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COMMITTEE ON CRIME PREVENTION AND CONTROL
Tenth session
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Item 4 of the provisional agenda*

IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF
THE SEVENTH UNITED NATIONS CONGRESS ON THE
PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The transfer of proceedings in criminal matters

Preliminary report of the Secretary-General

Summary

The Economic and Social Council, in its resolution 1986/10, section VII, of 21 May 1986, requested the Committee on Crime Prevention and Control to formulate a model agreement on the transfer of criminal proceedings for possible consideration by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, taking into account previous work done in this area. This request of the Council was based on resolution 12 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Committee was requested to study this subject and to consider the possibility of formulating a model agreement. The present preliminary report focuses on the purpose of the institution of the transfer of proceedings and the need for a clear differentiation between various forms and solutions and the diversity of the legal and technical problems involved. The draft model agreement, which is contained in an annex to the present report and based to a great extent on the results of the International Expert Meeting on United Nations and Law Enforcement, held at Baden, Austria, in 1987, recognized the traditions and cultural identity of Member States. The draft model agreement sets out, on the basis of a general consensus, principles accepted by the international community so that favourable consideration can be given to their use within the framework of national legislation and practice.

*E/AC.57/1988/1.

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1986/10, section VII, of 21 May 1986, requested the Committee on Crime Prevention and Control to formulate a model agreement on the transfer of criminal proceedings for possible consideration by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, taking into account previous work done in this area. The Council also requested the Secretary-General, in co-operation with the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders, as well as inter-governmental and non-governmental organizations, to assist the Committee in its task by, inter alia, further studying the principles on which such a model agreement could be based and by preparing a preliminary report for consideration by the Committee at its tenth session. The General Assembly welcomed these requests in its resolution 41/149 of 4 December 1986.

2. The requests of the Council in resolution 1986/10 were based on resolution 12 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Committee on Crime Prevention and Control was requested to study this subject and to consider the possibility of formulating a model agreement for the transfer of criminal proceedings. 1/ In addition, principle 39 of the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, which were recommended by the Seventh Congress for national, regional and international action, emphasized the importance of international co-operation by, inter alia, the development of model agreements to render the transfer of proceedings less cumbersome and more effective. 2/

3. The General Assembly, in its resolution 40/32 of 29 November 1985, endorsed the resolutions of the Seventh Congress and recommended the Guiding Principles for national, regional and international action, as appropriate. In doing so, the Assembly took into consideration the report of the Secretary-General on the implementation of the conclusions of the Seventh Congress, which stated, inter alia, that the United Nations would also continue its function of standard-setting, in response to the strong support given by the Congress to the adoption of instruments (model agreements etc.) (A/40/751, para. 47).

4. The notable achievements of the Seventh Congress would not have been possible without other efforts to strengthen international co-operation in this field, such as the XIIIth International Congress on Penal Law, held at Cairo, Egypt, in 1984, and an international seminar held by the International Institute of Higher Studies in Criminal Sciences at Siracusa, Italy, in 1985 (A/CONF.121/NGO/22). Further relevant recommendations were made by the 15th Conference of European Ministers of Justice, held at Oslo, Norway, in 1986. 3/

I. EXISTING INSTRUMENTS

5. Provisions for international legal assistance in the form of transfer of proceedings in criminal matters are included in several bilateral treaties between Eastern and Western European countries, as well as in national laws of several States.* Every year there are numerous requests to conduct such

*For example, in Austria, the Federal Republic of Germany and Switzerland. Although incorporation of provisions on transfer of procedure in criminal matters in national legislation is valuable, proceedings may sometimes be cumbersome in practice, as requests for transfer are usually made through diplomatic channels. International agreements would assist in facilitating and expediting transfer proceedings.

proceedings with regard to road traffic and other offences that do not require the alleged offenders' detention. After the necessary evidence has been taken, the alleged offenders are allowed to return to their home States, (countries of nationality or ordinary residence), which are then officially informed of the offences (denouncement) and requested to conduct criminal proceedings on the basis of the home States' existing jurisdiction in accordance with their own national laws.

6. Several bilateral agreements on co-operation between chief public prosecutors of several socialist countries of Eastern Europe have also been concluded. Frequently these agreements include provisions for the transfer of proceedings in criminal matters. 4/

7. At the multilateral level, the Council of Europe formulated three instruments related to the transfer of proceedings in criminal matters. 5/ The European Convention on Mutual Assistance in Criminal Matters of 20 April 1959,* article 21, provides for the "laying of information in connection with proceedings", obliging the requested State to notify the requesting State of any action taken on such information. This Convention does not include a double jeopardy (non bis in idem) rule. Consequently, a series of complementary bilateral agreements provide for such a rule. In addition, the European Convention on the Transfer of Proceedings in Criminal Matters of 15 May 1972** and the European Convention on the Punishment of Road Traffic Offences of 30 November 1964*** provide for the transfer of criminal proceedings even if the requested State has not asserted jurisdiction under its domestic law. In this case, an agreement to conduct proceedings based on these two conventions would establish the State's jurisdiction.

II. THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS

8. The instrument of transfer of proceedings in criminal matters offers a State the possibility of waiving its jurisdiction of prosecuting a particular offence in order to enable another State to do so instead. The transfer of proceedings therefore serves several objectives, including the furtherance of a more effective administration of justice and reduction of conflicts of competence, as well as improved social resettlement of offenders. A model agreement would assist interested States in the achievement of these ends.

*European Treaty Series, No. 30. The Convention entered into force on 6 December 1962 and was ratified by Austria, Belgium, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Israel, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Spain, Sweden, Switzerland and Turkey, and signed by Portugal.

**European Treaty Series, No. 73. The convention entered into force on 30 March 1978 and was ratified by Austria, Denmark, Netherlands, Norway, Sweden, and Turkey, and signed by Belgium, Greece, Liechtenstein, Luxembourg, Portugal and Spain.

***European Treaty Series, No. 52. The Convention entered into force on 18 July 1972 and was ratified by Cyprus, Denmark, France and Sweden, and signed by Austria, Belgium, Germany, Federal Republic of, Greece, Italy, Luxembourg, Netherlands, Portugal and Turkey.

A. More effective administration of justice

1. Practical significance

9. In line with the spirit of the Milan Plan of Action 6/ and Economic and Social Council resolution 1986/10, section I, the transfer of proceedings may be of great practical significance in combating crimes of international dimensions. Thus, the transfer serves the ends of justice by not only providing greater assurances that the suspected offender will be brought to trial, but also by speeding up the criminal justice process and shortening the interval between commission of the crime and conviction. This is true in particular in the following cases:

(a) The suspected foreign offenders cannot be efficiently prosecuted or arrested, and escape to their home countries;

(b) The identities of the suspected foreign offenders are discovered only after some time has been spent on an investigation and it becomes apparent that they have returned to their home countries;

(c) The investigations reveal that the suspected foreign offenders operate from abroad.

10. In all these and other instances, the purpose of the transfer of proceedings is to ensure more effective action against the alleged foreign offenders who are not under the control of the States (requesting States) where or against which the offences were committed. The transfer might also cover cases in which requests for extradition would be refused because the offenders' home States (requested States) would not extradite their own nationals.

2. Official denouncement

11. It is important in such cases as those noted above that the States where or against which the offences were committed should be able to bring the crimes to the attention of the offenders' home States to facilitate proceedings against the offenders there. This procedure amounts to official denouncements of criminal acts. Proceedings against the offenders in their home States cannot take place, however, simply because of official denouncements. The home States who take cognizance of the offences upon denouncement must have their own jurisdiction to prosecute and try the alleged offenders. If the crimes have been committed outside their territories, the home States' jurisdiction must be based on the active personality or nationality principle, which establishes jurisdiction over all crimes committed by States' own nationals, including offences committed abroad.

3. Extension of competence

12. In common-law States, offences are normally subjected to territorial jurisdiction only. Yet, even these States may consider extending their competence by way of bilateral or multilateral agreements with other States. Such agreements may be regarded as legal bases for the extension, subject to constitutional limitations.

4. Reduction of conflicts of competence

13. Offences committed by persons not in their State of nationality or ordinary residence, however, can lead to concurrent jurisdictions and to cumulative proceedings against the same offenders in more than one country.

This can occur most often when civil law countries are involved, as they accept extraterritorial jurisdiction more readily. Problems of concurrent jurisdictions can also arise with respect to certain transnational offences, such as counterfeiting, drug offences and hijacking. The prosecution of such crimes does not necessarily require a strict connection to any given State.

14. To reduce these conflicts of competence resulting from a plurality of jurisdictions, States that conduct proceedings in criminal matters against the same persons in respect of the same alleged offences can agree to transfer the responsibility for conducting the proceedings to one among them. Frequently in such agreements, the States of the offenders' ordinary residence would be requested to conduct the proceedings. The agreement could also include a provision for double jeopardy (non bis in idem) in the case of foreign criminal judgements in these proceedings. This would help to alleviate the burden on judicial authorities, and thereby expedite other proceedings in criminal matters.

B. More effective social resettlement of offenders

15. Another important benefit of transferring proceedings in criminal matters from the States of the crimes' commission to the States of the offenders' nationality or ordinary residence is the improved resettlement of the offenders back into their communities. If proceedings in criminal matters are transferred from the States where the crimes were committed to the States of the foreign offenders' nationality or ordinary residence, the offenders can return to their home States shortly after the perpetration of their offences. This is especially advantageous in cases of certain offences, including road traffic offences, that fall within the category between grave and petty and would probably result in the imposition of a conditional or unconditional custodial sentence or a serious fine. For example, alleged offenders would not have to risk losing their employment because of being obliged to stay in a foreign State until the final disposition of their cases.

16. Closely connected with the need to facilitate the resettlement of offenders is the need to reduce pre-trial detention. As most foreign offenders do not have personal roots in the State of the commission of the crime, they are frequently detained to ensure their presence at trial. This may result in disadvantageous treatment because offenders residing in the State concerned would not be detained if they committed offences of the same severity. The early return of foreign offenders, followed by the transfer of proceedings against them, would not only improve their social situation, but also be an alternative to imprisonment during the pre-trial stage, and would, thereby, reduce the prison population.

17. While concern over the predicament of foreign offenders is a primary motivation for transferring proceedings in criminal matters, States that are involved in the transfer may also have other diverse, and sometimes conflicting, interests. For instance, the requested State may be interested in receiving the alleged offenders in order to alleviate the plight of its own nationals or residents by facilitating or restoring the offenders' contacts with their families, communities and employers. The requesting State may, among other things, also consider that the transfer may decrease the costs of conducting proceedings and detaining the suspected offenders in its own territory. The requesting State may be concerned, however, that the transfer might severely restrict its jurisdiction or control over the offenders or endanger the rights to restitution or compensation of the victims or their dependants in the case of the victims' death.

III. THE SCOPE OF THE MODEL AGREEMENT

18. It would seem advisable, therefore, for the proposed model agreement on the transfer of proceedings in criminal matters to cover different aspects, including the following:

(a) When the State of which the suspected offender is a national already has jurisdiction over the offence, the State where the offence was committed may request the home State to prosecute the alleged offender;

(b) When the suspected offender's home State has not asserted jurisdiction it may, upon the request of the State where the offence was committed, exercise its jurisdiction, which would be extended by agreement as a result of such a request;

(c) When proceedings are pending in two or more States against the same person in respect of the same offence, the States concerned may determine, by way of the transfer of proceedings, which of them alone shall continue to conduct proceedings.

IV. BASIC PRINCIPLES

A. National sovereignty and jurisdiction

19. In the model agreement, the extension of competence by request and upon the agreement of interested States would be based on the principles of respect for national sovereignty and jurisdiction, and non-interference in the internal affairs of States. To this end, prior consultations may be needed to resolve possible conflicts of competence and to ensure due process. For example, if in some cases the alleged offender is detained in the requesting State and is to be surrendered to the requested State in the course of the transfer of proceedings, the suspected offender's consent to the transfer might also be required, as is the case under the Model Agreement on the Transfer of Foreign Prisoners. //

B. Dual criminality

20. Another principle that may be included in the model agreement is the requirement of dual criminality: the act would have to constitute a punishable act in both the requesting State and the requested State in order for a transfer of proceedings to take place. A requirement of dual criminality is usually also part of co-operation agreements on other criminal justice matters.

C. Rights of the victim

21. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 8/ the rights of the victim should not be affected as a result of the transfer of proceedings. This applies in particular to the victim's right to participate or to be adequately represented in the proceedings and the victim's claim for restitution or compensation. In the event of the death of the victim, this principle should extend to his or her dependants.

D. Double jeopardy (non bis in idem)

22. As one of the primary objectives of the transfer of proceedings in criminal matters is the resolution of conflicts of jurisdiction, it would be advisable to include in the model agreement the principle of double jeopardy (non bis in idem) as follows:

(a) The requesting State, after making its request, would no longer be entitled to bring the case to court itself, although it might continue some investigation activities, especially by way of judicial assistance rendered to the requested State. For example, until the requested State's decision on the request for transfer of criminal proceedings has been received by the requesting State, this State may collect further evidence and send it to the requested State. In any case the right to prosecute would revert to the requesting State only if it withdraws its request before the requested State has notified the requesting State of the agreement on the transfer or has refused to conduct proceedings or has discontinued them;

(b) The requesting State would be required to take into consideration the final decision on the merits of the case made in the requested State. This requirement would be without prejudice to domestic law providing for wider application of the double jeopardy (non bis in idem) rule.

E. Non-aggravation

23. It is also important to deal in the model agreement with the questions of whether and to what extent the requested State, when applying its own criminal law after the transfer of proceedings, should be required to take into account the penalties that are authorized by the requesting State's legislation. If the competence of the requested State is extended by agreement with the requesting State, it would be appropriate to include in the model agreement a safeguard for the offender requiring that the sanction pronounced in the requested State may not be more severe than that provided for in the law of the requesting State.

V. THE ELABORATION OF THE MODEL AGREEMENT

24. The Committee on Crime Prevention and Control, at its ninth session, had before it a conference room paper on the transfer of proceedings in criminal matters (E/AC.57/1986/CRP.4). Subsequently, the Secretariat formulated the draft model agreement contained in the annex to the present report, taking into account work previously accomplished in this area. Thus, the draft model agreement is based to a great extent on the results of the International Expert Meeting on United Nations and Law Enforcement, which was held under the auspices of the United Nations Office at Vienna, at Baden, Austria, from 16 to 19 November 1987.

25. In its work, the Meeting focused on the issues below.

The main purposes of the institution of the transfer of proceedings

It was agreed that the interests of the States involved were of primary importance, although the interests of both the suspected offenders and the victims had to be taken into due consideration. Thus they should also be reflected in the model agreement.

The need to distinguish between cases where the transfer of proceedings occurred together with the physical transfer of the alleged offenders and cases where the suspected persons had already left the territory of the State of the commission of the offence and that State could only transfer the files

In this context, it was considered necessary to make a clear distinction between transfer of proceedings and extradition, the latter being, generally, only in the interest of security.

The possibility of formulating similar rules to those included in the Model Agreement on the Transfer of Foreign Prisoners 9/

It was agreed that the model agreement should as far as possible avoid mandatory rules, since the legal and administrative systems and penal philosophy of States belonging to different regions, as well as cultural and legal traditions, differed greatly. The majority of the issues should be regulated by optional rules. It should be left to specific bilateral or multilateral conventions to transform such optional rules into mandatory ones, in accordance with the needs and possibilities of inter-State relations.

The need to place emphasis on a limited number of optional grounds for refusal to take proceedings, rather than imposing obligations to comply with requests

The most important aspect thereof was the question of the kind of offences the model agreement should apply to. It was agreed that the ordinary residence or nationality of the suspected persons should not be a pre-condition for the transfer of proceedings, but the lack of it could constitute an optional ground for refusal to take proceedings in the requested State. Bilateral or multilateral agreements might stipulate, however, that ordinary residence or nationality may constitute a pre-condition for the transfer.

VI. CONCLUSIONS

26. Given that the transfer of proceedings in criminal matters contributes generally to the more effective and efficient administration of criminal justice and often eliminates disadvantages for foreign offenders, and considering also the positive experience already gained from such instruments by various States, the formulation of a model agreement on this subject by the United Nations would be an important step towards improving international co-operation in criminal justice matters. If the principles contained in the model agreement were implemented between States, suspected offenders could expect an early return to their States of nationality or ordinary residence. This, in turn, would assist in their better social reintegration. The implementation of these principles would also contribute to the reduction of pre-trial detention and to the solution of problems of concurrent jurisdictions and plurality of proceedings, which place an additional burden on national criminal justice systems and cause unnecessary hardship for offenders. The model agreement could eventually lead to the reciprocal formal acknowledgement of the validity of foreign criminal judgements and, thus, would constitute significant progress towards the further establishment of international recognition of the principle of double jeopardy (non bis in idem).

27. In this context, the Committee could draw on the experience gained from pertinent existing conventions, treaties and agreements. In the draft model agreement, the traditions and cultural identity of Member States have been recognized. The model agreement sets out, on the basis of a general consensus, principles accepted by the international community so that favourable consideration could be given to their use within the framework of national legislation and practice.

28. The Committee on Crime Prevention and Control, in pursuing its task, may wish to take into account the draft model agreement contained in the annex to the present report and may deem it appropriate to finalize the draft model agreement at its tenth session for submission, through the Economic and Social Council, to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders for its consideration and adoption.

Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.12.

2/ Ibid., sect. B.

3/ Council of Europe, Comprehensive European Convention on Inter-State Co-operation in the Penal Field: 15th Conference of European Ministers of Justice, Oslo, 17-19 June 1986 (Strasbourg, 1986).

4/ See Lech Gardocki, "Judicial assistance and mutual co-operation in penal matters - the socialist system", in International Criminal Law, Volume II: Procedure, M. Cherif Bassiouni, ed. (New York, Transnational Publishers, 1986), pp. 141-143.

5/ See Julian J. E. Schutte, "Transfer of criminal proceedings: the European system", in International Criminal Law, Volume II: Procedure, M. Cherif Bassiouni, ed. (New York, Transnational Publishers, 1986), pp. 319-335.

6/ See Seventh United Nations Congress ..., chap. I, sect. A.

7/ Ibid., sect. D, annex I, general principle 5.

8/ Ibid., sect. C, annex, pp. 43-48.

9/ Ibid., sect. D.

Annex

DRAFT MODEL AGREEMENT ON THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS

Preamble

The _____ and the _____

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, based on the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of offenders and the interests of the victims of crime,

Bearing in mind that the transfer of proceedings in criminal matters contributes to the effective administration of justice and to reducing conflicts of competence,

Aware that the transfer of proceedings in criminal matters can help to avoid pre-trial detention and, thus, reduce the prison population,

Convinced, therefore, that the transfer of proceedings in criminal matters should be promoted,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Have agreed as follows:

1. THE TRANSFER OF PROCEEDINGS

1. When a person is suspected of having committed an offence under the law of a Contracting Party, that Party may, if the interests of the proper administration of justice so require, request another Contracting Party to take proceedings in respect of this offence.

2. For the purposes of applying this Agreement, a request of the requesting State to take proceedings shall provide the requested State with the necessary jurisdiction in respect of the offence if that State has not already jurisdiction under its own law.

3. A request for proceedings shall be made in writing and shall contain or be accompanied by the following information:

(a) The authority presenting the request;

(b) A description of the act for which transfer of proceedings is being requested, including the specific time and place of the offence;

(c) The original or a copy of the criminal file or other information on the results of investigations;

(d) The legal provisions of the requesting State on the basis of which the act is considered to be an offence;

(e) Reasonably exact information on the identity and domicile of the suspect.

4. The competent authorities of the requested State shall examine what action to take on the request to take proceedings in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the requesting State.

II. DUAL CRIMINALITY

5. Requests to take proceedings can be complied with only if the act on which the request is based would be an offence if committed in the territory of the requested State.

III. GROUNDS FOR REFUSAL*

6. If the requested State refuses acceptance of a request for transfer of proceedings, it shall communicate the reasons for refusal to the requesting State. Acceptance may be refused where:

(a) The suspected person is not a national of the requested State or is not ordinarily resident in that State;

(b) The act is an offence under military law, which is not also an offence under ordinary criminal law;

(c) The offence is in connection with taxes, duties, customs or exchange;

(d) The offence is regarded by the requested State as being of a political nature.

IV. THE POSITION OF THE SUSPECTED PERSON

7. The suspected person may express to either State his or her interest in the transfer of the proceedings. Similarly, such interest may be expressed by the suspected person's legal representative or close relatives.

8. The requesting State shall, if practicable, allow the suspected person to present his or her views on the matter before a request to take proceedings is made, unless that person has absconded or otherwise obstructed the course of justice.

9. If the competence of the requested State is exclusively based on the provision in paragraph 2 of this Agreement, that State shall, before taking a decision on the request to take proceedings, allow the suspected person to present his or her views on the matter.

V. THE RIGHTS OF THE VICTIM

10. The requesting and requested States shall ensure in the transfer of proceedings that the rights of the victim of the offence, in particular his or her rights to restitution or compensation, shall not be affected as a result

*This provision gives an illustrative list of grounds for refusal. States, when negotiating on the basis of this Model Agreement, may wish to add other grounds for refusal or conditions to this list, for example, relating to the nature or gravity of the offence, the protection of fundamental human rights or considerations of public order.

of the transfer. In the event of the death of the victim, this provision shall apply to his or her dependants accordingly.

VI. THE EFFECT OF THE TRANSFER OF PROCEEDINGS ON THE REQUESTING STATE
(NON BIS IN IDEM)

11. Upon acceptance by the requested State of the request to proceed against the alleged offender, the requesting State shall provisionally discontinue prosecution, except necessary investigation, including judicial assistance to the requested State, until the requested State informs the requesting State that the case has been finally disposed of. From that moment on, the requesting State shall definitely refrain from further prosecution of the same offence.

VII. THE EFFECTS OF THE TRANSFER OF PROCEEDINGS ON THE REQUESTED STATE

12. The proceedings transferred upon agreement shall be governed by the law of the requested State. When charging the suspected person under its law, the requested State shall make the necessary adjustment with respect to particular elements in the legal description of the offence. Where the competence of the requested State is based on the provision in paragraph 2 of this Agreement the sanction pronounced in that State shall not be more severe than that provided by the law of the requesting State.

13. As far as compatible with the law of the requested State, any act with a view to proceedings or procedural requirements that is performed in the requesting State in accordance with its law shall have the same validity in the requested State as if it had been performed in or by the authorities of that State.

14. The requested State shall inform the requesting State of the decision taken as a result of the proceedings; to this end a copy of any final decision shall be transmitted to the requesting State.

VIII. PROVISIONAL MEASURES

15. When the requesting State announces its intention to transmit a request for transfer of proceedings, the requested State may, upon a specific request made for this purpose by the requesting State, apply all such provisional measures, including provisional detention and seizure, as could be applied under its own law if the offence in respect of which transfer of proceedings is requested had been committed in its territory.

IX. THE PLURALITY OF CRIMINAL PROCEEDINGS

16. When criminal proceedings are pending in two or more States against the same suspected person in respect of the same offence, the States concerned shall conduct consultations to decide which of them alone should continue the proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings.

X. COSTS

17. Any costs incurred by a Contracting Party because of a transfer of proceedings shall not be refunded, unless otherwise agreed by both the requesting and requested States.

XI. FINAL PROVISIONS

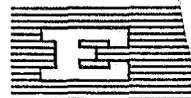
18. This Agreement is subject to ratification. The instruments of ratification shall be deposited as soon as possible in _____.

19. This Agreement shall enter into force on the thirtieth day after the day on which the instruments of ratification are exchanged.

20. Either Contracting Party may denounce this Agreement in writing to the _____.
Denunciation shall take effect six months following the date on which the notification is received by the _____.

In witness whereof the undersigned, being duly authorized thereto by the respective Governments, have signed this Agreement.

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



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COMMITTEE ON CRIME PREVENTION AND CONTROL
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Corrigendum

Page 14

Section XI should read

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19. This Agreement shall enter into force on the thirtieth day after the day on which the instruments of ratification are exchanged.

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In witness whereof the undersigned, being duly authorized thereto by the respective Governments, have signed this Agreement.

Done at _____ on _____ 19.. in [duplicate] in the
_____ and _____ languages [both] texts being equally
authentic. [all]

*E/AC.57/1988/1.