MLA Diplomatic Conference
Ljubljana, Slovenia, 15 – 26 May 2023

26 May 2023

Original: English

THE LJUBLJANA-THE HAGUE CONVENTION ON INTERNATIONAL COOPERATION IN THE INVESTIGATION AND PROSECUTION OF THE CRIME OF GENOCIDE, CRIMES AGAINST HUMANITY, WAR CRIMES AND OTHER INTERNATIONAL CRIMES

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PREAMBLE

The States Parties to this Convention

Recalling that the international crimes to which this Convention applies are among the most serious crimes of concern to the international community as a whole,

Emphasizing that fighting impunity for these crimes is essential for peace, stability, justice and the rule of law,

Stressing that States have the primary responsibility to investigate the international crimes to which this Convention applies and to prosecute the alleged offenders of the crimes in question and that they must take all necessary legislative and executive measures to that effect, affirming their willingness to foster conditions allowing States to assume fully that primary responsibility,

Striving to pursue the development of international law to fight against impunity for the crime of genocide, crimes against humanity, war crimes and other international crimes,

Reaffirming the rights, obligations and responsibilities of States under international law, including international humanitarian law, international human rights law and international refugee law and the principle of non-refoulement as contained therein,

Recognizing the rights of victims, witnesses and other persons in relation to the crimes to which this Convention applies, the vital part they play in the judicial process and the need to protect their physical and psychological well-being and to adopt a survivor-centered approach as well as access to justice and adequate redress, including through reparative justice where appropriate,

Recognizing also the right of alleged offenders to fair treatment at all stages of proceedings,

Observing that investigating and prosecuting these international crimes often involves suspects, witnesses, evidence or assets located outside the territory of the State that is conducting the investigation or prosecution,

Acknowledging that the effective investigation and prosecution of these international crimes at the national level must be ensured by enhancing international cooperation,

Recognizing that international cooperation in criminal matters in accordance with international obligations and domestic law is a cornerstone of continued efforts by States in their fight against impunity, and **encouraging** the continuation and reinforcement of such efforts at all levels,

Recalling the principles of sovereign equality and territorial integrity of States and the principle of non-intervention in the internal affairs of other States,

Taking note with appreciation of existing provisions under customary international law and multilateral instruments that seek to fight against impunity for the crime of genocide, crimes against humanity and war crimes, including, inter alia, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Geneva Convention relative to the Treatment of Prisoners of War, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and the additional protocols thereto, the Convention for the

Protection of Cultural Property in the Event of Armed Conflict and the additional protocols thereto, and the Rome Statute of the International Criminal Court,

Mindful that during the 20th and 21st centuries millions of people have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Determined to investigate and prosecute in a more effective manner the international crimes to which this Convention applies and **recognizing** the need to strengthen the international legal framework for cooperation to this end,

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1. Objective of this Convention

The objective of this Convention is to facilitate international cooperation in criminal matters between States Parties with a view to strengthening the fight against impunity for the crime of genocide, crimes against humanity, war crimes, and, where applicable, other international crimes.

Article 2. Scope of this Convention

1. States Parties shall apply this Convention to the crimes referred to in article 5.

2. Each State may, at the time of signature, or when depositing its instruments of ratification, acceptance or approval of or accession to this Convention, or at any later time, notify the Depositary that it shall also apply this Convention to the crime or crimes listed in any of the annexes to this Convention in relation to any other State Party which has notified the Depositary that it shall apply the Convention to the same crime as listed in the relevant annex, which shall constitute an integral part of this Convention.

Article 3. General principle of interpretation

Nothing in this Convention shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law, including the definitions of the crimes to which this Convention applies.

Article 4. Relation with other agreements

Nothing in this Convention shall prevent States Parties which have concluded other agreements, or have in any other manner established relations between themselves, in respect of a subject-matter within the scope of this Convention to apply such agreements or to conduct their relations accordingly, in place of this Convention, if that facilitates their cooperation.

Article 5. Definitions of international crimes

1. For the purposes of this Convention, "crime of genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

   (a) Killing members of the group;

   (b) Causing serious bodily or mental harm to members of the group;

   (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

   (d) Imposing measures intended to prevent births within the group;

   (e) Forcibly transferring children of the group to another group.

2. For the purposes of this Convention, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime covered by this Convention;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

3. For the purposes of paragraph 2:

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 2 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting domestic laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 2, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

4. For the purposes of this Convention, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages;

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his or her arms or having no longer means of defense, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

(xx) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in paragraph 3, subparagraph (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxiv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

(xxv) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable;

(d) Paragraph 4, subparagraph (c), applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature;

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in paragraph 3, subparagraph (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(x) Declaring that no quarter will be given;

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 4, subparagraph (e), applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

5. Nothing in paragraph 4, subparagraphs (c) and (e), shall affect the responsibility of a Government to maintain or reestablish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

6. For the purposes of this Convention, the crimes to which this Convention applies shall not be considered as political crimes, as crimes connected with a political crime or as crimes inspired by political motives.

Article 6. Optional application of this Convention

Without prejudice to article 2 States Parties may agree to apply this Convention to any request that refers to conduct when all of the following conditions are met:

(a) The conduct is a crime of genocide, crime against humanity, war crime, crime of aggression, torture or enforced disappearance under international law;

(b) The conduct is a crime of genocide, crime against humanity, war crime, crime of aggression, torture or enforced disappearance in the domestic law of the requesting State Party;

(c) The conduct is an extraditable offence under the domestic law of the requested State Party.

Article 7. Criminalization

1. Each State Party shall take the necessary measures to ensure that the crimes to which the State Party applies this Convention constitute crimes under its domestic law.

2. Each State Party shall make the crimes referred to in paragraph 1 punishable by appropriate penalties which take into account their gravity.

Article 8. Jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes to which this Convention applies in accordance with article 2 paragraph 1, as well as any crime it has notified as applicable under article 2, paragraph 2, in the following cases:

   (a) When the crimes are committed in any territory under its jurisdiction or on board a vessel or aircraft registered in that State;

   (b) When the alleged offender is a national of that State.

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the crimes to which this Convention applies in accordance with article 2 paragraph 1, as well as any crime it has notified as applicable under article 2, paragraph 2, in the following cases:

   (a) When the alleged offender is a stateless person who is habitually resident in that State's territory;

   (b) When the victim is a national of that State.

3. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such crimes in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite the alleged offender to any of the States referred to in paragraphs 1 or 2, or surrender the alleged offender to a competent international criminal court or tribunal.

4. This Convention does not exclude any criminal jurisdiction exercised in accordance with domestic law.

Article 9. Nationals

For the purposes of this Convention, each State Party may, at any time, by written notification to the Depositary, define the term “nationals” according to its domestic law.

Article 10. General principle of cooperation

States Parties shall execute requests for cooperation made pursuant to this Convention in accordance with their domestic law.

Article 11. Statute of limitations

For the purposes of this Convention, the crimes to which this Convention applies in accordance with article 2 shall not be subject to any statute of limitations contrary to international law.

Article 12. Right to complain

1. Each State Party shall take the necessary measures to ensure that any person who alleges that crimes to which that State Party applies this Convention have been or are being committed has the right to complain to its competent authorities.
2. States Parties shall undertake to examine any received complaints, promptly and impartially, in accordance with their domestic law and, where appropriate, relevant domestic policies.

Article 13. Preliminary measures

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed a crime to which it applies this Convention is present shall take the person into custody or take other legal measures to ensure the person's presence, in accordance with its domestic law. The custody and other legal measures may be continued only for such time as is necessary to enable any criminal, extradition or surrender proceedings to be instituted.
2. Such State Party shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 shall be assisted in communicating immediately with the nearest appropriate representative of the State of which the person is a national, or, if the person is stateless, with the representative of the State where the person habitually resides.
4. When a State Party, pursuant to the provisions of this article, has taken a person into custody, it shall immediately notify the States Parties referred to in article 8, paragraphs 1 and 2, of the fact that such person is in custody and of the circumstances which warrant the person's detention. The State Party which makes the preliminary inquiry contemplated in paragraph 2 shall, as appropriate, promptly report its findings to the said States Parties and shall indicate whether it intends to exercise jurisdiction.

Article 14. Aut dedere, aut iudicare

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any crimes to which this Convention applies in accordance with article 2, is found shall in the cases contemplated in article 8, if it does not extradite or surrender the person to another State or a competent international criminal court or tribunal, submit the case to its competent authorities for the purposes of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any other crime of a grave nature under the domestic law of that State Party. In the cases referred to in article 8, paragraph 3, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 8, paragraphs 1 and 2.

3. Any person against whom proceedings are brought in connection with any of the crimes to which this Convention applies shall be guaranteed fair treatment at all stages of the proceedings.

Article 15. Liability of legal persons

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for their participation in the crimes to which that State Party applies this Convention.

2. Subject to the legal principles of a State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the crimes.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Article 16. Use and protection of personal data

1. The States Parties shall ensure that personal data transferred from one State Party to another shall be used only for the purpose for which it was transferred. Personal data shall not be used for any incompatible purpose. Personal data shall not be transferred to any third State or international organization without prior approval of the State Party which initially transferred the personal data. The State Party which initially transferred the personal data may specify terms that the requesting State Party must respect in connection with any onward transfer.

2. Where the requested State Party has imposed special conditions on the use of personal data it has provided, the requesting State Party shall upon request from the requested State Party provide information on the use that has been made of the personal data.

3. Where, following disclosure to the requesting State Party, the requested State Party becomes aware of circumstances that may cause it to seek an additional condition in a particular case, a central authority of the requested State Party may consult with a central authority of the requesting State Party to determine the extent to which the personal data can be protected.

4. The States Parties shall transfer accurate personal data to each other. If it appears that incorrect personal data has been transferred or if it appears that personal data should not have been transferred by the requested or requesting State Party, the State Party concerned shall immediately be notified to this effect. The State Party concerned shall correct or delete the personal data without delay, unless it is needed for the purposes of paragraphs 8 and 9.

5. Upon request, the person concerned shall be informed about any transferred personal data relating to that person and about the purpose of its intended use. However, this information may be withheld in order to avoid prejudicing the prevention, detection, investigation or prosecution of crimes.

6. The transferred personal data shall be erased or anonymized by the requesting State Party as soon as it is no longer required for the purpose for which it has been transferred, except where retaining the personal data is required to exercise the rights referred to in paragraphs 8 and 9.

7. The receiving State Party shall ensure appropriate protection of the personal data received from accidental loss, accidental or unlawful destruction or alteration and unauthorized disclosure, unauthorized access and any other unauthorized processing.

8. For the purposes of this Convention, States Parties shall ensure that any person concerned by a transfer of data is entitled to obtain access to, rectification of or erasure of their personal data from the State Party which transmitted the data or the State Party which received the data. The exercise of this right may be limited if it would compromise one of the purposes mentioned in paragraph 1 or the exercise of the rights and freedoms of other persons.

9. States Parties shall ensure that the persons concerned are entitled to seek an effective remedy for the violation of any obligation contained in this article.

10. The requested State Party shall not be obliged to transfer personal data if the domestic law applicable to it prohibits transfer or if it has reason to assume that the legitimate interests of the person concerned would be adversely affected by such transfer.

Article 17. Spontaneous exchange of information

1. Without prejudice to its domestic law, a State Party may, without prior request, transmit information relating to the crimes to which it applies this Convention to another State Party where the former State Party believes that such information could assist the latter State Party in undertaking or successfully concluding inquiries and criminal proceedings, or could result in a request formulated by the latter State Party in accordance with this Convention. Without prejudice to more favorable conditions in other legal instruments, the spontaneous exchange of information shall take place through the competent authorities of the States Parties concerned.

2. The transmission of information pursuant to paragraph 1 shall be without prejudice to inquiries and criminal proceedings in the providing State Party.

3. The competent authorities receiving the information shall comply with a request of the providing State Party that the information remain confidential, even temporarily, or with restrictions on its use.

4. Notwithstanding paragraph 3, the receiving State Party may disclose in its proceedings information that is exculpatory to an accused person. In such case, the receiving State Party shall notify the providing State Party prior to the disclosure and, if so requested, consult with the providing State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the providing State Party of the disclosure without delay.

5. Upon the request of the providing State Party the information transmitted shall not be used as evidence in criminal proceedings before a request for mutual legal assistance has been granted.

Article 18. Costs

1. The ordinary costs of executing a request pursuant to this Convention shall be borne by the requested State Party, unless otherwise determined in this Convention or otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request shall be executed, as well as the manner in which the costs shall be borne.

2. The following costs shall be borne or reimbursed by the requesting State Party, unless the requested State Party waives the reimbursement of all or some of these expenses:

   (a) The costs incurred by the attendance of experts in the territory of the requested State Party;

   (b) The costs of establishing and servicing video or telephone links;

   (c) The remuneration of interpreters provided by the requested State Party;

   (d) Allowances to witnesses as well as their travelling and subsistence expenses in the territory of the requested State Party.

3. The costs for the transportation to the requesting State Party of a person in custody carried out under article 36 shall be borne by the requesting State Party.

4. The costs for the transportation to the requesting State Party of the person whose extradition is sought, shall be borne by the requesting State Party.

5. The costs for the transportation of a sentenced person to the administering State Party executing the sentence shall be borne by that State Party.

Article 19. Definitions related to mutual legal assistance and extradition

For the purposes of this Convention:

   (a) “Confiscation”, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;

   (b) “Freezing” or “seizure” shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

   (c) “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of a crime to which this Convention applies;

(d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;

PART II. CENTRAL AUTHORITIES AND COMMUNICATION

Article 20. Central authorities

1. Each State Party shall designate one or more central authorities. The central authorities shall be responsible for sending and receiving requests for and information on cooperation in accordance with the provisions of this Convention and shall encourage the speedy and proper execution of requests by the competent authorities.

2. Where a State Party has a special region or territory with a separate system for cooperation under this Convention, it may designate a distinct central authority that shall have the functions referred to in paragraph 1 for that region or territory.

3. Where a State Party has a distinct central authority responsible for sending and receiving requests and information in accordance with specific provisions of this Convention, it may designate a distinct central authority that shall have the functions referred to in paragraph 1 for the relevant provisions of this Convention.

4. At the request of one or more States Parties, consultations may be held among central authorities on matters related to the application of this Convention.

5. Each State shall notify its designation of one or more central authorities under paragraph 1, at the time of signature or when depositing its instrument of ratification, acceptance or approval of or accession to this Convention, by means of a declaration addressed to the Depositary. A State subsequently may, at any time and in the same manner, change the terms of its declaration.

Article 21. Channel of communication and single points of contact

1. Requests made in accordance with this Convention and any communication related thereto shall be transmitted to the central authorities designated by the States Parties.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval of or accession to this Convention or at any time thereafter, declare, by means of a communication addressed to the Depositary, that requests be addressed to it through diplomatic channels, and/or, if possible, through the International Criminal Police Organization.

3. In order to facilitate the efficient communication regarding the execution of an individual request made in accordance with this Convention, each State Party may, without prejudice to article 20, paragraphs 1 to 4, designate single points of contact within its competent authorities. These points of contact may liaise with each other on practical matters regarding the execution of such a request.

4. Each State shall indicate its designated single points of contact in accordance with article 85, paragraph 1.

5. The transmission of any request, information or communication based on this Convention may, where the States Parties concerned agree, be done by secured electronic means while taking into account the need to protect confidentiality and to ensure authenticity. In any case,

upon request and at any time, the State Party concerned shall submit the originals or authenticated copies of the documents.

Article 22. Acceptable languages

1. Requests shall be made in a language acceptable to the requested State Party.

2. Each State shall indicate the language or languages acceptable to that State by informing the central authorities of the States Parties, or, if the conditions in article 85, paragraphs 2 and 3, are met, the State designated to provide additional interim support.

PART III. MUTUAL LEGAL ASSISTANCE

Article 23. Scope of Part III

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the crimes to which they apply this Convention.

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party in respect of investigations, prosecutions and judicial proceedings in relation to the crimes for which a legal person may be held liable in accordance with article 15, paragraph 1, in the requesting State Party.

Article 24. Purpose of the request

Mutual legal assistance to be afforded in accordance with the provisions of this Convention may include:

(a) Taking evidence or statements from persons, including, as far as consistent with the domestic law of the requested State Party, by video conference;

(b) Examining objects and sites;

(c) Providing information, evidentiary items and expert evaluations;

(d) Executing searches, seizures and confiscations;

(e) Effecting service of judicial documents;

(f) Providing originals or copies, if need be certified, of relevant documents, records and computer data, including official, bank, financial, corporate or business records;

(g) Facilitating the voluntary appearance of persons and the temporary transfer of detained persons, in the requesting State Party;

(h) Using special investigative techniques;

(i) Conducting cross-border observations;

(j) Setting up joint investigation teams;

(k) Taking measures that allow for the adequate protection of victims and witnesses and their rights;

(l) Providing any other type of assistance that is not contrary to the domestic law of the requested State Party.

Article 25. Request and supporting documents

1. A request for mutual legal assistance shall be made in writing under conditions allowing the requested State Party to establish authenticity.

2. A request for mutual legal assistance shall contain or be accompanied by the following:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts, except in relation to requests for the purposes of service of judicial documents;

(d) A statement of the relevant domestic law, accompanied by the reference texts, and a statement of the penalty that has been or can be imposed for the crimes;

(e) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(f) Where possible, the identity, location and nationality of any person concerned;

(g) The purposes for which the evidence, information or action is sought, and when needed their relevance to the underlying investigation, prosecution or judicial proceedings;

(h) Where appropriate, the time limit within which the assistance should be provided and the reasons therefore;

(i) Where applicable, a statement of the relevant domestic law allowing a witness to refuse to make a deposition.

3. In urgent circumstances, where agreed by both the requesting State Party and the requested State Party, requests may be made orally or by any means leaving a written record but shall be confirmed in accordance with paragraphs 1 and 2 as soon as reasonably possible.

Article 26. Confidentiality of requests for mutual legal assistance

The requested State Party shall keep confidential the fact, substance and outcome of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party. The requesting State Party shall determine whether the request should nevertheless be executed.

Article 27. Provisional measures

1. At the request of the requesting State Party, the requested State Party, in accordance with its domestic law, may take provisional measures for the purposes of preserving evidence, maintaining an existing situation or protecting endangered legal interests.

2. The requested State Party may execute the request for provisional measures partially or subject to conditions, including by limiting the duration of the requested measures.

Article 28. Additional information

If the requested State Party considers that the information provided in support of a request for mutual legal assistance is not sufficient to make a decision on or to enable the execution of the request, it may request that additional information be provided within such reasonable time as it specifies.

Article 29. Legal basis of mutual legal assistance

If a State Party that makes mutual legal assistance conditional on the existence of a treaty receives a request for mutual legal assistance from another State Party with which it has no mutual legal assistance treaty, it shall consider this Convention as the legal basis for mutual legal assistance in respect of any crime to which this Convention applies.

Article 30. Grounds for refusal of mutual legal assistance

1. Mutual legal assistance may, with due consideration to the principles stipulated under paragraph 2, be refused if:

   (a) The requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's race, gender, color, mental or physical disability, sexual orientation, religion, nationality, ethnic origin, political opinions or belonging to a particular social group, or that compliance with the request would cause prejudice to that person's position for any of these reasons;

   (b) The request concerns a crime punishable by the death penalty under the domestic law of the requesting State Party, unless, in accordance with the domestic law of the requested State Party;

      (i) The requesting State Party gives credible, sufficient and effective guarantees, or, if requested by the requested State Party, agrees to a condition, that fulfills the requirements of the requested State Party, that the death penalty will not be imposed; or

      (ii) Where possible under the domestic law of the requested State Party, if the death penalty has already been imposed, the requesting State Party gives credible, sufficient and effective guarantees, or, if requested by the requested State Party, agrees to a condition, that fulfills the requirements of the requested State Party, that the death penalty shall not be enforced;

   (c) The request concerns facts on the basis of which the prosecuted person has been finally judged in the requested State Party for a crime based on the same criminal conduct;

   (d) There are substantial grounds to believe that the person concerned by the request would be subjected to torture or other cruel, inhuman or degrading treatment or punishment, a flagrant violation of the right to a fair trial or other flagrant violations of fundamental human rights in the requesting State Party in accordance with the domestic law of the requested State Party;

   (e) The authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to a crime based on the same criminal conduct, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

   (f) The request is not made in conformity with the provisions of this Convention;

(g) The requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

(h) The request has been issued on behalf of an extraordinary or ad hoc court or tribunal of the requesting State Party, unless the competent authorities of the requesting State Party give assurances considered sufficient that the judgment will be rendered by a court which is generally empowered under the rules of judicial administration to pronounce on criminal matters;

(i) Granting the request would be contrary to the domestic law of the requested State Party relating to mutual legal assistance;

(j) There are substantial grounds to believe that the person concerned by the request would face a real risk of a sentence of life imprisonment without parole or indefinite sentence.

2. When exercising its discretion under paragraph 1, States Parties shall take into consideration international and domestic principles of human rights and fundamental freedoms, including the rights to life, liberty and security of the person.

3. States Parties may not refuse a request for mutual legal assistance on the sole ground that the crime is also considered to involve fiscal matters, nor on the ground of bank secrecy.

4. Reasons shall be given for any or partial refusal of mutual legal assistance.

5. Before refusing a request pursuant to this article or postponing its execution pursuant to article 32, paragraph 4, the requested State Party shall consult, where appropriate, with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

Article 31. Limitations on transmissions and use of information and evidence

1. The requesting State Party shall not transmit or use information or evidence provided by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party.

2. Nothing in this article shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

3. Where the requested State Party has imposed special conditions on the use of information or evidence it has provided, the requesting State Party shall upon request from the requested State Party provide information on the use it has made of the information or evidence.

4. Where, following disclosure to the requesting State Party, the requested State Party becomes aware of circumstances that may cause it to seek an additional condition in a particular case, the central authority of the requested State Party may consult with the central authority of the

requesting State Party to determine the extent to which the evidence and information can be protected.

Article 32. Execution of the request

1. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

2. The requested State Party shall execute the request as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. It shall respond to reasonable requests by the requesting State Party on progress of its handling of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

3. On the express request of the requesting State Party, the requested State Party shall, as far as possible, state the date and place of execution of the request for mutual legal assistance. Officials and interested persons may be present if the requested State Party consents.

4. The execution of the request may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding. Where appropriate, reasons shall be given for any postponement, including, when possible, the conditions under and the timeframe in which execution could take place.

Article 33. Depositions of persons in the requested State Party

1. Witnesses and experts shall be heard in accordance with the domestic law of the requested State Party. Witnesses and experts may refuse to make depositions if the law of the requested or requesting State Party allows them to do so.

2. If their refusal to make depositions is based on the domestic law of the requesting State Party, the requested State Party shall consult the requesting State Party.

3. A witness or expert invoking the right to refuse to make a deposition, as provided for in paragraph 1, cannot be subjected to any penalty in the requesting or requested State Party for that reason.

4. Without prejudice to any measures agreed for the protection of persons, the requested State Party shall, on the conclusion of the hearing, draw up minutes indicating the date and place of the hearing, the identity of the person heard, the identities and functions of any other person in the requested State Party participating in the hearing, any oaths taken and the technical conditions under which the hearing took place. The document shall be forwarded by the requested State Party to the requesting State Party.

5. Where witnesses or experts are being heard within its territory in accordance with this article and refuse to make a deposition when under an obligation to do so or do not depose according to the truth, each State Party shall take the necessary measures to ensure that its domestic law applies in the same way as if the hearing took place in a domestic procedure.

Article 34. Hearing by video conference

1. If a person is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the latter may request that the hearing take place by video conference, as provided for in paragraphs 2 to 7. This paragraph may also be applied to the use of video conference for other purposes, such as the identification of objects, persons or places, if agreed by the requested State Party.

2. The requested State Party shall agree to the hearing by video conference provided that the use of the video conference is not contrary to basic principles of its domestic law and on the condition that it has the technical means to carry out the hearing by video conference. If the requested State Party has no access to the technical meansto carry out the hearing by video conference, such means may be made available to it by the requesting State Party by mutual agreement.

3. Requests for a hearing by video conference shall contain, in addition to the information referred to in article 25, the name of the judicial authority conducting the hearing or, if agreed by the requested State Party, another competent authority conducting the hearing.

4. The judicial authority of the requested State Party may summon the person concerned to appear in accordance with the forms laid down by its domestic law.

5. With reference to a hearing by video conference, the following rules shall apply:

   (a) A judicial authority of the requested State Party shall be present during the hearing, where necessary assisted by an interpreter, and may also be responsible for ensuring both the identification of the person to be heard and respect for the basic principles of the domestic law of the requested State Party; if the judicial authority of the requested State Party is of the view that during the hearing the basic principles of the domestic law of the requested State Party are being infringed, it shall immediately take the necessary measures to ensure that the hearing continues in accordance with those principles;

   (b) Measures for the protection of the person to be heard shall be agreed, where necessary, between the competent authorities of the requesting and the requested Parties;

   (c) The hearing shall be conducted directly by, or under the direction of, the judicial authority of the requesting State Party in accordance with its domestic law;

   (d) At the request of the requesting State Party or the person to be heard, the requested State Party shall ensure that the person to be heard is assisted by an interpreter and/or a legal counsel, if necessary;

   (e) The person to be heard may claim the right not to make a deposition which would accrue to that person under the domestic law of either the requested or the requesting State Party.

6. States Parties may at their discretion also apply the provisions of this article to hearings by video conference involving the accused person or the suspect on the basis of the person's consent. In this case, the decision to hold the video conference, and the manner in which the video conference shall be carried out, shall be subject to consent of both States Parties concerned, and in accordance with their domestic laws and relevant international instruments.

7. This article is without prejudice to any agreement or arrangement allowing hearing by video conference to be undertaken by other means.

Article 35. Appearances of persons in the requesting State Party

1. If the requesting State Party considers the personal appearance of a witness or expert before its judicial authorities necessary, it shall mention this in its request for the service of a summons to appear. The requested State Party shall invite the witness or expert to appear in the territory of the requesting State Party and shall inform, without delay, the requesting State Party of the reply, if any, of the witness or expert.

2. In the case provided for under paragraph 1, the request or the summons to appear shall indicate the approximate allowances payable as well as the travelling and subsistence expenses reimbursable.

3. If a specific request is made, the requested State Party may grant the witness or expert an advance. The advance shall be reimbursed by the requesting State Party.

4. A witness or expert who has failed to comply with a summons to appear, service of which was requested, shall not, even if this summons contains obligations, be subject to any punishment or measure of constraint, unless the witness or expert later voluntarily enters the territory of the requesting State Party and is there again duly summoned.

Article 36. Temporary transfer of detainees

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for the purposes of identification, deposition or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to the crimes to which they apply this Convention, may be transferred if the following conditions are met:

   (a) The person freely gives an informed consent;

   (b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

2. For the purposes of paragraph 1:

   (a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

   (b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

   (c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State Party from which the person was transferred for time spent in the custody of the State Party to which the person was transferred.

Article 37. Safe conduct

1. A witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of personal liberty in that territory in respect of acts, omissions or convictions prior to departure from the territory of the requested State Party.

2. The safe conduct provided for in paragraph 1 shall cease when the witness, expert or other person:

(a) Having had, for a period of 15 consecutive days or for any period agreed upon by the States Parties from the date on which the person has been officially informed that the person's presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party; or

(b) Having left the territory of the requesting State Party, has returned of the person's own free will.

Article 38. Transmission of objects, documents, records or other evidence

1. Upon request, the requested State Party may transmit objects, documents, records or any other evidence requested to the requesting State Party. If the requesting State Party expressly requests the transmission of the originals of documents, records or other evidence, the requested State Party shall make every effort to comply with the request.

2. The requesting State Party shall return what was transmitted as soon as possible or at the latest after the end of the proceedings, unless the requested State Party expressly waives the return thereof.

Article 39. Special investigative techniques

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for the purposes of effectively investigating and prosecuting crimes to which it applies this Convention.

2. For the purposes of investigating the crimes to which States Parties apply this Convention, they are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded

and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement or arrangement referred to in paragraph 2, decisions to use 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.

Article 40. Covert investigations

1. The requesting State Party and the requested State Party may agree to assist one another in the conduct of investigations by officers acting under covert or false identity into crimes to which the States Parties concerned apply this Convention.

2. The decision on the request is taken in each individual case by the competent authorities of the requested State Party with due regard to its domestic law and procedures. The duration of the covert investigation, the detailed conditions, and the legal status of the officers concerned during covert investigations shall be agreed between the competent authorities of the requesting and the requested State with due regard to their domestic law and procedures.

3. Covert investigations shall take place in accordance with the domestic law and procedures of the State Party on the territory of which the covert investigation is carried out. The competent authorities of the States Parties involved shall cooperate to ensure that the covert investigation is prepared and supervised and to make arrangements for the security of the officers acting under covert or false identity.

4. For the purposes of paragraph 2, each State shall indicate the competent authorities by informing the central authorities of the States Parties, or, if the conditions in article 85, paragraphs 2 and 3, are met, the State designated to provide additional interim support.

Article 41. Joint investigation teams

1. By mutual agreement, the competent authorities of two or more States Parties may take the necessary measures, in accordance with their domestic law and international law, to establish a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the States Parties involved.

2. The composition of the team shall be set out in the agreement. A joint investigation team may, in particular, be established where:

   (a) The investigations of a State Party into crimes to which it applies this Convention, require difficult and demanding investigations having links with other States Parties;

   (b) A number of States Parties are conducting investigations into crimes to which they apply this Convention where the circumstances of the case necessitate coordinated, concerted action in the States Parties involved.

3. A request for the setting up of a joint investigation team may be made by any of the States Parties involved. The team shall be set up in one of the States Parties in which the investigations are expected to be carried out.

4. In addition to the information referred to in the relevant provisions of article 24, requests for the setting up of a joint investigation team shall include proposals for the composition of the team, the purpose and the duration for which the joint investigation team would be constituted.

5. A joint investigation team shall operate in the territory of the States Parties setting up the team under the following general conditions:

   (a) The leader or leaders of the team shall be representatives of the competent authorities participating in criminal investigations from the State Party in which the team operates;

   (b) The leader or leaders of the team shall act within the limits of their competence under their respective domestic laws;

   (c) The team shall carry out its operations in accordance with the domestic law of the State Party in which the team operates;

   (d) The members and seconded members of the team shall carry out their tasks under the leadership of the persons referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on establishing the team;

   (e) The State Party in which the team operates shall make the necessary organizational arrangements for it to carry out its operations.

6. In this article, members of the joint investigation team from the State Party in which the team operates are referred to as "members", while members from States Parties other than the State Party in which the team operates are referred to as "seconded members".

7. Seconded members of the joint investigation team shall be entitled to be present when investigative measures are taken in the State Party in which the team operates. However, the leader of the team may, for particular reasons, in accordance with the domestic law of the State Party in which the team operates, decide otherwise.

8. Seconded members of the joint investigation team may, in accordance with the domestic law of the State Party in which the team operates, be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the competent authorities of the State Party in which the team operates and the seconding State Party.

9. Where the joint investigation team needs investigative measures to be taken in one of the States Parties establishing the team, members seconded to the team by that State Party may request their own competent authorities to take those measures. Those measures shall be considered in that State Party under the conditions which would apply if they were requested in a domestic investigation.

10. Where the joint investigation team needs assistance from a State Party other than those which have established the team, or from a third State, the request for assistance may be made by the competent authorities of the State Party in which the team operates to the competent authorities of the other State concerned in accordance with the relevant instruments or arrangements.

11. Seconded members of the joint investigation team may, in accordance with their domestic law and within the limits of their competence, provide the team with information available in the

State Party which has seconded them for the purpose of the criminal investigations conducted by the team.

12. Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the competent authorities of the States Parties involved may be used for the following purposes:

    (a) For the purposes for which the team has been established;

    (b) For detecting, investigating and prosecuting other crimes, subject to the prior consent of the competent authority of the State Party where the information became available, which may be withheld only in cases where such use would endanger criminal investigations in that State Party or in respect of which that State Party could refuse mutual legal assistance;

    (c) For preventing an immediate and serious threat to public security and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;

    (d) For other purposes to the extent that this is agreed between the States Parties which have established the team.

13. This article shall be without prejudice to any other existing provisions or arrangements on the establishment or operation of joint investigation teams.

14. To the extent that the domestic laws of the States Parties involved or the provisions of any legal instrument applicable between them permit, arrangements may be agreed for persons other than representatives of the competent authorities of the States Parties which have established the joint investigation team to take part in the activities of the team. The rights conferred upon the members or seconded members of the team by virtue of this article shall not apply to these persons, unless the agreement expressly states otherwise.

Article 42. Cross-border observations

1. Law enforcement officers of one of the States Parties who, within the framework of a criminal investigation, are keeping under observation in their country a person who is presumed to have taken part in a crime to which they apply this Convention, or a person who it is strongly believed will lead to the identification or location of the former person, may be authorized to continue their observation in the territory of another State Party where the latter has authorized the cross-border observation in response to a request for assistance which has previously been submitted. Conditions may be attached to the authorization.

2. On request, the cross-border observation may be entrusted to officers of the State Party in whose territory it is carried out.

3. The request for assistance referred to in paragraph 1 shall be sent to an authority designated by each State Party and having jurisdiction to grant or to forward the requested authorization.

4. The cross-border observation, if carried out by one or more officers referred to in paragraph 1, shall be carried out only under the following general conditions:

    (a) The officers conducting the observation shall comply with the provisions of this article and with the domestic law of the State Party in whose territory they are operating; they shall follow the instructions of the competent authorities of that State Party;

(b) The officers shall, during the observation, carry a document certifying that authorization has been granted;

(c) The officers conducting the observation shall be able at all times to provide proof that they are acting in an official capacity;

(d) The officers conducting the observation may carry their service weapons during the observation, unless specifically otherwise decided by the requested State Party; their use shall be prohibited save in cases of legitimate self-defence in accordance with the domestic law of the requested State Party;

(e) Entry into private homes and places not accessible to the public shall be prohibited;

(f) The officers conducting the observation may neither stop and question, nor arrest, the person under observation;

(g) All operations shall be the subject of a report to the authorities of the State Party in whose territory they took place; the officers conducting the observation may be required to appear in person;

(h) The authorities of the State Party from which the observing officers have come shall, when requested by the authorities of the State Party in whose territory the observation took place, assist the enquiry subsequent to the operation in which they took part, including any legal proceedings.

Article 43. Criminal liability of officials

During the operations referred to in articles 39, 40, 41 or 42, unless otherwise agreed upon by the States Parties concerned, officials from a State Party other than the State Party where the operation is taking place shall be regarded as officials of the latter State Party with respect to crimes committed against them or by them.

Article 44. Civil liability of officials

1. Where, in accordance with articles 39, 40, 41 or 42, officials of a State Party are operating in another State Party, the former State Party shall be liable for any damage caused by them during their operations, in accordance with the domestic law of the State Party where the operation is taking place.

2. The State Party where the damage referred to in paragraph 1 was caused shall provide compensation for such damage under the conditions applicable to any damage caused by its own officials.

3. The State Party whose officials have caused damage to any person in the territory of another State Party shall fully reimburse the latter State Party for any compensation provided to any such person.

4. Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each State Party shall refrain in the case provided for in paragraph 1 from requesting reimbursement of damages caused by another State Party.

5. The provisions of this article shall apply, unless otherwise agreed upon by the States Parties concerned.

Article 45. International cooperation for purposes of confiscation

1. A State Party that has received a request for confiscation of the proceeds of crime or property the value of which corresponds to that of such proceeds of crime to which it applies this Convention, including laundered property, or of property, equipment or other instrumentalities used in or destined for use in such crimes, or other property for the purposes of providing reparations to victims in accordance with article 83, paragraph 3, situated in its territory, shall, to the greatest extent possible and in accordance with its domestic law either:

   (a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

   (b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party, insofar as it relates to the proceeds of crime, property, equipment or other instrumentalities used or destined for use in the crimes to which it applies this Convention, situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over a crime to which it applies this Convention, the requested State Party shall, to the greatest extent possible in accordance with its domestic law, take measures to identify, trace and freeze or seize the proceeds of crime, property, equipment or other instrumentalities used or destined for use in the crimes to which it applies this Convention, for the purposes of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1, by the requested State Party.

3. If the proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be subject to the measures referred to in this article instead of the proceeds of crime.

4. If the proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds of crime.

5. Income or other benefits derived from the proceeds of crime, from property into which the proceeds of crime have been transformed or converted, or from property with which the proceeds of crime have been intermingled shall also be subject to the measures referred to in this article, in the same manner and to the same extent as the proceeds of crime.

6. For the purposes of this article, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States Parties shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

7. The provisions of paragraph 1 may also apply to confiscation consisting in a requirement to pay a sum of money corresponding to the value of the proceeds of crime, if property on which the confiscation can be enforced is located in the requested State Party. In such cases, when enforcing confiscation pursuant to paragraph 1, the requested State Party may, if payment is not obtained, effectuate the claim on any property available for that purpose.

8. The States Parties may co-operate insofar as their respective domestic laws allows with those State Parties which request the execution of measures equivalent to confiscation leading to the deprivation of property, which are not criminal sanctions, in so far as such measures are ordered by a judicial authority of the requesting State Party in relation to crimes to which it applies this Convention, provided that it has been established that the property constitutes proceeds of crime, or other property as referred to in paragraphs 3 to 5.

9. In addition to the information specified in article 25 requests made in accordance with this article shall contain:

   (a) In the case of a request pertaining to paragraph 1, subparagraph (a), a description of the property or assets to be confiscated, and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

   (b) In the case of a request pertaining to paragraph 1, subparagraph (b), a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested;

   (c) In the case of a request pertaining to paragraph 2, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

10. The decisions or actions provided for in paragraphs 1 and 2 shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and procedural rules or any existing bilateral or multilateral convention, agreement or arrangement with the requesting State Party.

11. The provisions of this article shall not be construed to prejudice the rights of third parties acting in good faith.

Article 46. Restitution

1. At the request of the requesting State Party and without prejudice to the rights of third parties acting in good faith, the requested State Party, insofar as its domestic law permits, may place seized or confiscated property obtained by a crime to which the States Parties concerned apply this Convention at the disposal of the requesting State Party. The requesting State Party may decide to return the property to its rightful owners.

2. When transmitting objects, documents, records or evidence, the requested State Party may waive the return thereof, either before or after the transmission to the requesting State Party, if the restitution of these objects, documents, records or evidence to the rightful owner might be facilitated thereby.

Article 47. Disposal of confiscated assets, including restitution or sharing

1. The proceeds of crime or property confiscated by a State Party pursuant to article 45 shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.

2. When acting on the request made by another State Party in accordance with article 45, States Parties shall, to the extent permitted by domestic law and if so requested, give priority

consideration to returning the confiscated proceeds of crime or property or the value of which corresponds to such proceeds or property to the requesting State Party so that it can provide compensation to the victims of the crimes to which the States Parties apply this Convention or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another State Party in accordance with article 45, a State Party may give special consideration to concluding agreements or arrangements on sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

Article 48. Transfer of proceedings

States Parties may consider the possibility of transferring proceedings to one another for the prosecution of a crime to which they apply 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 several jurisdictions are involved.

PART IV. EXTRADITION

Article 49. Scope of Part IV

1. The provisions of this Part shall apply to the crimes to which this Convention applies where the person who is the subject of a State Party's request for extradition is present in the territory of the requested State Party.

2. Without prejudice to article 51, extradition shall be granted if the crime is punishable by deprivation of liberty for a maximum period of at least one year both under the domestic laws of the requested State Party and the requesting State Party. Where a person has been convicted and sentenced to prison in the requesting State Party, the duration of the remaining sentence to be served shall be for a period of at least six months.

3. If the request for extradition includes several separate crimes, at least one of which is extraditable under this Convention and some of which are not covered by this Convention, the requested State Party may apply the provisions of this article also in respect of the latter crimes.

4. Each of the crimes to which States Parties apply this Convention shall be deemed to be included as an extraditable crime in any extradition treaty applicable between them. States Parties undertake to include such crimes as extraditable crimes in every extradition treaty to be concluded between them.

Article 50. Legal basis for extradition

If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it shall consider this Convention as the legal basis for extradition in respect of any crime to which this Convention applies.

Article 51. Grounds for refusal

1. Extradition shall be refused if:

    (a) The requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's race, gender, color, mental or physical disability, sexual orientation, religion, nationality, ethnic origin, political opinions or belonging to a particular social group, or that compliance with the request would cause prejudice to that person's position for any of these reasons;

    (b) The request concerns a crime punishable by the death penalty under the domestic law of the requesting State Party, unless, in accordance with the domestic law of the requested State Party:

        (i) The requesting State Party gives credible, sufficient and effective guarantees, or, if requested by the requested State Party, agrees to a condition, that fulfills the requirements of the requested State Party, that the death penalty will not be imposed; or

(ii) Where possible under the domestic law of the requested State Party, if the death penalty has already been imposed, the requesting State Party gives credible, sufficient and effective guarantees, or, if requested by the requested State Party, agrees to a condition, that fulfills the requirements of the requested State Party, that the death penalty shall not be enforced;

(c) The requested State Party has already made a final judgment against the person whose extradition is sought, for a crime based on the same criminal conduct;

(d) There are substantial grounds to believe that the person whose extradition is sought would be subjected to torture or other cruel, inhuman or degrading treatment or punishment, a flagrant violation of the right to a fair trial or other flagrant violations of fundamental human rights in the requesting State Party in accordance with the domestic law of the requested State Party.

2. Extradition may be refused if:

(a) The person sought would face a real risk of a sentence of life imprisonment without parole or indefinite sentence;

(b) The person sought is to be tried before a competent international court or tribunal, recognized by the requested State Party;

(c) The person sought has been finally judged by a competent international court or tribunal of which the jurisdiction is recognized by the requested State Party or by another State, for a crime based on the same criminal conduct;

(d) The competent authorities of the requested State Party are proceeding against the person whose extradition is sought in respect of an alleged crime based on the same criminal conduct for which extradition is requested;

(e) The request has been issued on behalf of an extraordinary or ad hoc court or tribunal of the requesting State Party, unless the competent authorities of the requesting State Party give assurances considered sufficient that the judgment will be rendered by a court which is generally empowered under the rules of judicial administration to pronounce on criminal matters;

(f) The requested State Party has received concurrent requests from more than one State or competent international criminal court or tribunal, and has granted one of these requests;

(g) The request is not made in conformity with the provisions of this Convention;

(h) The surrender of the person sought is likely to have exceptionally serious consequences for that person, in particular because of the age or the state of health of the person;

(i) Without prejudice to article 11, the crime has become time-barred by the domestic law of the requested State Party, unless this would be contrary to international law;

(j) The requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or any other essential interests.

3. Before refusing a request pursuant to this article, or postponing its execution pursuant to article 54, paragraph 3, the requested State Party shall consult where appropriate with the requesting State Party to consider whether extradition may be permitted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts extradition subject to those conditions, it shall comply with these conditions.

Article 52. Rule of speciality

1. A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any crime committed prior to extradition other than that for which the person was extradited, nor shall the person be for any other reason restricted in the person's personal freedom, except in the following cases:

   (a) When the State Party which extradited the person sought consents. A request for consent shall be submitted, accompanied by the documents mentioned in article 56 and any additional information required by the State Party which extradited the person sought. A waiver of speciality may be granted for crimes that would be subject to extradition in accordance with the provisions of this Convention, or in accordance with any other treaty applicable to both States Parties, or in accordance with the principles of international law or its domestic law, when acceptable by the requested State Party;

   (b) When the person, having had an opportunity to leave the territory of the requesting State Party to which that person has been extradited, has not done so within 45 days of the person's final discharge, or if the person has returned to that territory after leaving it.

2. Notwithstanding paragraph 1, the requesting State Party may take any measures as necessary to remove the person from its territory, or any measures as necessary under its domestic law, including proceedings *in absentia*, to prevent any legal effects resulting from the lapse of time.

3. When the description of the crime charged is altered in the course of proceedings, the extradited person shall only be prosecuted or sentenced insofar as the crime under its new description is shown by the alleged criminal conduct of the extradited person to be a crime which would allow extradition.

Article 53. Re-extradition to a third State

Except as provided for in article 52, paragraph 1, subparagraph (b), the requesting State Party shall not, without the consent of the requested State Party, surrender to another State Party or to a third State a person extradited to the requesting State Party and sought by that State Party or third State in respect of crimes committed before the extradition of that person. The requested State Party may request the production of the documents referred to in article 56, paragraph 2.

Article 54. Extradition of nationals

1. Extradition may be refused on the ground of nationality. When the extradition request is refused on this ground, article 14 shall apply.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought, and the State Party seeking the extradition of the person agrees with this and any other terms which the States Parties concernedmay deem appropriate, such conditional extradition or surrender shall be sufficient to comply with the obligation contained in article 14.

3. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits, upon request of the requesting State Party, enforce the sentence that has been imposed under the domestic law of the requesting State Party or the remainder thereof in accordance with articles 75 to 79.

Article 55. Execution of the request

1. The execution of a request for extradition shall be subject to the conditions provided for by the domestic law of the requested State Party.

2. If the requested State Party refuses the whole or any part of the request for extradition or if it postpones the execution of the request, the reasons for refusal or postponement shall be notified to the requesting State Party, where appropriate.

Article 56. Request and supporting documents

1. A request for extradition shall be made in writing under conditions allowing the requested State Party to establish authenticity.

2. A request for extradition shall contain or be accompanied by the following:

   (a) A description of the person sought, together with any other information that may help to establish that person’s identity, nationality and location;

   (b) The text of the relevant provision of the law defining the crime or, where necessary, a statement of the law relevant to the crime and a statement of the penalty that can be imposed for the crime;

   (c) If the person is accused of a crime, a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the crime for which extradition is requested and a description of the acts or omissions constituting the alleged crime, including an indication of the time and place of its commission;

   (d) If the person has been convicted of a crime, a statement of the crime for which extradition is requested and a description of the acts or omissions constituting the crime, including an indication of the time and place of its commission, and the judgment or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable and the duration of the remaining sentence to be served;

(e) If the person has been convicted of a crime in the absence of that person, in addition to the documents referred to in subparagraph (d), a statement on any procedural requirements, guarantees or other legal means available for the defense of that person, including any right to a retrial or an appeal in the presence of that person;

(f) If the person has been convicted of a crime but no sentence has been imposed, a statement of the crime for which extradition is requested, a description of the acts or omissions constituting the crime, a document setting out the conviction, and a statement affirming that there is an intention to impose a sentence;

(g) Any other information and/or evidence, as provided for by the domestic law of the requested State Party.

3. If the requested State Party considers that the information provided in support of a request for extradition is not sufficient to make a decision, it may request that additional information be provided within such reasonable time as it specifies.

Article 57. Confidentiality of requests for extradition

The requested State Party shall keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party. The requesting State Party shall determine whether the request should nevertheless be executed.

Article 58. Conflicting requests

1. If extradition or surrender is requested concurrently by more than one State Party or competent international criminal court or tribunal, either for the same crime or for different crimes, the requested State Party shall make its decision having regard to any obligation regarding the primacy of jurisdiction according to an international legal instrument to which the requested State Party is bound.

2. In the absence of such obligation, the requested State Party shall make its decision taking into account any relevant circumstances such as the relative gravity and place of commission of the crimes, the respective dates of the requests, the nationality of the person sought, the nationality of the victim or victims, and the possibility of subsequent extradition to another State Party.

Article 59. Provisional arrest

1. The requested State Party may, upon being satisfied that the circumstances so warrant and are urgent, at the request of the requesting State Party take into custody a person whose extradition is sought and who is present in its territory or take any other appropriate measures to ensure the presence of that person at extradition proceedings.

2. The request for provisional arrest shall contain:

(a) The information referred to in article 56, paragraph 2, subparagraphs (a)to (c), if required according to the domestic law of the requested State Party;

(b) A description of the crime giving rise to the request and underlying facts;

(c) A statement of the existence of the documents referred to in article 56;

(d) A statement that a formal request for extradition of the person sought will follow.

3. The requested State Party shall, without undue delay, inform the requesting State Party of the result of its handling of the request for provisional arrest.

4. The provisional arrest shall be terminated if, within a period of 60 days after the arrest of the person sought, the requested State Party has not received the formal request for extradition. The person may be provisionally released at any time, in which case the requested State Party shall take any measures it considers necessary to prevent the escape of the person sought.

5. The termination of the provisional arrest pursuant to paragraph 4 shall not prejudice re-arrest and subsequent extradition of the person concerned if the requested State Party subsequently receives the formal request for extradition.

Article 60. Consideration of Detention Periods

The requesting State Party is encouraged, to the greatest extent possible under its domestic law, to take into account all periods of detention arising from the execution of an extradition request in the requested State Party when determining the total period of detention to be served in the requesting State Party as a result of a custodial sentence or detention order being imposed.

Article 61. Surrender of the person to be extradited

1. If the request is agreed to, the requesting State Party and the requested State Party shall consult and agree on the place and date of surrender. The requesting State Party shall be informed on the length of time for which the person sought was detained with a view to the surrender.

2. Subject to the provisions of paragraph 3, if the person sought has not been taken over on the appointed date, the person may be released after the expiry of 30 days and shall in any case be released after the expiry of 45 days, unless otherwise specified by the requested State Party. The requested State Party may refuse to extradite the person for the same crime.

3. If circumstances beyond its control prevent a State Party from surrendering or taking over the person to be extradited, it shall notify the other State Party. The States Parties concerned shall consult and may agree on a new date for surrender and the provisions of paragraph 2 shall apply.

Article 62. Postponed or temporary surrender

1. The requested State Party may, after making its decision on the request for extradition, postpone the surrender of the person sought in order that the person may be proceeded against by that State Party or, if the person has already been convicted, in order that the person may serve the sentence imposed in the territory of that State Party for a crime other than that for which extradition is requested.

2. The requested State Party may, instead of postponing surrender, temporarily surrender the person sought to the requesting State Party in accordance with conditions to be determined by mutual agreement between the States Parties concerned.

Article 63. Simplified extradition procedure

If the extradition of a person sought is not manifestly precluded by the domestic law of the requested State Party and provided the person sought consents to extradition, in accordance with the procedure under the domestic law of the requested State Party, the requested State Party may grant extradition through a simplified procedure.

Article 64. Handing over of property

1. The requested State Party shall, insofar as its domestic law permits and at the request of the requesting State Party, seize and hand over property:

   (a) Which may be required as evidence; or

   (b) Which being the results of the crime and which, at the time of the arrest, is found in the possession of the person sought or is discovered subsequently.

2. The property referred to in paragraph 1 may be handed over even if extradition, having been granted, cannot be carried out owing to the death, disappearance or escape of the person sought.

3. When the property referred to in paragraph 1 is subject to seizure or confiscation in the territory of the requested State Party, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on the condition that it is returned.

4. Any rights which the requested State Party or third parties acting in good faith may have acquired in the property referred to in paragraph 1 shall be preserved, in accordance with the procedures provided by its domestic law. Where these rights exist, the requesting State Party shall return such property to the requested State Party as soon as possible and without charge at the end of the proceedings.

Article 65. Transit of persons to be extradited and transit of extradited persons

1. Where a person is to be extradited to a State Party through the territory of another State Party, the State Party to which the person is to be extradited shall request in writing from the other State Party permission for the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other State Party is scheduled.

2. Upon receipt of such a request, the requested State Party shall deal with this request in accordance with procedures provided under its domestic law. The requested State Party shall grant the request expeditiously, unless its essential interests would be prejudiced thereby.

3. The State Party of transit shall ensure that legal provisions exist that would enable detaining the person in custody during the transit.

4. In the event of an unscheduled landing in a State Party, that State Party may, at the request of the escorting officer, hold the person in custody for a time period in accordance with its domestic law, pending receipt of the transit request in accordance with paragraph 1.

5. The transit of the extradited person shall not be carried out through any territory where there is a reason to believe that the person's life may be threatened or if there is a high risk of the person's rights being violated by reasons of race, gender, color, mental or physical disability,

sexual orientation, religion, nationality, ethnic origin, political opinions or belonging to a particular social group.

6. A State Party may refuse a request for permission for the transit of a national through its territory.

PART V. TRANSFER OF SENTENCED PERSONS

Article 66. Scope of Part V and definitions related to transfer of sentenced persons

1. Wherever possible and consistent with the basic principles of domestic law, a person sentenced in a State Party for a crime to which it applies this Convention may be transferred to another State Party in order to serve the sentence imposed on that person. A transfer is also possible when the sentence was imposed for a crime to which this Convention applies in combination with other crimes.

2. For the purposes of this Part of the Convention:

   (a) "Administering State Party" means the State Party to which the sentenced person may be or has been transferred in order to serve the sentence.

   (b) "Judgment" means a judicial decision or order by a court imposing a sentence in respect of which an ordinary legal remedy is no longer available and therefore final;

   (c) "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court for the commission of a crime to which this Convention applies;

   (d) "Sentencing State Party" means the State Party in which the sentence was imposed.

Article 67. Conditions for transfer

1. A transfer may be requested by the sentencing State Party or the administering State Party.

2. A sentenced person may express an interest to either the sentencing State Party or the administering State Party in being transferred under this Convention.

3. A sentenced person may be transferred under this Convention only if the following conditions are met:

   (a) The person is a national of the administering State Party where applicable in accordance with article 9;

   (b) The judgment is final;

   (c) At the time of receipt of the request for transfer, the sentenced person still has at least six months of the sentence to serve or the sentence is indeterminate;

   (d) Without prejudice to article 71 and article 72, the transfer is consented to by the sentenced person, or by the person's legal representative where either the sentencing State Party or the administering State Party considers it necessary in view of the age or physical or mental condition of the sentenced person;

   (e) The sentencing and administering States Parties agree to the transfer.

4. In exceptional cases, States Parties may agree to a transfer even if the time to be served by the sentenced person is shorter than that specified in paragraph 3, subparagraph (c).

5. If a State Party which makes the transfer of sentenced persons conditional on the existence of a treaty receives a request for the transfer of a sentenced person from another State Party with which it has no treaty on the transfer of sentenced persons , it shall consider this Convention

as the legal basis for the transfer of sentenced persons in respect of the crimes to which the former State Party applies this Convention.

Article 68. Obligation to provide information

1. Any sentenced person to whom this Convention may apply, shall be informed by the sentencing State Party of the substance of this Part of the Convention.

2. If the sentenced person has expressed an interest in being transferred under this Convention to the sentencing State Party, that State Party shall so inform the administering State Party as soon as practicable after the judgment becomes final.

3. The information shall include:

   (a) The name, date and place of birth and, where applicable in accordance with article 9, the nationality of the sentenced person;

   (b) The address of the sentenced person, if any, in the administering State Party;

   (c) A statement of the facts upon which the sentence was based;

   (d) The nature, duration and date of commencement of the sentence;

   (e) The time of the sentence already served and any other deductions from the sentence according to the domestic law of the sentencing State Party;

   (f) If necessary, a statement that the request for transfer is made under this Convention.

4. If the sentenced person has expressed an interest in being transferred under this Convention to the administering State Party, the sentencing State Party shall, upon request of the administering State Party, provide that State Party with the information referred to in paragraph 3.

5. The sentenced person shall be informed in writing of any action taken by the sentencing State Party or by the administering State Party under the provisions of this article, as well as of any decision taken by either State Party on a request for transfer.

Article 69. Requests, replies and supporting documents

1. Requests for transfer and replies thereto shall be made in writing.

2. The requested State Party shall promptly inform the requesting State Party of its decision whether or not to agree to the requested transfer and, upon request, the reasons for refusal whenever possible and appropriate.

3. If requested by the sentencing State Party, the administering State Party shall provide:

(a) A document or statement indicating that the sentenced person is a national of the administering State Party, where applicable in accordance with article 9;

(b) A copy of the relevant domestic law of the administering State Party which provides that the acts or omissions on account of which the sentence was imposed in the sentencing State Party constitute a crime according to the domestic law of the administering State Party, or would constitute a crime if committed on its territory;

(c) Information on how the sentence will be enforced in the event of a transfer and, where applicable, copies of relevant provisions of its domestic law on continuation or conversion of sentences;

(d) Information on conditional or early release and the relevant provisions of its domestic law.

4. If a transfer is requested, the sentencing State Party shall provide the following documents to the administering State Party, unless the requested State Party has already indicated that it will not agree to the transfer:

(a) A certified copy of the judgment and a copy of the relevant provisions of the domestic law on which it is based;

(b) A statement indicating the time of the sentence already served, including information on any pre-trial detention, remission, and any other factor relevant to the enforcement of the sentence;

(c) Without prejudice to article 71 and article 72, a written declaration containing the consent to the transfer as referred to in article 67, paragraph 3, subparagraph (d);

(d) Where appropriate, any medical or social reports on the sentenced person, information about the treatment in the sentencing State Party, and any recommendation for further treatment in the administering State Party.

5. Either State Party may request any of the documents or statements referred to in paragraphs 3 or 4 before making a request for transfer or taking a decision on whether or not to agree to the transfer.

Article 70. Consent and its verification

1. The sentencing State Party shall ensure that the person required to give consent to the transfer in accordance with article 67, paragraph 3, subparagraph (d), does so voluntarily and with full knowledge of the legal consequences thereof. The procedure for giving such consent shall be governed by the domestic law of the sentencing State Party.

2. The sentencing State Party shall afford an opportunity to the administering State Party to verify through a consular officer or other official agreed upon with the administering State Party, that the consent is given in accordance with the conditions referred to in paragraph 1.

Article 71. Persons who have left the sentencing State Party

1. Where a national of a State Party is the subject of a sentence, the sentencing State Party may request the State of nationality to take over the execution of the sentence under the following circumstances:

   (a) When the person concerned has fled to or otherwise returned to the State of nationality being aware of the criminal proceedings pending against the person in the sentencing State Party;

   (b) When the person concerned has fled to or otherwise returned to the State of nationality being aware that a judgment has been issued against the person in the sentencing State Party.

2. At the request of the sentencing State Party, the administering State Party may, prior to receiving the documents supporting the request, or prior to the decision on that request, arrest the sentenced person or take any other measures such as to ensure that the sentenced person remains in its territory pending a decision on the request. Requests for provisional measures shall be accompanied by the information mentioned in article 69, paragraph 3. The arrest of the sentenced person under this paragraph shall not lead to an aggravation of the person's penal position.

3. In relation to this article, the transfer of the administration of the sentence shall not require the consent of the sentenced person.

4. Nothing in this article shall oblige the State of nationality to take over the execution of sentences under the circumstances described in this article.

Article 72. Sentenced persons subject to an expulsion or deportation order

1. At the request of the sentencing State Party, the administering State Party may, subject to the provisions of this article, agree to the transfer of a sentenced person without the consent of that person, where the sentence imposed on the latter, or an administrative decision consequential to that sentence, includes a final expulsion or deportation order, or any other measure as a result of which that person will no longer be permitted to remain in the territory of the sentencing State Party once the person is released from prison.

2. The administering State Party shall not agree to the transfer for the purposes of paragraph 1 before having duly taken into consideration the opinion of the sentenced person.

3. For the purposes of this article, the sentencing State Party shall provide the administering State Party with:

   (a) A declaration containing the opinion of the sentenced person as to the proposed transfer;

   (b) A copy of the final expulsion or deportation order or any other order having the effect that the sentenced person will no longer be permitted to remain in the territory of the sentencing State Party once the person is released from prison.

4. Any person transferred under the provisions of this article shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any crime committed prior to the person's transfer other than that for which the sentence to be enforced was imposed, nor shall the person's personal freedom for any other reason be restricted, except in the following cases:

   (a) When the sentencing State Party so authorizes:

      (i) A request for authorization shall be submitted accompanied by all relevant documents and a legal record of any statement made by the sentenced person;

      (ii) The authorization shall be given when the crime for which it is requested would itself be subject to extradition under the domestic law of the sentencing State Party or when extradition would be excluded only by reason of the duration of punishment;

   (b) When the sentenced person, having had an opportunity to leave the territory of the administering State Party, has not done so within 45 days of final discharge, or if the person has returned to that territory after leaving it.

5. Notwithstanding the provisions of paragraph 4, the administering State Party may take any measures as necessary under its domestic law, including proceedings *in absentia*, to prevent any legal effects resulting from the lapse of time.

6. Nothing in this article shall oblige a State Party to take over the execution of sentences under the circumstances described in this article.

Article 73. Effect of transfer for the sentencing State Party

1. The taking into charge of the sentenced person by the authorities of the administering State Party shall have the effect of suspending the enforcement of the sentence in the sentencing State Party.

2. The sentencing State Party may no longer enforce the sentence if the administering State Party considers the enforcement of the sentence to have been completed.

Article 74. Effect of transfer for the administering State Party

1. The competent authorities of the administering State Party shall either:

   (a) Continue the enforcement of the sentence immediately or through a court or administrative order, in accordance with article 75 or

   (b) Convert the sentence, through a judicial or administrative procedure, into a decision of that State Party, thereby substituting for the sanction imposed in the sentencing State Party a sanction prescribed by the domestic law of the administering State Party for the same crime, in accordance with article 76.

2. Each State may exclude the application of one of the procedures referred to in paragraph 1 with respect to other States Parties by informing the central authorities of

the States Parties, or, if the conditions in article 85, paragraphs 2 and 3, are met, the State designated to provide additional interim support.

3. The administering State Party, if requested, shall inform the sentencing State Party before the transfer of the sentenced person which of the procedures referred to in paragraph 1 it shall follow.

4. The enforcement of the sentence shall be governed by the domestic law of the administering State Party and only that State Party shall be competent to take decisions related thereto.

5. Any State Party which, according to its domestic law, cannot avail itself of one of the procedures referred to in paragraph 1 to enforce measures imposed in the territory of another State Party on persons who for reasons of their mental condition have been held not criminally responsible for the commission of the crime, and which is prepared to receive such persons for further treatment, may indicate the procedures it shall follow in such circumstances by informing the central authorities of the States Parties, or, if the conditions in article 85, paragraphs 2 and 3, are met, the State designated to provide additional interim support.

Article 75. Continued enforcement

1. In the case of continued enforcement, the administering State Party shall be bound by the legal nature and duration of the sentence as determined by the sentencing State Party.

2. If the sentence referred to in paragraph 1 is by its nature or duration incompatible with the domestic law of the administering State Party, or if its domestic law so requires, that State Party may, by a court or administrative order, adjust the sanction imposed by the sentence to be enforced to the punishment or measure prescribed by its domestic law for a similar crime. As to its nature, the punishment or measure shall, as far as possible, correspond with the sanction imposed by the sentence to be enforced. It shall not aggravate, by its nature or duration, the sanction imposed by the sentence to be enforced, nor exceed the maximum prescribed by the domestic law of the administering State Party.

Article 76. Conversion of sentence

1. In the case of conversion of a sentence, the procedures provided for by the domestic law of the administering State Party shall apply. When converting the sentence, the competent authorities:

   (a) Shall be bound by the findings as to the facts insofar as they appear explicitly or implicitly from the judgment rendered in the sentencing State Party;

   (b) May not convert a sanction involving deprivation of liberty to a pecuniary sanction;

   (c) Shall deduct the full period of deprivation of liberty served by the sentenced person;

   (d) Shall not aggravate the penal position of the sentenced person;

(e) Shall not be bound by any minimum which the domestic law of the administering State Party may provide for the crime or crimes committed.

2. If the conversion procedure takes place after the transfer of the sentenced person, the administering State Party shall keep that person in custody or otherwise ensure the presence of the sentenced person in the administering State Party pending the outcome of that procedure.

Article 77. Review of judgment

Only the sentencing State Party shall have the right to decide on any application for review of a judgment rendered in the sentencing State Party.

Article 78. Termination of enforcement

The administering State Party shall terminate the enforcement of the sentence as soon as it is informed by the sentencing State Party of any decision or measure as a result of which the sentence ceases to be enforceable.

Article 79. Information on enforcement

The administering State Party shall provide information to the sentencing State Party concerning the enforcement of the sentence:

(a) When it considers the enforcement of the sentence to have been completed;

(b) If the sentenced person has escaped from custody before the enforcement of the sentence has been completed; or

(c) If the sentencing State Party requests a special report.

Article 80. Transit of sentenced persons

1. A State Party shall, in accordance with its domestic law, grant a request for transit of a sentenced person through its territory if such a request is made by another State Party and the latter has agreed with another State Party or with a third State to the transfer of that person to or from its territory.

2. A State Party may refuse transit if the sentenced person is one of its nationals.

3. Requests for transit and replies shall be communicated through a channel of communication referred to in article 21, paragraph 1 or 2.

4. A State Party may grant a request for transit of a sentenced person through its territory made by a third State if that State has agreed with another State Party to the transfer to or from its territory.

5. The State Party requested to grant transit may hold the sentenced person in custody only for such time as transit through its territory requires.

6. The State Party requested to grant transit may be asked to give an assurance that the sentenced person will not be prosecuted, or, except as provided in paragraph 5, detained, or otherwise subjected to any restriction on the person's liberty in the territory of the State Party of transit for any crime committed or sentence imposed prior to the person's departure from the territory of the sentencing State Party.

7. No request for transit shall be required if transport is by air over the territory of a State Party and no landing there is scheduled. A State Party may require that it be notified of any such transit over its territory by informing the central authorities of the States Parties, or, if the conditions in article 85, paragraphs 2 and 3, are met, the State designated to provide additional interim support.

8. In the event of an unscheduled landing, article 65, paragraph 4, shall apply, *mutatis mutandis*.

PART VI. VICTIMS, WITNESSES, EXPERTSAND OTHER PERSONS

Article 81. Definition of victims

1. Without prejudice to broader definitions under domestic law and for the purposes of this Part of the Convention:

   (a) "Victims" means natural persons who have suffered harm as a result of the commission of any crime to which this Convention applies;

   (b) "Victims" may include organisations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art, science or charitable purposes, or to their historic monuments, hospitals and other places and objects for humanitarian purposes.

2. This article shall be applied in accordance with domestic law.

Article 82. Protection of victims, witnesses, experts and other persons

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation, including ill-treatment, to victims and witnesses and, as appropriate, their relatives or representatives, experts as well as any other persons participating in or cooperating with any investigation, prosecution or any other proceedings within the scope of this Convention.

2. Without prejudice to the rights of the defendant, including the right to due process, the measures referred to in paragraph 1 may include:

   (a) Establishing procedures for the physical protection of the persons referred to in paragraph 1, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning their identity and location;

   (b) Establishing procedures to allow victims, witnesses and experts to make a deposition in a manner that ensures their safety and, as appropriate, their physical and psychological well-being and privacy such as allowing the use of communication technologies.

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1.

Article 83. Rights of victims

1. Each State Party shall, subject to its domestic law, ensure that the victims of a crime to which the State Party applies this Convention, have the right to reparation for harm consisting of but not limited to, as appropriate, restitution, compensation or rehabilitation insofar as either:

   (a) The crime has been committed in any territory under the jurisdiction of that State Party; or

   (b) That State Party is exercising its jurisdiction over the crime.

2. Each State Party shall, subject to its domestic law, establish procedures, as appropriate, to permit victims to participate in and enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against alleged offenders in a manner not prejudicial to the rights of the defendant.

3. Each State Party shall, to the extent provided for in its domestic law, and, if so requested, give effect to a judgment or order in criminal proceedings, issued in accordance with the domestic law of the requesting State Party, to provide restitution, compensation or rehabilitation to victims of crimes to which the former State Party applies this Convention.

PART VII. INSTITUTIONAL ARRANGEMENTS

Article 84. Meeting of States Parties

1. A first Meeting of States Parties shall be convened, at the proposal of at least one third of the States Parties, after the expiration of five years from the date of entry into force of this Convention or two years after the date of deposit of the fifteenth instrument of ratification, acceptance, approval of or accession to this Convention, whichever is the later. Thereafter, Meetings of States Parties may be held at the proposal of at least one third of the States Parties or as decided by the Meeting of States Parties.

2. At the Meeting of States Parties referred to in paragraph 1, the States Parties may:

   (a) Consider any amendment to the Convention proposed in accordance with article 87 and any additional annexes proposed in accordance with article 88;

   (b) Consider any other authentic texts of the Convention in an official language of the United Nations;

   (c) Consider the establishment of lean and cost-efficient institutional arrangements that are necessary to implement the Convention, including the activities provided for in article 85.

3. Notwithstanding and without prejudice to in-person meetings of the Meeting of States Parties, in order to promote and encourage the widest possible participation and relevant communication and consultation between States Parties, any available means of electronic communication and video conferencing shall be used to the greatest extent possible, as appropriate.

Article 85. Interim Support

1. The Kingdom of the Netherlands shall compile and make available the information for operational purposes, referred to in article 21, paragraph 4, as soon as practicable until two years after the date of deposit of the fifteenth instrument of ratification, acceptance, approval of or accession to this Convention.

2. The Kingdom of the Netherlands may provide for additional interim support, including:

   (a) Compiling and making available the information for operational purposes, referred to in article 22, paragraph 2, article 40, paragraph 4, article 42, paragraph 3, article 74, paragraphs 2 and 5, and article 80, paragraph 7;

   (b) Making arrangements for the first Meeting of States Parties, referred to in article 84, paragraph 1.

3. The additional interim support referred to in paragraph 2 may be provided depending on the availability of voluntary financial contributions from States Parties to cover related costs.

PART VIII. FINAL PROVISIONS

Article 86. Settlement of disputes

1. States Parties shall endeavor to settle disputes concerning the interpretation or application of this Convention through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within six months from the date of request for such settlement shall, at the request of one of those States Parties, 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 States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

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

Article 87. Amendments to the Convention

1. After the expiration of five years from the date of entry into force of this Convention or after the date of deposit of the fifteenth instrument of ratification, acceptance, approval of or accession to this Convention, whichever is the later, a State Party may propose an amendment to this Convention.

2. Any proposal for an amendment shall be communicated to the Depositary, which shall circulate the proposal forthwith to all States Parties for the purpose of considering and deciding on the proposal at the next Meeting of States Parties. The Depositary shall also communicate the proposed amendment to acceding States and Signatories to this Convention.

3. States Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a three-fourths majority vote of the States Parties present and voting at the Meeting of States Parties referred to in paragraph 2. For the purposes of this article, States Parties present and voting means States Parties present and casting an affirmative or negative vote.

4. The Depositary shall communicate any adopted amendment to this Convention to States Parties, acceding States and Signatories to this Convention for ratification, acceptance, approval or accession.

5. When amendments enter into force, they shall be binding on those States Parties which have consented to be bound by them. Other States Parties remain bound by the provisions of this Convention and any earlier amendment to which they have consented to be bound.

6. Any amendment shall enter into force on the first day of the month following the expiration of three months after the date of deposit of the third instrument of ratification, acceptance,

approval or accession. For each State Party ratifying, accepting, or approving the amendment or acceding thereto after the deposit of the third instrument of ratification, acceptance, approval or accession the amendment shall enter into force on the first day of the month following the expiration of three months after the date of deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 88. Adoption of additional annexes

1. Any State Party may propose, at any time after the expiration of five years from the date of entry into force of this Convention or after the date of deposit of the fifteenth instrument of ratification, acceptance, approval or accession, whichever is the later, additional annexes to this Convention containing one or more crimes not listed in any other annex.

2. Additional annexes shall be proposed and adopted and shall enter into force according to the procedure under article 87, paragraphs 2 to 6.

Article 89. Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature to all States from *[PM]* to *[PM]* at The Hague.

2. This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

3. This Convention shall be open for accession by any State. Instruments of accession shall be deposited with the Depositary.

Article 90. Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of three months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving or acceding to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the month following the expiration of three months after the date of deposit by such State of its instrument of ratification, acceptance, approval or accession.

3. Any declaration referred to in article 2, paragraph 2, made at the time of ratification, acceptance or approval of or accession to this Convention shall take effect on the date of entry into force of the Convention for the State concerned, in accordance with paragraph 1 or 2.

4. Any declaration referred to in article 2, paragraph 2, made after ratification, acceptance or approval or accession, but before the entry into force of this Convention, shall take effect on the date of entry into force of the Convention for the State concerned, in accordance with paragraph 1 or 2 or, if the Convention has already entered into force with regard to this State, on the first day of the month following the expiration of three months after the date of receipt of the declaration by the Depositary.

5. This Convention shall apply to any request presented after the date of entry into force of the Convention, or where later, the relevant annex, for the States Parties concerned, including where the relevant acts or omissions occurred before that date. Any State may, at the time of signature, ratification, acceptance, approval of or accession to this Convention or, where applicable, at the time of notification to the Depositary that it shall also apply one or more annexes to the Convention, deposit a declaration with the Depositary reserving its right not to apply this Convention to requests relating to acts or omissions that occurred before the date indicated by that State Party, provided that this date is no later than the entry into force of the Convention or the relevant annex for that State Party.

Article 91. Provisional application

1. Any State may, at the time of signature, declare that it shall provisionally apply this Convention or any Part thereof, pending the entry into force of this Convention for that State.
2. Requests for cooperation from States that are provisionally applying this Convention may be refused by States Parties which have not made a declaration under paragraph 1 prior to becoming a State Party to the Convention.
3. Any Signatory may terminate its provisional application of this Convention by written notification to the Depositary. Termination of the provisional application of this Convention shall take effect on the first day of the month following the date of receipt of the notification by the Depositary. The termination shall not affect the obligations of that State under the Convention regarding requests pursuant to this Convention made prior to the termination of the provisional application.

Article 92. Reservations

1. No reservations may be made to this Convention other than those provided for in this article.
2. A State may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, formulate a reservation to article 39, article 40 and article 42, as well as a reservation expressly provided for in article 86, paragraph 3, and article 90, paragraph 5.
3. A State may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, formulate a reservation, for renewable periods of three years, based on grounds existing in its domestic law and in accordance with its obligations under international law, limiting the establishment of its jurisdiction under article 8, paragraph 2.
4. Any State that has formulated a reservation in accordance with paragraphs 2 and 3, may at any time withdraw that reservation by notification to the Depositary.

Article 93. Withdrawal

1. A State Party may withdraw from this Convention by notifying the Depositary.
2. A withdrawal shall become effective one year after the date of receipt of the notification by the Depositary, or on such later date as may be specified in the notification of withdrawal.

3. A withdrawal shall not affect the obligations of that State under the Convention regarding requests pursuant to this Convention made prior to the date on which the withdrawal becomes effective in accordance with paragraph 2.

4. A State Party may withdraw a declaration referred to in article 2, paragraph 2, by notifying the Depositary. Such withdrawal shall become effective in accordance with the procedure referred to in paragraphs 2 and 3.

Article 94. Depositary and languages

1. The Kingdom of Belgium shall act as Depositary of this Convention and any amendments thereto.

2. The original version of this Convention, of which the English, French and Spanish texts are equally authentic, as well as any other authentic texts of this Convention referred to in article 84, paragraph 2, subparagraph (b), shall be deposited with the Depositary.

3. The Depositary shall:

   (a) Keep custody of the original texts and any other authentic texts of this Convention referred to in article 84, paragraph 2, subparagraph (b);

   (b) Prepare certified true copies of the original texts and any other authentic texts of this Convention referred to in article 84, paragraph 2, subparagraph (b), and transmit these to the States Parties, and, upon request, to the States entitled to become parties to this Convention;

   (c) Register this Convention with the Secretariat of the United Nations in accordance with article 102 of the Charter of the United Nations.

4. The Depositary shall notify the States Parties, acceding States and Signatories of:

   (a) Any declaration extending the scope of this Convention to the crime or crimes listed in any annex to this Convention, in accordance with article 2, paragraph 2;

   (b) Any notifications defining the term “nationals” made in accordance with article 9;

   (c) Any notification concerning the designation of a central authority, in accordance with article 20, paragraph 5;

   (d) Any notification concerning the channel of communication, in accordance with article 21, paragraph 2;

   (e) Any notification concerning the settlement of disputes, in accordance with article 86, paragraphs 3 and 4;

   (f) The deposit of any instruments of ratification, acceptance or approval of or accession to an amendment to this Convention and the dates of entry into force of that amendment for the States Parties concerned, in accordance with article 87, paragraph 6;

   (g) The deposit of any instruments of ratification, acceptance, approval or accession, in accordance with article 89;

(h) The date of entry into force of this Convention, in accordance with article 90, paragraph 1;

(i) After the entry into force of this Convention, the date of entry into force of this Convention for the States Parties concerned, in accordance with article 90, paragraph 2;

(j) Any declarations stating the provisional application of this Convention, in accordance with article 91, paragraph 1;

(k) Any notifications regarding the termination of the provisional application of this Convention, in accordance with article 91, paragraph 3;

(l) Any reservations in accordance with article 92;

(m) Any notifications of withdrawal in accordance with article 93, paragraphs 1 and 4.

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

DONE at Ljubljana on this 26th day of May 2023.

ANNEXES

Annex A. War crimes

In addition to the “acts” listed in article 5, paragraph 4, subparagraph (e), this Convention shall also apply to the following “acts” in respect of States Parties which have made a notification under article 2, paragraph 2:

(a) Employing poison or poisoned weapons;

(b) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(c) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.

Annex B. War crimes

In addition to the “acts” listed in article 5, paragraph 4, subparagraph (b), and article 5, paragraph 4, subparagraph (e), this Convention shall also apply to the following “acts” in respect of States Parties which have made a notification under article 2, paragraph 2: Employing weapons, which use microbial or other biological agents, or toxins, whatever their origin or method of production.

Annex C. War crimes

In addition to the “acts” listed in article 5, paragraph 4, subparagraph (b), and article 5, paragraph 4, subparagraph (e), this Convention shall also apply to the following “acts” in respect of States Parties which have made a notification under article 2, paragraph 2: Employing weapons the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

Annex D. War crimes

In addition to the “acts” listed in article 5, paragraph 4, subparagraph (b), and article 5, paragraph 4, subparagraph (e), this Convention shall also apply to the following “acts” in respect of States Parties which have made a notification under article 2, paragraph 2: Employing laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices.

Annex E. War crimes

In addition to the “acts” listed in article 5, paragraph 4, subparagraph (e), this Convention shall also apply to the following “act”, in respect of States Parties which have made a notification under article 2, paragraph 2: Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies.

Annex F. Torture

1. In addition to the crimes listed in article 5, this Convention shall also apply to the crime of torture in respect of States Parties which have made a notification under article 2, paragraph 2.

2. For the purposes of this Convention, "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Annex G. Enforced disappearance

1. In addition to the crimes listed in article 5, this Convention shall also apply to the crime of enforced disappearance, in respect of States Parties which have made a notification under article 2.

2. For the purposes of this Convention, "enforced disappearance" means the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Annex H. Crime of aggression

1. In addition to the crimes listed in article 5, this Convention shall also apply to the crime of aggression in respect of States Parties which have made a notification under article 2, paragraph 2.

2. For the purposes of this Convention, "crime of aggression" means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

3. For the purposes of paragraph 2, "act of aggression" means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

   (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

   (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

   (c) The blockade of the ports or coasts of a State by the armed forces of another State;

   (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

   (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

   (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

   (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.