



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

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**Consideration of notification requirements in accordance with 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**

Addendum\*\*

## **II. Notifications**

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

1. The following States parties submitted notifications to the Secretary-General, as well as responses to the brief questionnaire on basic reporting obligations: Honduras, the Netherlands, New Zealand and Nigeria.

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

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

\* CTOC/COP/2005/1.

\*\* The present addendum takes into consideration responses received up to 31 August 2005.



3. The Netherlands stated that article 5, paragraph 1 (a) (i), was not applicable to its legislation.

4. New Zealand 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).

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

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

6. Honduras stated in its notification that its legislation included 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 included offences committed outside Honduras' 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 Honduran law had it been committed within Honduras.

7. The Netherlands 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 the Netherlands' 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 Netherlands law had it been committed within the Netherlands. The Netherlands provided copies of its laws and regulations that gave effect to article 6.

8. New Zealand 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 New Zealand'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 New Zealand law had it been committed within New Zealand. New Zealand provided copies of its laws and regulations that gave effect to article 6.

9. Nigeria 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 did not include offences committed outside Nigeria'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 Nigerian law had it been committed within Nigeria. Nigeria provided copies of its laws and regulations that gave effect to article 6.

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

10. The Netherlands, New Zealand and Nigeria provided copies of their laws and regulations that gave effect to article 13 in response to the brief questionnaire on basic reporting obligations.

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

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

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

13. New Zealand stated that extradition was not conditional on the existence of a treaty.

14. Nigeria 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.

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

15. Honduras stated in its notification that its central authority was as follows:

Doris Jamileth Aguilar Zúniga, Special Public Prosecutor  
against Organized Crime  
Office of the Special Public Prosecutor against Organized Crime  
Avenida las Palmeras, Colonia Florencia Sur  
Edificio Discua Estrada  
Primera Calle  
Tegucigalpa  
Honduras  
  
Tel.: (+504) 235 9396  
Fax: (+504) 235 9409  
E-mail: Doris.Jamileth@yahoo.com

16. The Netherlands stated that it had a central authority or authorities designated to receive, respond to and process requests for mutual legal assistance.

17. New Zealand stated that its central authority was as follows:

Office of the Attorney General  
CI-Crown Law Office  
P. O. Box 2858  
Wellington  
New Zealand  
  
Tel.: (+64-4) 472 1719  
Fax: (+64-4) 473 3482  
E-mail: library@crownlaw.govt.nz  
Home page: www.crownlaw.govt.nz

18. Nigeria stated that its central authority was as follows:

The Honourable Attorney General of the Federation and Minister of Justice  
International and Comparative Law Department  
Mrs. E. E. Ekwueme, Director  
Federal Ministry of Justice  
Federal Secretariat Congress  
Abuja  
Nigeria  
  
Tel.: (+234-9) 523 6849

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

19. Honduras stated in its notification that the acceptable language was Spanish.  
20. Nigeria stated that the acceptable language was English.

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

21. Honduras stated in its notification that the authority that could assist other States parties in developing measures to prevent transnational organized crime was as follows:

Doris Jamileth Aguilar Zúniga, Special Public Prosecutor  
against Organized Crime  
Office of the Special Public Prosecutor against Organized Crime  
Avenida las Palmeras, Colonia Florencia Sur  
Edificio Discua Estrada  
Primera Calle  
Tegucigalpa  
Honduras  
  
Tel.: (+504) 235 9396  
Fax: (+504) 235 9409  
E-mail: Doris.Jamileth@yahoo.com

22. Nigeria stated that it did not have an authority that could assist 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)**

23. Honduras 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:

Public Ministry  
Danelia Ferrera, Director General of the Office of the Public Prosecutor  
Avenida República Dominicana, Lomas del Guisarro  
Edificio Lomas Plaza II  
Apartado Postal 3730  
Tegucigalpa  
Honduras  
  
Tel.: (+504) 221 5665  
Fax: (+504) 221 5665  
E-mail: dferrat@hotmail.com

24. The Netherlands stated that it had an authority or 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.

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