

Article 15
Special investigative techniques

1. If permitted by the basic principles of their respective domestic legal systems,¹²⁴ States Parties shall take the necessary measures [, within their possibilities,] to provide a legal basis for¹²⁵ the [appropriate] use of special investigative techniques, such as controlled delivery, surveillance, including electronic surveillance, and undercover operations for the purpose of gathering evidence and taking legal action against persons involved in an offence established in article(s) [...] [*alternatively*: in an offence covered by this Convention].¹²⁶

2. States Parties shall consider extending the use of the special investigative techniques referred to in paragraph 1 of this article at the international level, on the basis of agreements or arrangements.

[2 *bis*. States Parties participating in this type of investigation at the international level shall scrupulously respect the terms of reference agreed upon with the competent authorities of the States Parties in which these activities are carried out and shall fully respect the sovereignty of such States.]¹²⁷

3. Decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.¹²⁸

4. Decisions to use controlled delivery at the international level may include methods such as intercepting and allowing the goods to continue intact or removed or replaced in whole or in part.

Article 16

¹²⁴ This formulation, as used also in the 1988 Convention, was supported by several delegations. Some delegations proposed the alternative formulation of “If permitted by domestic law, ...”.

In general, on the applicability of the language of the 1988 Convention to the drafting of the present article, one delegation cautioned that article 11 of the 1988 Convention focused on the use of one special investigative technique, controlled delivery, at the international level, while the present article examined the use of special investigative techniques at both the national level and the international level.

¹²⁵ Some delegations proposed that “to provide a legal basis for” be amended to read “to allow for the appropriate use of”. One delegation proposed that “to provide a legal basis for” be amended to read “to provide a lawful basis for”.

¹²⁶ As noted in the footnote to article 4 *bis*, several delegations noted the need to define these concepts. It was also suggested by some delegations that since the list of measures in this paragraph was not exhaustive and new investigative measures might be developed in response to the evolution of organized crime and of technology, the definitions might also be inserted into the *travaux préparatoires*.

One delegation proposed the addition of “interception of electronic messages” as a special investigatory message. However, several delegations noted that not only was that issue evolving rapidly, but it was also particularly complex and sensitive and therefore should perhaps not be dealt with in the context of the Convention.

Several delegations emphasized the possible need for providing technical assistance to developing countries to support the use of special investigative techniques, as noted in article 21, subparagraph 1 (g). Some delegations suggested that a provision on technical cooperation be inserted in the present article.

¹²⁷ This paragraph was submitted by the delegation of Mexico and was not discussed by the Ad Hoc Committee at its first session.

¹²⁸ One delegation emphasized the need to respect the territorial integrity and sovereignty of States Parties.

One delegation proposed that the present provision specify, in the same manner as article 14, paragraph 21, the presumptive allocation of the financial burden resulting from the use of special investigative measures at the international level.

*Transfer of proceedings*¹²⁹

States Parties shall give consideration to the possibility of transferring to one another proceedings for criminal prosecution of an offence established in article(s) [...] [*alternatively*: of an offence covered by this Convention] in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where more jurisdictions are involved, with a view to concentrating the prosecution.

Article 17
*[Establishment of criminal record]*¹³⁰

Each State Party [may] take legislative measures to [take into consideration] the previous foreign conviction¹³¹ for an offence established in article(s) [...] [*alternatively*: for an offence covered by this Convention] for the purpose of establishing the criminal history of the alleged offender.

¹²⁹ At the informal preparatory meeting held in Buenos Aires in 1998, some delegations felt that the subject matter of this article could be best treated under article 9, paragraph 5, on jurisdiction, or in connection with article 10, paragraph 9 (as amended by the Ad Hoc Committee at its first session), regarding domestic prosecution in lieu of extradition of nationals.

¹³⁰ This article was the subject of extensive discussion at the first session of the Ad Hoc Committee.

While it was agreed that, for purposes of investigation, prosecution and adjudication, information on the criminal history of a suspect or defendant might be requested, there were difficulties in the formal recognition of foreign judgements. No support was voiced at the first session of the Ad Hoc Committee for the possibility of taking foreign convictions into account in subsequent sentencing proceedings, although there had been support for that idea at the informal preparatory meeting held in Buenos Aires in 1998.

One delegation noted the need for a safeguard clause, or the insertion of a phrase such as “in accordance with domestic law”.

In connection with this article, three possible solutions were envisaged by some delegations: (a) on the basis of article 18 *bis* (Measures to enhance cooperation with law enforcement authorities), information could be exchanged on criminal history; (b) on the basis of article 14 (Mutual legal assistance), States could undertake to respond to requests related to prior convictions of an individual; and (c) the article could be redrafted in a more discretionary manner to read “Each State Party may adopt ...” (as has been done in the present draft).

Several delegations proposed that the article be deleted.

¹³¹ Several delegations noted the need to define the concept of “convictions”. One delegation raised the issue of convictions *in absentia* and noted that different legal systems imposed a variety of sanctions through different procedures. One delegation noted that the provision should specify whether the convictions in question should be legally final or should include convictions that were still subject to appeal.

Two delegations proposed that information on the criminal history of the alleged offender include acquittals.

One delegation proposed that provisions be included in the Convention on the exchange of information on criminal, civil and administrative sanctions imposed against corporate bodies or their officers.

One delegation noted that consideration should be given to include provisions on how information on criminal history should be obtained from other Member States.

Article 18
*Protection of witnesses and victims*¹³²

1. Each State Party shall¹³³ adopt measures to provide effective and appropriate protection from potential retaliation or intimidation for witnesses in its criminal proceedings¹³⁴ who agree to give testimony concerning the crimes covered by this Convention and, as appropriate, for their relatives and other persons close to them.¹³⁵

2. The measures envisaged in paragraph 1 of this article [may] include [, among others,] [, without affecting the right of the defendant to due process]:¹³⁶

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them, and to permit, where appropriate, non-disclosure or limitations on disclosure of information concerning the identity and whereabouts of such persons;¹³⁷

(b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology¹³⁸ or other means in a manner not prejudicial to the rights of the defence.¹³⁹

3. States Parties [may] consider entering into arrangements with other States for the relocation of persons described in paragraph 1 of this article.

4. States Parties shall take measures to provide assistance to victims¹⁴⁰ of crimes covered by this Convention, enable views and concerns of victims to be presented and considered at appropriate stages of the criminal proceedings against the offenders in a manner not prejudicial to the rights of the defence, and establish procedures relating to restitution by offenders to victims of such crimes.

¹³² The drafting of this article requires further consideration.

¹³³ Several delegations noted that the use of the categorical “shall” in this paragraph was inappropriate, as the provision of full protection might be practically and financially impossible.

¹³⁴ Several delegations noted that the protection should be provided before, during and after the criminal proceedings. One delegation noted that the protection should extend to victims and witnesses involved in proceedings in other States.

¹³⁵ This term is intended to cover persons who may be subject to danger by virtue of a particularly close relationship with the witness, but who are not relatives.

One delegation noted that the term required clarification.

Several delegations proposed that the scope of this article be expanded to include not only all persons assisting the authorities in investigation, prosecution and adjudication, but also criminal justice personnel and, for example, the representatives and legal counsel of the victim.

¹³⁶ Several delegations noted that some of the measures noted in this paragraph might be in conflict with legal safeguards protecting the defendant. It was also noted that the differences between legal systems should be reflected in the drafting of this paragraph.

¹³⁷ Some delegations noted that this might run counter to legal safeguards enjoyed by the defendant.

¹³⁸ One delegation suggested that this concept be clarified, in particular if measures in addition to video links were encompassed. One delegation proposed that the term be deleted.

¹³⁹ One delegation expressed the view that the text should make clear that these measures need to be consistent with the right of the defence to cross-examination.

¹⁴⁰ Several delegations suggested that issues related to restitution to victims and victim assistance be dealt with in a separate article. One delegation proposed that this separate article could deal in general with human rights issues. Some delegations noted that the terms “assistance”, “views and concerns” and “restitution” were ambiguous.

Two delegations requested that specific reference be made of the victim categories of minors, migrants and refugees.

Article 18 bis

Measures to enhance cooperation with law enforcement authorities

1. States Parties shall promote appropriate¹⁴¹ methods of obtaining information and testimony from persons who are willing to cooperate in the investigation and prosecution of an offence established in article(s) [...] [*alternatively*: of an offence covered by this Convention] and shall, as appropriate, assist each other in promoting such cooperation.

2. Each State Party shall [consider the possibility of providing, in accordance with fundamental legal principles, its prosecutorial and judicial authorities with discretion in order to encourage the cooperation referred to in paragraph 1 of this article, for example by providing] [provide for] the possibility, in appropriate cases, of [either or both of the following]:¹⁴²

(a) Granting immunity from prosecution to a person who cooperates substantially with law enforcement authorities in the investigation and prosecution of an offence established in article(s) [...] [*alternatively*: of an offence covered by this Convention];¹⁴³

(b) Considering the provision by an accused person of substantial cooperation in the investigation and prosecution of an offence established in article(s) [...] [*alternatively*: of an offence covered by this Convention] as a mitigating factor in determining the person's punishment.

3. Protection of such persons shall be as provided for in article 18 of this Convention.

Option 1¹⁴⁴

4. States Parties shall consider entering into arrangements, subject to their national laws, concerning immunities on non-prosecution or reduced penalties in respect of witnesses [from] [resident in] one State whose testimony is required in another State.

¹⁴¹ One delegation noted that this paragraph, in particular the use of the word "appropriate", required clarification.

¹⁴² One delegation proposed that subparagraphs (a) and (b) of this paragraph be made facultative, by beginning the paragraph with "In particular, each State Party shall, in accordance with fundamental legal principles, [ensure] [consider the possibility of ensuring] that its domestic legal framework permits the possibility, in appropriate cases, of ..."

One delegation proposed that this paragraph be reformulated as a listing of various measures designed to promote cooperation with law enforcement, including not only the immunity referred to in subparagraph (a) and the mitigation referred to in subparagraph (b), but also the offering of rewards for cooperation and the offering of victim protection arrangements.

¹⁴³ Several delegations noted that their legal system did not allow for the possibility of granting immunity, and some called for the deletion of this subparagraph. One delegation noted the dangers to the course of justice that might arise if the authorities had discretionary powers to grant immunity.

One delegation noted that the scope of immunity required clarification in respect of whether it included only the offence under investigation, or any offence committed by the person in question. In either case, according to the delegation, this might have an impact on the rights of the victim.

¹⁴⁴ *Rapporteur's note*: Option 1 represents an effort to capture the comments of some delegations at the first session of the Ad Hoc Committee. Other delegations were of the view that the paragraph was not necessary and should be deleted.

Option 2¹⁴⁵

4. In principle, the benefit of immunity granted to a state witness shall have effect only in the State Party that granted such immunity. If a second State Party acquires the testimony given by a state witness, such testimony may be used against persons other than the person so cooperating. The State utilizing such testimony shall be required to grant the benefit of immunity to the state witness and may consequently not use such testimony or any evidence directly resulting therefrom against such person. Two or more States may jointly grant benefits of immunity when a transnational [criminal] organization is under investigation.

5. A State Party may grant benefits to state witnesses in respect of offences committed in the territory of another State Party, and the cooperation of state witnesses¹⁴⁶ may be evaluated with a view to granting them immunity or reduced penalties in conformity with the laws of the first-mentioned State. When a state witness is required to testify before the court of another country, States shall facilitate his or her transfer to the State requiring such testimony. This privilege shall override the claim of a third State to impose punishment.

*Article 19**Law enforcement cooperation*¹⁴⁷

1. States Parties shall consider entering into bilateral and multilateral agreements or arrangements on direct cooperation between their law enforcement agencies.

2. States Parties shall [endeavour to] cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences established in article(s) [...] [*alternatively*: the offences covered by this Convention]. Each State Party shall,¹⁴⁸ in particular, adopt effective measures:

(a) To establish and maintain channels of communication between their competent authorities, agencies and services, including the designation, where appropriate, of a central

¹⁴⁵ Several delegations noted that paragraphs 4 and 5 in option 2 required clarification, and some delegations proposed that the substance be transferred to article 14 (Mutual legal assistance). One delegation proposed that consideration be given to integrating article 18 *bis* with article 18. Several delegations proposed that the two paragraphs in option 2 be deleted. One delegation proposed that consideration be given to the protection of the identity and image of the person in question.

¹⁴⁶ One delegation noted that this paragraph required clarification, since conceptually a state witness was not a defendant and thus did not need to be granted immunity.

¹⁴⁷ At the first session of the Ad Hoc Committee, emphasis was placed on distinguishing between mutual legal assistance, considered in article 14, and law enforcement cooperation. One delegation proposed that, since articles 15, 18, 18 *bis* and 19 dealt with issues that were conceptually different from articles 16 and 17, those four articles should be brought together.

One delegation noted the need to train also diplomatic and consular staff in the areas covered by article 19.

The majority of delegations agreed on the importance of article 19 and the need to facilitate law enforcement cooperation. In addition, it was noted that much of the language in the article came directly from the 1988 Convention. It was also noted that softening the provisions would be a step backwards from that instrument.

¹⁴⁸ The delegations of several States noted that the implementation of some of the measures foreseen in the subparagraphs of paragraph 2, such as in subparagraph (e), on liaison officers, should be optional and not obligatory.

authority or authorities,¹⁴⁹ to facilitate the secure and rapid exchange of information concerning all aspects of the offences established in this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with one another in conducting inquiries, with respect to offences established in this Convention, concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in the offences established in this Convention;

(ii) The movement of proceeds or property derived from the commission of such offences;

(iii) The movement of instrumentalities used or intended for use in the commission of such offences;

(c) In appropriate cases and if not contrary to domestic law, to establish joint teams, taking into account the need to protect the security of persons and operations, in order to carry out the provisions of this paragraph. Officials of any State Party participating in such teams shall act as authorized by the appropriate¹⁵⁰ authorities of the Party in whose territory the operation is to take place; in all such cases, the States Parties involved shall ensure that the sovereignty of the Party in whose territory the operation is to take place is fully respected;¹⁵¹

(d) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(e) To facilitate effective coordination between their competent agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral arrangements or agreements between the States Parties concerned, the posting of liaison officers.¹⁵²

3. States Parties shall cooperate closely in preventing and controlling the offences established in article(s) [...] [*alternatively*: the offences covered by this Convention]. In particular, they shall, in accordance with their domestic laws or pursuant to bilateral or multilateral agreements or arrangements.¹⁵³

(a) Take all appropriate measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;

¹⁴⁹ Many delegations were of the view that the reference to central authorities should be deleted or placed in brackets, as that concept more properly belonged to mutual legal assistance (article 14). In this connection, it was noted that the provision of the 1988 Convention, on which article 19 was based, did not include a reference to central authorities.

One delegation proposed that law enforcement cooperation take place only through central authorities. Other delegations noted that the designation of the authority or authorities responsible for law enforcement cooperation should depend on, among other factors, the administrative structure of the State. One delegation emphasized the importance of having a contact point in order to pursue the possibilities of law enforcement cooperation.

¹⁵⁰ One delegation proposed the insertion of the word “central”. Another delegation opposed it and noted the need to take into consideration the administrative structure of the State when deciding on which authority should be charged with the responsibility referred to in the present paragraph.

¹⁵¹ One delegation expressed concerns regarding this paragraph. Some other delegations emphasized in this connection the importance of respecting the sovereignty and territorial integrity of States.

¹⁵² One delegation suggested that the concept and role of “liaison officers” be clarified. Another State proposed adding to the end of this paragraph the words “... as well as, where appropriate, the extension and expansion of the competence of existing liaison officers”.

¹⁵³ Two delegations proposed that paragraph 3 be transferred to article 22 (Prevention at the national level).

(b) Exchange information in accordance with their national law and coordinate administrative and other measures taken as appropriate to prevent the commission of offences established in article(s) [...] [*alternatively*: of offences covered by this Convention].¹⁵⁴

[4. States Parties shall:¹⁵⁵

(a) Designate knowledgeable law enforcement personnel to be available [on a 24-hour basis]¹⁵⁶ to respond to transnational organized crime committed through the use of computers, telecommunications networks and other forms of modern technology;¹⁵⁷ and

(b) Review their domestic legislation to ensure that such abuses are adequately addressed.]

Article 20

*Collection and [exchange] of information on organized crime*¹⁵⁸

1. States Parties shall consider developing and sharing analytical expertise concerning organized crime activities. In this connection, common definitions, standards and methodologies shall be applied as appropriate.

2. Each of the States Parties shall consider [, with the support of the scientific community,]¹⁵⁹ analysing trends in organized crime in its territory, as well as the circumstances in which organized crime can operate, the professional groups involved and the communications technologies.

3. States Parties shall consider monitoring their policies and actual measures to prevent and combat organized crime and shall make assessments of their effectiveness and efficiency.¹⁶⁰

4. The Secretary-General, with the assistance of the United Nations Interregional Crime and Justice Research Institute and the other institutes in the United Nations Crime Prevention and Criminal Justice Programme network, shall undertake to collect and analyse public information and research findings concerning organized crime, prepare overviews of

¹⁵⁴ One delegation noted the need to ensure the confidentiality of any information exchanged on the basis of this subparagraph.

¹⁵⁵ Some delegations stressed the need for further consideration of this paragraph, and one delegation proposed its deletion, on the grounds that it imposed significant financial obligations on States Parties. It was suggested that the paragraph should be reformulated so that the measures envisaged would be discretionary.

¹⁵⁶ One delegation proposed the deletion of the words appearing in brackets.

¹⁵⁷ One delegation noted that these measures should be considered also in connection with other types of offences.

¹⁵⁸ Some delegations proposed that this article should deal also with the establishment of international data banks and with the work of the International Criminal Police Organization and corresponding regional arrangements in this connection. One delegation, speaking on behalf of a regional group, stressed the need to establish international data banks that would respond to the needs of developing countries, since the establishment of national data banks would impose a financial obligation on States Parties. The same delegation noted the need to have a linkage with national financial investigative units established to investigate money-laundering.

One delegation noted the need to redraft this article to specify both the objectives and the mechanisms to be used. It was also noted that this article dealt with analytical data, not operational data.

¹⁵⁹ One delegation questioned the inclusion of the phrase appearing in brackets. It was noted in response that the phrase was intended to emphasize the importance utilizing academic research to improve the quality and effectiveness of the response to organized crime.

¹⁶⁰ One delegation proposed that paragraphs 3 and 4 be transferred to article 23.

global trends in organized crime and prepare inventories of policies and measures to prevent and control organized crime.¹⁶¹

Article 21
*Training and technical assistance*¹⁶²

1. Each State Party shall, to the extent necessary, initiate, develop or improve a specific training programme for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention and control of the offences covered by this Convention. Such programmes may include secondments and exchanges. Such programmes shall deal, in particular, with the following:¹⁶³

(a) Methods used in the prevention, detection and control¹⁶⁴ of the offences established in this Convention;

(b) Routes and techniques used by persons suspected of involvement in offences established in this Convention, including in transit States, and appropriate countermeasures;

(c) Monitoring of import and export of contraband;

(d) Detection and monitoring of the movements of proceeds and property derived from offences covered by this Convention, instrumentalities used in the commission of such offences and methods used for the transfer, concealment or disguise of such proceeds, property and instrumentalities, and other methods used in combating money-laundering and other financial crimes;

(e) Collection of evidence;

(f) Control techniques in free trade zones and free ports;

¹⁶¹ The possibility of transferring this paragraph to article 23 was to be considered. One delegation proposed the insertion of the words “and other scientific and specialized bodies, as well as regional bodies,” after the words “Programme network”.

One delegation drew attention to the financial implications of this paragraph and noted that the style of the paragraph would be more appropriate in a resolution than in a Convention.

Two delegations proposed the inclusion of a paragraph on the responsibility of States Parties to provide the Secretary-General with the information referred to in this paragraph.

¹⁶² One delegation noted that this article should also contain a paragraph on the role of the United Nations in the provision of training and technical assistance.

One delegation, speaking on behalf of the States Members of the United Nations that are members of the Group of 77 and China, stressed the need for an article on the provision of financial assistance to developing countries and undertook to provide a text for the second session of the Ad Hoc Committee. The delegation also stressed the need to include in the Convention an article on international development cooperation.

One delegation noted that, although the wording of this paragraph was based on the 1988 Convention, the scope of that convention was more limited. Therefore, consideration should be given to the appropriateness of this wording in a convention on transnational organized crime, which would have a considerably broader scope.

One delegation noted the need to draw the attention of Governments and regional cooperation agencies to the importance of the issues dealt with in this article.

¹⁶³ It was suggested that the Ad Hoc Committee might wish to consider the establishment, subject to the availability of extrabudgetary resources, of a database that would include training materials as well as information concerning available training programmes. It was also noted that this task could be carried out by an institute in the United Nations Crime Prevention and Criminal Justice Programme network.

¹⁶⁴ One delegation expressed concern about the appropriateness of this term in this context.

(g) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;

(h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology [; and

(i) Methods used in the protection of victims and witnesses].

2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and, to this end, shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

3. States Parties shall promote other techniques for mutual education that will facilitate extradition and mutual legal assistance. Such techniques may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. States Parties may conclude bilateral or multilateral agreements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by the present Convention to be effective and for the prevention and control of transnational organized crime.

5. In the case of existing bilateral and multilateral agreements, States Parties shall strengthen [, to the extent necessary,] efforts to maximize operational and training activities within the International Criminal Police Organization [and the Customs Cooperation Council] and within other relevant bilateral and multilateral agreements or arrangements.

Article 22¹⁶⁵

Prevention at the national level

1. With a view to reducing existing or future opportunities for criminal organizations to participate in legal markets while acquiring illegal gains through activities such as illegal trafficking in motor vehicles, firearms, women and children and immigrants, States Parties shall take appropriate legislative and administrative measures, in particular:¹⁶⁶

(a) To prevent the misuse of legal persons by organized crime through:

(i) The collection and storage of information on legal persons and natural persons involved in their establishment, management and funding;¹⁶⁷

¹⁶⁵ Proposed by the delegation of the Netherlands at the first session of the Ad Hoc Committee (A/AC.254/L.3).

¹⁶⁶ Many delegations were of the view that the language of this paragraph is too mandatory. Those delegations also expressed concern about the limited scope of the provision, especially with regard to the specific reference to offences, in view of the ongoing consideration of the scope of the Convention and the additional international legal instruments.

One delegation was of the opinion that the first paragraph of the original text should be retained. That paragraph was as follows: "1. States Parties shall consider taking steps to reduce to the extent possible existing social, legal, [cultural], administrative, technical [or any other] opportunities for criminal organizations to commit [profitable crimes] [any punishable offence] and to alleviate the circumstances that make socially marginalized groups vulnerable to the prospect of a criminal career." The words "or any other" and "any punishable offence" were suggested by that delegation. Other delegations recommended the addition of the word "cultural".

One delegation was of the view that the article should cover not only illegal markets, but also the risk posed by organized criminal groups to legal markets by virtue of their efforts to infiltrate them.

¹⁶⁷ One delegation expressed concern about the protection of personal data and information.

- (ii) The deprivation of the right of persons convicted for organized criminal activities to act as directors of legal persons incorporated in their jurisdiction;¹⁶⁸
 - (iii) The establishment of national registers of persons disqualified as directors of legal persons; and
 - (iv) The exchange of the types of information referred to under subparagraphs (a) (i) and (iii) of this paragraph with competent authorities of other States Parties;
- (b) To strengthen cooperation between public and relevant private organizations, including industries;¹⁶⁹
 - (c) To promote the development of standards and procedures designed to safeguard the integrity of public and private organizations, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants; and
 - (d) To exclude from participation in tender procedures conducted by public authorities applicants¹⁷⁰ who have been convicted for offences connected with organized crime and to deny subsidies or licences to such applicants.
2. With a view to reducing existing or future opportunities for criminal organizations to recruit new members from vulnerable groups of the population¹⁷¹, States Parties shall establish adequate prevention programmes.¹⁷²
3. With a view to reducing recidivism, States Parties shall assist in reintegrating into society, for example through vocational and educational training, persons convicted of having engaged in organized criminal activities¹⁷³
4. Each of the States Parties shall consider:
- (a) Undertaking an analysis of patterns of and trends in transnational organized crime by systematically gathering information on organized crime within its territory;
 - (b) Developing national projects¹⁷⁴ aimed at the prevention of transnational organized crime; and
 - (c) Establishing and promoting best practices to prevent transnational organized crime.
- [5. States Parties shall undertake to ensure that their organs and services, in particular their security services, under no circumstances cooperate with criminal organizations in any

¹⁶⁸ Many delegations thought that the provision of this and the subsequent subparagraphs were too far-reaching. Several delegations expressed the view that measures such as these should be linked with the gravity of the offence and the size of the legal person and that the exclusion should be limited in time. Other delegations advocated the retention of these measures, supplemented perhaps with the necessary safeguard clauses.

¹⁶⁹ For example, cooperation between a law enforcement agency and the car industry and insurance companies to prevent the theft of motor vehicles.

¹⁷⁰ Natural persons as well as legal persons.

¹⁷¹ Several delegations were of the view that caution was required in dealing with the issue of vulnerable groups.

¹⁷² Several delegations were of the view that this paragraph should be more specific with regard to the measures to be taken, especially in view of its mandatory nature. One delegation noted that the measures should include cultural programmes and the use of the media, including the cinema.

¹⁷³ In particular, young or low-ranking participants in criminal organizations.

¹⁷⁴ Either pilot or field projects.

way other than using individual informers to fight the types of crime in which such organizations engage.]¹⁷⁵

*Article 22 bis*¹⁷⁶
Prevention at the international level

States Parties shall collaborate with each other and relevant international organizations in promoting and developing the measures referred to in article 22 of this Convention, in particular through:

- (a) The nomination of a focal point;
- (b) The exchange of information on patterns of and trends in transnational organized crime and on best practices for the prevention of transnational organized crime; and
- (c) The participation in international projects¹⁷⁷ aimed at the prevention of transnational organized crime.

*Article 22 ter*¹⁷⁸
Communications from States Parties

In order to promote progress in the implementation of the Convention, each of the States Parties shall communicate, within [...] months of the entry into force of the Convention and periodically thereafter, information on its policies and measures to implement the Convention. This information shall be reviewed by the Conference of the Parties to the Convention at its first session and periodically thereafter, in accordance with article 23 of this Convention.

Option 1

Article 23
*Role of the United Nations and other relevant organizations*¹⁷⁹

1. For the purpose of examining the progress made by States Parties in achieving the fulfilment of the obligations undertaken in the present Convention, these States will provide periodic reports to the Commission on Crime Prevention and Criminal Justice, which will carry out the functions hereinafter provided.
2. States Parties undertake to provide such reports within two years of the entry into force of the Convention for the State concerned, and thereafter every five years.

¹⁷⁵ At the first meeting of the Ad Hoc Committee, most delegations were of the view that this paragraph should be deleted. Two delegations expressed the wish to retain this paragraph.

¹⁷⁶ A number of delegations were of the view that this provision required clarification and that it was too obligatory in nature.

¹⁷⁷ Either pilot or field projects.

¹⁷⁸ Proposed by the delegation of Austria at the first session of the Ad Hoc Committee (for an explanatory note, see the non-paper submitted by the delegation of Austria (A/AC.254/5/Add.3); see also footnotes 169 and 170 below).

¹⁷⁹ A number of delegations were of the view that option 1 would not provide for an effective monitoring mechanism. Some delegations also questioned the appropriateness of reporting to the Commission on Crime Prevention and Criminal Justice, whose membership might not coincide with the signatories to the Convention. Furthermore, it was suggested that a monitoring or follow-up mechanism would require a thorough discussion of issues such as confidentiality in respect of any reports containing sensitive operational information and involvement of non-governmental organizations.

3. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Commission with a comprehensive understanding of the implementation of the Convention in the States concerned.

4. A State Party that has submitted a comprehensive initial report to the Commission need not, in its subsequent reports submitted in accordance with paragraph 1 of this article, repeat basic information previously provided.

5. The Commission may request from the States Parties further information relevant to the implementation of the Convention.

6. States Parties shall provide, as appropriate, reports to the Secretary-General on current and emerging organized crime activities within their territory,¹⁸⁰ as well as on their experience with preventive measures and control measures.¹⁸¹

7. The Commission shall make its recommendations and submit reports on its activities to the Economic and Social Council, in accordance with existing provisions.

8. States Parties shall make their reports widely available to the public within their own territory.¹⁸²

9. In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) Intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council and other invited multilateral organizations shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Commission may invite the specialized agencies and other United Nations entities to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Commission shall transmit, as it may consider appropriate, to the intergovernmental and non-governmental organizations, other multilateral organizations and the specialized agencies any reports from the States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Commission's observations and suggestions, if any, on those requests or indications;

(c) The Commission may recommend to the Economic and Social Council that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the control and prevention of organized crime;

(d) The Commission may make suggestions and general recommendations based on information received pursuant to article(s) [...] of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party

¹⁸⁰ Some delegations felt that it might be difficult for States Parties to provide reports on sensitive ongoing investigations.

¹⁸¹ It was suggested that provisions might be inserted in this article on the possible role of the United Nations in preparing reports on current and emerging organized criminal activities, as well as on national experience with preventive measures and countermeasures, and in collecting and analysing information and research findings.

¹⁸² A number of delegations thought that public dissemination of reports might not be advisable.

concerned and reported to the Economic and Social Council, together with comments, if any, from the States Parties.

Option 2

Article 23
Monitoring of implementation

1. States Parties shall cooperate in carrying out a programme of systematic monitoring of the implementation of the measures provided for by this Convention to combat organized crime.

2. A committee of the States Parties shall be established for the purpose of carrying out monitoring functions under this article. The Committee shall:

(a) Adopt periodic reports evaluating implementation by States Parties and adopt and issue reports on its own activities;

(b) Promulgate procedures for assessing the level of implementation by States Parties (including with respect to submission of information by the Party being evaluated, the formation of evaluation teams made up of experts from States Parties to visit that Party and preparation of a preliminary evaluation for consideration by the Committee, and the discussion and adoption of the final evaluation report) and for carrying out its other functions.

3. Meetings of the Committee shall be held at [insert location] once a year or, where circumstances require, in special session. They shall be held in camera.

4. Every effort shall be made to reach decisions by consensus in the Committee. If consensus cannot be reached, decisions on substantive matters must be approved by a two-thirds majority of those States Parties present and voting, an absolute majority of States Parties constituting a quorum, while decisions on procedural matters shall be taken by a simple majority of those States Parties present and voting.

5. Expenses incurred in conjunction with the work of the Committee shall be paid from assessed contributions made by States Parties and voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Committee.

Option 3¹⁸³

Article 23
Conference of the Parties to the Convention

1. A Conference of the Parties to this Convention is hereby established.

2. The Conference, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any legal instruments related to the Convention and shall make, within its mandate, the decisions necessary to promote the effective monitoring and implementation of the Convention. To this end, the Conference shall:

¹⁸³ Option 3 is a proposal of the delegation of Austria, intended to replace options 1 and 2 on article 23. It was submitted during the first session of the Ad Hoc Committee and preliminarily discussed. The delegation of Austria also submitted explanatory notes on option 3 in a non-paper (A/AC.254/5/Add.3). The proposal consists of new articles 22 *ter*, 23, and 23 *bis* of the Convention.

(a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objectives of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;

(b) Promote and facilitate the exchange of information on measures adopted by the Parties to counter transnational organized crime;

(c) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the States Parties, the overall effect of the measures taken pursuant to the Convention and the extent to which progress is being made towards the achievement of the objectives of the Convention;¹⁸⁴

(d) Consider and adopt regular reports on the implementation of the Convention;

(e) Make recommendations on any matters necessary for the implementation of the Convention;

(f) Seek to mobilize financial resources pursuant to articles 21 and 22 of the Convention;

(g) Agree upon and adopt, by consensus, its own rules of procedure and financial rules;

(h) Seek and utilize, where appropriate, the services and cooperation of and information provided by competent international organizations and intergovernmental and non-governmental bodies.

3. The Conference shall adopt its rules of procedure at its first session.

4. The first session of the Conference shall be convened by the Centre for International Crime Prevention of the Secretariat of the United Nations and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, regular sessions of the Conference shall be held every year unless otherwise decided by the Conference.

5. *[Text on the participation of observers to be added].*

*Article 23 bis*¹⁸⁵
Secretariat

1. The Centre for International Crime Prevention of the Secretariat of the United Nations shall act as the secretariat of the Convention.

2. The functions of the secretariat shall be:

(a) To make arrangements for sessions of the Conference of the Parties to the Convention and to provide services for those sessions as required;

(b) To compile and submit reports to the Conference;

¹⁸⁴ There is a need for an article on the provision of information by States Parties for the evaluation of the progress made in the implementation of the Convention (see article 22 *ter*).

¹⁸⁵ It was noted that the role proposed for the Centre for International Crime Prevention would have significant budgetary implications and would require careful consideration.

- (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
- (d) To prepare reports on its activities and present them to the Conference;
- (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
- (f) To assist States Parties, upon request, in analysing patterns and trends in transnational organized crime;
- (g) To set up a database of best practices developed by States Parties for the prevention of transnational organized crime;
- (h) To establish a network of contact persons from States Parties and, where appropriate, to facilitate the organization of meetings for the contact persons;
- (i) To promote and facilitate the organization of seminars and conferences for other national experts on the prevention of transnational organized crime;
- (j) To promote or facilitate the development by States Parties of international pilot projects and, where appropriate, to evaluate the pilot projects.¹⁸⁶

Article 24
*Relation with other conventions*¹⁸⁷

Option 1

This Convention shall not prejudice the application of other United Nations conventions on criminal matters.

¹⁸⁶ Subparagraphs 2 (f)-(j) of this article are based on the version of article 22 proposed by the delegation of the Netherlands (A/AC.254/L.3).

¹⁸⁷ The discussion on article 24 at the second session of the Ad Hoc Committee focused on options 1 and 2 of the article as presented in the revised draft Convention (A/AC.254/4/Rev.1). Some delegations suggested that the article should deal not only with the relation between the present Convention and other United Nations conventions, but also with its relation to bilateral and multilateral treaties and arrangements in general. It was also suggested that the article should specify the relation between Protocols to the present Convention and other international treaties and arrangements.

A number of delegations expressed a preference for option 1 on the grounds that States Parties to existing bilateral and multilateral instruments often assumed obligations that went beyond those to be contained in the present Convention and that States Parties should continue to respect those obligations. Other delegations expressed a preference for option 2 on the grounds that applying a number of agreements and conventions could lead to conflict. It was also suggested by one delegation that the issue of which convention would prevail could depend on the individual issue at hand. Other delegations suggested that any option under this article would have to be enriched and a differentiation would have to be made between the measures addressed.

The Ad Hoc Committee agreed that the exchange of views on the article at its second session was only preliminary, since no decision should be made on the contents of the article until the earlier, substantive articles of the Convention had been discussed. A number of additional proposals were made for the formulation of article 24, and the Ad Hoc Committee decided that those proposals should be included as new options 3 and 4.

Option 2

The provisions of the present Convention shall prevail over those of other United Nations conventions dealing with the same matters.¹⁸⁸

Option 3

No provision of this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other international agreements, whether bilateral or multilateral, currently in force or concluded in the future, or pursuant to any other applicable arrangement or practice.

Option 4

1. The provisions of this Convention that relate to international cooperation will in no way affect the application of broader provisions of bilateral or multilateral agreements in force between States Parties. The other provisions of this Convention shall prevail over those provisions which deal with the same questions in other conventions already concluded under the auspices of the United Nations.

2. States Parties may apply article[s] [...] of this Convention to other multilateral conventions to the extent agreed to by States Parties.¹⁸⁹

3. States Parties may conclude bilateral or multilateral agreements or arrangements with a view to facilitating the application of the principles and procedures of this Convention.

4. States Parties may conclude bilateral or multilateral agreements or arrangements for the application of one or more provisions of this Convention to other forms of criminal behaviour.

Article 25
*Settlement of disputes*¹⁹⁰

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention [and its Protocols] that cannot be settled through negotiation within a reasonable time¹⁹¹ shall, at the request of one of them, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

¹⁸⁸ One delegation noted that it could accept option 2 as the working text if the words “the same matters” were to be replaced with the words “organized crime”.

¹⁸⁹ This paragraph was originally paragraph 10 of article 2 and was moved to article 24 pursuant to a proposal by some delegations at the second session of the Ad Hoc Committee.

¹⁹⁰ Some delegations proposed that article 32 of the 1988 Convention would be a more appropriate model for this paragraph, in that it referred not simply to negotiation and arbitration, but in greater detail to “negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their [the Parties’] own choice”. Other delegations, however, essentially supported the present formulation, since it was based on the 1997 International Convention for the Suppression of Terrorist Bombings (General Assembly resolution 52/164, annex), which was more recent than the 1988 Convention.

¹⁹¹ Some delegations were of the view that the term “reasonable time” was ambiguous.

2. Each State Party may, at the time of [signature,] ratification [, acceptance] or [approval] of this Convention, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party that has made such a reservation.¹⁹²

3. Any State Party that has made a reservation¹⁹³ in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 26

Signature, ratification, acceptance, approval, accession and reservations

1. This Convention shall be open to all States for signature from [...] to [...] and thereafter at United Nations Headquarters in New York until [...].

2. The present Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

[3. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States Parties at the time of ratification, acceptance, approval or accession.]¹⁹⁴

[4. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.]

[5. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.]

6. This Convention is subject to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

[Article 26 bis

Relation with Protocols¹⁹⁵

¹⁹² One delegation noted that the issue of a declaration would apply only to cases involving the compulsory settlement of disputes. Some delegations proposed that paragraphs 2 and 3 of article 25, together with the appropriate paragraphs from article 26, should be placed in a separate article on reservations. Other delegations, however, noted that reservations in respect of the resolution of conflicts were an issue that should be kept in article 25, separate from the issue of reservations in general.

¹⁹³ One delegation proposed that the word "reservation" be replaced with the word "declaration".

¹⁹⁴ Some delegations were of the view that paragraphs 3-5 were not appropriate. The observation was also made that in order to ensure that reservations could not be made, an express provision to that effect was required. Otherwise, general international law on treaties (and in particular the Vienna Convention on the Law of Treaties) would nonetheless allow reservations to be made. Other delegations expressed their preference for an article that would specifically allow for reservations and some delegations proposed that these three paragraphs be placed in a separate article. One delegation proposed for consideration the possibility that only some provisions of the Convention would be subject to reservations. Finally, some delegations noted that the issue of reservations could not be decided until the contents of the Convention had been decided. It was therefore decided to place paragraphs 3-5 in brackets for the time being.

¹⁹⁵ Paragraphs 1-3 of article 26 *bis* are based on a proposal by the delegation of Australia (A/AC.254/L.13) and paragraph 4 was proposed by the delegation of Poland (A/AC.254/5/Add.3). Several delegations noted their support for the proposal. However, several delegations recalled that in paragraph 18 of the report of the Ad Hoc Committee on its first session (A/AC.254/9) it had been noted that, as the additional international legal instruments might require a broad scope, the possibility could not be excluded that they might be independent from the Convention.

1. This Convention may be supplemented by one or more Protocols.
2. In order to become a Party to a Protocol, a State must also be a Party to the Convention.
3. State Party to the Convention is not bound by a Protocol unless it has expressly accepted the Protocol.
4. Any Protocol by which a State Party is bound shall, for that State Party, form an integral part of this Convention.]

Article 27
Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the [...] ¹⁹⁶ instrument of ratification, acceptance, approval or accession.

2. For each State Party ratifying, accepting, approving or acceding to the Convention after the deposit of the twentieth instrument of such action, the Convention shall enter into force on the thirtieth day after the deposit by such State of that relevant instrument.

Article 28
Amendment

1. A State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments that they have accepted.

Article 29
Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 30
Languages and depositary

1. The Secretary-General of the United Nations is designated depositary of the present Convention.

2. The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

¹⁹⁶ Some delegations proposed 20 as the appropriate number of ratifications, since this would make it possible for the Convention to enter into force in a relatively brief period. Other delegations proposed that the number of ratifications required should be higher (for example, 40-60) in order to emphasize the global nature of the Convention. One delegation noted that a low number of ratifications would be appropriate should it be possible to make reservations to the Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Attachment

1. As noted in footnote 3 to article 2 of the revised draft Convention (see above), the Ad Hoc Committee at its second session accepted a compromise proposal by its Chairman that a list of offences, which could be either indicative or exhaustive, could be included either in an annex to the Convention or in the *travaux préparatoires*. This list would, however, need to be supplemented with proposals from States. (For details see the report of the Ad Hoc Committee on its second session (A/AC.254/11).)

2. The following list was taken from former paragraph 3 of article 2 (see A/AC.254/4/Rev.1):

“[3. For the purposes of the application of paragraph 1 above, ‘serious crime’ shall be deemed to include, among others, acts such as the following:

“(a) Illicit traffic in narcotic drugs or psychotropic substances and money-laundering, as defined in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;^a

“(b) Traffic in persons, as defined in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;^b

“(c) Counterfeiting currency, as defined in the International Convention for the Suppression of Counterfeiting Currency of 1929;^c

“(d) Illicit traffic in or stealing of cultural objects, as defined by the United Nations Educational, Scientific and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970,^d and the International Institute for the Unification of Private Law Convention on Stolen or Illegally Exported Cultural Objects of 1995;

“(e) Stealing of nuclear material, its misuse or threats to misuse or harm the public, as defined by the Convention on the Physical Protection of Nuclear Material of 1980;^e

“(f) Acts contained in the United Nations conventions against terrorism;^f

^a United Nations publication, Sales No. E.91.XI.6.

^b Resolution 317 (IV), annex. The delegation of the Philippines proposed that the definition be expanded, as the 1949 Convention did not address new contemporary forms of trafficking. That delegation proposed that the definition of “traffic in persons” be elaborated and made clearer, using the international standards formulated in the Slavery Convention signed at Geneva on 25 September 1926 and the 1953 Protocol Amending the Slavery Convention and the Platform for Action of the Fourth World Conference on Women (*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), resolution 1, annex II).

^c *League of Nations Treaty Series*, vol. 112, p. 171.

^d United Nations, *Treaty Series*, vol. 823, No. 11806.

^e United Nations, *Treaty Series*, vol. 1456, No. 24631.

^f Some delegations proposed that reference be made to the 1998 Arab Convention on Combating Terrorism. Some delegations were of the view that the Convention, while not intended as an instrument against terrorism, should endeavour to cover the emerging links between terrorist acts and organized crime.

“(g) Illicit manufacture of and traffic in firearms, their parts and components, ammunition, or explosive materials or devices;^g

“(h) Illicit traffic in or stealing of motor vehicles, their parts and components; and

“(i) Corruption of public officials and officials of private institutions.^h”

3. The following list was circulated at the second session of the Ad Hoc Committee by Mexico on behalf of several delegations:

- (a) Illicit traffic in narcotic drugs and psychotropic substances;
- (b) Money-laundering;
- (c) Traffic in persons, in particular women and children;
- (d) Illicit traffic in and transport of migrants;
- (e) Counterfeiting currency;
- (f) Illicit traffic in or stealing of cultural objects;
- (g) Illicit traffic in or stealing of nuclear material, its use or threatening to misuse it;
- (h) Acts of terrorism;
- (i) Illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related material;
- (j) Illicit traffic in or stealing of motor vehicles, their parts and components;
- (k) Acts of corruption;
- (l) Illicit traffic in human organs;
- (m) Illicit access to or illicit use of computer systems and electronic equipment, including electronic transfer of funds;
- (n) Kidnapping;
- (o) Illicit traffic in or stealing of biological and genetic materials.

4. The following list was proposed by the Government of Egypt:

- (a) Illicit traffic in narcotic drugs and psychotropic substances and moneylaundering;
- (b) Traffic in persons, in particular women and children;
- (c) Illicit traffic in and transport of migrants;
- (d) Counterfeiting currency;
- (e) Illicit traffic in or stealing of cultural objects;
- (f) Illicit traffic in or stealing of nuclear material, its use or threatening to misuse it;
- (g) Acts of terrorism as defined in the pertinent international conventions;

^g One delegation proposed that the definition used in the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials should be used.

^h Individual delegations proposed the inclusion of illicit traffic in women and children under subparagraph 3 (b), as well as the inclusion of the following as additional subparagraphs: illicit traffic in migrants; illicit traffic in endangered animals; illicit traffic in human body parts; illicit access to computer systems and equipment; piracy; kidnapping for ransom; and murder and other grave offences against persons.

- (h) Illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related material;
- (i) Illicit traffic in or stealing of motor vehicles, their parts and components;
- (j) Acts of corruption;
- (k) Illicit traffic in human body organs;
- (l) Illicit access to or illicit use of computer systems and electronic equipment, including electronic transfer of funds;
- (m) Illicit traffic in or stealing of biological and genetic materials.