

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 286

A. TITEL

*Verdrag van de Verenigde Naties tegen grensoverschrijdende
georganiseerde misdaad;
New York, 15 november 2000*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2001, 68.

C. VERTALING

Zie *Trb.* 2004, 184.

D. PARLEMENT

Zie *Trb.* 2004, 184.

E. PARTIJGEGEVENS

Zie *Trb.* 2001, 68 en rubriek F van *Trb.* 2004, 34.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Afghanistan	14-12-00	24-09-03	R	24-10-03		
Albanië	12-12-00	21-08-02	R	29-09-03		
Algerije	12-12-00	07-10-02	R	29-09-03		
Andorra	11-11-01					
Angola	13-12-00					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Antigua en Barbuda	26-09-01	24-07-02	R	29-09-03		
Argentinië	12-12-00	19-11-02	R	29-09-03		
Armenië	15-11-01	01-07-03	R	29-09-03		
Australië	13-12-00	27-05-04	R	26-06-04		
Azerbeidzjan	12-12-00	30-10-03	R	29-11-03		
Bahama's	09-04-01	26-09-08	R	26-10-08		
Bahrein		07-06-04	T	07-07-04		
Barbados	26-09-01					
Belarus	14-12-00	25-06-03	R	29-09-03		
België	12-12-00	11-08-04	R	10-09-04		
Belize		26-09-03	T	26-10-03		
Benin	13-12-00	30-08-04	R	29-09-04		
Bolivia	12-12-00	10-10-05	R	09-11-05		
Bosnië en Herzegovina	12-12-00	24-04-02	R	29-09-03		
Botswana	10-04-02	29-08-02	R	29-09-03		
Brazilië	12-12-00	29-01-04	R	28-02-04		
Brunei		25-03-08	T	24-04-08		
Bulgarije	13-12-00	05-12-01	R	29-09-03		
Burkina Faso	15-12-00	15-05-02	R	29-09-03		
Burundi	14-12-00					
Cambodja	11-11-01	12-12-05	R	11-01-06		
Canada	14-12-00	13-05-02	R	29-09-03		
Centraal Afrikaanse Republiek		14-09-04	T	14-10-04		
Chili	13-12-00	29-11-04	R	29-12-04		
China	12-12-00	23-09-03	R	23-10-03		
Colombia	12-12-00	04-08-04	R	03-09-04		

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Comoren, de		25-09-03	T	25-10-03		
Congo, Democratische Republiek		28-10-05	T	27-11-05		
Congo, Republiek	14-12-00					
Cookeilanden		04-03-04	T	03-04-04		
Costa Rica	16-03-01	24-07-03	R	29-09-03		
Cuba	13-12-00	09-02-07	R	11-03-07		
Cyprus	12-12-00	22-04-03	R	29-09-03		
Denemarken	12-12-00	30-09-03	R	30-10-03		
Djibouti		20-04-05	T	20-05-05		
Dominicaanse Republiek, de	13-12-00	26-10-06	R	25-11-06		
Duitsland	12-12-00	14-06-06	R	14-07-06		
Ecuador	13-12-00	17-09-02	R	29-09-03		
Egypte	13-12-00	05-03-04	R	04-04-04		
El Salvador	14-12-00	18-03-04	R	17-04-04		
Equatoriaal Guinee	14-12-00	07-02-03	R	29-09-03		
Estland	14-12-00	10-02-03	R	29-09-03		
Ethiopië	14-12-00	23-07-07	R	22-08-07		
EU (Europese Unie)	12-12-00	21-05-04	R	20-06-04		
Filipijnen, de	14-12-00	28-05-02	R	29-09-03		
Finland	12-12-00	10-02-04	R	11-03-04		
Frankrijk	12-12-00	29-10-02	R	29-09-03		
Gabon		15-12-04	T	14-01-05		
Gambia	14-12-00	05-05-03	R	29-09-03		
Georgië	13-12-00	05-09-06	R	05-10-06		
Grenada		21-05-04	T	20-06-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Griekenland	13-12-00					
Guatemala	12-12-00	25-09-03	R	25-10-03		
Guinee		09-11-04	T	09-12-04		
Guinee-Bissau	14-12-00	10-09-07	R	10-10-07		
Guyana		14-09-04	T	14-10-04		
Haiti	13-12-00					
Honduras	14-12-00	02-12-03	R	01-01-04		
Hongarije	14-12-00	22-12-06	R	21-01-07		
Ierland	13-12-00	17-06-10	R	17-07-10		
IJsland	13-12-00	13-05-10	R	12-06-10		
India	12-12-02					
Indonesië	12-12-00	20-04-09	R	20-05-09		
Irak		17-03-08	T	16-04-08		
Iran	12-12-00					
Israël	13-12-00	27-12-06	R	26-01-07		
Italië	12-12-00	02-08-06	R	01-09-06		
Ivoorkust	15-12-00					
Jamaica	26-09-01	29-09-03	R	29-10-03		
Japan	12-12-00					
Jemen	15-12-00	08-02-10	R	10-03-10		
Jordanië	26-11-02	22-05-09	R	21-06-09		
Kaapverdië	13-12-00	15-07-04	R	14-08-04		
Kameroen	13-12-00	06-02-06	R	08-03-06		
Kazachstan	13-12-00	31-07-08	R	30-08-08		
Kenia		16-06-04	T	16-07-04		
Kiribati		15-09-05	T	15-10-05		
Koeweit	12-12-00	12-05-06	R	11-06-06		
Kroatië	12-12-00	24-01-03	R	29-09-03		

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Kyrgyzstan	13-12-00	02-10-03	R	01-11-03		
Laos		26-09-03	T	26-10-03		
Lesotho	14-12-00	24-09-03	R	24-10-03		
Letland	13-12-00	07-12-01	R	29-09-03		
Libanon	18-12-01	05-10-05	R	04-11-05		
Liberia		22-09-04	T	22-10-04		
Libië	13-11-01	18-06-04	R	18-07-04		
Liechtenstein	12-12-00	20-02-08	R	21-03-08		
Litouwen	13-12-00	09-05-02	R	29-09-03		
Luxemburg	13-12-00	12-05-08	R	11-06-08		
Macedonië, Voormalige Joegoslavische Republiek	12-12-00	12-01-05	R	11-02-05		
Madagaskar	14-12-00	15-09-05	R	15-10-05		
Malawi	13-12-00	17-03-05	R	16-04-05		
Maleisië	26-09-02	24-09-04	R	24-10-04		
Mali	15-12-00	12-04-02	R	29-09-03		
Malta	14-12-00	24-09-03	R	24-10-03		
Marokko	13-12-00	19-09-02	R	29-09-03		
Mauritanië		22-07-05	T	21-08-05		
Mauritius	12-12-00	21-04-03	R	29-09-03		
Mexico	13-12-00	04-03-03	R	29-09-03		
Micronesia		24-05-04	T	23-06-04		
Moldavië	14-12-00	16-09-05	R	16-10-05		
Monaco	13-12-00	05-06-01	R	29-09-03		
Mongolië		27-06-08	T	27-07-08		
Montenegro		23-10-06	VG	03-06-06		
Mozambique	15-12-00	20-09-06	R	20-10-06		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Myanmar		30-03-04	T	29-04-04		
Namibië	13-12-00	16-08-02	R	29-09-03		
Nauru	12-11-01					
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	12-12-00	26-05-04 – – – 18-01-07 – –	R R	25-06-04 10-10-10 10-10-10 10-10-10 18-01-07 10-10-10 10-10-10		
Nepal	12-12-02					
Nicaragua	14-12-00	09-09-02	R	29-09-03		
Nieuw-Zeeland	14-12-00	19-07-02	R	29-09-03		
Niger	21-08-01	30-09-04	R	30-10-04		
Nigeria	13-12-00	28-06-01	R	29-09-03		
Noorwegen	13-12-00	23-09-03	R	23-10-03		
Oekraïne	12-12-00	21-05-04	R	20-06-04		
Oezbekistan	13-12-00	09-12-03	R	08-01-04		
Oman		13-05-05	T	12-06-05		
Oost-Timor		09-11-09	T	09-12-09		
Oostenrijk	12-12-00	23-09-04	R	23-10-04		
Pakistan	14-12-00	13-01-10	R	12-02-10		
Panama	13-12-00	18-08-04	R	17-09-04		
Paraguay	12-12-00	22-09-04	R	22-10-04		
Peru	14-12-00	23-01-02	R	29-09-03		
Polen	12-12-00	12-11-01	R	29-09-03		
Portugal	12-12-00	10-05-04	R	09-06-04		
Qatar		10-03-08	T	09-04-08		
Roemenië	14-12-00	04-12-02	R	29-09-03		

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Russische Federatie	12-12-00	26-05-04	R	25-06-04		
Rwanda	14-12-00	26-09-03	R	26-10-03		
Saint Kitts en Nevis	20-11-01	21-05-04	R	20-06-04		
Saint Lucia	26-09-01					
Saint Vincent en de Grenadines	24-07-02					
San Marino	14-12-00	20-07-10	R	19-08-10		
Sao Tomé en Principe		12-04-06	T	12-05-06		
Saudi-Arabië	12-12-00	18-01-05	R	17-02-05		
Senegal	13-12-00	27-10-03	R	26-11-03		
Servië	12-12-00	06-09-01	R	29-09-03		
Seychellen, de	12-12-00	22-04-03	R	29-09-03		
Sierra Leone	27-11-01					
Singapore	13-12-00	28-08-07	R	27-09-07		
Slovenië	12-12-00	21-05-04	R	20-06-04		
Slowakije	14-12-00	03-12-03	R	02-01-04		
Soedan	15-12-00	10-12-04	R	09-01-05		
Spanje	13-12-00	01-03-02	R	29-09-03		
Sri Lanka	13-12-00	22-09-06	R	22-10-06		
Suriname		25-05-07	T	24-06-07		
Swaziland	14-12-00					
Syrië	13-12-00	08-04-09	R	08-05-09		
Tadzjikistan	12-12-00	08-07-02	R	29-09-03		
Tanzania	13-12-00	24-05-06	R	23-06-06		
Thailand	13-12-00					
Togo	12-12-00	02-07-04	R	01-08-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Trinidad en Tobago	26-09-01	06-11-07	R	06-12-07		
Tsjaad		18-08-09	T	17-09-09		
Tsjechië	12-12-00					
Tunesië	13-12-00	19-06-03	R	29-09-03		
Turkije	13-12-00	25-03-03	R	29-09-03		
Turkmenistan		28-03-05	T	27-04-05		
Uganda	12-12-00	09-03-05	R	08-04-05		
Uruguay	13-12-00	04-03-05	R	03-04-05		
Vanuatu		04-01-06	T	03-02-06		
Venezuela	14-12-00	13-05-02	R	29-09-03		
Verenigd Koninkrijk, het	14-12-00	09-02-06	R	11-03-06		
Verenigde Arabische Emiraten, de	09-12-02	07-05-07	R	06-06-07		
Verenigde Staten van Amerika, de	13-12-00	03-11-05	R	03-12-05		
Vietnam	13-12-00					
Zambia		24-04-05	T	24-05-05		
Zimbabwe	12-12-00	12-12-07	R	11-01-08		
Zuid-Afrika	14-12-00	20-02-04	R	21-03-04		
Zuid-Korea	13-12-00					
Zweden	12-12-00	30-04-04	R	30-05-04		
Zwitserland	12-12-00	27-10-06	R	26-11-06		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hongkong SAR	27-09-2006	
Macau SAR	23-10-2003	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Falklandeilanden	11-01-2007	
Gibraltar	27-11-2007	

Verklaringen, voorbehouden en bezwaren

Algerije, 7 oktober 2002

Reservation:

The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 35, paragraph 2, of this Convention, which provide that any dispute between two or more States concerning the interpretation or application of this Convention that has 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.

The Government of the People's Democratic Republic of Algeria considers 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.

Declaration:

The ratification of this Convention by the People's Democratic Republic of Algeria does not in any way signify recognition of Israel.

The present ratification does not entail the establishment of relations of any kind with Israel.

Argentinië, 3 april 2007

The Argentine Republic objects to the extension of the territorial application to the United Nations Convention against Transnational Organized Crime of 15 November 2000 with respect to the Malvinas Islands, which was notified by the United Kingdom of Great Britain and Northern Ireland to the Depositary of the Convention on 11 January 2007.

The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, the South Georgia and South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory, and recalls that the General Assembly of the United Nations

adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, which recognize the existence of a dispute over sovereignty and request the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

Argentinië, 17 juli 2007

The following central authority is designated by Argentina in accordance with article 18 (13) of the Convention:

International Legal Assistance Directorate

Directorate General for Legal Affairs

Ministry of Foreign Affairs, International Trade and Worship

Esmeralda 1212, Piso 4 (C.P. 1007)

Ciudad de Buenos Aires, República Argentina

Tel./Fax: (54-11) 4819-7170/7172/7231

e-mail: diaju@mrecic.gov.ar

Armenië, 1 juli 2003

Article 5

Pursuant to paragraph 3 of Article 5 of the United Nations Convention against Transnational Organized Crime, adopted in New York on the 15th day of November 2000 (hereinafter referred as to Convention) the Republic of Armenia declares that its Criminal Code (chapter 7, in particular Article 41 of the Code) covers all serious crimes involving organized criminal groups provided in paragraph 1 (a) (i) of Article 5 of the Convention.

Article 16

Pursuant to paragraph 5 of Article 16 of the Convention the Republic of Armenia declares that it will take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention. However, at the same time the Republic of Armenia declares that it shall apply the Convention in relations with the States Parties of the European Convention on Extradition, done at Paris, on 13th day of December 1957, provided that the Convention supplements and facilitates the application of the provisions of the European Convention on Extradition.

Article 18

Pursuant to paragraph 13 of Article 18 of the Convention the Republic of Armenia designates the following central authorities to receive the requests for mutual legal assistance:

- a) in respect of the cases of pretrial investigation phase:
 - the General Prosecutor's Office of the Republic of Armenia
- b) in respect of the cases of court proceedings phase or connected with the implementation of the judgment:
 - the Ministry of Justice of the Republic of Armenia.

Pursuant to paragraph 14 Article 18 of the Convention the Republic of Armenia declares that the acceptable languages are Armenian, English or Russian.

Australië, 2 juli 2004

Australia has the additional honour to note that, under article 5 (3) of the United Nations Convention against Transnational Organised Crime, Australia is required to inform the Secretary General of the United Nations if its law operates in a way that is covered by the paragraph. In accordance with that obligation, the Permanent Mission of Australia is pleased to advise that Australia's law does require an act of furtherance of the Agreement for the conspiracy offence to be made out.

The Permanent Mission of Australia is also pleased to advise that the appropriate Australian authority to contact for the purposes of articles 18 and 31 of the United Nations Convention against Transnational Organised Crime is:

The Attorney-General's Department
(Assistant Secretary, International Crime Branch)

Robert Garran Offices

National Circuit

BARTON ACT 2602

AUSTRALIA

Australia further notes that Australia is not required to make a notification under article 16 (5) of the United Nations Convention against Transnational Organised Crime as Australian extradition law does not operate in the manner covered by this article.

Azerbeidzjan, 30 oktober 2003

Declaration:

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

Reservation:

In accordance with paragraph 3 of Article 35 of the Convention, the Republic of Azerbaijan declares that it does not consider itself bound by the provision of paragraph 2 of Article 35.

In accordance with paragraph 5 of Article 16 of the Convention, the Republic of Azerbaijan declares that it will use the Convention as the legal basis for cooperation on extradition with other States-Parties to the Convention.

In accordance with paragraph 13 of Article 18 of the Convention, the Republic of Azerbaijan declares that the Ministry of Justice of the Republic of Azerbaijan is designated as the central authority that shall have the 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.

In accordance with paragraph 14 of Article 18 of the Convention, the Republic of Azerbaijan declares that the requests and supporting documents should be submitted in Russian or English as the UN official languages, and should be accompanied by a translation in Azeri.

In accordance with paragraph 6 of Article 31 of the Convention, the Republic of Azerbaijan declares that the following authority can assist other States Parties in developing measures to prevent transnational organized crime:

Ministry of Internal Affairs of the Republic of Azerbaijan H. Hajiev st. 7, Baky, Azerbaijan.

Bahama's, 26 september 2008

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

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

The Commonwealth of The Bahamas further declares that the central authority designated for the purpose of Article 18, paragraph 13 of the Convention is the Attorney-General's Office and the language acceptable to The Bahamas for the purposes of Article 18, paragraph 14 is English. In accordance with Article 35 paragraph 3, the Commonwealth of The Bahamas enters a specific reservation to the procedure established under Article 35 paragraph 2 of the Convention on the basis that referral of a dispute concerning the application or interpretation of the provisions of the Convention to arbitration or to the International Court of Justice must be by consent of all the parties to the dispute.

Bahreïn, 7 juni 2004

... the Kingdom of Bahrain does not consider itself bound by paragraph 2 of article 35 of the Convention.

Belarus, 25 juni 2003

The Republic of Belarus understands the implementation of the provisions of Article 10 of the Convention to the degree that will not contradict its national legislation.

The Republic of Belarus in accordance with Article 16 of the Convention will use the Convention as a basis for cooperation on the issues of extradition with other states – members of the Convention.

België, 12 december 2000

The French, Flemish and German-speaking Communities and the Regions of Wallonia, Flanders and Brussels-Capital are also bound by this signature.

België, 11 augustus 2004

In accordance with article 18, paragraph 13 of the Convention, the Federal Department of Justice, head office for legislation, fundamental rights and freedoms, 115 Boulevard de Waterloo, 1000 Brussels, has been designated as the central authority.

Belize, 26 september 2003

The Government of Belize does not consider itself bound by the provisions of article 35, paragraph 2, of this Convention, which provide that any dispute between two or more States concerning the interpretation or application of this Convention that has 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.

The Government of Belize] declares that it shall take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

[The Government of Belize] further declares that the central authority designated for the purpose of article 18, paragraph 13 of the aforesaid Convention is the Attorney-General's Office and the language acceptable to Belize for the purposes of article 18, paragraph 14 is English.

Bolivia, 18 mei 2006

With respect to the definitions and characterizations set out in Articles 5, 6, 8 and 23 of the Convention, the Republic of Bolivia declares that it will first apply its national legislation in force and, secondly, the provisions of the present Convention.

The Republic of Bolivia declares that it does not consider itself bound by the provisions of paragraph 2 of Article 35, which deals with the settlement of disputes concerning this Convention.

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

2. Pursuant to Article 18, paragraph 13, of the Convention, it declares further that the Ministry of Foreign Affairs and Worship is the central authority for the receipt of requests for mutual legal assistance. The address of the Ministry is Plaza Murillo, c. Ingavi esq. c. Junín, La Paz, Bolivia. Tel: (591) (2) 2408900 - 2409114. Fax: (591) (2) 2408642. E-mail: mreuno@rree.gov.bo.

3. In addition, pursuant to Article 18, paragraph 14, of the Convention, it wishes to advise that all requests should be submitted to the central authority in writing and in the Spanish language.

Botswana, 29 augustus 2002

The Government of the Republic of Botswana hereby notified the Secretary-General of the United Nations that pursuant to:

- a) paragraph 5 (a) of Article 16, the Government of the Republic of Botswana will not take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;
- b) paragraph 13 of Article 18, the Government of the Republic of Botswana designates the Attorney General of the Republic of Botswana as the central authority that shall have the 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;
- c) paragraph 14 of Article 18, English is the acceptable language to the Government of the Republic of Botswana;
- d) paragraph 6 of Article 31, the following authorities can assist other State Parties in developing measures to prevent transnational organized crime:
 - i) The Commissioner of Police
Botswana Police Headquarter
Government Enclave
Private Bag 0012
Gaborone, Botswana
 - ii) The Attorney General of the Republic of Botswana
Attorney General's Chambers
Government Enclave
Private Bag 009
Gaborone, Botswana.

Brazilië, 15 augustus 2005

... the Brazilian government has designated its Ministry of Justice as the central authority for matters related to mutual legal assistance, in accordance with article 18, paragraph 13 of the United Nations Convention against Transnational Organized Crime (Palermo Convention).

Any requests for international legal assistance under the Palermo Convention shall be directed, in Portuguese or in English, to the following focal points:

* International legal assistance

Department of Asset Recovery and International Legal Cooperation (DRCI)

SCN-Block 1 - Building A - Office 101

Zip Code: 70711-900

Phone: 00.55.61.429.8900

Fax: 00.55.61.3281347

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

* Extradition and transference of convicted criminals

Department of Foreigners (DEEST)

Esplanade of Ministries - Ministry of Justice - Building T - Annex II

3rd Floor - Office 305

Zip Code: 70064-900

Phone: 00. 55. 61. 429 3325

Fax: 00. 55. 61. 429 9383

E-mail: deesti@mj.gov.br

Burkina Faso, 15 mei 2002

... the information below relates to the criminalization of an organized criminal group and of certain offences provided for in the Convention, the extradition regime, the central authority competent to receive and execute requests for mutual legal assistance, and the acceptable language for submitting such requests to Burkina Faso.

I. Criminalization of an organized criminal group, and certain offences covered by the Convention

In the positive law of Burkina Faso, the applicable Penal Code (Act 43/96/ADP of 13 November 1996) criminalizes an organized criminal group.

Article 222 of the Penal Code, which defines the crime of association of offenders, stipulates 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 punish that offence, set the following penalties for offenders:

- Five to 10 years of imprisonment for any person belonging to the association or agreement defined in article 222;
- Ten to 20 years of imprisonment for the leaders of such an association or agreement.

The Penal Code of Burkina Faso accordingly criminalizes the existence of an organized criminal group as a separate offence, before the commission of any act that is the subject of the agreement.

It should also be pointed out that the Penal Code allows for the extension of the prosecution of members of an organized group to persons outside the group who have participated in the commission of an offence by the group, as associates or accomplices (arts. 64 and 65 of the Penal Code). Receiving, which is defined as the knowing possession or enjoyment of proceeds of crime or of money laundered from drug trafficking by an individual, is also a crime under articles 508 to 510 and article 446 of the Penal Code.

With regard to corruption, whose criminalization has been recommended by the United Nations Convention against Transnational Organized Crime, it should be noted that the Penal Code of Burkina Faso, in articles 156 and 160, defines and imposes penalties for the commission of such an offence.

Regarding the criminal liability of legal persons, the Penal Code allows for the establishment of such liability, since article 64, paragraph 2, thereof provides 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”.

II. Extradition regime

Burkina Faso has signed agreements on mutual legal assistance, including extradition, with France (an agreement on judicial cooperation, signed at Paris on 24 April 1961) and Mali (a general convention on cooperation in judicial matters, signed at Ouagadougou on 23 November 1963).

At the multilateral level, Burkina Faso has also signed several conventions on judicial cooperation, including:

- The general convention on judicial cooperation, signed at Antananarivo on 12 September 1961 under the auspices of the former African and Malagasy Common Organization (OCAM);
- The convention on judicial cooperation among the States parties to the Accord on Non-Aggression and Mutual Assistance in Defence (ANAD), adopted at Nouakchott on 21 April 1987;
- The convention A/P.1/7/92 of the Economic Community of West African States (ECOWAS) on mutual legal assistance in criminal matters, adopted at Dakar on 29 July 1992;
- The extradition convention A/P.1/8/94 of ECOWAS, signed at Abuja on 6 August.

For countries bound to Burkina Faso by a cooperation agreement or convention, these texts are applicable in their relations.

For countries not bound to Burkina Faso by an agreement or convention on judicial cooperation, the text which applies in the case of a request for extradition is the legislative act of 10 March 1927 on the extradition of foreigners. That law was promulgated in former French West Africa (AOF) and made applicable to the former colonies by an order dated 2 April 1927 (Official Journal of French West Africa, 1927, p. 297). It remained in force in Burkina Faso after independence. Article 1 of the act provides that, “in the absence of a treaty, the conditions, procedure and modalities of extradition shall be determined by the provisions of the present law. The law shall also apply to those issues not regulated by treaties”. What is clear from the reading of this article on the extradition law of Burkina Faso is that the extradition of foreigners is not subordinated to the prior existence of a treaty, since the law in question is designed to regulate cases where no treaty exists or points on which existing treaties are silent.

In the case of a request for extradition, the same law subordinates the handing over of the foreigner who is the subject of the request to the existence of legal proceedings or a conviction for an offence under the law (art. 2).

With regard to offences for which extradition may be requested by foreign Governments, the law makes a distinction between the case of persons being prosecuted and those sentenced (art. 4). For per-

sons being prosecuted, the law allows extradition for all offences constituting crimes under the laws of the requesting State. Regarding offences punishable by custodial sentences under the laws of the requesting State, the laws of Burkina Faso require that the maximum sentence must be at least two years of imprisonment.

For sentenced offenders, the act dated 10 March 1927 requires that the sentence handed down by the court in the requesting State must equal or exceed two months of imprisonment.

From these various clarifications, it may be said that the United Nations Convention against Transnational Organized Crime alone cannot serve as the legal basis for the offences it considers extraditable. It can certainly be affirmed, however, that the domestic laws of Burkina Faso, and the agreements to which the country is signatory, easily allow for extradition and are not at variance with the Convention.

III. Central authority competent to receive and execute requests for mutual legal assistance

In Burkina Faso, the central authority competent to receive and execute requests for mutual legal assistance is the Garde des sceaux, Minister of Justice. This principle is enshrined in articles 9 and 10 of the act dated 10 March 1927 on extradition and is applicable to any form of mutual legal assistance.

– Under article 9 of that act, requests for extradition should be addressed to the Government of Burkina Faso through the diplomatic channel;

– Article 10 of the act stipulates 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”;

– Thus, the principle is that the Minister for Foreign Affairs serves as the intermediary for transmission of the request for mutual legal assistance sent through the diplomatic channel, while the Minister of Justice is the authority empowered to receive and execute the request.

It should be mentioned that agreements on judicial cooperation intended to simplify procedures between the States parties, often provide for a waiver of this 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.

IV. Language acceptable for requesting mutual legal assistance

In accordance with the provisions of article 35, paragraph 1, of the Constitution, the official language of Burkina Faso is French. For that reason, the language acceptable for official documents addressed to the Government, including requests for mutual legal assistance, is French.

Chili, 29 november 2004

The Republic of Chile, in accordance with paragraph 3 of article 5 of the United Nations Convention against Transnational Organized Crime, hereby gives notification that under the Chilean legal system involvement of an organized criminal group is required for purposes of the offences established in accordance with paragraph 1(a)(i) of article 5.

Moreover, in accordance with paragraph 6 of article 31 of the Convention, it hereby designates the Ministry of the Interior, with address at the Palacio de la Moneda, Santiago, Chile, as the national authority that can assist other States parties in developing measures to prevent transnational organized crime.

Furthermore, in accordance with paragraph 13 of article 18, it hereby designates the Ministry of Foreign Affairs as the central authority for purposes of receiving requests for mutual legal assistance, further specifying in accordance with paragraph 14 of that article that for purposes of such requests the language acceptable to Chile is Spanish.

China, 23 september 2003

The People's Republic of China makes a reservation with regard to Article 35, paragraph 2 of the Convention and is not bound by the provisions of Article 35, paragraph 2.

...2. In accordance with the Basic Law of the Macao Special Administrative Region of the People's Republic of China and after consultation with the Government of the Macao Special Administrative Region (hereinafter as MSAR), the Government of the People's Republic of China decides that the Convention shall apply to the MSAR and states for the MSAR as follows:

- (a) The identification of the offences established under paragraph 1 (a) (i) of Article 5 of the Convention requires involvement of an organized crime group in accordance with the domestic law of the MSAR;
- (b) In accordance with the provisions of Article 18, paragraph 13 of the Convention, the MSAR designates the Secretary for Administration and Justice of the MSAR as the Central Authority in the MSAR to receive the requests for legal assistance and to transmit them to the competent authorities of the MSAR for execution;
- (c) In accordance with the provisions of Article 18, paragraph 14 of the Convention, requests for legal assistance will only be accepted by the MSAR in the Chinese or Portuguese language.

China, 29 maart 2006

In accordance with the provisions of paragraph 13 of Article 18 of the United Nations Convention against Transnational Organized Crime, the Ministry of Justice and the Ministry of Public Security of the People's Republic of China are designated as the central authorities that have the responsibility and power to receive requests for legal assistance. The address of the Ministry of Justice is: 10 Chaoyangmen Nandajie, Chaoyang District, Beijing, China, 100020; and the address of the Ministry of

Public Security is: 14 Dong Chang'anjie, Dongcheng District, Beijing, China, 100741.

In accordance with the provisions of paragraph 14 of Article 18 of the Convention, Chinese is the only language acceptable to the People's Republic of China for the written requests for legal assistance.

China, 27 september 2006

In accordance with the provisions of paragraph 13 of Article 18 of the Convention and for the application of the Convention to the HKSAR, the HKSAR designates the Secretary for Justice of the Department of Justice of the HKSAR as the Central Authority. (Address: 47/F High Block, Queensway Government Offices, 66 Queensway, Hong Kong). In accordance with the provisions of paragraph 14 of Article 18 of the Convention, Chinese or English is the only language acceptable to the HKSAR for the written requests for legal assistance.

China, 3 juni 2008

1. Regarding paragraph 3 of Article 5 of the United Nations Convention against Transnational Organized Crime, pursuant to the criminal law of China, a person commits a crime if he/she participates in terrorist group(s) or in organization(s) in the nature of criminal syndicate. Constitution of such crime doesn't require that he/she commits a specific criminal activity. With regard to participation in other organized crime, the specific activity committed by the participant shall be considered as constitutive element of crime concerned.

2. Regarding the question in paragraph 5 of Article 16 of the Convention that whether States Parties make extradition conditional on the existence of extradition treaty and take this Convention as the legal basis for cooperation on extradition, China may carry out cooperation on extradition with other State on the basis of reciprocity and doesn't make extradition conditional on the existence of extradition treaty. Furthermore, the Convention could be the legal basis for China to cooperate with other States Parties on extradition.

3. Regarding paragraph 6 of Article 31 of the Convention, China has not yet specifically designated the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

Colombia, 4 augustus 2004

In accordance with article 35, paragraph 3, of the Convention, Colombia declares that it does not consider itself bound by paragraph 2 of that article.

Furthermore, in accordance with article 18, paragraph 13, Colombia gives notice 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, shall 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.

Address: Diagonal 22B No. 52-01 Ciudad Salitre

Switchboard: 5702000-41449000

Electronic mail: contacto@fiscalia.gov.co

Bogotá D.C., Colombia

(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.

Address: Avenida Jiménez No. 8-89

Switchboard: 5960500

Electronic mail: admin_web@mininteriorjusticia.gov.co

Bogotá D.C., Colombia

Finally, in accordance with article 18, paragraph 14, of the Convention, notice is given that Spanish is the language acceptable to Colombia for requests for legal assistance.

Cookeilanden, 4 maart 2004

In accordance with the provisions of article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Cook Islands declares that the Attorney General of the Cook Islands is designated by the Government of the Cook Islands as the Central Authority that shall have the responsibility and power to receive requests for mutual legal assistance.

And pursuant to article 18, paragraph 14, of the United Nations Convention against Transnational Organized Crime, that the English language is designated by the Government of the Cook Islands as the acceptable language in which to make requests for mutual legal assistance.

Cuba, 9 februari 2007

Pursuant to article 5, paragraph 3, of the Convention, the Republic of Cuba reports that its domestic law provides that involvement of an organized criminal group in the offences established in accordance with paragraph 1 (a) (i) of this article is an aggravating factor in such conduct.

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

With respect to article 18, paragraph 13, the central authority with the responsibility to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution is the Ministry of Justice of the Republic of Cuba.

Furthermore, requests for legal assistance must be submitted to the central authority in Spanish pursuant to article 18, paragraph 14.

With respect to the provisions of article 35, paragraph 3, the Republic of Cuba declares that it does not consider itself bound by paragraph 2 of this article, concerning the settlement of disputes between two or more States parties.

Denemarken, 30 september 2003

With a territorial exclusion in respect of the Faroe Islands and Greenland. In accordance with Article 18 (13) of the Convention Denmark declares that the central authority in Denmark competent to receive requests for mutual legal assistance is the Ministry of Justice. The address is: Justitsministeriet, Det Internationale Kontor, Slotsholmsgade 10, DK-1216 Copenhagen K, tel. +45 33 92 33 40, fax +45 33 93 35 10, email: jm@jm.dk.

In accordance with Article 18 (14) of the Convention Denmark declares that it will accept requests in the following languages: Danish, Swedish Norwegian, English, French and German.

Duitsland, 14 juni 2006

With reference to Article 5, paragraph 3:

German domestic law requires the involvement of an organized criminal group for the purposes of the offences established in accordance with Article 5, paragraph 1 (a) (i).

Pursuant to the obligation under Article 18, paragraph 13:

Germany designates the
Bundesministerium der Justiz
[Federal Ministry of Justice]
Adenauerallee 99-103

D-53113 Bonn

Tel.: + 49 (0) 228 580

Fax: + 49 (0) 228 58 83 25

as the central authority authorized to receive requests for mutual legal assistance.

Pursuant to the obligation under Article 18, paragraph 14:

Requests for mutual legal assistance submitted to Germany must be written in the German language or be accompanied by a translation into German.

Pursuant to the obligation under Article 31, paragraph 6:

Germany designates the
Bundeskriminalamt
[Federal Criminal Police Office]

65173 Wiesbaden

Tel.: + 49 (0) 611-55-0

Fax: + 49 (0) 611-55-12141

E-Mail: info@bka.de

as the authority responsible under Article 31, paragraph 6 of the Convention.

Ecuador, 17 september 2002

For the purposes of the United Nations Convention against Transnational Organized Crime, the Government of Ecuador designates the Office of the Public Prosecutor as the central Ecuadorian authority [in accordance with article 18, paragraph 13].

Reservation:

With regard to article 10 of the United Nations Convention against Transnational Organized Crime, the Government of Ecuador points out that the concept of criminal liability of legal persons is not at the moment embodied in Ecuadorian legislation. When legislation progresses in this area, this reservation will be withdrawn.

Exercising the powers referred to in article 35, paragraph 3, of the Convention, the Government of Ecuador makes a reservation with regard to article 35, paragraph 2, relating to the settlement of disputes.

Egypte, 13 december 2000

The Arab Republic of Egypt declares that it does not consider itself bound by article 35, paragraph 2, thereof.

El Salvador, 18 maart 2004

The Government of the Republic of El Salvador recognizes the extradition of nationals on the basis of article 28, second and third subparagraphs, of the Constitution of the Republic, which states as follows: "Extradition shall be governed by international treaties and, where Salvadorans are involved, shall be in order only where a treaty expressly so stipulates and has been approved by the legislative bodies of the signatory countries. In any event, its stipulations shall embody the principle of reciprocity and shall grant to all Salvadorans all of the penal and procedural guarantees that are set forth in this Constitution." "Extradition shall be in order only where the offence has been committed within the territorial jurisdiction of the requesting country, except where offences of international reach are involved. Under no circumstances may extradition be stipulated for political offences, even where common crimes are the result of such offences," advising further that the said Convention shall not be considered to be the legal basis of cooperation on extradition in its relations with other States parties thereto, and that it shall nonetheless endeavour, where necessary, to conclude extradition treaties with other States parties to the Convention.

With regard to article 18, paragraphs 13 and 14, the Government of the Republic of El Salvador states that the designated central authority is the Ministry of the Interior. Communications shall be transmitted through the diplomatic channel, and the acceptable language is Spanish.

With regard to article 35, paragraph 3, of the said Convention, the Government of the Republic of El Salvador does not consider itself bound

by paragraph 2 of the said article because it does not recognize the compulsory jurisdiction of the International Court of Justice.

Estland, 10 february 2003

... the Riigikogu of the Republic of Estonia, while ratifying the Convention, made the following declarations:

- 1) pursuant to Article 5 paragraph 3 of the Convention the Republic of Estonia declares that under its legislation it considers the act provided in paragraph 1(a)(i) of Article 5 as a crime;
- 2) pursuant to Article 16 paragraph 5 of the Convention the Republic of Estonia declares that it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;
- 3) pursuant to Article 18 paragraph 13 of the Convention the Republic of Estonia designates the Ministry of Justice as a central authority to receive the requests for mutual legal assistance;
- 4) pursuant to Article 18 paragraph 14 of the Convention the Republic of Estonia declares that the acceptable languages are Estonian and English.

Ethiopië, 23 juli 2007

Ethiopia is not bound by the obligation under article 35, paragraph 2 of the Convention.

EU (Europese Unie), 21 mei 2004

Article 36 (3) of the United Nations Convention against transnational organised crime provides that the instrument of ratification, acceptance or approval of a regional economic integration organisation shall contain a declaration on the extent of its competence.

- 1) The Community points out that it has competence with regard to progressively establishing the internal market, comprising an area without internal frontiers in which the free movement of goods and services is ensured in accordance with the provisions of the Treaty establishing the European Community. For this purpose, the Community has adopted measures to combat money laundering. They do, however, at present not include measures concerning cooperation between Financial Intelligence Units, detection and monitoring the movement of cash across the borders between the Member States or cooperation among judicial and law enforcement authorities. The Community also has adopted measures to ensure transparency and the equal access of all candidates for the public contracts and services markets which contributes to preventing corruption. Where the Community has adopted measures, it is for the Community alone to enter into external undertakings with third States or competent international organisations which affect those measures or alter their scope. This competence relates to Articles 7, 9 and 31 (2)(c) of the Convention. Moreover, Community policy in the sphere of development cooperation complements policies pursued by Member States and includes provisions to combat corruption. This competency relates

to Article 30 of the Convention. Moreover, the Community considers itself bound by other provisions of the Convention to the extent that they are related to the application of Articles 7, 9, 30 and 31 (2)(c). in particular the articles concerning its purpose and definitions and its final provisions.

The scope and the exercise of Community competence are, by their nature, subject to continuous development and the Community will complete or amend this declaration, if necessary, in accordance with Article 36 of the Convention.

2) The United Nations Convention against transnational organised crime shall apply, with regard to the competence of the Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof.

Pursuant to Article 299, this declaration is not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Convention by the Member States concerned on behalf of and in the interests of those territories.

With respect to Article 35, paragraph 2, the Community points out that, according to Article 34, paragraph 1, of the Statute of the International Court of Justice, only States may be parties before that Court. Therefore, under Article 35, paragraph 2, of the Convention, in disputes involving the community only dispute settlement by way of arbitration will be available.

Finland, 10 februari 2004

Pursuant to Article 18 (13), the Republic of Finland declares that the Ministry of Justice is the central authority competent to receive, execute or transmit requests for mutual legal assistance.

Pursuant to Article 18 (14), the Republic of Finland declares that Finland accepts documents which are in Finnish, Swedish, Danish, English, French or German languages.

Guatemala, 2 juli 2007

The Government of the Republic of Guatemala, in accordance with the provisions of article 18 (13) of the said Convention, designates the judiciary and the Public Prosecutor's Office as the central authorities for the receipt of requests for mutual legal assistance, with the power either to execute them or to transmit them to the competent authorities for execution.

Ierland, 17 juni 2010

... Ireland [notifies], in accordance with article 18 (13) of the Convention, that the Central Authority competent and with the responsibility and power to receive requests for mutual legal assistance on behalf of Ireland shall be:

The Minister of Justice and Law Reform
 Central Authority for Mutual Assistance
 Department of Justice and Law Reform
 51 St Stephans Green
 Dublin 2
 Ireland
 Email: mutual@justice.ie.

... Ireland [notifies], in accordance with Article 18 (14) of the Convention, that Ireland will accept requests for mutual legal assistance in either of the following two languages:

English
 Irish.

IJsland, 13 mei 2010

In accordance with Article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime of 15 November 2000, Iceland hereby designates the Ministry of Justice and Human Rights as the central authority which shall have the 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. Iceland further declares, in accordance with Article 18, paragraph 14, that requests shall be made in Icelandic or English.

Indonesië, 20 april 2009

... the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 35 (2) and takes the position that dispute[s] relating to the interpretation and application of the Convention which have not been settled through the channel provided for in Paragraph (1) of the said Article, may be referred to the International Court of Justice only with the [consent] of all Parties to the dispute.

Irak, 24 mei 2010

... in order to carry out [the] Republic of Iraq commitments under the Convention, the relevant Iraqi authorities have designated the Ministry of the Interior of Iraq as the central authority with responsibility and power to receive requests for mutual legal assistance and to take action in accordance with articles 16 and 17 of the Convention and Article 8 of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Israël, 27 december 2006

Declaration Regarding Article 18(13)

The Minister of Justice is the competent authority under Israeli law to receive requests for legal assistance, an authority which is permitted to delegate. Pursuant to such designation, requests for mutual assistance in criminal cases should be addressed to the Israel Directorate of Courts in the Ministry of Justice, 22 Kanfei Nesharim St. Jerusalem, 95464, cop-

ied to the Diplomatic and Civil Law Department in the Ministry of Foreign Affairs, 9 Rabin Ave., Jerusalem.

Declaration Regarding Article 18(14)

Requests for legal assistance must be submitted either in Hebrew or in English.

Declaration Regarding Article 31 (6)

The authority qualified to assist other countries Parties to the Convention in developing means for the prevention of Transnational Organized Crime is the Special Operations Division of the Israeli Police.

Declaration Regarding Article 35(2)

In accordance with Article 35 paragraph 3 of the Convention the State of Israel declares that it does not consider itself bound by Article 35 paragraph 2, which stipulates that all disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice.

Jemen, 8 februari 2010

Reservation:

[The Government of the Republic of Yemen declares that they] ... fully approve and ratify the above-mentioned Convention and are bound by all its provisions, with the exception of article 35, paragraph 2.

Notifications:

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

2. In accordance with article 18, paragraphs 13 and 14, the Republic of Yemen stipulates as follows:

- (a) Requests for mutual legal assistance or any communications related thereto shall be submitted through the diplomatic channels, which will transmit them to the relevant central authorities.
- (b) Requests for mutual legal assistance shall be submitted in writing, in the Arabic language.

Jordanië, 26 november 2002

The Hashemite Kingdom of Jordan declares its intention not to be bound by the provisions of article 35, Paragraph (2) of the United Nations Convention against Transnational Organized Crime.

Kiribati, 15 september 2005

... pursuant to article 18 (13) of the Convention that the Attorney-General of Kiribati is designated by the Republic of Kiribati as the Central Authority who shall have the responsibility and power to receive requests for mutual legal assistance; and

... pursuant to Article 18 (14) of the Convention that English is designated by the Republic of Kiribati as the acceptable language in which to make requests for mutual legal assistance.

Laos, 26 september 2003

1. In accordance with paragraph 5(a), Article 16 of the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention.
2. In accordance with paragraph 13, Article 18, the Government of the Lao People's Democratic Republic designates the Ministry of Public Security as central authority and the Ministry of Foreign Affairs as alternate central authority that have the 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.
3. In accordance with paragraph 14, Article 18, in addition to the Lao language, English is acceptable to the Government of the Lao People's Democratic Republic.
4. In accordance with paragraph 3, Article 35 of the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 35 of the present Convention. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Convention to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary.

Lesotho, 24 september 2003

1. The legal system pertaining in the Kingdom of Lesotho requires involvement of an organized criminal groups for purposes of the offences established in accordance with article 5 (1) (a) (i), and further requires an act in furtherance of an agreement for purposes of the offences established in accordance with article 5 (1) (a) (i) of the Convention.
2. In response to article 16 (5) of the Convention, in Lesotho, extradition is conditional on the existence of a treaty.
3. In response to article 18 (13) of the Convention, in Lesotho the office of the Attorney-General shall be the designated central authority with the responsibility and power to receive requests for mutual legal assistance.
4. In response to article 18 (14) of the Convention, the English language is acceptable for purposes of requests for mutual legal assistance.

Letland, 7 december 2001

In accordance with paragraph 3 of Article 5 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that its domestic law requires an act in furtherance of the agreement for pur-

poses of the offences established in accordance with paragraph 1 (a) (i) of Article 5.

In accordance with paragraph 5 of Article 16 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that it takes the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

In accordance with paragraph 13 of Article 18 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that the designated authorities are:

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

2) Ministry of Justice – during a trial.
Brivibas blvd. 36, Riga, LV- 1536, Latvia
Phone: +371 703 6801, 703 6716
Fax: +371 721 0823, 728 5575
E-mail: tm.kanceleja@tm.gov.lv

In accordance with paragraph 14 of Article 18 of the United Nations Convention against Transnational Organized Crime, adopted at New York on the 15th day of November 2000, the Republic of Latvia declares that the acceptable language is English or Latvian.

Litouwen, 9 mei 2002

... according to paragraph 6 of Article 13 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall consider the Convention the necessary and sufficient treaty basis for the taking of the measures referred to in paragraphs 1 and 2 of Article 13 of this Convention;

... pursuant to paragraph 5 (a) of Article 16 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall consider this Convention a legal basis for cooperation on extradition with other States Parties to the Convention; however, the Republic of Lithuania in no case shall consider the Convention a legal basis for the extradition of Lithuanian nationals, as it is stipulated in the Constitution of the Republic of Lithuania.

... pursuant to paragraph 13 of Article 18 of the Convention, the Seimas of the Republic of Lithuania declares that the Ministry of Justice of the Republic of Lithuania and the Prosecutor General's Office under the Supreme Court of the Republic of Lithuania shall be designated as central authorities to receive requests for mutual legal assistance;

... pursuant to paragraph 14 of Article 18 of the Convention, the Seimas of the Republic of Lithuania declares that requests for legal assistance and documents pertaining thereto, which shall be submitted to the

Republic of Lithuania, should be accompanied by respective translations into English, Russian or Lithuanian, in case the aforementioned documents are not in one of these languages;

... pursuant to paragraph 3 of Article 35 of the Convention, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania shall not consider itself bound by the provisions of paragraph 2 of Article 35, stipulating that any disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice.

Luxemburg, 12 mei 2008

– Notification concerning article 5, paragraph 3:

Luxembourg's domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with article 5, paragraph 1 (a) (i).

– Notification concerning article 18, paragraph 13:

The following authority has been designated as the central authority that shall have the responsibility and power to receive requests for mutual legal assistance addressed to the Grand Duchy of Luxembourg:

Office of the Public Prosecutor

Boîte Postale 15

L-2010 Luxembourg

Tel.: (352) 47 59 81-336

Fax: (352) 47 05 50

– Notification concerning article 18, paragraph 14:

Requests for mutual legal assistance and related documents addressed to the Grand Duchy of Luxembourg must be accompanied by a translation into either French, German or English.

Macedonië, Voormalige Joegoslavische Republiek, 12 januari 2005

1. The acts determined in Article 5, paragraph 1 (a) (i), of the United Nations Convention against Transnational Organized Crime, represent, according to the Criminal Code of the Republic of Macedonia, a criminal offense in Article 393 conspiracy to commit a crime. According to Article 5, paragraph 3, of the Convention, the Criminal Code of the Republic of Macedonia does not require an act of furtherance of the agreement for the purposes of the offenses established in accordance with Article 5, paragraph 1 (a) (i).

2. In accordance with Article 18, paragraph 13, of the Convention, the Republic of Macedonia states that the central authority for receiving requests for mutual legal assistance shall be the Ministry of Justice of the Republic of Macedonia.

3. In accordance with Article 18, paragraph 14, of the Convention, the Republic of Macedonia states that requests for mutual legal assistance and the documents enclosed that shall be made to the Republic of Macedonia, should be accompanied by translation in Macedonian and English.

4. In accordance with Article 16, paragraph 5, of the Convention, the Republic of Macedonia states that it takes this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention.

5. In accordance with Article 35, paragraph 3, of the Convention, the Republic of Macedonia states that it does not consider itself bound by Article 35, paragraph 2, which stipulates that all disputes concerning the interpretation or application of the Convention shall be referred to the International Court of Justice.

Malawi, 17 maart 2005

The Government of the Republic of Malawi is currently in the process of reviewing its domestic legislation with the aim of incorporating obligations assumed on, ratification of this convention, specifically, offences stipulated in consonant with Article 5 (1) and (2).

The Government also undertakes to notify, the Secretary-General of the United Nations once the enabling legislation has been prepared and passed perforce Article 5 (3).

Further, the Government regards this convention as the legal basis for matters relating to extradition, on the basis of reciprocity with those States Parties which likewise have accepted the same.

Further informs consistent with Article 18 (13) that the Competent Authority for the administration of this convention is the Ministry responsible for Home Affairs and Internal Security whose address is given below;

The Principal Secretary
Ministry of Home Affairs and Internal Security
P/Bag 331
Capital Hill,
Lilongwe 3. Malawi.

The Preferred language for Official Communications perforce Article 18 (14) is English language.

Maleisië, 24 september 2004

(a) Pursuant to Article 35, paragraph 3 of the Convention, the Government of Malaysia declares that it does not consider itself bound by Article 35, paragraph 2 of the Convention, and

(b) the Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 35, paragraph 2 of the Convention or any other procedure for arbitration.

1. Pursuant to Article 16, paragraph 5 (a) of the Convention, the Government of Malaysia declares that it does not take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention. The Government of Malaysia declares that it will render cooperation on extradition on the legal basis provided under the Extradition Act 1992 of Malaysia.

2. Pursuant to Article 18, paragraph 13 of the Convention, the Government of Malaysia designates the Attorney General of Malaysia as the central authority.
3. In accordance with Article 18, paragraph 14 of the Convention, the Government of Malaysia declares 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.
4. Pursuant to Article 31, paragraph 6 of the Convention, the Government of Malaysia notifies that the authorities that can assist other States Parties in developing measures to prevent transnational organized crime are –
 - 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;
 - h) National Drugs Agency.

Malta, 11 december 2003

... the Government of Malta wishes to enter the following declarations:

Article 16, paragraph 5 (a)

Pursuant to Article 16, paragraph 5 of the Convention, Malta declares that it will take the United Nations Convention against Transnational Organized Crime as the legal basis for co-operation on extradition with other States Parties to the Convention.

Article 18, paragraph 13

Pursuant to Article 18, paragraph 13 of the Convention Malta designates the Attorney General of Malta as the central authority to receive requests for mutual assistance.

Article 18, paragraph 14

Pursuant to Article 18, paragraph 14 of the Convention, Malta declares that the acceptable languages are Maltese and English.

Mauritius, 21 april 2003

The Government of the Republic of Mauritius shall take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

and further declares that the central authority designated for the purpose of article [18], paragraph 13 of the aforesaid Convention is the Attorney-General's Office and the languages acceptable to the Republic of Mauritius for the purposes of article [18], paragraph 14 are English and French.

Mexico, 4 maart 2003

Article 5 (3) – The United Mexican States wishes to state that in criminalizing the offences defined in accordance with article 5, paragraph 1 (a) (i), the domestic law of the Mexican State covers 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 involves 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 is relevant to the crimes to which the said article refers. The offence of criminal association, provided for in article 164 of the Federal Criminal Code, is applicable insofar as it is relevant to the other serious crimes to which the Convention refers.

Article 16, paragraph 5 (a) – The Mexican State shall consider the Convention as the legal basis of cooperation in extradition matters in respect of those States parties with which it has not concluded treaties in the matter.

Article 18, paragraph 13 – The Office of the Attorney-General of the Republic is designated as the central authority in matters of mutual legal assistance.

Article 18, paragraph 14 – Requests for judicial assistance shall be submitted in the Spanish language. Requests may also be submitted in the language of the requesting State, provided that they are accompanied by a translation into Spanish.

Micronesia, 24 mei 2004

... with a reservation that the FSM Government shall not consider itself bound by article 35, paragraph 2, of the Convention; ...

Moldavië, 16 september 2005

In accordance with paragraph 3 of Article 35 of the Convention, the Republic of Moldova does not consider itself bound by paragraph 2 of article 35 of the Convention.

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention will be applied only on the territory controlled by the authorities of the Republic of Moldova.

In accordance with paragraph 5 (a) of Article 16 of the Convention, the Republic of Moldova consider the Convention as legal basis for cooperation with other States Parties on extradition. The Republic of Moldova does not consider the Convention as legal basis for extradition of its own citizens and persons who have been granted political asylum in the country, according to national legislation.

In accordance with paragraph 13 of Article 18 of the Convention, the Republic of Moldova designate the following central authorities responsible for receiving requests of legal assistance:

a) General Prosecutor's Office – during pre-trial investigation;

b) Ministry of Justice – during the trial or execution of punishment. In accordance with paragraph 14 of Article 18 of the Convention, the acceptable languages for the requests of legal assistance and for appended documents are: Moldovan, English or Russian.

Monaco, 18 oktober 2006

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

In accordance with article 18, paragraph 13, the Principality of Monaco declares that it designates the Director of Judicial Services as the authority with the responsibility and power for executing or transmitting requests for mutual legal assistance to the competent authorities.

In accordance with article 18, paragraph 14, the Principality of Monaco declares that the acceptable language is French.

In accordance with article 31, paragraph 6, the Principality of Monaco declares that the Director of Judicial Services is the authority that can assist other States Parties.

Mozambique, 20 september 2006

Pursuant to:

(a) paragraph 13 of Article 18, the Government of the Republic of Mozambique designates the Minister of Justice as the central authority that shall have the responsibility and power to receive requests for mutual legal assistance to transmit them to the competent authorities for execution.

(b) paragraph 14 of Article 18, Portuguese or English are the acceptable languages to the Government of the Republic of Mozambique.

Myanmar, 30 maart 2004

The Government of the Union of Myanmar wishes to express reservations on Article 16 relating to extradition and does not consider itself bound by the same.

The Government further wishes to make a reservation on Article 35 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Convention to the International Court of Justice.

Nederlanden, het Koninkrijk der, 26 mei 2004

With reference to Article 16, paragraph 5, under a), of the Convention against Transnational Organized Crime, done at New York on 15 November 2000, the Kingdom of the Netherlands declares that it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention.

Nederlanden, het Koninkrijk der, 18 januari 2007

The central authority of the Kingdom of the Netherlands, for the Kingdom in Europe is:

Ministry of Justice

Department of International Legal Assistance in Criminal Matters

P.O. Box 20301

2500, EH The Hague

The Netherlands

In accordance with article 18, paragraph 13, of the Convention the central authority of Aruba is:

The Procurator-General of Aruba

Havenstraat 2,

Oranjestad

Aruba

Tel: (297) 582 1415

Fax: (297) 583 8891

om.aruba@setarnet.aw

Nederlanden, het Koninkrijk der, 9 september 2010

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

In accordance with Article 18, paragraph 13, of the Convention the central authority of the Netherlands Antilles is:

The Procurator-General of the Netherlands Antilles

Wilhelminaplein 4,

Willemstad

Curaçao

Netherlands Antilles

Phone: + 599-9-463-4111

Fax: + 599-9-461-3786

E-mail: parker.pg@caribjustitia.org

Nicaragua, 14 december 2000

The State of the Republic of Nicaragua declares that such measures as may be necessary to harmonize the Convention with its domestic law, will be the outcome of the processes of revision of criminal legislation which the State of the Republic of Nicaragua is currently pursuing or which it may pursue in the future. Moreover, the State of the Republic of Nicaragua reserves the right, at the moment of depositing its instrument of ratification of the present Convention, to invoke, in accordance with the general principles of international law, article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969.

Nicaragua, 10 februari 2005

... in accordance with article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Republic of Nicaragua has designated the Office of the Attorney-General of the Republic as the central authority with the 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.

Nieuw-Zeeland, 19 juli 2002

... declares pursuant to Article 18 (13) of the Convention that the Attorney General of New Zealand is designated by the Government of New Zealand as the Central Authority that shall have the responsibility and power to receive requests for mutual legal assistance; and declares pursuant to Article 18 (14) of the Convention that English is designated by the Government of New Zealand as the acceptable language in which to make requests for mutual legal assistance.

... 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, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depository on the basis of appropriate consultation with that territory ...

Noorwegen, 23 september 2003

Article 5 of the Palermo Convention has been implemented in Norwegian law through Section 162 c of the Penal Code, which reads as follows:

“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. 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 (3) of the Palermo Convention, States Parties are to inform the Secretary-General when the national legislation implementing Article 5 requires 1) “involvement of an organized criminal group” or 2) that “an act in furtherance of the agreement” has taken place.

1. Section 162 c of the Norwegian Penal Code requires that the “agreement” has some link with the criminal activity of an organized criminal

group. The provision only applies to an agreement concerning acts that are 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. This is 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 means that Section 162 c requires the “involvement of an organized criminal group”.

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

Communications concerning mutual assistance in criminal matters are to be addressed to the Department of Civil Affairs, Ministry of Justice, as the competent authority in Norway.

Communications concerning legal aid may be made in the Norwegian, Swedish, Danish and English languages.

The Norwegian agency responsible for receiving requests from other States Parties for assistance in developing measures to prevent transnational crime is the Police Department, Ministry of Justice.

Oekraïne, 21 mei 2004

to the paragraph 6 of Article 13:

The Convention shall be applied only subject to the observation of the constitutional principles and fundamental basis of the legal system of Ukraine;

to the paragraph b of Article 2:

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 five years and not exceeding ten years (paragraph 4 of Article 12 of the Criminal Code of Ukraine), and especially grave crime means crime for which the law provides such type of punishment as imprisonment for more than ten years or life imprisonment (paragraph 5 of Article 12 of the Criminal Code of Ukraine);

to the paragraph 5 (a) of Article 16:

Ukraine declares that the Convention constitutes the legal ground for cooperation in the matters of extradition if a request for extradition is received from the State Party to the Convention with which there is no treaty on extradition;

to the paragraph 13 of Article 18:

Central authorities in Ukraine, designated in accordance with the paragraph 13 of Article 18, are the Ministry of Justice of Ukraine (with respect to judicial decisions) and the Office of the Prosecutor-General of Ukraine (with respect to legal proceedings during the investigation of criminal cases);

to the paragraph 14 of Article 18:

Requests for legal assistance and documents attached therein will be sent to Ukraine together with their authenticated translation in Ukrainian, Russian, English or French, if they have not been drawn up in one of these languages.

to the paragraph 3 of Article 26:

Provisions of paragraph 3 shall not be applied to the organizer or leader of criminal group in respect of granting immunity from criminal prosecution. In accordance with the legislation of Ukraine (paragraph two of Article 255 of the Criminal Code of Ukraine) the above persons bear criminal responsibility notwithstanding the grounds provided for in the Article 26 of the Convention.

Oezbekistan, 9 december 2003

Reservation:

The Republic of Uzbekistan does not consider itself bound by the provisions of paragraph 2 of article 35 of this Convention.

Declaration:

Communication 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.

Communication 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 5 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.

Communication concerning article 2, paragraph (c), 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.

Communication concerning article 5, paragraph 3, of the Convention
The Republic of Uzbekistan communicates hereby that, under the Criminal Code of the Republic of Uzbekistan, offences committed by organized groups or for their benefit are categorized as grave or especially grave offences, depending on their defining elements and on the form of punishment for the separate types of offence.

Communication 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.

Communication concerning article 10 of the Convention

The legislation of the Republic of Uzbekistan does not provide for criminal or administrative liability in respect of legal persons.

Communication concerning article 16, paragraph 5, of the Convention
The Republic of Uzbekistan regards this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention. However, this provision shall not preclude the Republic of Uzbekistan from concluding bilateral treaties on extradition with individual States Parties to this Convention.

Notification concerning article 18, paragraphs 13 and 14, of the Convention

Concerning paragraph 13

The Republic of Uzbekistan has designated the Office of the Procurator General of the Republic of Uzbekistan 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.

Concerning paragraph 14

The Republic of Uzbekistan designates the Russian language as the language acceptable to it.

The Government of the Islamic Republic of Pakistan does not consider itself bound by paragraph 2 of article 35 of the Convention.

Article 16

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

Article 18

Pursuant to article 18 paragraph 13, the Government of the Islamic Republic of Pakistan designates the Ministry of Interior as a central authority to receive all requests for mutual legal assistance from other States Parties under the Convention. All such requests shall be in English or shall be accompanied by an official translation in English.

Article 31

In accordance with paragraph 6 of article 31, the Government of the Islamic Republic of Pakistan nominates the following authority which can assist other States Parties in preventing transnational organized crime:

Ministry of Interior

Address:

R-Block, Pak Secretariat Islamabad

Telephone: + 92-51-9210086

Fax: + 92-51-9201400

Website: www.interior.gov.pk

Email: info@interior.gov.pk

Panama, 18 augustus 2004

The Government of the Republic of Panama hereby declares 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 are not offences under the criminal legislation of the Republic of Panama.

Panama, 13 december 2004

... I have the honour to inform you that requests to the Republic of Panama for legal assistance pursuant to article 18, paragraph 13, of the Convention must be made through the diplomatic channel.

1. In accordance with article 5 (3) of the aforementioned Convention, the domestic law of the Republic of Panama does not require the involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of the aforementioned article. Similarly, the domestic law of the Republic of Panama requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of the aforementioned article.

2. In accordance with article 16 (5) (a), the Republic of Panama will take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

3. In accordance with article 18 (14), the acceptable languages for requests for judicial assistance addressed to the Republic of Panama are Spanish and English.

4. In accordance with article 31 (6), the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime are:

National Police

Address: Corregimiento de Ancón

Telephone: (507) 227-1801, (507) 232-5756,

(507) 232-5898 Fax: (507) 5757

Criminal Investigation Department

Address: Edificio Ancón, Avenida Frangipani, frente al Mercado de Abasto

Telephone: (507) 212-2223

Fax: (507) 212-2400

Public Security and National Defence Council

Address: San Felipe, frente a la Presidencia de la República

Telephone: (507) 227-9871

Fax: (507) 225-1355

Panama, 23 februari 2007

The Government of the Republic of Panama, in accordance with the provisions of article 18 (13) of the said Convention, designates the State Attorney General as the central authority having the 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.

Paraguay, 22 september 2004

Article 16, paragraph 5 (a):

..., in accordance with article 16, paragraph 5 (a) of the Convention, I hereby inform you that the Republic of Paraguay will take the aforementioned Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.

Article 18, paragraph 13:

..., in accordance with article 18, paragraph 13, of the Convention, I hereby notify you that the Republic of Paraguay has designated the following institution as its central authority:

Central authority: Office of the Public Prosecutor

Department responsible: Department of International Affairs and External Legal Assistance

Director: Juan Emilio Oviedo Cabañas, lawyer

Address: Nuestra Señora de la Asunción 737 entre Víctor Haedo y Humaitá

Telephone: 595-21-4155000 extensions 162 and 157; 595-21-4155100;
595-21-454603
e-mail: jeoviedo@ministeriublico.gov.py

Polen, 12 november 2001

Pursuant to article 18, paragraph 13 the Republic of Poland declares that the Ministry of Justice is designated as the central authority competent to receive requests for mutual legal assistance.

The Republic of Poland declares that Polish and English shall be the languages acceptable pursuant to article 18, paragraph 14.

Polen, 26 juni 2009

With reference to Article 31 paragraph 6 of the United Nations Convention against Transnational Organized Crime, the Republic of Poland hereby declares that the authority that may assist other States Parties in developing measures to prevent transnational organized crime is:

National Prosecutor's Office; Bureau for Organized Crime

Address: ul. Barska 28/30

02-315 Warsaw, Poland

Tel.: 00 48 22 31 89 700

Fax: 00 48 22 31 89 701.

Qatar, 10 maart 2008

... with a reservation regarding paragraph 2 of Article (35) concerning the submission of dispute to International Arbitration or to the International Court of Justice.

Roemenië, 4 december 2002

1. In accordance with Article 16 paragraph 5 (a) of the Convention, Romania considers this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

2. In accordance with Article 18 paragraph 13 of the Convention, the Romanian central authorities designated to receive the requests for mutual legal assistance are:

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

b) The Ministry of Justice, for the requests for mutual legal assistance formulated during the trial or execution of punishment, as well as for the requests of extradition (Str. Apollodor nr.17, sector 5 Bucuresti, tel. 3141514/fax. 310 16 62);

3. In accordance with Article 18 paragraph 14 of the Convention, the requests for mutual legal assistance and the enclosed documents submitted to the Romanian authorities shall be accompanied by translations in the Romanian language or in the French or English languages.

Russische Federatie, 26 mei 2004

The Russian Federation, in accordance with article 13, paragraph 6 of the Convention declares that, on the basis of reciprocity, it will consider the Convention the necessary and sufficient treaty basis for the taking of the measures referred to in article 13, paragraphs 1 and 2 of the Convention;

The Russian Federation 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;

The Russian Federation considers 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, declares that, on the basis of reciprocity, it will apply article 18, paragraphs 9 to 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 will facilitate cooperation;

The Russian Federation declares that, in accordance with article 27, paragraph 2 of the Convention, it will 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 does not include the conduct of investigatory or other procedural actions in the territory of the Russian Federation.

The Russian Federation, in accordance with article 16, paragraph 5 (a) of the Convention, declares that, on the basis of reciprocity, it will take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention;

The Russian Federation, on the basis of the last sentence of article 18, paragraph 13 of the Convention declares that, on the basis of reciprocity, and in urgent circumstances, it will receive requests for mutual legal assistance and communications through the International Criminal Police Organization, on condition that documents containing such requests or communications are transmitted without delay under the established procedure;

The Russian Federation, in accordance with article 18, paragraph 14 of the Convention, declares 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 has otherwise been reached between the central authority of the Russian Federation and the central authority of the other State Party to the Convention.

Russische Federatie, 7 december 2004

... the central authorities of the Russian Federation with responsibility for ensuring the implementation of the provisions of the Convention relating to mutual legal assistance are: 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).

Saudi-Arabië, 18 januari 2005

1.The Kingdom of Saudi Arabia is one of the countries whose domestic laws stipulate that an act is to be undertaken in furtherance of the agreement, in order for the act to be criminalized as stated in paragraph 1/a/i of article 5 of the Convention.

2.The Kingdom of Saudi Arabia does not consider itself obligated by paragraph 2 of article 35 of the Convention.

Servië, 20 april 2009

The Permanent Mission of the Republic of Serbia ... has the honour to notify of the Serbian competent authorities for the implementation of the Articles 16 (Extradition), 17 (Transfer of Sentenced Persons) and 18 (Mutual Legal Assistance) of the Convention.

The requests shall be addressed to:

Name of Authority: Ministry of Justice of the Republic of Serbia

Full postal address: Ministry of Justice, 22-26 Nemanjina Street, 11000 Belgrade, Republic of Serbia.

Name of Service to be contacted:

Normative Affairs and International Cooperation Department, Mutual Legal Assistance Sector

Name of Person to be contacted:

Mr. Ljubomir Jovanovic, Adviser, Mutual Legal Assistance Sector

Telephone: +381 11 311 14 73; +381 11 311 21 99

Fax: +381 11 311 45 15; +381 11 311 29 09

Office hours: from 08:30 to 16:30

Time zone: GMT 1

Languages: English, Russian.

In urgent matters the requests may be forwarded through NCB INTERPOL-Belgrade:

Contact: INTERPOL BELGRADE

Full postal address: NCB INTERPOL BELGRADE, Terazije 41, 11000 Belgrade, Republic of Serbia

Telephone: +381 11 33 45 254

Fax: +381 11 33 45 822

Office hours: from 08:30 to 16:30

Permanent service until 22:00 hours

Time zone: GMT 1

Languages English, French

Acceptance of requests through INTERPOL: YES.

Singapore, 28 augustus 2007

Reservation:

Pursuant to Article 35, paragraph 3 of the above mentioned Convention, the Government of the Republic of Singapore does not consider itself bound by Article 35, paragraph 2 of the said Convention.

Notifications:

1. Pursuant to Article 16, paragraph 5 (a) of the above mentioned Convention, the Government of the Republic of Singapore declares that it does not take the Convention as the legal basis for cooperation on extradition with other States Parties to the Convention.
2. Pursuant to Article 18, paragraph 13 of the above mentioned Convention, the Government of the Republic of Singapore designates the Attorney-General of Singapore as the central authority for the purposes of mutual legal assistance in accordance with Article 18 of the said Convention.
3. Pursuant to Article 18, paragraph 14 of the above mentioned Convention, the Government of the Republic of Singapore declares that requests and attachments thereto addressed to the central authority of Singapore should be in the English language, or a translation into the English language should be attached thereto.

Slovenië, 21 mei 2004

Pursuant to Article 16, Paragraph 5 (a) of the Convention, the Republic of Slovenia declares that it will take this Convention as the legal basis for co-operation on extradition with other States Parties to this Convention. In the absence of an international agreement or any other arrangement regulating extradition between the Republic of Slovenia and another State Party to this Convention, the Republic of Slovenia will require documents relating to extradition in compliance with its domestic law.

Pursuant to Article 18, Paragraph 13 of the Convention, the Republic of Slovenia declares that the central authority for the implementation of the Convention shall be the Ministry of Justice of the Republic of Slovenia. In compliance with Article 18, Paragraph 14 of the Convention, the Republic of Slovenia declares 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. Should it be impossible to provide translation into the Slovenian language, requests and attachments should be in the English language or a translation into English should be enclosed.

Slowakije, 3 december 2003

Pursuant to Article 6, paragraph 2 (d) and Article 13, paragraph 5 the appropriate authority which will furnish copies of the laws and regulations of the Slovak Republic that give effect to these paragraphs and of any subsequent changes to such laws and regulations or a description

thereof to the Secretary General of the United Nations is the Ministry of Justice of the Slovak Republic.

Pursuant to Article 18, paragraph 13 the Slovak Republic designates the following central authorities to receive requests for mutual legal assistance:

(a) The General Prosecutor's Office of the Slovak Republic – in respect of cases of pretrial investigation phase.

(b) The Ministry of Justice of the Slovak Republic – in respect of cases of court proceedings phase.

Pursuant to Article 18, paragraph 14 the acceptable languages for the Slovak Republic for receiving and producing a written records in respect of requests for mutual legal assistance are Slovak, Czech, English and French.

Pursuant to Article 31, paragraph 6 the authority that can assist other States Parties in developing measures to prevent transnational organized crime is the Ministry of Interior of the Slovak Republic.

Slowakije, 9 augustus 2006

The Ministry of Justice of the Slovak Republic is the competent authority under article 18, paragraph 13. In urgent cases, the request may be transmitted through the International Criminal Police Organization (Interpol).

Spanje, 17 april 2007

The Government of Spain notified the Secretary-General, in accordance with article 18 (13), that the central authority to receive requests for mutual legal assistance is as follows:

Subdirección General de Cooperación Jurídica Internacional (Ministerio de Justicia)

Dirección Calle San Bernardo 62

28015 Madrid

Teléfono: 34 91 390 2228

Fax: 34 91 390 44 47.

Spanje, 18 januari 2008

1. Gibraltar is a Non-Self-Governing Territory for whose international relations the Government of the United Kingdom is responsible and which is subject to a process of decolonization in accordance with the relevant decisions and resolutions of the General Assembly.

2. The Gibraltarian authorities are local in character, and exercise competences exclusively over internal affairs that originate in and are based on the powers allocated to and conferred on them by the United Kingdom, in accordance with its domestic legislation and in its capacity as the sovereign State upon which depends the said Non-Self-Governing Territory.

3. Consequently, any involvement by the Gibraltarian authorities in the implementation of this Convention shall be understood to take place

exclusively within the framework of the internal affairs of Gibraltar and shall not be considered to affect in any way the content of the two preceding paragraphs.

Spanje, 7 februari 2008

No. 110/AV/ot

The Permanent Mission of Spain to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to note verbale no. 54/IPE/ac sent by this Permanent Mission on 17 January 2008 with regard to the United Nations Convention against Transnational Organized Crime, which was opened for signature in December 2000, and transmitting a unilateral declaration of Spain pertaining to that Convention, following its extension to Gibraltar by the United Kingdom on 27 November 2007.

The Permanent Mission of Spain wishes to inform the Secretary-General that on 19 December 2007, following an exchange of letters between their Permanent Representatives to the European Union, the English and Spanish versions of which are annexed to the present document, the Kingdom of Spain and the United Kingdom reached agreement on the “Agreed Arrangements relating to Gibraltar Authorities in the Context of Mixed Agreements (2007)” (annex I). The text of the “Agreed Arrangements relating to Gibraltar Authorities in the Context of European Union and European Community Instruments and Related Treaties” of 19 April 2000 is also annexed in both languages (annex II).

The procedure envisaged in the arrangements relating to Gibraltar authorities in the context of Mixed Agreements (2007), which was agreed by Spain and the United Kingdom on 19 December 2007, applies to the United Nations Convention against Transnational Organized Crime, since it is a mixed agreement.

The Permanent Mission of Spain to the United Nations should be grateful if the Secretary-General would inform the States parties to the United Nations Convention against Transnational Organized Crime of the content of this note verbale and of the texts annexed.

Annex I. Agreed Arrangements between the Kingdom of Spain and the United Kingdom relating to Gibraltar authorities in the context of mixed agreements, 19 December 2007.

[I]

[...] I refer to the discussions we have had regarding the applicability of the “Agreed arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related Treaties of 19th April 2000” to mixed Agreements, which have been extended to Gibraltar, and which, for the purpose of implementation, may result in the intervention of Gibraltar authorities. (“Mixed Agreement” means an international instrument that contains provisions some elements of which fall within Community competence and some of which fall within the competence of the Member States, and to which the Community – if that is permissible

under the instrument in question – and the Member States are Parties, following a Council Decision).

It is the understanding of my Government following these discussions that for these mixed Agreements the system of “postboxing” in the 2000 arrangements will apply for communications between Spanish authorities and a Gibraltar body, authority or service but not for communications between the authorities of other States and Gibraltar.

Notwithstanding the above, for instruments covered by paragraphs 5a-5d of the 2000 arrangements, “postboxing” as set out in those arrangements will, for the time being, remain in place.

If the arrangement set out above regarding mixed agreements is acceptable to the Government of Spain, I suggest that this letter and your reply will place on record the understanding of our two Governments which will be known as the “Agreed arrangements relating to Gibraltar authorities in the context of mixed Agreements (2007)” and will be implemented as of the date of your reply.

I propose that, on receipt of your reply, we should each send a copy of our exchange of letters notes to the Secretary General of the Council of the European Union with the request that he circulates the aforementioned communication to the Permanent Representatives of the remaining Member States and to the other institutions of the European Union for their information.

These arrangements or any activity or measure taken for their implementation or as a result of them do not imply either on the side of the United Kingdom or on the side of the Kingdom of Spain any change in their respective positions on the question of Gibraltar or on the limits of that territory.

[II]

[...] I am writing to thank you for your letter of 19 December setting out your Government’s view on arrangements relating to mixed agreements that have been extended to Gibraltar and which, for the purposes of their implementation, could give rise to the intervention of Gibraltar authorities.

I am pleased to confirm that the arrangements set out in your annexed letter are acceptable to the Government of Spain and that your letter and the present reply constitute the official expression of both our Governments’ understanding on this matter, which shall be known as “Agreed Arrangements relating to Gibraltar Authorities in the Context of Mixed Agreements (2007)” and shall be applicable as of today.

I also agree that, once you receive my reply, we should both transmit a copy of our exchange of letters/notes verbales to the Secretary-General of the Council of the European Union, with the request that he distribute the aforementioned correspondence to the Permanent Representatives of the other member States and to the other European Union institutions for information.

The present arrangements and any activity or measure undertaken in implementation or as a consequence thereof do not imply any change

whatsoever in the Kingdom of Spain's and the United Kingdom's respective positions on the question of Gibraltar or on the boundaries of that territory.

Syrië, 8 april 2009

The Syrian Republic expresses a reservation with respect to article 35, paragraph 2 of the Convention.

Tunesië, 19 juni 2003

In ratifying the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000, the Tunisian Government declares that it does not consider itself bound by the provisions of article 35, paragraph 2, of the Convention and emphasizes that disputes over the interpretation or application of this Convention may not be submitted to the International Court of Justice unless there is agreement in principle among all the parties concerned.

Venezuela, 19 december 2003

Pursuant to the provisions of article 5, paragraph 3 of the United Nations Convention against Transnational Organized Crime, the Government of the Bolivarian Republic of Venezuela declares the following:

With respect to national laws governing the offences described in article 5, paragraph 1 (a)(i), Venezuelan law typifies and penalizes such offences under articles 287 to 293 of the current Penal Code referring to the offence of forming an organized criminal group. Pursuant to article 16, paragraph 5, the Bolivarian Republic of Venezuela declares:

The United Nations Convention against Transnational Organized Crime shall be taken as the legal basis for cooperation on extradition in relations between the Bolivarian Republic of Venezuela and other States Parties to the Convention.

Pursuant to article 18, paragraph 13, the Bolivarian Republic of Venezuela declares:

The central authority that shall have the 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 shall 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.

Pursuant to article 18, paragraph 14, the Bolivarian Republic of Venezuela declares:

Requests for mutual legal assistance in criminal matters made to the Government of the Bolivarian Republic of Venezuela shall be written in Spanish, in accordance with Venezuelan constitutional and legal provisions.

Venezuela, 14 januari 2004

Pursuant to article 35, paragraph 3, the Bolivarian Republic of Venezuela declares that it enters an express reservation concerning the provisions of paragraph 2 of this article. Consequently, it does not consider itself bound to submit to arbitration as a means of settling disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

Verenigde Arabische Emiraten, de, 7 mei 2007

The United Arab Emirates declares ... that the provisions of that Convention shall not be binding on the United Arab Emirates in its dealings with States that have not ratified thereof in connection with matters decreed therein, and that such ratification shall in no case imply the establishment of relations of any kind with the said States.

Verenigde Staten van Amerika, de, 3 november 2005

1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.

2) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1 (b) with respect to the offenses established in the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S. -flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1 (b) to the extent provided for under its federal law.

3) In accordance with Article 35, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2.

Pursuant to Article 5, paragraph 3, of the Convention, I have the honour to inform you that, in order to establish criminal liability under the United States law with respect to the offense described in Article 5, paragraph 1 (a) (i), the commission of an overt act in furtherance of the agreement is generally required.

Pursuant to Article 16, paragraph 5, of the Convention, I have the honour to inform you that the United States of America will not apply Article 16, paragraph 4.

Pursuant to Article 18, paragraph 13, of the Convention, I have the honour to inform you that the Office of International Affairs, United States Department of Justice, Criminal Division, is designated as the central authority of the United States of America for mutual legal assistance under the Convention.

Pursuant to Article 18, paragraph 14, of the Convention, I have the honour to inform you that requests for mutual legal assistance under the Convention should be made in, or accompanied by, a translation into the English language.

Pursuant to Article 31, paragraph 6, of the Convention, I have the honour to inform you that requests for assistance on developing measures to prevent transnational organized crime should be directed to the United States Department of Justice, Office of Justice Programs, National Institute of Justice.

Zuid-Afrika, 20 februari 2004

And whereas the Secretary-General is hereby notified, in accordance with Article 18 (13) of the Convention that the Director-General of the Department of Justice and Constitutional Development has been designated as the central authority to receive requests for mutual legal assistance.

And whereas the Secretary-General is hereby notified, as provided for in Article 18 (14) of the Convention, that English is the acceptable language for receiving requests for mutual legal assistance.

And whereas pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court of Justice, the Government of the Republic does not consider itself bound by the terms of Article 35 (2) of the Convention which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Convention. The Republic will 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 is required in every individual case.

Zweden, 30 april 2004

Pursuant to Article 18 (13) of the Convention, the central authority in Sweden competent to receive requests for mutual assistance is the Ministry of Justice.

Pursuant to Article 18 (14) of the Convention, a request together with the appendices shall be translated into Swedish, Danish or Norwegian, unless the authority dealing with the application otherwise allows in the individual case.

Zwitserland, 21 november 2006

The central authority designated by Switzerland to receive requests for mutual legal assistance, in accordance with article 18 (13) of the Convention is:

The Federal Office of Justice
CH-3003 Berne

In accordance with article 18 (14) of the Convention, requests for mutual legal assistance and documents pertaining thereto must be submitted to Switzerland along with an official certified translation into French, German or Italian, should they not have been established in either of these languages.

G. INWERKINGTREDING

Zie *Trb.* 2004, 34 en *Trb.* 2007, 70.

Wat betreft het Koninkrijk der Nederlanden, is het Verdrag op 9 september 2010 in werking getreden voor de Nederlandse Antillen.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 25 juni 2004 voor het Europese deel van Nederland gold en vanaf 18 januari 2007 voor Aruba, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland, Curaçao en Sint Maarten.

J. VERWIJZINGEN

Zie *Trb.* 2001, 68, *Trb.* 2004, 34 en *Trb.* 2007, 70

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1946
Laatste *Trb.* : *Trb.* 2010, 163

Uitgegeven de *negentwintigste* november 2010.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL