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

28 July 2004

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## **Brief questionnaire on basic reporting obligations**

The purpose of the present brief questionnaire is to collect information from States parties to the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and its supplementary Protocol against the Smuggling of Migrants by Land, Sea and Air (resolution 55/25, annex III) on the notifications submitted by them under articles 5, 6, 13, 16, 18 and 31 of the Convention and article 8 of the Protocol. In accordance with decision 1/3 of the Conference of the Parties to the Convention at its first session, the full text of those notifications, as well as the declarations and reservations received by the Secretary-General in connection with the Convention and the Protocols thereto, will be included in a report to be submitted to the Conference of the Parties at its second session and updated regularly in future.

V.04-56532 (E)



# I. United Nations Convention against Transnational Organized Crime

## A. Criminalization of participation in an organized criminal group

*Article 5*  
*Criminalization of participation in an organized criminal group*

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3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

1. Does your country's legislation require involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of article 5 of the Convention?

Yes       No

2. If the answer to question 1 is "Yes", does your country's legislation cover all serious crimes involving organized criminal groups?

Yes       No

3. Does your country's legislation require an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of article 5 of the Convention?

Yes       No

**B. Criminalization of money-laundering**

*Article 6*  
*Criminalization of the laundering of proceeds of crime*

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2. For purposes of implementing or applying paragraph 1 of this article:

...

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

...

4. Does your country's legislation include a specific offence of laundering of proceeds of crime, as described in paragraph 1 of article 6 of the Convention?

Yes       No

5. Please provide a copy of your country's laws (and regulations) that give effect to paragraph 1 of article 6 of the Convention.

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6. Does your country's legislation include as predicate offences all serious crime, as defined in article 2 of the Convention, and the offences established in accordance with articles 5, 8 and 23 of the Convention?

Yes       No

7. Please provide a copy of your country's laws (and regulations) that give effect to the first sentence of paragraph 2 (b) of article 6 of the Convention.

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8. Does your country's legislation include a provision to establish a list of specific predicate offences?

Yes       No

9. If the answer to question 8 is “Yes”, does your country’s legislation include in the list a comprehensive range of offences associated with organized criminal groups?  
( ) Yes ( ) No

10. Please provide a copy of your country’s laws (and regulations) that give effect to the second sentence of paragraph 2 (b) of article 6 of the Convention.

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11. In your country’s legislation, do predicate offences include offences committed outside the jurisdiction of your country when the relevant conduct is a criminal offence under the domestic law of the country where it is committed and would be a criminal offence under your country’s law had it been committed within your country?

( ) Yes ( ) No

12. Please provide a copy of your country’s laws (and regulations) that give effect to paragraph 2 (c) of article 6 of the Convention.

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**C. International cooperation for confiscation**

<p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;"><i>International cooperation for purposes of confiscation</i></p> <p>...</p> <p>5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.</p> <p>...</p>
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13. Please provide a copy of your country’s laws (and regulations) that give effect to article 13 of the Convention.

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14. Please provide a copy of your country's laws (and regulations) that give effect to paragraph 2 of article 13 of the Convention, on identification, tracing and freezing or seizure of proceeds of crime for the purpose of eventual confiscation, if they are different from those mentioned under question 13 above.

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**D. Extradition**

<p><i>Article 16</i> <i>Extradition</i></p> <p>...</p> <p>5. States Parties that make extradition conditional on the existence of a treaty shall:</p> <p>(a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;</p> <p>...</p>
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15. In your country, is extradition conditional on the existence of a treaty?

( ) Yes ( ) No

16. If the answer to question 15 is "Yes", does your country take the Convention as the legal basis for cooperation on extradition with other States parties to the Convention?

( ) Yes ( ) No

17. If the answer to question 16 is "Yes", please provide the required information referred to in paragraph 5 (a) of article 16 of the Convention, if not already done.

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## E. Mutual legal assistance

*Article 18*  
*Mutual legal assistance*

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13. Each State Party shall designate a 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. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

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18. Does your country have a central authority or authorities designated to receive, respond to and process requests for mutual legal assistance?

Yes       No

19. If the answer to question 18 is “Yes”, please provide the following information, if not already done:

- (a) Name of the authority or authorities;
- (b) Full postal address;







## II. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

### Authority for assistance, confirmation and authorization

<p style="text-align: center;"><i>Article 8</i> <i>Measures against the smuggling of migrants by sea</i></p> <p>...</p> <p>6. Each State Party shall designate an authority or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures. Such designation shall be notified through the Secretary-General to all other States Parties within one month of the designation.</p> <p>...</p>
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22. Does your country have an authority or authorities designated to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly your country's flag and for authorization to take appropriate measures?

( ) Yes      ( ) No

23. If the answer to question 22 is "Yes", please provide the following information:

- (a) Name of the authority or authorities;
- (b) Full postal address;
- (c) Name of the service to be contacted;
- (d) Name of the person to be contacted;
- (e) Title;
- (f) Telephone;
- (g) Telefax;
- (h) 24-hour line (if applicable);
- (i) E-mail/homepage addresses;
- (j) Office hours;
- (k) Time zone (GMT +/-);
- (l) Languages accepted;
- (m) Information needed for requests to be executed;



Deadline for submission of the questionnaire: 15 April 2005

Completed questionnaires should be sent to:

Division for Treaty Affairs  
United Nations Office on Drugs and Crime  
Vienna International Centre  
PO Box 500  
A 1400 Vienna, Austria

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