijan, Belarus, Belgium, Croatia, El Salvador, Latvia, Lithuania, Malawi, Norway, Panama, Poland, Romania, South Africa, Turkey and Uganda.

332. Azerbaijan stated in its notification that it had designated the Ministry of Internal Affairs of the Republic of Azerbaijan as the national body.

333. Belarus stated that the Ministry of the Interior of the Republic of Belarus had been designated as the national authority to maintain contact between the Republic of Belarus and other States parties on matters relating to the Firearms Protocol.

334. Belgium stated that the following had been designated as the sole contact point:

Department of Legislation, Fundamental Rights and Liberties  
Federal Ministry of Justice  
115 Boulevard de Waterloo  
1000 Brussels

335. Croatia stated that the body of contact, to act as liaison with other States parties on matters relating to the Firearms Protocol, was the Ministry of the Interior.

336. El Salvador stated that, without prejudice to the designation made in accordance with article 18, paragraph 13, of the Convention, it had designated the Ministry of National Defence as the central point of contact to provide liaison with other States parties on matters relating to the Firearms Protocol.

337. Latvia stated that the competent national authority to provide liaison with other States parties on matters relating to the Firearms Protocol was:

Ministry of the Interior  
Raina Boulevard 6  
Riga, LV-1505, Latvia  
  
Tel.: (+371) 7219263  
Fax: (+371) 7271005  
E-mail: kanceleja@iem.gov.lv

338. Lithuania stated that the Police Department under the Ministry of the Interior was designated as the point of contact to act as liaison between it and other States parties on matters relating to the Firearms Protocol.

339. Malawi stated that the competent authority charged with the responsibility of coordinating and rendering mutual legal assistance was:

Principal Secretary  
Ministry of Home Affairs and Internal Security  
Private Bag 331  
Lilongwe 3, Malawi

Tel.: (+265) 1 789 177

Fax: (+265) 1 789 509

It also stated that the official language of communication was English.

340. Norway stated that the agency that might act as liaison for Norway with regard to the exchange of information between States parties in connection with the efforts to combat violations of the Firearms Protocol was the National Criminal Investigation Service.

341. Panama stated that it had designated the Ministry of Government and Justice as the national body or single point of contact to act as liaison between it and other States parties on matters relating to the Firearms Protocol.

342. Poland stated that it designated the Chief Commander of the Police as the national body to act as a liaison between the Republic of Poland and other States parties on matters relating to the Firearms Protocol.

343. Romania stated that the National Agency for Export Control was the national point of contact designated to liaise with other States parties in matters relating to the Firearms Protocol.

344. South Africa stated that the National Commissioner of the South African Police Service had been designated as the single point of contact to liaise with other States parties on matters relating to the Firearms Protocol.

345. Turkey provided the following information on its notification:

- (a) National body: General Command of Gendarmerie  
Department of Combating Smuggling and Organized Crime
- (b) Point of Contact: Senior Colonel Cengiz Yildirim, Head of Department  
Department of Combating Smuggling and Organized Crime  
General Command of Gendarmerie

346. Uganda stated that the national focal point for the Protocol was as follows:

Coordinator  
Uganda National Focal Point on Small Arms and Light Weapons  
P.O. Box 7191  
Kampala

Tel.:(+256-41) 252091, (+256) 71-667720

Fax: (+256-41) 252093

### **III. Declarations**

#### **A. United Nations Convention against Transnational Organized Crime**

347. The Secretary-General has received declarations from the following States parties: Algeria, Azerbaijan, Belarus, Belgium, China, New Zealand, Nicaragua, Panama, Russian Federation, Ukraine and Uzbekistan.

348. The Secretary-General has also received declarations from the European Community.

349. Algeria declared that its ratification of the Convention did not in any way signify recognition of Israel nor did it entail the establishment of relations of any kind with Israel.

350. Azerbaijan declared that it was unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until those territories were liberated from that occupation

351. Belarus declared that it understood the implementation of the provisions of article 10 of the Convention to the degree that would not contradict its national legislation.

352. Belgium stated that the French-, Flemish- and German-speaking communities and the regions of Wallonia, Flanders and Brussels-Capital were also bound by its signature of the Convention.

353. China declared in respect of the Hong Kong SAR and the Macao SAR as follows:

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

(b) In accordance with the Basic Law of the Macao SAR and after consultation with the government of the Macao SAR, the Government of the People's Republic of China decided that the Convention shall apply to the Macao SAR.

354. Denmark declared territorial exclusion in respect of the Faroe Islands and Greenland.

355. Ecuador declared, with regard to article 10, that the concept of criminal liability of legal persons was not at the moment embodied in Ecuadorian legislation and this reservation would be withdrawn when legislation progressed in this area.

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

357. Nicaragua declared that such measures as might be necessary to harmonize the Organized Crime Convention with its domestic law would be the outcome of processes of revision of criminal legislation that Nicaragua was currently pursuing or might pursue in the future. Moreover, Nicaragua reserved the right, at the time of the deposit of its instrument of ratification, to invoke, in accordance with the

general principles of international law, article 19 of the Vienna Convention on the Law of Treaties.<sup>10</sup>

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

359. The Russian Federation declared that it shall have jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of the Convention in the cases envisaged in article 15, paragraphs 1 and 3, of the Convention. It also declared that the provisions of article 16, paragraph 14, of the Convention must be applied in such a way as to ensure the inevitability of responsibility for the commission of offences falling within the purview of the Convention, without detriment to the effectiveness of international cooperation in the areas of extradition and legal assistance. The Russian Federation, on the basis of article 18, paragraph 7, of the Convention, further declared that, on the basis of reciprocity, it would apply article 18, paragraphs 9-29, instead of the relevant provisions of any treaty of the mutual legal assistance concluded by the Russian Federation with another State party to the Convention if, in the view of the central authority of the Russian Federation, that would facilitate cooperation. It further declared that, in accordance with article 27, paragraph 2, of the Convention, it would consider the Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by the Convention, on condition that such cooperation did not include the conduct of investigatory or other procedural actions in the territory of the Russian Federation.

360. Ukraine declared, in relation to article 13, paragraph 6, of the Convention, that the Convention shall be applied only subject to the observation of the constitutional principles and fundamental basis of the legal system of Ukraine. Ukraine also declared that the provisions of article 26, paragraph 3, shall not be applied to the organizer or leader of a criminal group in respect of granting immunity from criminal prosecution. In accordance with the legislation of Ukraine (article 255, paragraph 2, of the Criminal Code of Ukraine) the above persons bear criminal responsibility notwithstanding the grounds provided for in article 26 of the Convention. In addition, Ukraine provided details of its domestic legislation in relation to article 2, paragraph (b), as follows:

The term “serious crime” corresponds to the terms “grave crime” and “especially grave crime” in the Ukrainian criminal law. Grave crime means the crime for which the law provides such type of punishment as imprisonment for at least 5 years and not exceeding 10 years (paragraph 4 of article 12 of the Criminal Code of Ukraine), and an especially grave crime means a crime for which the law provides such type of punishment as imprisonment for more than 10 years or life imprisonment (article 12, paragraph 5, of the Criminal Code of Ukraine).

361. Uzbekistan declared, concerning article 10 of the Convention, that its legislation did not provide for criminal or administrative liability with respect to

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<sup>10</sup> United Nations, *Treaty Series*, vol. 1155, No. 18232.

legal persons. In addition, Uzbekistan provided details of its domestic legislation in relation to articles 2, paragraphs (a), (b) and (g), and 7 of the Convention as follows: Concerning article 2, paragraph (a), of the Convention, under article 29, section 4, of the Criminal Code of the Republic of Uzbekistan, approved by the Act of 22 September 1994, a group of two or more persons constituted in advance for the purpose of joint criminal activity is considered an organized group. Concerning article 2, paragraph (b), of the Convention, under article 15 of the Criminal Code of the Republic of Uzbekistan, offences are subdivided, according to their nature and the degree of danger they pose to society, into offences that do not pose a great danger to society, less grave, grave and especially grave offences. Offences that do not pose a great danger to society are premeditated offences punishable by deprivation of liberty for not more than three years and offences committed through negligence and punishable by deprivation of liberty for not more than five years. Less grave offences are premeditated offences punishable by deprivation of liberty for more than three years but not exceeding five years and offences committed through negligence and punishable by deprivation of liberty for more than five years. Grave offences are premeditated offences punishable by deprivation of liberty for more than five years but not exceeding 10 years. Especially grave offences are premeditated offences punishable by deprivation of liberty for more than 10 years or the death penalty. Concerning article 2, paragraph (g), of the Convention, pursuant to the Act of the Republic of Uzbekistan of 29 August 2001, confiscation of property as a form of punishment has been removed from the Criminal Code. Article 284 of the Code of Criminal Procedure of the Republic of Uzbekistan provides that property that is the object of a crime shall, on the judgement of a court, become State property, unless it is subject to return to the former owner. Concerning article 7 of the Convention, under article 38 of the Act of the Republic of Uzbekistan of 25 April 1996 on banks and bank activities, information on transactions by and accounts belonging to natural and legal persons may be transmitted to the clients and organizations themselves, to the procurator, and to courts and bodies conducting initial inquiries and investigations:

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

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

362. In accordance with article 36, paragraph 3, of the Convention, the European Community made a declaration to the effect that it had competence in relation to articles 7, 9, 30 and 31, paragraph 2 (c), with some exceptions in accordance with the provisions of the Treaty establishing the European Community, as amended by the Amsterdam Treaty. In addition, the Community considered itself bound by other provisions of the Convention to the extent that they were related to the application of articles 7, 9, 30 and 31, paragraph 2 (c), in particular the articles concerning purpose, definitions and final provisions. The scope and exercise of Community

competence were subject to continuous development and any relevant modification of the extent of the competence would be notified accordingly.

363. The European Community also declared that the Convention would apply, with regard to the competence of the Community, to the territories in which the Treaty establishing the European Community, as amended by the Amsterdam Treaty, was applied and under the conditions laid down in that Treaty, in particular its article 299. Pursuant to article 299, the declaration was not applicable to the territories of the member States in which the Treaty did not apply and was without prejudice to such acts or positions as might be adopted under the Convention by the member States concerned on behalf of and in the interests of those territories.

364. With regard to article 35, paragraph 2, of the Convention, the European Community stated that only arbitration would be available in disputes involving the Community, in accordance with article 34, paragraph 1, of the Statute of the International Court of Justice, which read: "Only states may be parties in cases before the Court."

## **B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

365. The Secretary-General has received declarations concerning the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (General Assembly resolution 55/25, annex II) from the following States parties: Algeria, Australia, Azerbaijan, Belgium, Denmark, Malawi, New Zealand and Saudi Arabia.

366. Algeria declared that its ratification of the Trafficking in Persons Protocol in no way signified recognition of Israel nor could it be construed as leading to the establishment of any kind of relations with Israel.

367. Australia declared that nothing in the Trafficking in Persons Protocol shall be seen to be imposing obligations on Australia to admit or retain within its borders persons in respect of whom Australia would not otherwise have an obligation to admit or retain within its borders.

368. Azerbaijan declared that it was unable to guarantee the application of the provisions of the Trafficking in Persons Protocol in the territories occupied by the Republic of Armenia until those territories were liberated from that occupation.

369. Belgium declared that the French-, Flemish- and German-speaking communities and the regions of Wallonia, Flanders and Brussels-Capital were also bound by its signature of the Trafficking in Persons Protocol.

370. Denmark declared territorial exclusion in respect of the Faroe Islands and Greenland.

371. Malawi declared that, in its efforts to curb and stamp out offences related to trafficking in persons, especially women and children, it had embarked upon various social and legal reforms to incorporate obligations emanating from article 16, paragraph 4, of the Trafficking in Persons Protocol. Malawi expressly declared its acceptance of article 15, paragraph 2, on settlement of disputes concerning interpretation and application of the Protocol. Malawi stated that the competent

authority charged with the responsibility of coordinating and rendering mutual legal assistance was:

Principal Secretary  
Ministry of Home Affairs and Internal Security  
Private Bag 331  
Lilongwe 3, Malawi  
  
Tel.: (+265) 1 789 177  
Fax: (+265) 1 789 509

It also stated that the official language of communication was English.

372. New Zealand declared that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, its ratification of the Trafficking in Persons Protocol shall not extend to Tokelau unless and until a declaration to that effect was lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.

373. Saudi Arabia declared that the public order of the Kingdom of Saudi Arabia prohibited trafficking in persons for the purpose referred to in article 3, paragraph (a), of the Trafficking in Persons Protocol.

### **C. Protocol against the Smuggling of Migrants by Land, Sea and Air**

374. The Secretary-General has received declarations concerning the Migrants Protocol from the following States parties: Algeria, Azerbaijan, Belgium, Ecuador, El Salvador, Malawi, New Zealand and Saudi Arabia.

375. Algeria declared that its ratification of the Migrants Protocol in no way signified recognition of Israel nor could it be construed as leading to the establishment of any kind of relations with Israel.

376. Azerbaijan declared that it was unable to guarantee the application of the provisions of the Migrants Protocol in the territories occupied by the Republic of Armenia until those territories were liberated from that occupation.

377. Belgium declared that the French-, Flemish- and German-speaking communities and the regions of Wallonia, Flanders and Brussels-Capital were also bound by its signature of the Migrants Protocol.

378. Ecuador declared that migrants were the victims of illicit trafficking in persons on the part of criminal organizations and that the only goal of those organizations was unjust and undue enrichment at the expense of persons wishing to perform honest work abroad; furthermore, the provisions of the Migrants Protocol must be understood in conjunction with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex) and with current international instruments on human rights.

379. El Salvador declared, with regard to article 9, paragraph 2, that only in the event of the revision of criminal judgements shall the State, in keeping with its



domestic legislation, by law compensate the victims of judicial errors that have been duly proved. With regard to article 18, it also declared that the return of smuggled migrants shall take place to the extent possible and within the means of the State.

380. Malawi declared that, in its efforts to curb and stamp out offences related to trafficking in persons, especially women and children, it had embarked upon various social and legal reforms to incorporate obligations emanating from the Migrants Protocol. Malawi further declared its acceptance of article 20, paragraph 2, on settlement of disputes concerning interpretation and application of the Protocol.

381. New Zealand declared that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, its ratification of the Migrants Protocol shall not extend to Tokelau unless and until a declaration to that effect was lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.

382. Saudi Arabia declared that the Kingdom of Saudi Arabia was not a party to the Convention relating to the Status of Refugees<sup>11</sup> or to the 1967 Protocol relating to the Status of Refugees.<sup>12</sup>

#### **D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition**

383. The Secretary-General has received declarations concerning the Firearms Protocol from the following States parties: Algeria, Argentina, Azerbaijan, El Salvador, Guatemala and Malawi.

384. Algeria declared that its ratification of the Firearms Protocol did not in any way signify recognition of Israel nor might it be interpreted as leading to the establishment of relations of any kind with Israel.

385. Argentina declared that, in relation to article 2, the provisions of the Firearms Protocol shall be without prejudice to the right of the Argentine Republic to adopt, at the domestic level, stricter provisions designed to fulfil the objectives of the Protocol of preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

386. Azerbaijan declared that it would be unable to guarantee compliance with the provisions of the Firearms Protocol in its territories occupied by the Republic of Armenia until those territories were liberated from that occupation.

387. El Salvador declared in relation to article 3, paragraph (a), that the Republic of El Salvador, in accordance with its domestic law (Act on Control and Monitoring of Firearms, Ammunition, Explosives and Similar Articles and their Regulation), interpreted as:

(a) Collector's weapons: weapons of war which have been deactivated; and antique and obsolete weapons and those of historical value which shall not be

<sup>11</sup> Ibid., vol. 189, No. 2545.

<sup>12</sup> Ibid., vol. 606, No. 8791.

utilized, subject to technical review by the Ministry of National Defence, which shall so certify them;

(b) Weapons of war: pistols, rifles and carbines with automatic firing action as well as those classified as light and heavy, mines, grenades and military explosives;

(c) Antique weapons: those which are no longer manufactured and may be registered only for purposes of collection, in accordance with technical certification and prior authorization of the Ministry of National Defence;

(d) Deactivated weapons: any weapon of war that, for purposes of collection, has been deactivated for its original use, with prior authorization by the Ministry of National Defence;

(e) Firearms: weapons that, by the use of rimfire or centerfire percussion cartridges, expel projectiles through a smooth or rifled barrel, by means of the expansion of gases produced by the combustion of explosive solids or powder or other flammable material contained in the cartridge; furthermore, for identification purposes, pistols and revolvers shall be marked on the weapon and for rifles, carbines and shotguns, the serial number shall appear on the case of the mechanism;

(f) Explosives: the combination of various substances and mixtures that produce an exothermic reaction when ignited; any substance or material which, when struck, subjected to friction, heated or subjected to the effect of a small detonation or a chemical reaction, reacts violently, producing gases at high temperature and pressure that impact anything found in their vicinity;

(g) Articles similar to firearms or ammunition: any articles or objects made by hand that have similar characteristics or can be used for the same purposes.

388. Guatemala declared that it shall provide the information referred to in article 12 of the Firearms Protocol in the case of information disclosed by individuals on a confidential basis only in the context of a request for judicial assistance.

389. Malawi declared that, in its efforts to curb and stamp out offences related to trafficking in persons, especially women and children, it had embarked upon various social and legal reforms to incorporate obligations emanating from article 17, paragraph 4, of the Firearms Protocol. Malawi expressly declared its acceptance of article 16, paragraph 2, on settlement of disputes concerning interpretation and application of the Protocol.

## **IV. Reservations**

### **A. United Nations Convention against Transnational Organized Crime**

390. The Secretary-General has received reservations in accordance with article 35, paragraph 3, of the Convention from the following States parties: Algeria, Azerbaijan, Bahrain, Belize, China, Colombia, Ecuador, Egypt, El Salvador, Jordan, Lao People's Democratic Republic, Lithuania, Malaysia, Micronesia (Federated

States of), Myanmar, Saudi Arabia, South Africa, the former Yugoslav Republic of Macedonia, Tunisia, Uzbekistan and Venezuela (Bolivarian Republic of).

391. The Secretary-General has further received a reservation from Myanmar, which expressed reservations on article 16 relating to extradition and did not consider itself bound by that article.

**Settlement of disputes (art. 35, para. 3)**

392. Algeria stated in its reservation that it did not consider itself bound by the provisions of article 35, paragraph 2, which provided that any dispute between two or more States concerning the interpretation or application of the Convention that had not been settled by negotiation shall be submitted to arbitration or to the International Court of Justice at the request of any of the parties thereto. Algeria considered that no dispute of such nature must be submitted to arbitration or to the International Court of Justice without the consent of all the parties to the dispute.

393. Azerbaijan stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

394. Bahrain stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

395. Belize stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

396. China stated in its reservation that it was not bound by article 35, paragraph 2.

397. Colombia stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

398. Ecuador made a reservation with regard to article 35, paragraph 2, relating to the settlement of disputes.

399. Egypt stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

400. El Salvador stated in its reservation that it did not consider itself bound by article 35, paragraph 2, because it did not recognize the compulsory jurisdiction of the International Court of Justice.

401. Jordan declared its intention not to be bound by article 35, paragraph 2.

402. The Lao People's Democratic Republic stated in its reservation that it did not consider itself bound by article 35, paragraph 2. It declared that to refer a dispute relating to interpretation and application of the Convention to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute was necessary.

403. Lithuania stated in its reservation that it did not consider itself bound by article 35, paragraph 2, stipulating that any disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice.

404. Malaysia stated in its reservation that it did not consider itself bound by article 35, paragraph 2. Malaysia reserved the right specifically to agree in a particular case to follow the arbitration procedure set forth in article 35, paragraph 2, or any other procedure for arbitration.

405. Micronesia (Federated States of) stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

406. Myanmar stated in its reservation that it did not consider itself bound by obligations to refer disputes relating to the interpretation or application of the Convention to the International Court of Justice.

407. Saudi Arabia stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

408. South Africa stated in its reservation that, pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, it did not consider itself bound by the terms of article 35, paragraph 2, which provided for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Convention. South Africa would adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute was required in every individual case.

409. The former Yugoslav Republic of Macedonia stated in its reservation that it did not consider itself bound by article 35, paragraph 2, which stipulated that all disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice.

410. Tunisia stated in its reservation that it did not consider itself bound by article 35, paragraph 2, and emphasized that disputes over the interpretation or application of the Convention might not be submitted to the International Court of Justice unless there was agreement in principle among all the parties concerned.

411. Uzbekistan stated in its reservation that it did not consider itself bound by article 35, paragraph 2.

412. Venezuela (Bolivarian Republic of) declared that it entered an express reservation concerning the provisions of article 35, paragraph 2. Consequently, it did not consider itself bound to submit to arbitration as a means of settling disputes, nor did it recognize the compulsory jurisdiction of the International Court of Justice.

## **B. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

413. The Secretary-General has received reservations in accordance with article 15, paragraph 3, of the Trafficking in Persons Protocol from the following States parties: Algeria, Azerbaijan, Bahrain, Colombia, Ecuador, El Salvador, Lao People's Democratic Republic, Lithuania, Myanmar, Saudi Arabia, South Africa and Tunisia.

414. The Secretary-General has further received a reservation from Saudi Arabia, which expressed reservations regarding the contents of article 6, paragraph 3 (d), and article 7, paragraph 1, of the Protocol.

### **Settlement of disputes (art. 15, para. 3)**

415. Algeria stated in its reservation that it did not consider itself bound by the provisions of article 15, paragraph 2, which provided that any dispute between two

or more States concerning the interpretation or application of the Trafficking in Persons Protocol that could not be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice. Algeria believed that any dispute of this kind could only be submitted to arbitration or referred to the International Court of Justice with the consent of all parties to the dispute.

416. Azerbaijan stated in its reservation that it did not consider itself bound by article 15, paragraph 2.

417. Bahrain stated in its reservation that it did not consider itself bound by article 15, paragraph 2.

418. Colombia stated in its reservation that it did not consider itself bound by article 15, paragraph 2.

419. Ecuador made a reservation with regard to article 15, paragraph 2, relating to the settlement of disputes.

420. El Salvador stated in its reservation that it did not consider itself bound by article 15, paragraph 2, inasmuch as it did not recognize the compulsory jurisdiction of the International Court of Justice.

421. The Lao People's Democratic Republic stated in its reservation that it did not consider itself bound by article 15, paragraph 2. It declared that to refer a dispute relating to interpretation and application of the Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute was necessary.

422. Lithuania stated in its reservation that it did not consider itself bound by article 15, paragraph 2, which provided that any State party might refer any dispute concerning the interpretation or application of the Trafficking in Persons Protocol to the International Court of Justice.

423. Myanmar stated in its reservation on article 15 that it did not consider itself bound by obligations to refer disputes relating to the interpretation or application of the Trafficking in Persons Protocol to the International Court of Justice.

424. Saudi Arabia stated in its reservation that it did not consider itself bound by article 15, paragraph 2.

425. South Africa stated in its reservation that, pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, it did not consider itself bound by the terms of article 15, paragraph 2, which provided for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Trafficking in Persons Protocol. South Africa would adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute was required in every individual case.

426. Tunisia stated in its reservation that it did not consider itself bound by article 15, paragraph 2, and affirmed that disputes concerning the interpretation or application of the Trafficking in Persons Protocol might be referred to the International Court of Justice only after it had given its prior consent.

### C. Protocol against the Smuggling of Migrants by Land, Sea and Air

427. The Secretary-General has received reservations in accordance with article 20, paragraph 3, of the Migrants Protocol from the following States parties: Algeria, Azerbaijan, Bahrain, Ecuador, El Salvador, Lao People's Democratic Republic, Lithuania, Myanmar, Saudi Arabia, South Africa, Tunisia and Venezuela (Bolivarian Republic of).

#### **Settlement of disputes (art. 20, para. 3)**

428. Algeria stated in its reservation that it did not consider itself bound by the provisions of article 20, paragraph 2, which provided that any dispute between two or more States concerning the interpretation or application of the Migrants Protocol that could not be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice. Algeria believed that any dispute of this kind could only be submitted to arbitration or referred to the International Court of Justice with the consent of all parties to the dispute.

429. Azerbaijan stated in its reservation that it did not consider itself bound by article 20, paragraph 2.

430. Bahrain stated in its reservation that it did not consider itself bound by article 20, paragraph 2.

431. Ecuador made a reservation with regard to article 20, paragraph 2, relating to the settlement of disputes.

432. El Salvador stated in its reservation that it did not consider itself bound by article 20, paragraph 2, inasmuch as it did not recognize the compulsory jurisdiction of the International Court of Justice.

433. The Lao People's Democratic Republic stated in its reservation that it did not consider itself bound by article 20, paragraph 2. It declared that to refer a dispute relating to interpretation and application of the Migrants Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute was necessary.

434. Lithuania stated in its reservation that it did not consider itself bound by article 20, paragraph 2, which provided that any State party might refer any dispute concerning the interpretation or application of the Migrants Protocol to the International Court of Justice.

435. Myanmar stated in its reservation on article 20 that it did not consider itself bound by obligations to refer disputes relating to the interpretation or application of the Protocol to the International Court of Justice.

436. Saudi Arabia stated in its reservation that it did not consider itself bound by article 20, paragraph 2.

437. South Africa stated in its reservation that, pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, it did not consider itself bound by the terms of article 20, paragraph 2, which provided for the compulsory jurisdiction of the

International Court of Justice in differences arising out of the interpretation or application of the Protocol. South Africa would adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute was required in every individual case.

438. Tunisia stated in its reservation that it did not consider itself bound by article 20, paragraph 2 and affirmed that disputes concerning the interpretation or application of the Migrants Protocol might be referred to the International Court of Justice only after it had given its prior consent.

439. Venezuela (Bolivarian Republic of) formulated a reservation with respect to the provision established under article 20, paragraph 2. Consequently, it did not consider itself obligated to refer to arbitration as a means of settlement of disputes, nor did it recognize the compulsory jurisdiction of the International Court of Justice.

#### **D. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition**

440. The Secretary-General has received reservations in accordance with article 16, paragraph 3, of the Firearms Protocol from the following States parties: Algeria, Azerbaijan, El Salvador, Lao People's Democratic Republic, Lithuania, South Africa and Tunisia.

441. The Secretary-General has further received a reservation from Belgium concerning article 4, paragraph 2, of the Firearms Protocol, stating that the activities of armed forces during a period of armed conflict, in the sense given those terms under international humanitarian law, which were governed by this law, were not governed by the Protocol.

##### **Settlement of disputes (art. 16, para. 3)**

442. Algeria stated in its reservation that it did not consider itself bound by the provisions of article 16, paragraph 2, which provided that any dispute between two or more States parties concerning the interpretation or application of the Firearms Protocol that could not be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice. Algeria considered that no dispute of such nature might be submitted to arbitration or to the International Court of Justice without the consent of all the parties to the dispute.

443. Azerbaijan stated in its reservation that it did not consider itself bound by article 16, paragraph 2.

444. El Salvador stated in its reservation that it did not consider itself bound by article 16, paragraph 2, inasmuch as it did not recognize the compulsory jurisdiction of the International Court of Justice.

445. The Lao People's Democratic Republic stated in its reservation that it did not consider itself bound by article 16, paragraph 2. It declared that to refer a dispute relating to interpretation and application of the Firearms Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute was necessary.

446. Lithuania stated in its reservation that it did not consider itself bound by article 16, paragraph 2, providing the settlement of disputes concerning the interpretation and application of the Firearms Protocol at the International Court of Justice.

447. South Africa stated in its reservation that, pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, it did not consider itself bound by the terms of article 16, paragraph 2, which provided for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Firearms Protocol. South Africa would adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute was required in every individual case.

448. Tunisia made a reservation to article 16, paragraph 2.

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