

**REPORT  
ON  
RESPONSES  
TO  
THE UN QUESTIONNAIRE  
ON  
THE IMPLEMENTATION OF THE UNITED  
NATIONS  
DECLARATION ON CRIME AND PUBLIC  
SECURITY**

*Prepared by  
The National Institute of Justice  
March 2001*

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**EXECUTIVE SUMMARY REVIEW  
OF  
THE REPORT ON RESPONSES  
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Executive Summary Review  
of  
The Report on Responses  
to  
The UN Questionnaire  
on  
The Implementation of the United Nations  
Declaration on Crime and Public Security

prepared by  
The National Institute of Justice  
U.S. Department of Justice  
and  
U.N. Program Network Institute  
March 2001

At the request of the Center for International Crime Prevention (CICP) within the United Nations Office for Drug Control and Crime Prevention, the National Institute of Justice (NIJ), of the U.S. Department of Justice and a United Nations Program Network Institute was asked to review the questionnaires submitted by the member states on the implementation of the United Nations Declaration on Crime and Public Security. The questionnaire was drawn up by the CICP in response to Economic and Social Council resolution 1997/34 and 1998/21. The questionnaire and this review are part of an on-going information gathering process concerning the use and application of United Nations (UN) norms and standards by member nations.

The questionnaire itself was divided into nine broad categories:

- A. Dissemination and Impact of the Declaration.
- B. Public Security and Safety.
- C. Existing and Pending Law and Legal Initiatives to Combat Serious Transnational Crime.
- D. Mutual Legal Assistance, Extradition and Other Types of International Cooperation in Criminal Matters.
- E. Participation in Law Enforcement Training and Education at the International Level.
- F. Status of Adherence to the Principal Existing International Treaties Relating to Various Aspects of the Problem of International Terrorism and to the International Drug Control Conventions.
- G. Existing or Proposed Victim Assistance Programmes or Systems.
- H. Existing or Proposed Legislation to Combat the Transnational Flow of the Proceeds of Serious Transnational Crime .
- I. Measures to Combat and Prohibit Corruption and Bribery .

## Methodology

Questionnaires were sent to 189 member states plus two non-member nations and two permanent observers. NIJ received and reviewed a total of 37 questionnaires, 36 of these from the UN member nations. One of the 37 questionnaires received contained no identifying information and was not included in this analysis. Many of the remaining 36 questionnaires received were incomplete.

Due to a variety of problems inherent in the survey instrument itself, the limited number of responses received and the incompleteness of the information provided, it is impossible to make many assumptions or draw conclusions which the Secretary-General hoped to obtain. Following a thorough review of all responses, NIJ summarized and categorized the responses. Patterns and trends were sought within the responses that were given in accordance with the questionnaire format. In addition, NIJ received six responses from various UN organizations and offices, and four responses from other international organizations; none of which was in accordance with the questionnaire (a summary of these ten responses is included at the end of this Executive Summary and a listing of the entities that responded is attached as Appendix 1). It is important to keep in mind the following when reading this Executive Summary and the attached Summary Analysis:

- ▶ Concerning the number of responses to a given question, the mean was 23.6 or 65.5%; the median was 27 or 75%; the mode was 30 or 83.3%; and the range was from three to 35.
- ▶ Within the Summary Analysis, responses for multiple choice questions were reported with a table listing totals for Yes, No and N/A responses only. Percentages include only those responses that answered the question (i.e. 46% should be interpreted as, "of those countries that responded to the question, 46% indicated . . .").
- ▶ Responses for open-ended questions, requiring respondents to write-in their comments, were reported as a summary of all responses received for each particular question.
- ▶ Non-responses have been included in Appendix 2. For data classification purposes non-responses were figured using the following criteria:
  - ▶ Any question left blank or omitted by the responding country: e.g., Bulgaria and Germany both reprinted the questionnaire and omitted a number of questions; pages 12 - 15 were missing in the survey received from the Philippines.
  - ▶ Any response that did not answer the question: e.g., Sweden drew a line through question 14, an open-ended question.
  - ▶ Any response that was written onto a close-ended question and did not answer the question with the choices given: for example, South Africa wrote-in "n/a" for question 38 and "nil" for questions 43 - 45.
  - ▶ Any response to a question that required the respondent to answer with a number

and the response given was not a number: Greece wrote a narrative to answer question 34; South Africa answered questions 33 - 34 with a question mark (?).

- ▶ Any response requiring three separate numbers as an answer where one total figure was given: e.g., Tajikistan answered question 33 with the statement “over 200” when a separate figure was requested for each of the three years listed.
- ▶ Any response to a question that was rewritten by the respondent where the rewritten question was different from the original question: The Republic of Belarus rewrote and qualified question 67 to read “. . . charged with offences covered by the Declaration.”
- ▶ Any response to a question that was translated into the respondent’s native language where the translated question was different from the original English and was identified as such: For example, the translator’s note for Tajikistan’s response to question 31 stated that the Russian question was about the death penalty while the original English question was about the execution of requests for mutual legal assistance.
- ▶ Any response that did not directly answer the question but referred to unspecific legal jargon: e.g., as a response to question 94, Greece listed information pertaining to the European Treaty about mutual legal assistance that appeared to be from legal code and did not appear to answer the question.

## **Review of Responses**

The following is a review of the information received from all respondents and summarized in the attached Summary Analysis:

### **A. Dissemination and Impact of the Declaration (Questions 1-6).**

It appears that the majority (66.7%) of the responding countries have made the Declaration on Public Security and Safety available to police agencies, public prosecutors, Ministries of Interior and Justice, Departments of Foreign Affairs, the Immigration Service, the Customs Service, and other relevant State agencies. More than half of the respondents (57.7%) indicated that the Declaration has made an impact on relevant law, policy and/or practices in their respective countries. Definitions of public security provided by the respondents ranged from a citizens’ subjective feelings of safety to specified concepts which include the protection of independence, sovereignty and national security, life, health, rights, freedoms of persons, common and private property, national wealth, and public order. Seventeen (54.8%) of the responding countries reported that the legal definition of public security did not exist within their legal code. Most responding countries indicated that various agencies, officials and organizations define, support and enforce public security through various legislation, regulatory measures and security campaigns. Responding countries indicated that the Declaration is utilized through various strategies, initiatives and legislation to achieve and maintain public security in various capacities which include: crime prevention, counter terrorism, combating drug trafficking, illegal migration,

anti-corruption, police training, the improvement of penal policy and judiciary reform and transportation issues.

It appears that most responding countries (27 or 84.4%) have conducted some type of public awareness or information campaign about the Declaration. Many of these efforts and initiatives have used the mass media and include crime prevention and awareness or education campaigns. Many are outreach oriented and aimed at encouraging citizens to communicate with relevant agencies to address areas of concern.

## **B. Public Security and Safety (Questions 7-14).**

The questionnaire divided public security and safety into two categories: a sense of personal safety and border control. Responding countries indicated that general measures are being taken by the authorities to ensure public security and safety, in particular safe streets, at the personal and community levels. Respondents cited various police and community-initiated prevention programs and partnerships, such as neighborhood watch and awareness programs, that are used to both prevent and reduce crime. Specific programs focused on situational crime prevention and community policing initiatives. Responding countries indicated the public may collaborate and cooperate with police and other relevant authorities, at various levels, via crime prevention committees and safe-watch initiatives. Cooperation between police and the public in some cases also includes project coordination with non-government organizations. Some countries have apparently appointed liaison councils to encourage more public involvement in crime prevention activities.

Since the adoption of the Declaration, it appears that many (28 or 82.4%) of the responding countries have taken additional measures at national borders in order to counteract serious transnational criminal activity such as smuggling illicit commodities, documents, cash, humans or other materials. These measures include: enhanced border control security and surveillance; the formation of multilateral and cooperative agreements for joint country investigations; enhanced training and increased authority; and the implementation and formation of new criminal codes, acts and legislation. Of the countries who indicated the existence of coordination, it appears that in some countries, border control officials, customs offices, prosecutors and law enforcement are working cooperatively with other government offices and agencies (and in some instances INTERPOL) to prevent and interdict illegal border activities. In some cases, this includes granting enhanced surveillance and legal authority to relevant agencies. In general, anti-crime activities occurring at the borders include the seizure of drugs, currency and various other contraband, as well as the interdiction of both victims and perpetrators involved in human smuggling and illegal migration (specific country observations and statistics can be found in the Summary Analysis for question 11).

In order to strengthen border controls, it appears that some countries have initiated regional, sub-regional and bilateral agreements to set border standards and prevent illegal border crossings. There are also indications of increased interagency cooperation among organizations (i.e.

between customs, police and border patrol), officer training, and increasing information sharing in operational matters such as cases involving extradition (a complete listing of regional and sub-regional arrangements can be found in the Summary Analysis for question 12).

According to the respondents, most countries require transaction records, import or export licences, or authorizations for the importation or exportation of biological weapons (81.0% to 85.0%), chemical weapon materials (85.0% to 86.4%), explosive materials (96.2% to 100%), firearms (96.4% to 100%), and nuclear weapon materials (85.0% to 87.0%). It appears that more countries require transaction records for the more traditional weapons rather than chemical or biological materials.

Most responding countries (28 or 87.5%) indicated that they use enhanced technologies to detect and prevent counterfeiting, falsification and tampering of official documents, as well as enhanced legal measures to prosecute counterfeiting. There were also indications of increased training efforts and enhanced communication links between agencies (a complete list of such measures as reported by the 28 responding countries can be found in the Summary Analysis for question 14).

**C. Existing and Pending Law and Legal Initiatives to Combat Serious Transnational Crime (Questions 15-23).**

Most responding countries (67.9% to 96.6%) seem to have legislation containing specific provisions to address the specific transnational crimes listed for question 15. Responses appeared to drop to 56.5% for legislation with regard to "other offences." Organized crime was defined either generally in a country's criminal code and/or legislative provisions, or more specifically as: two or more people who organize and operate the planning and/or carrying out of a criminal act. Terrorism, on the other hand, appears to be addressed with otherwise existing penal codes or legislation by countries who do not have specific definitions. Countries that appear to have specific legislation for terrorism defined terrorism as the use of violence aimed at injuring or intimidating people, or the security of the states, for political ends or in an attempt to undermine national security. Most responding countries indicated the following as organized, transnational offences: smuggling of people, prostitution, money laundering and counterfeiting, child pornography, value-added tax fraud, computer crime, various financial crimes, and intellectual property/industry theft.

Slightly more than half of the responding countries (16 or 51.6%) indicated the existence of various penal codes and laws specific to the commission of serious transnational crime. Such prohibited acts include: sedition, terrorism, national security offences, sexual offenses, conspiracy, racketeering, illegal financial transactions and the influencing of or assisting in such crimes. In more than half of the responding countries (17 or 56.7%), national laws appear to contain specific provisions governing participation in an organized criminal group or entity. It appears that most responding countries have legislation, penal codes or criminal codes which prohibit affiliation with, or participation in, criminal gangs or organized crime groups. Some stipulate a mandatory sentence while others do not appear to have such provisions. Some

prohibit acts and participation but not membership.

Most of the responding countries (21 or 75%) indicated the existence of various legislation, acts, procedures or evidentiary rules that criminalize transnational crimes such as money laundering, human trafficking, drug trafficking and sexual crimes. In addition, most countries who responded affirmatively appear to participate in various conventions that institute cooperative measures. More than half (17 or 56.7%) of the responding countries indicated proposed bills, penal codes, criminal procedures and legal regulations to revise or expand various laws against transnational crime.

**D. Mutual Legal Assistance, Extradition and Other Types of International Cooperation in Criminal Matters (Questions 24-86).**

*Basis for mutual legal assistance* - Nearly all (95.2%) of the 21 responding countries indicated the basis for mutual legal assistance was a combination of treaties and legislation. Only three responding countries signified legislation alone, and nine responses cited treaties only.

*Dual criminality* - In responding to requests from other countries for mutual legal assistance, it appears that many (23 or 82.1%) of the responding countries require dual criminality when involving coercive measures. In contrast, only 50% of the responding countries require dual criminality in acts not involving coercive measures. However, it appears that in some countries, the absence of dual criminality does not necessarily indicate that there are no alternative provisions for rendering mutual legal assistance.

*Bank secrecy* - It appears that for most of the responding countries (18 or 58.1%), legislation or other arrangements do not require withholding mutual legal assistance on grounds of bank secrecy.

*Protection of sensitive information and evidence* - Most responding countries (20 or 90.3%) indicated that they could ensure the requested country that evidence furnished under mutual legal assistance will not be transmitted or used for investigation, prosecution or proceedings without prior consent.

*Transfer of a witness in custody* - It appears that most responding states (24 or 77.4%) have legislation or other arrangements which allow the transfer of a person in custody to another country for the purpose of providing testimony or other assistance in investigations or criminal proceedings provided all conditions are met (see Summary Analysis for question 29) .

*Utilization of modern technology for testimony* - There appear to be three main circumstances under which this type of testimony is allowed: physical limitations; witness protection issues; and geographical distances. It also appears that this type of testimony is subject to the same perjury legislation that guides ordinary examinations in ten (47.6%) responses.

*Designation of central authority* - The majority of those nations responding (27 or 90%) report having designated a central authority with responsibility and power to execute requests for mutual legal assistance or to transmit these requests to the competent authorities, such as: the Ministry of Justice, Department of Justice, or General Prosecutor's Office; the Attorney-General's Office; Department of Criminal Affairs; Ministry for Foreign Affairs, and via INTERPOL.

*Agreements or arrangements on mutual legal assistance* - The majority of the responding countries (28 or 87.5%) appear to have concluded agreements or arrangements with other countries to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes.

*Requests received through diplomatic channels* - Among the 20 responding states, the average number of requests for mutual legal assistance received through diplomatic channels from 1996 to 1998 appears to have decreased slightly, while the average number of requests which were fully granted by the 14 respondents appears to have increased. The average number of requests received for mutual assistance which were refused in whole or in part by the nine responding states appears to have declined within the same time frame (specific reasons for refusals listed can be found in the Summary Analysis for question 36). Other reasons for refusal of mutual legal assistance requests comprised 33.3% of responses and included: double jeopardy considerations; absence of, or poor translations; unclear requests or witness statements; irrelevance; legal documents not provided; non-existence of an agreement between two countries; or incompatibility with a country's laws. Reasons for delay or suspension in the execution of requests from other countries for mutual legal assistance included lack of resources (27.3%) and difficulty of translation (27.3%). Other reasons accounted for 63.6% of responses for delay or suspension (for a complete listing, see Summary Analysis for questions 38 and 39).

*Requests received by law enforcement directly* - Many responding countries (21 or 70%) indicated law enforcement agencies or other relevant authorities were able to receive requests for mutual legal assistance directly, given certain provisions, which include: international agreements and legislative acts; through the executing agencies; or on a case-by-case basis. The average number of requests received directly by law enforcement agencies for the five responding countries between 1996 and 1998 appears to have increased. The average number of requests for mutual legal assistance fully granted by eight respondents seems to have decreased for the same years.

*Requests made through diplomatic channels* - The average number of requests to other countries for mutual legal assistance made through diplomatic channels by 19 responding states appears to have increased between 1996 and 1998. The average number of requests fully granted by other countries seems to also have risen during the same time period for 13 responding states. The average number of requests officially refused in whole or in part by other countries appears to have remained fairly static between 1996 and 1998 (specific reasons given by the seven responding countries for refusals listed can be found in the Summary Analysis for question 46).

It is noteworthy that the political nature of the offence, the discriminatory nature of the purpose or consequence of the request and the military nature of the offence involved in the request were not cited by any responding countries as reasons for refusal of requests for mutual legal assistance. Other reasons provided were the absence of a bilateral agreement or inadequate/insufficient information.

*Requests made by law enforcement directly* - Among the 27 responding countries, 59.3% indicated that their legislation or practice allows law enforcement agencies or other relevant authorities to make direct requests for mutual legal assistance under certain conditions, mainly as part of bilateral and multilateral treaties, international agreements and legislative acts. Three responding states indicated that the average number of direct requests to other countries by law enforcement authorities in their countries ranged from 404.7 to 481.3 for the years 1996 to 1998. The average number of requests fully granted for these three responding states appears to have increased within the same time frame.

*Extradition treaties* - Of the 27 responding countries, 59.3% do not make extradition conditional on the existence of a treaty. A list of treaties by country has been compiled from responses and can be found in the attached Summary Analysis for question 51.

*Extradition legislation* - Of those countries that responded, 24 (85.7%) indicated that they had legislation which was the primary basis for extradition. Only 4 (23.5%) of the responding countries indicated a treaty was also required for extradition.

*Extradition of nationals* - Half of the responding countries (14 or 50%) indicated that their laws allowed for the extradition of nationals under certain conditions. Conditions differed greatly among the 10 states that offered such information and appear to be dependant upon the individual country and relevant treaties or agreements (see the Summary Analysis for question 54). The majority of the responding countries (15 or 65.2%) do not appear to have legislation that provides for the conditional extradition or temporary transfer or surrender of nationals. In the cases that allow conditional extradition or temporary transfer, it appears that the stipulating conditions are limited and considered on a case-by-case basis.

*Obligation to extradite or prosecute* - It appears that the majority of the responding countries (16 or 61.5%) provide for obligatory or discretionary jurisdiction to be established when an offender is present in a country refusing to grant an extradition request. These conditions are subject to various criminal codes or treaties and take into consideration the nature of the crime and the evidence available. While some countries (10 or 35.7%) have prosecuted their own nationals on the grounds of *aut dedere aut judicare* within the past three years, more than 57% have not. When countries have requested the extradition of a person and the request was refused on the basis of the nationality of the person sought, 38.5% of those countries responding to the question appear to have prosecuted the person sought on the basis of the *principle aut dedere aut judicare*.

*Designation of central authority* - The majority of the responding countries (26 or 89.7%) have

designated a central authority to execute or transmit requests for extradition that most commonly include Ministries and Departments of Justice and Foreign Affairs, or via the Attorney General's Office.

*Requests for extradition received* - The responding countries (16) indicated a total average of 51.0 to 59.4 requests received for provisional arrest for execution of extradition from other countries between 1996 and 1998. The countries that responded (15) executed an average of 8.2 to 9.1 requests for provisional arrest for extradition between 1996 and 1998. The 13 respondents identified the reasons for non-execution of requests for extradition that include: inability to locate the person sought (71.4%), request did not satisfy conditions required by legislation (35.7%), and other reasons (28.6%). Other reasons for non-execution of requests included: withdrawal of the request; insufficient information; absence of dual criminality; or the extradition act did not apply to the requesting country.

*Requests for extradition received directly* - The majority of the responding countries (23 or 82.1%) seem to allow requests for provisional arrest for extradition to be received directly from law enforcement agencies or through intergovernmental organizations under certain conditions. There appear to be three main prerequisites for receiving requests for provisional arrest directly: presence of dual criminality; the issuance of a judicial order; and the non-prescription of criminal acts. Between 1996 and 1998, numbers appear to have decreased for direct requests from law enforcement agencies or other authorities according to the nine responses received; and 10 responding states reported that the average number of requests executed decreased between 1996 and 1998.

*Requests for extradition received through diplomatic channels* - According to the 19 responding states, the average number of requests for extradition received through diplomatic channels decreased between 1996 and 1998. The average number of requests which were executed also appear to have declined from 1996 to 1998. However, the average number of requests officially refused increased in the same time period. The 12 respondents listed reasons for refusal or provided other reasons (see Summary Analysis for questions 70 and 71).

*Requests for extradition made through diplomatic channels* - The average number of requests for provisional arrest for extradition to other countries through diplomatic channels for years 1996 to 1998 ranged from 9.2 to 6.9 for the 20 responses received. Requests executed for provisional arrest for extradition among the 17 countries that responded appear to have declined from 1996 to 1998. The 13 respondents listed reasons provided by the requested countries for the non-execution of such requests as well as other reasons not listed (see Summary Analysis for questions 74 and 75).

*Requests for extradition made directly* - It appears that the majority (17 or 7.8%) of the 24 responding countries allow requests for provisional arrest for extradition directly to other countries from law enforcement agencies or through other relevant agencies under certain conditions including bilateral, multilateral or regional agreements, or other less-formal

arrangements. The 19 respondents indicated that their law enforcement organizations made an average of 17.1 to 20 such requests between 1996 and 1998. Eight countries indicated the average number of requests for provisional arrest for extradition which were executed increased during the same three years.

*Requests for extradition made through diplomatic channels* - The 19 respondents indicated that they made an average of 11 requests for extradition to other countries through diplomatic channels for years 1996 - 1998. The 16 responding countries indicated that the average number of requests executed by the requested countries appears to have increased from 1996 to 1998. For 14 responding countries, the average number of requests refused seemed to decrease from 1996 to 1998. The 13 responding states cited the reasons given for refusal (see Summary Analysis for question 82), but neither political reasons nor possible imposition of the death penalty was indicated.

*Sharing of information* - Most (22 or 73.3%) of the 30 countries which responded appear to allow law enforcement authorities to directly share information with law enforcement authorities in other countries without requests for mutual legal assistance. The conditions under which this is allowed may depend on relevant international agreements or be made via Interpol, Europol, or under the principle of dual criminality. Information sharing between law enforcement authorities in different countries also appears to take place informally under mutual understanding or by some cooperative arrangement between the agencies.

*Protection of sensitive information* - Almost all (26 or 92.9%) of the 28 responding countries indicated that when requesting information they could ensure the requested country that the information would not be transmitted or used for investigations, prosecutions or proceedings other than those stated in the request without prior consent.

*Designation of a central contact point* - Most (21 or 70%) of the 30 responding countries have designated central contact points for the purpose of facilitating contact between operational agencies within their own countries.

#### **E. Participation in Law Enforcement Training and Education at the International Level (Questions 87-90).**

*Training and education* - It appears that the majority (21 or 75.8%) of the 33 responding countries have organized or hosted law enforcement training and education activities for the fight against serious transnational crimes at the international level during the past several years. Topical areas for these training and education activities, as well as other information, can be found in the Summary Analysis for question 87. Almost all (32 or 91.4%) of the 35 responding countries have sent participants to law enforcement training and education activities for the fight against serious transnational crimes at the international level during the last several years.

*Other types of technical assistance* - Less than half (12 or 37.5%) of the 32 responding States

have provided various forms of other technical assistance (see Summary Analysis for question 87). A number of countries offer specialized assistance in various criminal justice fields as well as professional exchange programs (Specific responses can be found in the Summary Analysis for question 89). Various forms of technical assistance have been received by approximately half of the responding countries (see the Summary Analysis for question 90).

**F. Status of Adherence to the Principal Existing International Treaties Relating to Various Aspects of the Problem of International Terrorism and to the International Drug Control Conventions (Question 91).**

Slightly more than half (16 or 59.3%) of the 27 responding countries that indicated they had adopted legislation concerning effective implementation both of the existing international treaties relating to various aspects of the problem of international terrorism, and of General Assembly resolutions 49/60 and 50/53 on measures to eliminate international terrorism, appear to have either ratified existing treaties or created new legislation. Specific information on treaties, conventions and other legislation made available by the responding countries can be found in the Summary Analysis for question 91.

**G. Existing or Proposed Victim Assistance Programmes or Systems (Questions 92-94).**

*Domestic witness protection* - More than half (17 or 54.8%) of the 31 responding countries appear to have procedures or programmes to protect witnesses under witness protection acts, codes, or criminal procedures; or witness protection laws; with regard to all criminal cases where testimony could endanger the witness. Most appear to include relocation. Almost half (17 or 53.1%) of the 32 responding nations have apparently established evidentiary rules that allow testimony to be given in a manner that ensures the safety of the witness. These rules appear to be utilized in all criminal cases where witness safety is an issue.

*Bilateral and multilateral arrangements on witness protection* - Less than half (11 or 40.7%) of the 27 responding countries appear to have legislation which allows for arrangements with other countries for witness relocation and protection. Such legislation consists of provisions for the requesting country to pay all or part of the travel expenses for the witness, and the return of the witness to his or her home country. Other respondents stipulate such arrangements on the basis of treaties or reciprocal agreements. Some responding countries do not appear to have such legislation in any form.

**H. Existing or Proposed Legislation to Combat the Transnational Flow of the Proceeds of Serious Transnational Crime (Questions 95-112).**

*Criminalization of money laundering*: Among the 30 responding states more than half (77% to 88%) have legislation that contains specific provisions to address laundering of proceeds from the serious crimes list (see Summary Analysis for question 95). Some respondents indicated that drug offenses, fraud, violent crimes and other offenses that are typical of organized crime are

included among predicate offenses. It appears that in some countries the relevant legislation will apply broadly to any indictable offense. It also appears that most criminal/penal codes penalize all laundering of criminal proceeds regardless of the predicate offense.

Among 27 responding countries, 20 (66.7%) indicated that their legislation allows the limitation of bank secrecy laws or the lifting of bank secrecy with respect to criminal investigations or proceedings if there is compelling evidence that it will be valuable to the investigation. The conditions for this appear to be guided by relevant acts and criminal codes individually stipulated by each country. In some countries, financial institutions are given statutory immunity from civil, criminal and disciplinary proceedings in respect to the disclosure or supply of information. In some cases, the bank secrecy can be lifted for only certain crimes such as drug-related offenses.

Of the 31 countries that responded, 23 (74.2%) appear to have legislation which requires financial and related institutions to make clear and complete records of accounts and transactions at, by or through the institution. Of the 29 responding countries, 25 (86.2%) indicated that their legislation allows law enforcement authorities to use these records in criminal investigations, prosecutions and regulatory or administrative investigations and proceedings. In most cases, this can apparently be done only through an administrative or judicial process. In some countries, it appears that the assurance that confidentiality will be maintained is prerequisite.

Many (23 or 74.2%) of the responding countries have legislation which requires financial and related institutions to report suspicious or unusual transactions to the appropriate authorities. Fourteen countries provided numbers of such reports for 1996, 1997 and 1998 which averaged out to 22,456 reports per country.

It appears that a majority (21 or 72.4%) of the responding countries have adopted specific acts and legislation that require banks to report suspicious activity; provide for collaboration among various financial and regulatory agencies; and institute requirements and standards for training and security among financial institution employees.

Slightly more than half (16 or 57.1%) of the responding countries said their legislation requires individuals and businesses to report cross-border transfers of substantial quantities of cash and negotiable instruments to the appropriate authorities. Specific amounts and currencies can be located in the Summary Analysis for question number 101-1.

For some countries it appears that informal sharing of information on financial transactions and/or reports of suspicious or unusual transactions and reports of cross-border transfers is allowed between law enforcement authorities. In some cases, it is a regular occurrence guided by various legislation, bilateral and multilateral agreements, or memoranda of understanding. Some countries stipulate that in the absence of a formal request, information exchange is only allowed with a comparable agency or authority.

Of the responding countries 22 (68.8%) have financial intelligence units which serve as national centers for the collection, analysis and dissemination of information regarding potential money-laundering and other financial crimes. Specific information about these units is available in the Summary Analysis for question 103.

Legislation in 30 (90.9%) of the responding countries allows for confiscation of the proceeds of serious transnational crimes or property, usually via adjudication with a specific court order; in compliance with a country's relevant acts, codes and legislation. It appears that most criminal codes (29 or 87.9% of respondents) allow for evidence to be seized under certain provisos.

More than half (19 or 65.5%) of the responding states appear to have legislation which allows the execution of requests from other countries for mutual legal assistance for confiscation of property. However, it appears that the conditions are governed by international cooperative acts, mutual legal assistance treaties and agreements between countries, and depends on the level of cooperation between the countries involved. Some specific conditions for such confiscation include dual criminality and/or indictable offenses. Eight (33.3%) of the responding countries indicated that their country had received requests for confiscation of property from other countries within the last several years. Among those responding affirmatively, only 6 (40%) had actually executed requests for mutual legal assistance for confiscation of property with an average number of 1.3 requests per country.

The majority (20 or 69.7%) of the responding countries appear to have legislation which allows for the execution of requests for mutual legal assistance for the identification, freezing or seizure of property. It appears that the execution of the request must usually be conducted pursuant to the granting country's criminal procedure or relevant international cooperative acts. More specific information is available in the Summary Analysis for question 106.

Only six of the 20 responding countries (30%) indicated that their countries had received requests for mutual legal assistance for identification, freezing or seizure of property in the last several years. Among those responding affirmatively, only four (33.3%) had actually executed such requests. It appears that a small number (six or 26.1%) of the 23 responding nations had made requests to other countries for mutual legal assistance for confiscation of property within the last several years. Six (50%) of only 12 respondents had made requests which were actually executed. Of the 21 countries responding, less than half (10 or 47.6%) made requests to other countries for identification, freezing or seizure of property within the last several years. Only eight of the 15 (53.3%) respondents indicated their requests were actually executed.

Some countries (9 or 33.3% of 27 responses) appear to have established administrative arrangements to share the assets from serious transnational crimes via bilateral agreement or reciprocity. When such a system is present, each country apparently determines the specific details and logistics pursuant to already established agreements, conventions and/or cooperative acts. It appears that in some cases, in the absence of an international convention or bilateral agreement, proceeds from offences that are seized at the request of an authority of a foreign state

are shared equally or reverted to the State of enforcement.

## **I. Measures to Combat and Prohibit Corruption and Bribery (Questions 113-115)**

It appears that most (26 or 81.3%) of the 32 responding countries have adopted legislation to combat and prohibit corruption and bribery mainly focused on money laundering. Legislation is in the form of various acts and penal codes and is, in some cases, linked to multilateral conventions. Examples of such legislation as reported by the responding nations is shown in the Summary Analysis for question 113. It appears that most (12 or 46.2%) of the 26 responding countries do not have legislation pending relative to corruption and bribery. It appears that most (23 or 79.3%) of the 29 responding countries have implemented various projects and programs to address corruption. Examples of such measures as reported by the responding countries are listed in the Summary Analysis for question 115.

## **Review of Responses Received from UN Offices and Institutes, and Other International Organizations**

A few United Nations offices and institutes contributed information that could be considered relevant to the Declaration even though they did not complete the questionnaire. Such information includes: conducting various international training courses and seminars on transnational and organized crime; collaborating with various international organizations in the fight against environmental crime and illegal trade/trafficking; and projects geared toward the protection of victims' rights and the prevention of trafficking in women and children.

Other international organizations that responded to the survey did not complete the questionnaire. EUROPOL, however, answered questions 87 (international law enforcement training and education), 101 (cross border transfers of cash), 102 (sharing of information on financial transactions) and 103 (financial intelligence units). For more information see Appendix 3.

## **Conclusion**

The issues which the Questionnaire on the Implementation of the United Nations Declaration on Crime and Public Security attempted to answer are critical to the global understanding of international cooperation, or lack thereof, on crime and public security issues; most notably those crimes which cross national boundaries. It is unfortunate that the instrument itself was not more carefully crafted and that only 36 countries responded. The response rate has made it impossible to draw any meaningful conclusions about the international measures which exist and those which are still required. As a result of the limited number of responses to the Questionnaire, we can only recap the responses and hint at possible trends.

It is clear that a majority of the 36 nations who responded to the Questionnaire have disseminated

the Declaration among government officials and in some cases to the citizens. Many believe the Declaration has made an impact on relevant laws within their countries.

While most countries have taken measures to provide citizens with a sense of safety through traditional and innovative law enforcement and prevention programs and strict border controls, it is not clear these efforts are a result of the Declaration.

A majority, and in some cases a strong majority, of responding countries have existing or pending laws or initiatives intended to combat serious transnational crime. Again, however, it is difficult to define the Declaration as the catalyst for enactment of laws and penal codes specific to serious transnational crime.

While it is difficult to determine trends, it is apparent many of the responding countries are participating in mutual legal assistance, extradition and other types of international cooperation on criminal matters. The reasons cited for denial of requests for cooperation might yield more patterns with further study, but politics and the possibility of the imposition of a death penalty were cited only occasionally as reasons for refusal to cooperate.

Cooperation among law enforcement at the international level is evident in the high level of participation in training and education programs for the fight against serious transnational crimes. While a vast majority of the responding countries have hosted or participated in these training activities, less have provided or received other types of technical assistance at an international level.

A slight majority of responding countries have adopted legislation concerning effective implementation of the principal existing international treaties relating to various aspects of the problem of international terrorism and to the international drug control conventions.

Victim assistance programs, or systems, exist or are proposed in a majority of the responding countries. Many of these include relocation, but generally only within the country.

Most of the responding countries have existing or proposed legislation to combat the transnational flow of the proceeds of serious transnational crime. Legislation includes a broad array of tools from lifting of bank secrecy, provision of accounts and transaction records, and confiscation of property and funds.

A significant majority of the responding countries have adopted legislation to combat and prohibit corruption and bribery. Unfortunately, it is not possible to measure if and to what degree these laws are enforced.

Responses to the Questionnaire from the United Nations offices and institutes and other international organizations confirm the high level of international cooperation in the area of training courses and seminars on transnational organized crime and sharing of information on

financial transactions.

The poor response rate and inherent problems with the survey instrument make further inquiries into these issues all the more crucial. A more organized process and well-prepared instrument would yield more significant results. It would be interesting to attempt to contact those countries that chose not to respond to this questionnaire and find out why. It may also be of interest to further question responding nations that only partially completed the survey. The issues and concerns that are being investigated through the Questionnaire on the Implementation of the UN Declaration on Crime and Public Security deserve further attention as the threat of transnational crime and other global concerns continues to grow for all nations.

**SUMMARY ANALYSIS  
OF  
THE REPORT ON RESPONSES  
TO  
THE UN QUESTIONNAIRE  
ON  
THE IMPLEMENTATION OF THE UNITED NATIONS  
DECLARATION ON CRIME AND PUBLIC SECURITY**

**Prepared by  
The National Institute of Justice  
March 2001**

**Summary Analysis of Responses to the  
Questionnaire on the Implementation of the United Nations Declaration on Crime and Public Security**

**A. Dissemination and impact of the Declaration (1-6)**

*"Observation of the declaration"*

**Question 1:** Has the United Nations Declaration on Crime and Public Security been made available to the relevant agencies in your country since its adoption in 1994? If the answer is yes, please indicate to which agencies in particular the Declaration has been made available and in what manner and format.

	Yes	No	N/A
<b>Total</b>	20	4	6
<b>Percent</b>	66.7%	13.3%	20.0%

*The majority of the responding countries have made the Declaration available to police agencies, public prosecutors, Ministries of Interior and Justice, Departments of Foreign Affairs, Immigration Services, Customs Services, and other relevant State agencies.*

**Question 2:** Has the Declaration made an impact on relevant law, policy and/or practice in your country?

	Yes	No	N/A
<b>Total</b>	15	2	9
<b>Percent</b>	57.7%	7.7%	34.6%

**Question 3:** How is the notion or concept of "public security" defined in your country?

*Definitions of public security range from citizens' subjective feelings of safety to specified concepts that include the protection of independence, sovereignty and national security; life, health, rights, freedoms of persons, common and private property, national wealth, and public order. Sixteen of the responding countries reported that the legal definition of public security did not exist within their legal code.*

**Question 4:** Please comment on the way in which the relevant authorities in your country perceive the concept of public security. How is the scope and content of the Declaration constructed in practical terms by the relevant authorities?

*Most responding countries indicated that various agencies, officials and organizations define, support and enforce public security through various legislation, regulatory measures and security campaigns.*

**Question 5:** Has the Declaration been utilized in the activities of the relevant agencies?

	Yes	No	N/A
<b>Total</b>	17	4	10
<b>Percent</b>	54.8%	12.9%	32.3%

*Countries indicated that the Declaration is utilized through various strategies, initiatives and legislation (i.e. enhancing cooperation and public awareness campaigns) to achieve and maintain public security in various capacities that include: crime prevention, counter-terrorism, combating drug trafficking, illegal migration, anti-corruption, police training, the improvement of penal policy and judiciary reform, and transportation issues.*

*"Public awareness and information"*

**Question 6:** Have public awareness and information campaigns, plans and programs been promoted in your country, including via the mass media, to encourage public participation in matters of public security?

If the answer is yes, please describe such efforts and initiatives .

	Yes	No	N/A
<b>Total</b>	27	3	2
<b>Percent</b>	84.4%	9.4%	6.3%

*Efforts and initiatives using various types of media appear to include crime prevention and awareness/education campaigns. Many are outreach oriented and aimed at encouraging citizens to communicate with relevant agencies (i.e. community-based workshops) to address areas of concern.*

**B. Public security and safety (7-14)**

*"Control of street criminality"*

**Question 7:** Please indicate what general measures are being taken by the authorities in your country to ensure public security and safety, in particular safe streets, at the personal and community level.

*Responding countries appeared to indicate that various police and community-initiated prevention programs and partnerships (i.e. neighborhood watch and awareness programs) are used to both prevent and reduce crime. Specific programs may focus on situational crime prevention and community policing initiatives.*

**Question 8:** To what extent is the public involved in carrying out such measures?

*Responding countries seemed to indicate that the public may collaborate and cooperate at various levels with police and other relevant authorities via crime prevention committees and safe-watch initiatives. Police/public cooperation can also include project coordination with NGO's. Some countries have specifically appointed liaison councils to encourage more public involvement in crime prevention activities.*

“Border control”

**Question 9:** Since the adoption of the Declaration, have special or additional measures been taken in your country to detect and interdict illegal cross-border movements of persons engaged in serious transnational crime or associated with criminal syndicates, of illicit commodities, documentation or cash flows, of smuggled persons, and of the instrumentalities used in such criminal activities?

	Yes	No	N/A
<b>Total</b>	28	4	2
<b>Percent</b>	82.4%	11.8%	5.9%

*It appears that many of the responding countries have taken additional measures in order to counteract transnational criminal activity. These measures include: enhanced border control security and surveillance; the formation of multilateral and cooperative agreements for joint country investigations; enhanced training and increased legal authority; and the implementation and formation of new criminal codes, acts and legislation.*

**Question 10:** To what extent do such measures involve the coordination of action and procedures between the agencies concerned with border control (customs, immigration, law enforcement etc.)?

*Of the countries that indicated the existence of coordination, it appears that for some countries, border control officials, customs offices, prosecutors and law enforcement are working cooperatively with other government offices and agencies (and in some instances INTERPOL) to prevent and interdict illegal border activities. In some cases, this includes granting enhanced surveillance and legal authority to relevant agencies.*

**Question 11:** Please provide any available statistics and other information and observations concerning the incidence of criminality at the borders and related border control operations (by air, by sea and on land).

*In general, criminality occurring at the borders includes the smuggling of drugs, currency and other various contraband, as well as the interdiction of both victims and perpetrators involved in human trafficking and illegal migration. Specific country observations and statistics as reported by the respondents are listed below:*

Country	Incident	Statistics/Observations/Other Information	Date (if indicated)
Angola	Smuggling	illegal smuggling across south border	-----
Australia	Drug Smuggling; Illegal Migration	various drugs and other prohibited goods seized by sea, air and land; illegal immigrants by air (see attached)	1996 to 1999
Austria	Smuggling; Illegal Migration; Arms Trafficking	improvements in border control resulted in increased arrests for drug smuggling; illegal immigration (from 4,562 to 13,865); human smuggling; (1,000 to 1,823) arms trafficking	1998 to 1999

Bulgaria	Illegal Migration	border patrol became more efficient; more violators detained; better statistics on applicants applying for refugee status	1999
Croatia	Illegal Immigration /Smuggling	incidents: 347 human smuggling; 505 drug smuggling; 91 vehicle smuggling; and 154 counterfeit travel documents seized	1999
Czech Republic	-----	permanent expansion of border security along Polish and Czech Republic border increased personnel along German border Intensified co-operation between Federal border guard and the police force in border countries	-----
Estonia	Illegal Migration	decrease in: illegal border crossings, forged documents apprehension and apprehension of stolen vehicles. increase in: apprehension of illegal immigrants, persons wanted by LEA	1996 to 1999
Finland	Illegal Migration	border control system provides 100% checks on persons crossing border; continuous patrolling and surveillance; increased cooperation with Russian Federal Border Service; 3131 refusals of entry - - 1500 of which motivated by suspicion of crime; 114 forged documents seized; 60 stolen vehicles.	1999
Germany	Illegal Migration/ Human Smuggling	201,069 illegal entries; 14,921 smugglers arrested; 51,221 persons smuggled; permanent expansion of border security; intensified co-operation between the Federal Border Guard and the police force of the border countries; use of thermal imaging systems, police dogs and police helicopters in areas requiring high border guard presence.	1994 to 1999
Greece	Human Smuggling	decrease in border activity; most serious border crimes occur at the Albanian border	-----
Iceland	Drug Smuggling	62 incidents by air, mail and sea	1999
Ireland	Drug Smuggling	cash and drugs seized at border	-----
Jordan	Illegal Migration/ Human Smuggling	78 smuggling cases; 55 cross border movements	-----

New Zealand	-----	increase in: amphetamine imports; overseas drug syndicates; travel document fraud; pornography via Internet decrease in: cannabis smuggling; revenue fraud due to reduced tariffs	-----
Poland	Illegal Migration	decreased substantially - 43%. 42, 993 aliens refused entry	1999
Slovak Republic	Drug Smuggling	biggest decrease in drug imports was heroin; customs detected 242 criminal offences in 1998 and 213 in 1999	1998 to 1999
Sweden	-----	250, 993 controlled objects; 13, 936 crimes	1999
Syria	-----	1,251 incidents reported by border patrol	-----
United Kingdom	Illegal Migration	10,412 people entered clandestinely; 28,320 undocumented passengers arrived by air and sea	1998
U.S.	Drug Smuggling; Autos and Firearms Smuggling; Illegal Migration	interdicted: 1000's of lbs. of cocaine; over 9,000 migrants at sea	-----

**Question 12:** Please provide information about regional and sub-regional arrangements and initiatives to protect the borders from illicit incursions and indicate any problems encountered.

*It appears that some countries have initiated regional and bilateral agreements to set border standards and prevent illegal border crossings. There are indications of increased interagency cooperation (i.e. customs, police and border patrol coordination), officer training, and increasing information sharing (i.e. cases involving extradition). The table below lists examples of information presented by the responding countries:*

Country	Regional/ Sub-regional Agreements; Problems and Concerns
Australia	Information sharing for extradition; Bilateral agreements with Customs; Placement of overseas liaisons.
Bulgaria	Work cooperatively with other countries to set border standards; Maintain intergovernmental agreements with 20 countries in order to counter cross-border crimes.
Estonia	Cooperation with other national and international law enforcement authorities on combating organized crime at borders.
Germany	Within the EU, the movement of firearms and explosive materials between the individual Member States is regulated by Directives.

Iraq	Enacting regulatory and penal provisions for preventing illegal border crossings and the conclusion of bilateral treaties with neighboring States.
Japan	Working collaboratively with other countries to stop illegal immigration. Police work closely and exchange information with other Asian countries.
Jordan	Problems/Concerns: Illegal crossing operations occur along the Jordanian border.
Morocco	Problems/Concerns: Illegal immigrants, especially from Africa, cross into the country through the Algerian territories in an attempt to migrate to Europe.
New Zealand	Ongoing development of an international small-craft/yacht reporting system to cover the Pacific Rim; Development of regional Intelligence initiative; post officers overseas to liaise with counterparts; bilateral cooperative agreements with overseas law enforcement agencies. Issues include - pornography, privacy legislation, inter-agency rivalries, differing priorities between countries.
Norway	Implementation of the Schengen Convention and participation in other regional police and border control initiatives.
Poland	Participation in Task Force Against Organized Crime in the Baltic Sea Countries.
Slovak Republic	Border service and cooperative relationship with Ukraine and Hungary; Collaborative relationship with border patrol, customs and police.
Tajikistan	Additional border posts have been set up and inter-State agreements with Uzbekistan and Kyrgyzstan have been concluded on the strengthening of measures to prevent the smuggling of strategically important raw materials and to prevent drug trafficking, etc.

**Question 13:** Does your country require citizens to obtain an import or export licence or authorization for any of the materials listed below and to keep records of the transaction involved?

Materials	Import Licence		Export Licence		Record-Keeping	
	Total	Percent	Total	Percent	Total	Percent
Biological weapon materials	Yes =17 No= 2 N/a= 2	81.0% 9.5 9.5	Yes =17 No=1 N/a=2	85.0% 5.0 10.0	Yes =16 No=1 N/a=2	84.2% 5.3 10.5
Chemical Weapon materials	Yes =19 No=1 N/a=2	86.4% 4.5 9.1	Yes =18 No=1 N/a=2	85.7% 4.8 9.5	Yes =17 No=1 N/a=2	85.0% 5.0 10.0
Explosive materials	Yes =25 No=0 N/a=1	96.2% 0.0 3.8	Yes =24 No=0 N/a=0	100.0% 0.0 0.0	Yes =23 No=0 N/a=0	100.0% 0.0 0.0

Firearms	Yes =27 No=0 N/a=1	96.4% 0.0 3.6	Yes =26 No=0 N/a=0	100.0% 0.0 0.0	Yes =26 No=0 N/a=0	100.0% 0.0 0.0
Nuclear weapon materials	Yes =20 No=1 N/a=2	87.0% 4.3 8.7	Yes =19 No=1 N/a=2	86.4% 4.5 9.1	Yes =17 No=1 N/a=2	85.0% 5.0 10.0

**Question 14:** Has your country taken measures against the tampering, falsification and counterfeiting of travel and transit documents? If the answer is yes, please provide a brief explanation of such measures below.

	Yes	No	N/A
<b>Total</b>	28	1	3
<b>Percent</b>	87.5%	3.1%	9.4%

*Most countries indicated the use of enhanced technologies to detect and prevent falsification and tampering, as well as enhanced legal measures to prosecute counterfeiting. There were also indications of increased training efforts and enhanced communication links between agencies. Below are examples of such measures as reported by the responding countries:*

Country	Measures Taken
Australia	Use of technology to prevent tampering; Communication linkages established for identification/verification purposes.
Bulgaria	Border checkpoints use state of the art technology to verify authenticity of documents.
Czech Republic	Electronic registration system in use.
Estonia	Board of Border Guard established new Travel Documents Evaluation Centre in 1999. All Border Posts equipped with necessary passport control equipment.
Finland	New passports with high security standards, secure identity cards and optical variable device visa and residence permits.
Germany	In 1996, a special unit on the "prevention of the tampering, falsification and counterfeiting of documents" was set up at the Federal Office of Criminal Investigation.
Iceland	Enhanced passport technologies to detect and reduce counterfeiting; Training in the detection of counterfeit documents.
Iraq	Enacting a passport law - incorporating penal provisions into the Penal Code.
Japan	Machine readable passport has anti-forgery features.

Jordan	Use of ultraviolet hardware at some border checkpoints, and especially airports, to detect falsification.
Korea	The illegal alteration, falsification and counterfeiting of travel and transit documents are punished as crimes of forgery under the Criminal Code.
Morocco	Control action is undertaken at border and other points. Persons involved in offences are prosecuted and brought to justice.
New Zealand	Improving passport document and systems (i.e. electronically read passports).
Norway	Passports and visa stickers are produced in a way to make falsification as difficult as possible.
Philippines	Department of Foreign Affairs has established the Office of Passport Falsification and Irregularities to handle cases involving counterfeiting.
Poland	Basic examination tools at border control checkpoints.
Qatar	In 1999, Qatar issued a machine-readable passport that contains high-performance security features (For example, the details and photograph of the holder are printed by an automated process on adhesive plastic cover).
United Kingdom	Immigration Service National Forgery Section trains all immigration service staff in forgery detection techniques. Immigration Act and the Forgery and Counterfeiting Act permits prosecution of those holding forged travel documents.
United States	Improving technology for inspection of travel documents; International information exchange on counterfeiting and forged documents.

### C. Existing and pending law and legal initiatives to combat serious transnational crime (15-23)

*"Serious transnational crime"*

**Question 15:** Does your legislation contain specific provisions to address the serious crimes specified in Article 1 of the Declaration and listed below?

Crime	Yes	No	N/A
(a) Illicit drug trafficking	19	9	0
	67.9%	32.1%	0.0%
(b) Illicit arms trafficking	28	2	0
	93.3%	6.7%	0.0%
(c) Smuggling of other illicit articles	28	1	0
	96.6%	3.4%	0.0%
(d) Organized trafficking in persons	27	2	0
	93.1%	6.9%	0.0%

(e) Organized crime	23	5	0
	82.1%	17.9%	0.0%
(f) Terrorist crime	20	9	0
	69%	31%	0.0%
(g) Laundering of proceeds from serious crime	20	7	1
	71.4%	25%	3.6%
(h) Other offences	13	7	3
	56.5%	30.4%	13.0%

**Question 16:** If your legislation contains provisions to address organized crime, how is organized crime defined therein?

*Organized crime was defined either generally in a country's criminal code and/or legislative provisions, or more specifically as: two or more people who organize and operate the planning and/or carrying out of a criminal act (and other related definitions).*

**Question 17:** If your legislation contains provisions to address terrorist crime, how is terrorism defined therein? Please provide an official definition.

*It appears that countries who reported to have specific legislation for terrorism defined it as the use of violence aimed at injuring or intimidating people, or against the security of the states, for political ends or in an attempt to undermine national security. Countries who do not have specific definitions usually address terrorist crime with existing penal codes or legislation.*

**Question 18:** If your legislation contains specific provisions prohibiting acts committed in an organized manner and of a transnational nature other than offences (a-g specified in question 15), what types of offences and definitions are included?

*Most responding countries indicated the following offences: smuggling of people, prostitution, money laundering and counterfeiting, child pornography, value-added tax fraud, computer crime, various financial crimes, and intellectual property/industry theft.*

*"Participation in serious transnational crime"*

**Question 19:** Does your national law contain specific provisions governing participation in the commission of serious transnational crime? If yes, what kind of specific provisions governing participation (aiding and abetting, conspiracy, association or other forms of participation) in the commission of serious transnational crime does your national law contain?

	Yes	No	N/A
--	-----	----	-----

<b>Total</b>	16	14	1
<b>Percent</b>	51.6%	45.2%	3.2%

*It appears that about half of the responding countries indicated the existence of various penal codes and laws that specify acts of transnational crime. Some specific provisions included: sedition, terrorism, national security offenses, sexual offenses, and influencing or assisting in these crimes. Other provisions included conspiracy, racketeering, and illegal financial transactions.*

**Question 20:** Does your national law contain specific provisions governing participation in an organized criminal group or entity?

	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Total</b>	17	12	1
<b>Percent</b>	56.7%	40.0%	3.3%

**Question 21:** What kind of specific provisions governing participation (membership of, participation in or association with) in an organized criminal group or entity does your national law contain?

*It appears that most countries have legislation, penal or criminal codes, which prohibit affiliation with or participation in criminal gangs or organized crime groups. Some stipulate a mandatory sentence though some countries do not have such provisions. Some prohibit acts and participation but not membership.*

*"Recent legal initiatives"*

**Question 22:** Has your country enacted any law, procedure or evidentiary rules to combat serious transnational crime over the last several years?

	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Total</b>	21	7	0
<b>Percent</b>	75.0%	25.0%	0.0%

*Most of the responding countries indicated the existence of various legislation and acts that criminalize transnational crimes such as money laundering, human trafficking, drug trafficking, trafficking in human organs and sexual offenses. In addition, most countries who responded affirmatively participate in various conventions that institute cooperative measures against transnational crimes.*

**Question 23:** Are proposals for such legislation, made in your country within the last several years, still pending?

	Yes	No	N/A
<b>Total</b>	17	11	2
<b>Percent</b>	56.7%	36.7%	6.7%

*Many of the responding countries reportedly have proposed bills, penal codes, criminal procedures and legal regulations that are pending to revise and/or expand various laws against transnational crime.*

**D. Mutual legal assistance, extradition and other types of international cooperation in criminal matters (24-86)**

*"Mutual legal assistance"*

**Question 24:** Does your country render mutual legal assistance on the basis of treaties (bilateral or multilateral), legislation or both?

Legal Assistance	Yes	No	N/A
Treaties	9	1	0
	90%	10%	0%
Legislation	3	0	0
	100%	0%	0%
Treaties & Legislation	20	1	0
	95.2%	4.8%	0.0%

**Question 25:** In responding to requests from other countries for mutual assistance under the conditions described below, does your country require that the offence stipulated in the requests, had it been committed under your State jurisdiction, constitute an equivalent offence under your legislation (requirement of dual criminality)?

Request	Yes	No	N/A
Rendering assistance involving coercive measures	23	3	2
	82.1%	10.7%	7.1%
Rendering assistance not involving coercive measures	13	12	1
	50.0%	46.2%	3.8%

**Question 26:** If dual criminality is generally required under your legislation in order to render such assistance to

other countries, does your legislation or do other arrangements also contain provisions allowing assistance to be rendered notwithstanding the absence of dual criminality?

	Yes	No	N/A
<b>Total</b>	10	16	2
<b>Percent</b>	35.7%	57.1%	7.1%

*It appears that in some countries, the absence of dual criminality does not necessarily indicate that there are no alternative provisions. The specific circumstances and requirements, relative to each country, would then apply.*

**Question 27:** Does your legislation or do other arrangements require withholding mutual legal assistance on grounds of bank secrecy?

	Yes	No	N/A
<b>Total</b>	10	18	3
<b>Percent</b>	32.3%	58.1%	9.7%

**Question 28:** In requesting mutual legal assistance, can your country ensure the requested country that your country will not transmit or use evidence furnished by the requested country, without the prior consent of that country, for investigation, prosecution or proceedings other than those stated in the request?

	Yes	No	N/A
<b>Total</b>	28	3	0
<b>Percent</b>	90.3%	9.7%	0.0%

**Question 29:** Does your legislation or do other arrangements allow the transfer of a person in the custody of your country to another country if requested by that country for the purpose of providing testimony or other assistance in investigations or criminal proceedings, on the condition that the requesting country will: (a) keep the person transferred in custody; (b) return the person to the custody of your country; and (c) not require your country to initiate extradition proceedings for the return of the person?

	Yes	No	N/A
<b>Total</b>	24	7	0
<b>Percent</b>	77.4%	22.6%	0.0%

**Question 30:** Does your legislation or do other arrangements allow testimony, statements or other forms of assistance to be given via video link or other modern means of communication?

	Yes	No	N/A
<b>Total</b>	16	13	2
<b>Percent</b>	51.6%	41.9%	6.5%

*There appear to be three main circumstances under which this type of testimony is allowed: physical limitations; witness protection issues; and geographical distances.*

**Question 30-1:** Does your legislation or do other arrangements ensure that perjury committed while providing testimony through the use of such modern technologies is a criminal offence?

	Yes	No	N/A
<b>Total</b>	10	8	3
<b>Percent</b>	47.6%	38.1%	14.3%

*It appears that this type of testimony is subject to the same perjury legislation that guides ordinary examinations.*

**Question 31:** Has your country designated a central authority, or when necessary central authorities, with the responsibility and power to execute requests for mutual legal assistance or to transmit them to the competent authorities for execution?

	Yes	No	N/A
<b>Total</b>	27	2	1
<b>Percent</b>	90.0%	6.7%	3.3%

*According to the responding countries the main centralized authorities include: Ministry/ Department of Justice General Prosecutor's Office; Attorney General's Office; Department of Criminal Affairs; Ministry for Foreign Affairs, and via INTERPOL.*

**Question 32:** Has your country concluded any agreements or arrangements with other countries to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes?

	Yes	No	N/A
<b>Total</b>	28	4	0

Percent	87.5%	12.5%	0.0%
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**Question 32-1:** Number of countries concerned.

**Average: 28.1**

**Question 33:** How many requests for mutual legal assistance did your country receive through diplomatic channels during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	252.6	244.4	243.3
<b>*Total Requests</b>	4800	4888	4865

*\*Figures include only those countries that responded to the question.*

**Question 34:** How many of the requests received for mutual legal assistance did your country fully grant?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	307.4	310.6	314.4
<b>*Total Granted</b>	4304	4349	4402

*\*Figures include only those countries that responded to the question.*

**Question 35:** How many of the requests received for mutual assistance did your country officially refuse to grant in whole or part?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	36.4	35.7	30.3
<b>*Total Refused</b>	328	321	273

*\*Figures include only those countries that responded to the question.*

**Question 36:** If your country refused to grant some of the requests received for mutual legal assistance during the last three years, (see question 35), what were the reasons for the refusal?

Reasons for Refusal	Total	Percent
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1 Absence of an assurance of reciprocal assistance from the requesting country.	1	11.1%
2 Absence of dual criminality in the offence involved in the request.	2	22.2%
3 Bank secrecy.	1	11.1%
4 Possible prejudice to the sovereignty, security, public order or other essential public interests of your country in the course of executing the requests.	2	22.2%
5 Political nature of the offence involved in the request.	1	11.1%
6 Discriminatory nature of the purpose or the consequences of the request (prosecuting a person on account of race, gender, religion, nationality, ethnic origin or political opinions, or possible prejudice to a person's position for any of those reasons).	1	11.1%
7 Incompatibility with an investigation or prosecution in your country (for instance, the offence involved in the request was already being investigated or prosecuted, and the prosecution of that offence in the requesting country would thus be incompatible with your country's legislation on double jeopardy (ne bis in idem)).	4	44.4%
8 Inconsistency of the measures requested with legislation and practice in your country (for instance, the measures requested would not be allowed if the offence were investigated or prosecuted under your own jurisdiction).	2	22.2%
9 Military nature of the offence involved in the request (that is, the act was an offence under military law, but not under ordinary criminal law).	2	22.2%
10 Other reasons (see question 37).	3	33.3%

**Question 37:** Please provide below a brief explanation of the other reasons for refusal referred to in question 36.

*Other reasons for refusal include: double jeopardy considerations; absence of, or poor translations; unclear requests or witness statements; irrelevance; legal documents not provided; non-existence of an agreement between two countries; or incompatibility with a country's law.*

**Question 38:** What were the reasons for the delay or suspension, if any, of the execution of such requests from other countries for mutual legal assistance?

Reasons for Delay/Suspension	Total	Percent
Difficulty in translating the relevant documents.	3	27.3%
Lack of government coordinating mechanisms for executing such requests.	0	0.0%
Lack of necessary resources in executing agencies.	3	27.3%
Other reasons (see question 39).	7	63.6%

**Question 39:** Please provide below a brief explanation of the other reasons for delay or suspension referred to in question 38.

*Other reasons for delay or suspension include: limited access to information; cooperation delays with authorities in other countries; and procedural impediments.*

**Question 40:** Does your legislation allow law enforcement agencies or other relevant authorities to receive requests for mutual legal assistance directly from other countries or through intergovernmental organizations under certain conditions, including those provided for in bilateral, multilateral or regional agreements or arrangements?

	Yes	No	N/A
<b>Total</b>	21	6	3
<b>Percent</b>	70.0%	20.0%	10.0%

*In general, given certain provisions, requests can be received directly. The vehicles through which this appears to be done include: international agreements (bilateral or multilateral) and legislative acts; through the executing agencies; or on a case by case basis.*

**Question 41:** If your legislation allows law enforcement agencies or other relevant authorities to receive requests for mutual legal assistance directly from other countries or through intergovernmental organizations, how many such requests did law enforcement agencies in your country receive during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	266.3	295.8	401
<b>*Total Requests</b>	1065	1183	2005

*\*Figures include only those countries that responded to the question.*

**Question 42:** How many of the requests received for mutual legal assistance did your country fully grant?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	829.8	666.0	689.5
<b>*Total Granted</b>	3319	3330	4137

*\*Figures include only those countries that responded to the question.*

**Question 43:** How many requests to other countries for mutual legal assistance did your country make through diplomatic channels during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	155.2	174.5	188.3

<b>*Total Requests</b>	2638	3316	3389
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*\*Figures include only those countries that responded to the question.*

**Question 44:** How many of the requests made by your country for mutual assistance did other countries fully grant?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	146.9	186.1	160.7
<b>*Total Granted</b>	1763	2419	2089

*\*Figures include only those countries that responded to the question.*

**Question 45:** How many of the requests made by your country for mutual legal assistance did other countries officially refuse to grant in whole or in part?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	6.8	5.8	6.7
<b>*Total Refused</b>	61	58	74

*\*Figures include only those countries that responded to the question*

**Question 46:** What reasons were given by the requested countries for refusing to grant requests made by your country for mutual legal assistance?

<b>Reasons for Refusal</b>	<b>Total</b>	<b>Percent</b>
1 Absence of an assurance of reciprocal assistance from the requesting country.	3	42.9%
2 Absence of dual criminality in the offence involved in the request.	4	57.1%
3 Bank secrecy.	1	14.3%
4 Possible prejudice to the sovereignty, security, public order or other essential public interests of your country in the course of executing the requests.	1	14.3%
5 Political nature of the offence involved in the request.	0	0.0%
6 Discriminatory nature of the purpose or the consequences of the request (prosecuting a person on account of race, gender, religion, nationality, ethnic origin or political opinions, or possible prejudice to a person's position for any of those reasons).	0	0.0%

7 Incompatibility with an investigation or prosecution in your country (for instance, the offence involved in the request was already being investigated or prosecuted, and the prosecution of that offence in the requesting country would thus be incompatible with your country's legislation on double jeopardy (ne bis in idem)).	2	28.6%
8 Inconsistency of the measures requested with legislation and practice in your country (for instance, the measures requested would not be allowed if the offence were investigated or prosecuted under your own jurisdiction).	3	42.9%
9 Military nature of the offence involved in the request (that is, the act was an offence under military law, but not under ordinary criminal law).	0	0.0%
10 Other reasons (see question 37).	3	42.9%

**Question 47:** Please provide a brief explanation of the other reasons for refusal referred to in question 46.

*Other reasons provided were the absence of a bilateral agreement or inadequate/insufficient information.*

**Question 48:** Does your legislation or practice allow law enforcement agencies or other relevant authorities to make requests for mutual legal assistance directly to other countries or through intergovernmental organizations under certain conditions, including those provided for in bilateral, multilateral or regional agreements or arrangements? If yes, under what conditions are such requests for mutual legal assistance allowed?

	Yes	No	N/A
<b>Total</b>	16	9	2
<b>Percent</b>	59.3%	33.3%	7.4%

*It appears that such requests are allowed as part of bilateral and multilateral treaties, international agreements and legislative acts.*

**Question 49:** If your legislation allows law enforcement agencies or other relevant authorities to make requests for mutual legal assistance directly to other countries or through intergovernmental organizations, how many such requests did law enforcement authorities in your country make during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	404.7	481.3	458.7
<b>*Total Requests</b>	1214	1444	1376

*\*Figures include only those countries that responded to the question.*

**Question 50:** How many of the requests made for mutual legal assistance did other countries fully grant?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	347.3	428.7	456.7
<b>*Total Granted</b>	1042	1286	1370

*\*Figures include only those countries that responded to the question.*

### *"Extradition"*

**Question 51:** Does your country make extradition conditional on the existence of a treaty with a requesting country?

	Yes	No	N/A
<b>Total</b>	10	16	1
<b>Percent</b>	37.0%	59.3%	3.7%

**Question 52:** Please provide a list of the countries with which your country has extradition treaties. If individual countries cannot be named, please indicate the total number of the countries concerned.

**Average per country: 26.9**

*One example of a formal extradition arrangement is the European Convention on Extradition. Other treaties depend greatly on individual countries. Respondents listed a total of 442 countries with which extradition treaties are in place.*

Country	Number of Treaties Listed	Countries with which your country has extradition treaties
Algeria	18	None listed
Australia	34	None listed
Belarus	15	None listed
Estonia	6	Latvia, Lithuania, Ukraine, Poland, Russia, USA
Finland	Approximately 41	None listed
Greece	-----	South and South-western Africa, New Zealand, West Samoa, India, Canada, Kenya, Fiji, Malawi, USA, Yugoslavia, USSR, Egypt, Syria, Australia, Albania

Ireland	-----	Countries that have ratified the European Convention on Extradition; USA, Australia, Canada
Japan	-----	USA
Jordan	-----	All Arab States and Turkey
Korea	12	Australia, Philippines, Spain, Canada, Chile, Argentina, Brazil, Paraguay, Mexico, USA, Thailand, Mongolia
Kuwait	-----	Countries of the League of Arab States
Morocco	15	None listed
New Zealand	-----	All countries listed in Schedule 1 to the Extradition Act 1999; USA, Hong Kong SAR
Norway	-----	Countries that have ratified the European Convention on Extradition; USA, Australia
Philippines	11	None listed
Poland	52	None listed
Portugal	-----	South Africa, Australia, Angola, Bolivia, USA, Cap Vert, Guinea Bissau, Mozambique, Sao Tome e Principe, United States of Mexico, Tunisia
Slovak Republic	32	None listed
South Africa	38	None listed
Swaziland	6	None listed
Sweden	-----	Australia, Belgium, Canada, USA, UK
Tajikistan	-----	Georgia, Armenia, Kazakstan, Uzbekistan, Moldova, Belarus, Kyrgyzstan, the Russian Federation
United Kingdom	106	<b>See Appendix for countries listed.</b>

United States	110	See Appendix for countries listed.
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**Question 53-1:** Does your country have legislation on extradition?

	Yes	No	N/A
<b>Total</b>	24	3	1
<b>Percent</b>	85.7%	10.7%	3.6%

**Question 53-2:** If the answer is yes, is the extradition legislation of your country the only basis for extradition, or is a treaty (bilateral or multilateral) also necessary?

	Yes	No	N/A
<b>Total</b>	13	4	0
<b>Percent</b>	76.5%	23.5%	0.0%

**Question 54:** Does your law permit extradition of nationals? If the answer is yes, under what conditions is extradition allowed?

	Yes	No	N/A
<b>Total</b>	14	14	0
<b>Percent</b>	50.0%	50.0%	0.0%

*Half of the responding countries indicated that their laws allowed for extradition of nationals. However, the conditions for extradition differ greatly according to country and are subject to relevant treaties or agreements. Below are some examples of information received from the responding nations regarding the extradition of nationals:*

Country	Conditions for Extradition
Angola	By treaty or arrangement between governments.
Estonia	No special conditions.
Finland	Only to a Member State of the European Union to stand trial for a crime which would yield the most severe punishment of four years imprisonment if committed under Finnish law in Finland; No Finnish national may be re-extradited to another State.
Ireland	Only when there is a reciprocal agreement.

Japan	When there is an extradition treaty with the requesting country and that treaty has a provision to allow the extradition of nationals.
New Zealand	Subject to whether relevant treaty, Order in Council, undertaking or arrangement specifically allows or precludes surrender of New Zealand citizens.
Norway	Under certain conditions to the Nordic countries only.
Swaziland	Where the offence of which the person is accused or convicted is not of a political character.
United Kingdom	There are no conditions for the extradition of nationals. Nationals are dealt with in the same manner as non-nationals.
United States	Pursuant to bilateral agreements with individual countries.

**Question 55:** If extradition of nationals is not permitted by your legislation, does your legislation allow for conditional extradition or temporary transfer or surrender of a national on the condition that he or she be promptly returned after trial to your country's territory?

	Yes	No	N/A
<b>Total</b>	3	15	5
<b>Percent</b>	13.0%	65.2%	21.7%

*The majority of the responding countries do not have legislation that provide for conditional extradition. In the cases that it is allowed, it appears that the stipulating conditions for it are limited and considered on a case by case basis.*

**Question 56:** Does your legislation provide that obligatory or discretionary jurisdiction should be established where the alleged offender is present in the territory of your country, and your country refuses an extradition request for that person solely on the basis of his or her nationality?

	Yes	No	N/A
<b>Total</b>	16	8	2
<b>Percent</b>	61.5%	30.8%	7.7%

*It appears that the majority of the responding countries provide for such jurisdiction to be established. The conditions for this are subject to various criminal codes or treaties and take into consideration the nature of the crime and the evidence available.*

**Question 57:** Has your country prosecuted any of its own nationals on the grounds of *aut dedere aut judicare* within the past three years (from 1996 to 1998)?

	Yes	No	N/A
<b>Total</b>	10	16	2
<b>Percent</b>	35.7%	57.1%	7.1%

**Question 57-1:** If the answer if yes, how many cases were involved?

**Average: 97.7**

**Question 58:** In cases in which your country has requested the extradition of a person and the request was refused on the basis of the nationality of the person sought, has the requested country prosecuted the person sought on the basis of the *principle aut dedere aut judicare*?

	Yes	No	N/A
<b>Total</b>	10	8	8
<b>Percent</b>	38.5%	30.8%	30.8%

**Question 58-1:** If the answer is yes, how many such cases have occurred during the past three years (from 1996 to 1998)?

**Average: 3.1 cases (22 total cases)**

**Question 59:** Has your country designated a central authority, or when necessary central authorities, with the responsibility and power to execute requests for extradition or to transmit them to the competent authorities for execution? If the answer is yes, please provide the name and address of the authority or authorities below.

	Yes	No	N/A
<b>Total</b>	26	3	0
<b>Percent</b>	89.7%	10.3%	0.0%

*The majority of the responding countries have designated a central authority to execute or transmit requests for extradition. The most common responses included Ministries and Departments of Justice and Foreign Affairs, or via the Attorney General's Office.*

**Question 60:** How many requests for provisional arrest for extradition from other countries did your country receive through diplomatic channels during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	51.0	59.4	58.1
<b>*Total Received</b>	510	832	871

*\*Figures include only those countries that responded to the question.*

**Question 61:** How many of the requests received for provisional arrest for extradition did your country execute?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	8.2	9.1	8.8
<b>*Total Executed</b>	74	118	114

*\*Figures include only those countries that responded to the question.*

**Question 62:** If not all requests have been executed to date, what are the reasons for non-execution?

Reasons for Non-execution	Totals	Percent
Inability to locate the person sought	10	71.4%
Contents of the request did not satisfy conditions required by your country's legislation	5	35.7%
Lack of necessary resources in the executing agencies	0	0.0%
Political reasons	0	0.0%
Other reasons	4	28.6%

**Question 63:** Please provide a brief explanation of the other reasons for non-execution referred to in question 62 (Question 62: if not all requests have been executed to date, what are the reasons for non-execution?)

*Other reasons for non-execution include: withdrawal of the request; insufficient information; absence of dual criminality; or when the extradition act does not apply to the requesting country.*

**Question 64:** Does your legislation allow law enforcement agencies or other relevant authorities to receive requests for provisional arrest for extradition either directly from other countries or through intergovernmental organizations under certain conditions, including those provided for in bilateral, multilateral or regional agreements or arrangements?

	Yes	No	N/A
<b>Total</b>	23	5	0

<b>Percent</b>	82.1%	17.9%	0.0%
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*The majority of the responding countries who answered affirmatively allow requests to be received directly. Arrangements may depend on treaties and bilateral agreements; on a police-to- police basis via Interpol; or in conformity with criminal procedures and laws, extradition acts and/or penal codes. There appear to be three main prerequisites: presence of dual criminality; on the issuance of a judicial order; and the non-prescription of criminal acts.*

**Question 65:** If your legislation allows law enforcement agencies or other relevant authorities to receive such requests for provisional arrest for extradition directly, how many such requests did law enforcement authorities in your countries receive during the last three years?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	65.6	55.4	49.5
<b>*Total Received</b>	525	499	396

*\*Figures include only those countries that responded to the question.*

**Question 66:** How many of the requests received for provisional arrest for extradition were executed?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	11.4	10.2	9.0
<b>*Total Executed</b>	103	92	72

*\*Figures include only those countries that responded to the question.*

**Question 67:** How many of the requests for extradition from other countries did your country receive through diplomatic channels during the last three years?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	39.4	36.9	30.7
<b>*Total Received</b>	669	664	583

*\*Figures include only those countries that responded to the question.*

**Question 68:** How many of the requests for extradition received did your country execute?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
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<b>Average</b>	11.6	10.0	9.6
<b>Total Executed</b>	174	170	153

*\*Figures include only those countries that responded to the question.*

**Question 69:** How many of the requests for extradition received did your country officially refuse to execute?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>Average</b>	0.3	2.3	2.6
<b>*Total Refused</b>	3	21	23

*\*Figures include only those countries that responded to the question.*

**Question 70:** If your country refused to execute some of the requests for extradition, what were the reasons for that refusal?

<b>Reasons for Refusal</b>	<b>Total</b>	<b>Percent</b>
1 Absence of assurance of reciprocity	2	16.7%
2 Absence of dual criminality concerning the offence stipulated in the request	2	16.7%
3 Lack of extradition treaty between your country and the requesting country	2	16.7%
4 Person sought in the request was a national of your country	5	41.7%
5 Incompatibility with prosecution in your country (prosecution in respect of the offence for which extradition was requested was pending in your country against the person whose extradition was requested)	2	16.7%
6 Possible imposition of the death penalty in the requesting country on the person whose extradition was requested	1	8.3%
7 Political reasons	1	8.3%
8 Other	7	58.3%

**Question 71:** Please provide a brief explanation of the other reasons for refusal referred to in question 70.

*Other reasons for refusal include: the sought individual could not be located; humanitarian concerns; failure to meet extradition provisions or satisfy a country's legislation; insufficient evidence; the absence of an assurance of reciprocity; absence of dual criminality; lack of an extradition treaty; the person sought was a national; double jeopardy protections; the crime was not an extraditable offense; or political reasons.*

**Question 72:** How many requests for provisional arrest for extradition to other countries did your country make through diplomatic channels during the last three years?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	9.2	6.9	8.1
<b>*Total Requests</b>	129	104	145

*\*Figures include only those countries that responded to the question.*

**Question 73:** How many of the requests made for provisional arrest for extradition were executed?

	Year - 1996	Year - 1997	Year - 1998
<b>*Average</b>	4.8	4.5	4.1
<b>*Total Executed</b>	62	59	66

*\*Figures include only those countries that responded to the question.*

**Question 74:** If not all requests made for provisional arrest for extradition were executed, what were the reasons for non-execution indicated by the requested countries?

Reasons for Non-execution	Total	Percent
Inability to locate the persons sought	7	53.8%
Contents of the request did not satisfy conditions required by the requested country's legislation	7	53.8%
Lack of necessary resources in the executing agencies	0	0.0%
Political reasons	2	15.4%
Other reasons	7	53.8%

**Question 75:** Please provide below a brief explanation of the other reasons for non-execution:

*Other reasons for non-execution include: non-existence of an extradition agreement; double jeopardy protections (person was already tried in country of residence); limited prosecutorial authority in the other country; non-agreement to the principle of reciprocity; or the person had been deported from the requested state.*

**Question 76:** Does your legislation allow law enforcement agencies or other relevant authorities to make requests for provisional arrest for extradition directly to other countries or through intergovernmental organizations under certain conditions, including those provided for in bilateral, multilateral or regional agreements or arrangements?

	Yes	No	N/A
<b>Total</b>	17	5	2

<b>Percent</b>	70.8%	20.8%	8.3%
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*It appears that the majority of the responding countries allow such requests to be made under various circumstances: police-to-police and/or through Interpol; if it has been stipulated by relevant agreements; in accordance with the European Convention on Extradition; by police and prosecuting authorities; or according to provisions in relevant criminal codes or procedures.*

**Question 77:** If your legislation allows law enforcement agencies or other relevant authorities to make requests for provisional arrest for extradition directly to other countries or through intergovernmental organizations, how many such requests did law enforcement agencies in your country make during the last three years?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	17.1	20.0	19.9
<b>*Total Requests</b>	154	180	179

*\*Figures include only those countries that responded to the question.*

**Question 78:** How many of the requests made for provisional arrest for extradition were executed by the requested countries?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	7.3	7.7	7.8
<b>*Total Executed</b>	51	54	62

*\*Figures include only those countries that responded to the question.*

**Question 79:** How many requests for extradition to other countries did your country make through diplomatic channels during the last three years?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	11.7	11.3	11.6
<b>*Total Requests</b>	176	169	198

*\*Figures include only those countries that responded to the question.*

**Question 80:** How many of the requests made for extradition were executed by the requested countries?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
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<b>Average</b>	6.5	6.1	7.3
<b>*Total Executed</b>	91	79	110

*\*Figures include only those countries that responded to the question.*

**Question 81:** How many of the requests made for extradition were officially refused by the requested countries?

	<b>Year - 1996</b>	<b>Year - 1997</b>	<b>Year - 1998</b>
<b>*Average</b>	4.4	2.1	1.9
<b>*Total Refused</b>	53	27	23

*\*Figures include only those countries that responded to the question.*

**Question 82:** If some of the requests for extradition made by your country to other countries through diplomatic channels during the last three years were refused by the requested countries, what were the grounds for their refusal?

<b>Grounds for Refusal</b>	<b>Total</b>	<b>Percent</b>
1 Absence of an assurance of reciprocity from your country	1	7.7%
2 Absence of dual criminality concerning the offence stipulated in the request	3	23.1%
3 Lack of an extradition treaty between your country and the requested country	3	23.1%
4 Person sought in the request was a national of the requested country	5	38.5%
5 Incompatibility with prosecution in the requested country (prosecution in respect of the offence for which extradition was requested was pending in the requested country against the person whose extradition was requested)	1	7.7%
6 Possible imposition of the death penalty in your country on the person whose extradition was requested	0	0.0%
7 Political reasons	0	0.0%
8 Other reasons	7	53.8%

**Question 83:** Please provide below a brief explanation of the other reasons for refusal:

*Other reasons listed for refusal include: the requested country decided the person was ineligible for extradition; the request was not in accordance with extradition treaties, conventions or agreements; and a regional agreement only permitted prosecution by and in the other country.*

*“Other types of international cooperation in criminal matters, including law enforcement cooperation”*

**Question 84:** Does your legislation allow law enforcement authorities in your country to directly share information with law enforcement authorities in other countries without requests for mutual assistance? If yes, under what conditions is the sharing of information allowed?

	Yes	No	N/A
<b>Total</b>	22	7	1
<b>Percent</b>	73.3%	23.3%	3.3%

*Most of the countries appear to allow the direct sharing of information between law enforcement authorities. The conditions under which this is allowed may depend on: the presence of a relevant international bilateral agreement; if it is routed via a recognized channel, i.e. Interpol or Europol; if it is for investigation or intelligence and not evidentiary purposes; or under the principle of dual criminality. It appears that sometimes this is done informally, under mutual understanding or by some cooperative arrangement between the agencies involved.*

**Question 85:** When requesting the sharing of information, can your country ensure the requested country that your country will not transmit or use information furnished by the requested country for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested country?

	Yes	No	N/A
<b>Total</b>	26	1	1
<b>Percent</b>	92.9%	3.6%	3.6%

**Question 86:** Has your country designated central contact points for the purpose of facilitating contact between operational agencies inside your country?

	Yes	No	N/A
<b>Total</b>	21	8	1
<b>Percent</b>	70.0%	26.7%	3.3%

#### **E. Participation in law enforcement training and education at the international level**

*“Training and education activities”*

**Question 87:** Has your country organized or hosted law enforcement training and education activities for the fight against serious transnational crimes at the international level during the last several years?

	Yes	No	N/A
<b>Total</b>	25	6	2
<b>Percent</b>	75.8%	18.2%	6.1%

*A majority of respondents have organized or hosted law enforcement training and education activities at the international level on various forms of transnational crime. These activities include: courses on “organized crime” and “border police issues”; seminars on illegal drug trafficking and illegal migration, witness protection, the fight against corruption, crime syndicates and firearms control; international conferences on drugs and terrorism; and workshops on money laundering.*

*Many respondents have participated in training sessions and cooperative efforts with specific countries such as Philippines and the United States. Many have also participated in regional training and other efforts such as the Nordic Baltic Police Academy, Middle European Police Academy, a Baltic Sea Task Force, the EGMONT group, the Council of Europe, Octopus I and II programs, Annual Anti-Drug Liaison Officials’ Meeting for International Cooperation (ADLOMICO), and the FALCONE program. Others have participated in cooperative efforts with INTERPOL, OPDAT, International Law Enforcement Training Academy in Bangkok and Budapest, the U.S. Drug Enforcement Administration, FYROM and others. Some countries have hosted law enforcement officers to work with counterparts and build cooperative spirit. Topical areas include white-collar crime, drug law enforcement, money laundering, multi-disciplinary cooperation, juvenile delinquency; tracing, freezing and confiscation of proceeds of crime; organized crime, border protection and management, fraud investigations, industrial security management, strategic intelligence, surveillance, intelligence, crime scene investigations, document examination, and drug detector dog handling.*

**Question 88:** Has your country sent participants to any law enforcement training and education activities for the fight against serious transnational crimes at the international level during the last several years?

	Yes	No	N/A
<b>Total</b>	32	2	1
<b>Percent</b>	91.4%	5.7%	2.9%

*“Other types of technical assistance”*

**Question 89:** Has your country provided any other types of technical assistance for other countries to fight against serious transnational crime during the last several years?

	Yes	No	N/A
<b>Total</b>	12	15	5
<b>Percent</b>	37.5%	46.9%	15.6%

*While most responding countries have provided assistance related to law enforcement training which include sending law enforcement instructors to conduct training courses, hosting various training and education activities, and hosting seminars for information exchange, less than half have provided other various forms of technical assistance. This technical assistance has included: equipment, database establishment, providing criminal reports to neighbor countries on transnational crime incidents, investigative support, ships, and drug detector dogs. A number of countries appear to offer specialized assistance in development of law enforcement academies, police management and administrative reform, forensic science development, internal accountability reform for criminal justice organizations, prosecutor training, legislative assistance, and exchanges for other criminal justice professionals to learn about the U.S. criminal justice system.*

**Question 90:** Has your country received any other types of technical assistance for the fight against serious transnational crime during the last several years?

	Yes	No	N/A
<b>Total</b>	13	14	3
<b>Percent</b>	43.3%	46.7%	10.0%

*It appears that various forms of technical assistance have been received by the responding countries. This assistance includes training for top police managers in transnational crime issues and PHARE program training. Responding countries have received technical assistance in the development of specific legislation, i.e. money laundering, and in information systems set-up. Other technical assistance has included technical equipment, funds for Y2K problems and task force upgrades, specialized policing equipment, establishment of local INTERPOL computer network systems, and surveillance equipment.*

**F. Status of Adherence to the Principal Existing International Treaties Relating to Various Aspects of the Problem of International Terrorism and to the International drug control conventions (Question 91)**

**Question 91:** Has your country, within the last several years, adopted legislation concerning effective implementation both of the existing international treaties relating to various aspects of the problem of international terrorism, and of General Assembly resolutions 49/60 and 50/53 on measures to eliminate international terrorism?

	Yes	No	N/A
<b>Total</b>	16	8	3
<b>Percent</b>	59.3%	29.6%	11.1%

*Those countries that indicated they had adopted legislation concerning effective implementation both of the existing international treaties relating to various aspects of the problem of international terrorism, and of General Assembly resolutions 49/60 and 50/53 on measures to eliminate international terrorism, appear to have either ratified existing treaties or created new legislation. The table below lists information on treaties, conventions and other legislation made available by the responding countries:*

Country	Legislation/Treaties/Conventions
Australia	The Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo 1963); The Convention for the Suppression of Unlawful Seizure of Aircraft (Hague 1970). Crime (Aviation) Act 1991; The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal 1971). Crimes (Aviation) Act 1991; The Convention for the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (New York 1973); International Convention Against the Taking of Hostages (New York 1979); Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to 1971 Montreal Convention (Montreal 1988); The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (Rome 1988); Protocol for Suppression of Unlawful Acts Against Safety of Fixed Platforms located in the Continental Shelf (Rome 1988); Convention on the Prohibition of Development, Production, and Stockpiling of Bacteriological (biological and toxin) Weapons and on their Destruction (1972); The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993).
Austria	EUROPOL Convention; Schengen Agreement; Intergovernmental Agreement of 18.3.1999 between Austria and Romania on cooperation in fighting international illegal traffic in narcotic drugs, international terrorism, and for other purposes with regard to enforcement of the Penal Codes.
Czech Republic	Crimes in chapter 1, 4 and 8 of the special part of the Criminal Code.
Greece	International Treaty about prevention and punishment of crimes against internationally protected persons, including Diplomatic representatives; Greek-Italian agreement for the fight against terrorism, organized crime and drug smuggling; European Treaty for the suppression of Terrorism; Protocol for the suppression of acts of violence at airports serving international civil aviation; International Treaty for the suppression of illegal acts directed against the safety of navigation; Schengen application Convention. In particular, articles 77 to 91 referring to the possession, acquisition, trading and trafficking of guns and munitions in general by natural or legal persons in the territory of the Contracting Parties of the European Union.
Iraq	The Penal Code; The Arab Treaty on Combating Terrorism.
Ireland	The Offences Against the State Act, 1939 (as amended in 1998) provides strong legislative measures against terrorism including the confiscation of assets of persons convicted of engaging in terrorist acts or assisting terrorists; the Criminal Law (Jurisdiction) Act, 1976 created several terrorist type offenses and also contains provisions for terrorists to be tried in this country for offences committed in Northern Ireland and vice versa; The Criminal Justice Act, 1994 strengthened the law in this jurisdiction with regard to requiring financial institutions to disclose information to Police where they suspect an offence under the Act has been or is being committed. This includes sources of funding for terrorists; Two further Acts, Disclosure of Certain Information for Taxation and Other Purposes Act, 1996 and the Proceeds of Crime Act, 1996 increased the scope of Garda powers in the area of terrorist finances.
Jordan	Arab Anti-Terrorism Convention.
New Zealand	Aviation Crimes Amendment Act 1999; Maritime Crimes Act 1999; Crimes (Internationally Protected Persons and Hostages) Amendment Act 1998.

Poland	1994, the European Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Rome 1988; 1996, the European Convention on the Suppression of Terrorism, Strasbourg 1977; 1999, the UN Convention on Terrorist Bombing.
Slovak Republic	The European Convention on Combating Terrorism; The International Convention on the Suppression of Terrorist Bombing.
South Africa	Non-proliferation of Weapons of Mass Destruction Act, 1993 (act 87 of 1993); Nuclear Energy Act, 1993 (act 131 of 1993).
Syria	Laws and decrees stipulating ratification of that convention.
United Arab Emirates	Penal Code; Arab Convention Against Terrorism.
United Kingdom	Internationally Protected Persons Act 1978; Aviation Security Act 1982; Taking of Hostages Act 1982; Nuclear Material (Offences) Act 1983; Aviation and Maritime Security Act 1990. The provisions of the new Prevention of Terrorism Bill will implement into UK legislation the 1998 Terrorist Bombing Convention and the 1999 Terrorist Finance Convention

**G. Existing or proposed victim assistance programmes or systems (Questions 92-94).**

*"Domestic witness protection"*

**Question 92:** Has your country established procedures or programs for the physical protection of witnesses in criminal proceedings who agree to give testimony concerning serious transnational crimes, including their relocation and measures to ensure non-disclosure or limitations on disclosure of information concerning the identity and whereabouts of such persons, in order to provide effective protection from retaliation or intimidation?

	Yes	No	N/A
<b>Total</b>	17	11	3
<b>Percent</b>	54.8%	35.5%	9.7%

*Many responding countries appear to have procedures or programs to protect witnesses in criminal procedures under witness protection acts, codes, or criminal procedures; or witness protection laws. Some of these do not apply specifically to transnational crime cases but are utilized for all criminal cases where testimony could endanger the witness. Most of these procedures and programs include relocation.*

**Question 93:** Has your country established evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness who agrees to give testimony concerning serious transnational crimes, such as permitting testimony to be given through the use of modern communications technology or other means? If yes, please provide an explanation of the rules established.

	Yes	No	N/A
<b>Total</b>	17	13	2

Percent	53.1%	40.6%	6.3%
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*Many responding nations appear to have established evidentiary rules that allow testimony to be given in a manner that ensures the safety of the witness. While these rules may not be specific to transnational crime offenses they are utilized in all criminal cases where witness safety is an issue. Means common for such testimony include via modern technology, video link -- separate from the defendant and courtroom -- or through screens or with other devices to ensure witness anonymity.*

*"Bilateral and multilateral arrangements on witness protection"*

**Question 94:** Does your legislation allow for the entering into arrangements with other countries for the relocation of witnesses who agree to give testimony in criminal proceedings concerning serious transnational crime?

	Yes	No	N/A
<b>Total</b>	11	12	4
<b>Percent</b>	40.7%	44.4%	14.8%

*Some responding countries appear to have legislation which allows for the entering into of arrangements with other countries for relocation and protection of witnesses. Legislation consists of provisions for the requesting country to pay all or part of travel expenses for the witness, and the return of the witness to his or her home country. Others are stipulated on the basis of treaty or reciprocal agreement. Some responding countries appear to have no such legislation in any form.*

#### **H. Existing or Proposed Legislation to Combat the Transnational Flow of the Proceeds of Serious Transnational Crime (Questions 95-112)**

*"Criminalization of money laundering"*

**Question 95:** If your legislation contains specific provisions to address laundering of proceeds from serious crimes, are the following crimes included among the predicate offences for such laundering of proceeds under your legislation?

Provision	Yes	No	N/A
a. Illicit drug trafficking	22	2	1
	88.0%	8.0%	4.0%
b. Illicit arms trafficking	19	4	1
	79.2%	16.7%	4.2%
c. Smuggling of other illicit articles	20	3	1
	83.3%	12.5%	4.2%

d. Organized trafficking in persons	19	3	2
	79.2%	12.5%	8.3%
e. Terrorist crimes	19	4	1
	79.2%	16.7%	4.2%
f. Other crimes	17	4	1
	77.3%	18.2%	4.5%

*Some countries indicated that drug offenses, fraud, violent crimes and other offenses that are typical of organized crime are included among predicate offenses. It appears that in some countries the relevant legislation will apply broadly to any indictable offense. Often criminal/penal codes do not appear to contain an exhaustive list of predicate offenses, and all laundering of criminal proceeds appear to be penalized regardless of the predicate offense.*

**Question 96:** Does your legislation allow the limitation of the application of bank secrecy laws, if any, or the lifting of bank secrecy, with respect to criminal investigations or proceedings? If yes, under what conditions is the limitation of application of bank secrecy laws allowed?

	Yes	No	N/A
<b>Total</b>	20	4	3
<b>Percent</b>	66.7%	13.3%	10.0%

*It appears that the majority of responding countries allow for limitations on bank secrecy if there is compelling evidence that it will be valuable to the investigation. The conditions for this appear to be guided by relevant acts and criminal codes individually stipulated by each country. In some countries, financial institutions are given statutory immunity from civil, criminal and disciplinary proceedings in respect of the disclosure or supply of information. In some cases the application of such is limited to only certain crimes, i.e. drug-related offenses.*

**Question 97:** Does your legislation require financial and related institutions to make clear and complete records of accounts and transactions at, by or through the institution?

	Yes	No	N/A
<b>Total</b>	23	4	4
<b>Percent</b>	74.2%	12.9%	12.9%

**Question 97-1:** If the answer is yes, for how many years are the institutions required to retain such records?

**Average: 7.6 years**

**Question 98:** If your legislation requires financial and related institutions to make clear and complete records of accounts and transactions at, by or through the institution, does your legislation allow law enforcement authorities to use such records in criminal investigations, prosecutions and regulatory or administrative investigations and proceedings? If yes, under what conditions are law enforcement authorities allowed to use such records?

	Yes	No	N/A
<b>Total</b>	25	1	3
<b>Percent</b>	86.2%	3.4%	10.3%

*It appears that many responding countries allow such records to be used when it is determined to be necessary to a criminal investigation and/or proceeding. In most cases, this can only be done through an administrative or judicial process (specified court order or warrant). In some countries this can only be done under the assurance that confidentiality will be maintained.*

**Question 99:** Does your legislation require financial and related institutions to report suspicious or unusual transactions to appropriate authorities?

	Yes	No	N/A
<b>Total</b>	23	6	2
<b>Percent</b>	74.2%	19.4%	6.5%

**Question 99-1:** If the answer is yes, how many such reports have been made during the last three years (from 1996 to 1998)?

<b>Total number of responding countries</b>	<b>14</b>
<b>Total number of reports</b>	<b>314,397</b>
<b>Average per country</b>	<b>22,456</b>

**Question 100:** Has your government adopted any other measures to obtain the effective cooperation of financial institutions in detecting any operations that may be used for money-laundering? If yes, provide an explanation of the measures adopted.

	Yes	No	N/A
<b>Total</b>	21	3	5

<b>Percent</b>	72.4%	10.3%	17.2%
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*It appears that the majority of the responding countries have adopted specific acts and legislation that require banks to report suspicious activity; provide for collaboration among various financial and regulatory agencies; and institutes requirements and standards for training and security among financial institutions and employees.*

**Question 101:** Does your legislation require individuals and businesses to report cross-border transfers of substantial quantities of cash and negotiable instruments to the appropriate authorities?

	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Total</b>	16	9	3
<b>Percent</b>	57.1%	32.1%	10.7%

**Question 101-1:** If the answer is yes, what is the lowest amount of each cash transfer that must be reported? Please specify the currency used.

<b>Currency</b>	<b>Amount</b>
AU	10,000
CKZ	200,000
Dollars	27,000
EEK	80,000
Euros	60,000
KN	40,000
NOK	25,000
NZD	10,000
Pounds	10,000
SKR	150,000

**Question 102:** Does your legislation allow the sharing of information on financial transactions, such as transaction records of financial institutions made available to law enforcement authorities, reports of suspicious or unusual transactions made by financial institutions, and reports of cross-border transfers of cash, directly with law enforcement and regulatory authorities in other countries without requests for mutual legal assistance? If yes, under

what conditions is the sharing of such information allowed?

	Yes	No	N/A
<b>Total</b>	17	7	6
<b>Percent</b>	56.7%	23.3%	20.0%

*For some countries it appears that informal sharing of information is allowed and, in some cases, is a regular occurrence guided by various legislation; bilateral and multilateral agreements; or memoranda of understanding. Some countries stipulate that in the absence of a formal request, information exchange is only allowed with a comparable agency or authority.*

**Question 103:** Does your country have financial intelligence units to serve as national centers for the collection, analysis and dissemination of information regarding potential money-laundering and other financial crimes?

	Yes	No	N/A
<b>Total</b>	22	8	2
<b>Percent</b>	68.8%	25.0%	6.3%

*Of the responding countries, almost one-third indicated the existence of financial intelligence units. See table below for available listings:*

Country	Name/Address/Telephone
Australia	Australian Transaction Reports and Analysis Centre (AUSTRAC) PO Box 5516 West Chatswood NSW 1515 Australia
Austria	Department 11/B, Central Agency to Combat Organized Crime and Narcotics Related Crime Sub-Division 11/D (CID) Ministry of Interior
Bulgaria	Financial Investigation Bureau 31 Aksakov Str Sofia, Bulgaria
Croatia	Office for the Prevention of Money Laundering of the Republic of Croatia Ulicagrada Vukovara 72 10000 Zagreb

Czech Republic	FAU (Financial-Analytical Unit) Ministry of Finance
Estonia	Crime Department of Police Board Financial Intelligence Unit
Finland	Center for the Investigation of Money Laundering National Bureau of Investigation Jokiniemenkuja, 4 01370 Vantaa, Finland

Germany	Landeskriminalamt Baden-Wurttemberg Dez 514 / ZFE TaubenheimstraBe 85 70372 Stuttgart Germany  Tel.: +49-711/5401-2514 Fax: +49-711/5401-2575	Landeskriminalamt Schleswig-Holstein SG 214 Muhlenweg 166, Haus 12 24116 Kiel Germany  Tel.: +49-431/160-4657 Fax: +49-431/160-4263
	Der Polizeiprasident Berlin - Landeskriminalamt LKA 2131 - GFG Tempelhofer Damm 12 12101 Berlin Germany	Landeskriminalamt Saarland LKA 413 Finanzermittlungen Mainzer StraBe 134 66121 Saarbruchen Germany  Tel.: +49-681/962-3840 bis 3845 Fax: +49-681/962-3846
	Bayerisches Landeskriminalamt SG 632 - GFG Bayern Postfach 19 02 62 80602 Muchen Germany  Tel.: +49-89/1212-1632 Fax: +49-89/1212-2510	Landeskriminalamt Sachsen-Anhalt Dez. 43 - GFG Lubecker StraBe 53-63 39124 Magdeburg Germany  Tel.: +49-391/250-2433
	Landeskriminalamt Brandenburg Dez. 16 - GFG Prenzlauer StraBe 66-70 16352 Basdorf Germany  Tel.: +49-511/330-2249/-2219 Fax: +49-511/330/2216	Landeskriminalamt Thuringen Dez. 62 - FEG Am Schwemmbah 99099 Erfurt Germany  Tel.: +49-361/341-1201 Fax: +49-361/341-1452

Greece	Committee of Financial and Criminal Investigations Tel./Fax: 00 301 698 1857
Iceland	Fjarmalaeftirlitio Suourlandsbraut 32 108 Reykjavik Iceland  Efnahagsdeild Ríkislogreglustjóra (The National Police Commission) Skulagata 21 101 Reykjavik Iceland
Ireland	The Money Laundering Investigation Unit (MLIU) Garda Bureau of Fraud Investigation Crime Traffic and Security Branch Harcourt Street Dublin 2 Ireland
Japan	Japan Financial Intelligence Office (JAFIO) Financial Supervisory Agency 3-1-1 Kasumigaseki, Chiyoda - Ku, Tokyo 100 - 0013 Japan
Mongolia	Organized Crime Division Criminal Police Department General Police Department Mongolia Waanbaatar - 46
Morocco	Department of Criminal Affairs and Pardon Ministry of Justice Ma'mouniya Square Rabat, Morocco
New Zealand	New Zealand Financial Intelligence Unit Police National Headquarters PO Box 3017 Wellington New Zealand
Norway	The National Authority for Investigation and Prosecution of Economic and Environmental Crime PO Box 8193, DEP N-0034 Oslo, Norway
Philippines	ASEAN Center for Transnational Crimes

Qatar	The Bank Oversight Unit at the Central Bank of Qatar
Slovak Republic	Office of Financial Police of the Administration of Criminal and Financial Police of the Presidium of the Police Force
United Kingdom	Economic Crime Unit National Criminal Intelligence Service NCIS PO Box 8000, Spring Gardens, 2 Citadel Place, Tinworth Street London SE11 5EN
United States	U.S. Department of the Treasury Financial Crimes Enforcement Network (FinCEN) 2070 Chain Bridge Road Vienna, VA 22182

**Question 104:** Does your legislation allow confiscation of the proceeds of serious transnational crimes or property, the value of which corresponds to that of such proceeds? If yes, under what conditions is such confiscation allowed?

	Yes	No	N/A
<b>Total</b>	30	1	2
<b>Percent</b>	90.9%	3.0%	6.1%

*It appears common for responding countries to allow for confiscation of property or proceeds. This is usually done via adjudication with a specific court order in compliance with a country's relevant acts, codes and legislation. In some applicable cases, the proceeds/property are ordered to be returned to the wronged person or entity.*

**Question 105:** Does your legislation allow identification, freezing or seizure of the proceeds of serious transnational crimes or property, the value of which corresponds to that of such proceeds, for the purpose of eventual confiscation? If yes, under what conditions is identification, freezing or seizure allowed?

	Yes	No	N/A
<b>Total</b>	29	2	2
<b>Percent</b>	87.9%	6.1%	6.1%

*It appears that most criminal codes allow for evidence to be seized under certain provisos -- if it is determined that it is relevant or necessary in the criminal investigation or proceedings. There are various protocols which guide such seizing and freezing, i.e. if it is an article which is believed to be liable to confiscation, and dependant on whether the case is a civil or criminal matter.*

**Question 106:** Does your legislation allow the execution of requests from other countries for mutual legal assistance for confiscation of property? If yes, under what conditions is the execution of such requests allowed?

	Yes	No	N/A
<b>Total</b>	19	6	4
<b>Percent</b>	65.5%	20.7%	13.8%

*It appears that the conditions are governed by international cooperative acts, mutual legal assistance treaties and agreements between countries; and depend on the level of cooperation between the countries involved. In some cases the proceeds of the crime (i.e. from drug related crimes), rather than the actual artifacts, are more likely to be confiscated. Some specific conditions for such confiscation include dual criminality and/or indictable offences.*

**Question 107:** If your legislation allows for the execution of requests form other countries for mutual legal assistance for confiscation or property, has your country received requests for confiscation of property from other countries within the last several years?

	Yes	No	N/A
<b>Total</b>	8	10	6
<b>Percent</b>	33.3%	41.7%	25.0%

**Question 107-1:** If the answer is yes, has your country actually executed any requests for mutual legal assistance for confiscation of property?

	Yes	No	N/A
<b>Total</b>	6	1	8
<b>Percent</b>	40.0%	6.7%	53.3%

**Question 107-2:** How many requests for mutual legal assistance for confiscation of property has your country executed during the last three years (1996-1998)?

**Average: 1.3**

**Question 108:** Does your legislation allow the execution of requests from other countries for mutual legal assistance for identification, freezing or seizure of property? If yes, under what conditions is the execution of such requests allowed?

	Yes	No	N/A
<b>Total</b>	20	5	4
<b>Percent</b>	69.0%	17.2%	13.8%

*The majority of the responding countries appear to allow for such requests. The execution of the request must usually be conducted pursuant to the granting country's criminal procedure or relevant international cooperative acts. Some countries have limitations in place that only allow for identification or seizure, unless the request for freezing relates to the property of drug related crime. See summary for question #106.*

**Question 109:** If your legislation allows for the execution of requests from other countries for mutual legal assistance for identification, freezing or seizure of property, has your country received such requests within the last several years?

	Yes	No	N/A
<b>Total</b>	6	8	6
<b>Percent</b>	30.0%	40.0%	30.0%

**Question 109-1:** If the answer is yes, has your country actually executed any requests for mutual legal assistance for identification, freezing or seizure of property?

	Yes	No	N/A
<b>Total</b>	4	1	7
<b>Percent</b>	33.3%	8.3%	58.3%

**Question 109-2:** How many requests for mutual legal assistance for identification, freezing or seizure of property has your country executed within the last three years (1996-1998)?

**Average: 3.3**

**Question 110:** Has your country made requests to other countries for mutual legal assistance for confiscation of property within the last several years?

	Yes	No	N/A
<b>Total</b>	6	11	6
<b>Percent</b>	26.1%	47.8%	26.1%

**Question 110-1:** If the answer is yes, were any requests for mutual legal assistance for confiscation of property actually executed by the requested countries?

	Yes	No	N/A
<b>Total</b>	6	1	5
<b>Percent</b>	50.0%	8.3%	41.7%

**Question 110-2:** How many requests for mutual legal assistance for confiscation of property were executed within the last three years (1996-1998)?

**Average: 2.0**

**Question 111:** Has your country made requests to other countries for mutual legal assistance for identification, freezing or seizure of property within the last several years?

	Yes	No	N/A
<b>Total</b>	10	5	6
<b>Percent</b>	47.6%	23.8%	28.6%

**Question 111-1:** If the answer is yes, were any requests for mutual legal assistance for identification, freezing or seizure of property actually executed by the requested country?

	Yes	No	N/A
<b>Total</b>	8	1	6
<b>Percent</b>	53.3%	6.7%	40.0%

**Question 111-2:** How many requests for mutual assistance for identification, freezing or seizure of property has your country executed within the last three years (1996-1998)?

**Average: 3.6**

**Question 112:** Does your country have a system that allows the sharing with other countries of confiscated proceeds of serious transnational crime or property, the value of which corresponds to that of such proceeds?

	Yes	No	N/A
<b>Total</b>	9	14	4
<b>Percent</b>	33.3%	51.9%	14.8%

*Some countries have established administrative arrangements to share the assets from serious transnational crimes -- via bilateral agreement, or given the presence of reciprocity. When such a system is present, each country then determines the specific details and logistics (i.e. amount of proceeds and whether it will be given to law enforcement or the victims) of the sharing, pursuant to already established agreements, conventions and/or cooperative acts. In some cases, in the absence of an international convention or bilateral agreement, proceeds from offenses that are seized at the request of an authority of a foreign state are shared equally or reverted to the State of enforcement.*

**Question 113:** Has your country adopted legislation to combat and prohibit corruption and bribery within the last several years? If yes, provide a brief explanation of the legislation.

	Yes	No	N/A
<b>Total</b>	26	5	1
<b>Percent</b>	81.3%	15.6%	3.1%

*It appears that most responding countries have adopted legislation to combat and prohibit corruption and bribery. Many of these countries appear to focus their attention on money laundering. Legislation is in the form of various acts, penal codes, and is, in some cases, linked to multilateral conventions. Some examples of such legislation as reported by the respondents is shown below:*

Country	Legislation
Algeria	Property disclosure laws.
Czech Republic	Criminal code amended in 1999 to convention of Council of Europe "Criminal Law Convention on Corruption."
Ireland	Ethics in Management.
Morocco	Supreme Court of Justice Act. Chapter 33 amended by finance law (January 1991).
Philippines	The Philippine Congress has enacted the Anti-graft and Corrupt Practices Act for Government Personnel.
South Africa	Legislation that criminalizes corruption by both the corruptor and the corruptee.
Sweden	Implementation of the OECD and European Union instruments on corruption.

**Question 114:** Are proposals for such legislation, made in your country within the last several years, still pending?

	Yes	No	N/A
<b>Total</b>	11	12	3
<b>Percent</b>	42.3%	46.2%	11.5%

*It appears that most responding countries do not have pending legislation. Those that do have such legislation pending model it after answers to question 113 above. Some examples are below:*

Country	Legislation
Australia	Criminal code amended - increased penalties.
Iceland	OECD Convention on Combating Bribery of Foreign Public Officials.
Mongolia	Law on Anti-Corruption revised and submitted to Parliament.
New Zealand	Amendment to the Crimes Act of 1961.

**Question 115:** Has your country taken any other measures to combat and prohibit corruption and bribery within the last several years?

	Yes	No	N/A
<b>Total</b>	23	3	3
<b>Percent</b>	79.3%	10.3%	10.3%

*It appears that most responding countries have implemented various programs, initiatives and/or committees to combat corruption, and/or agency restructuring to address these issues. Examples of such measures as reported by the responding countries are listed below:*

Country	Other Measures
Bulgaria	A governmental program on reform in the public administration and the judiciary; a program on the activities of the Ministry of Interior for prevention and detection of crimes committed by officials with mercenary motives and for the prevention of corruption among its officials.
Czech Republic	The government has adopted "The Government Programme for Fighting Corruption" in February 1999.
Estonia	Training programs for policemen to study investigative measures of corruptive bribery and organized crimes; participation in Octopus I activities.
Jordan	Anti-corruption department set-up; Penal code provisions for penalties.

Tajikistan	Decree of the President "On Strengthening of Measures to Combat Corruption."
United Kingdom	UK has signed the EU Joint Act on Private Sector Corruption and the Council of Europe Criminal Law Convention on Corruption.

## **APPENDIX 1**

### **A LISTING OF COUNTRIES, UN OFFICES, UN INSTITUTES AND OTHER ORGANIZATIONS THAT RESPONDED TO THE UN QUESTIONNAIRE**

***Countries that responded to the United Nations Questionnaire on the  
Implementation of the Declaration of Crime and Public Security***

1	Algeria
2	Angola
3	Australia
4	Austria
5	Belarus
6	Bulgaria
7	Croatia
8	Czech Republic
9	Estonia
10	Finland
11	Germany
12	Greece
13	Iceland
14	Iraq
15	Ireland
16	Japan
17	Jordan
18	Korea
19	Kuwait
20	Mongolia
21	Morocco
22	New Zealand
23	Norway
24	Philippines
25	Poland
26	Portugal
27	Qatar
28	Slovak Republic
29	South Africa
30	Swaziland
31	Sweden
32	Syria
33	Tajikistan
34	United Kingdom
35	United Arab Emirates
36	USA

***UNITED NATIONS OFFICES, UN INSTITUTES AND OTHER ORGANIZATIONS  
THAT RESPONDED TO THE UNITED NATIONS QUESTIONNAIRE***

1	The UN High Commission for Refugees
2	The UN University
3	UNAFEI
4	UNEP
5	UN Office of the High Commissioner for Human Rights
6	UN Office of Legal Affairs
7	The European Commission
8	EUROPOL
9	The International Federation of Red Cross/Red Crescent
10	The International Labor Office (ILO)

## **APPENDIX 2**

### **FREQUENCY DISTRIBUTION FOR RESPONSES TO INDIVIDUAL QUESTIONS**

Question	Number Responded	Percent	Number Not Responded	Percent
Q1	30	83.3%	6	16.7%
Q2	26	72.2%	10	27.8%
Q3	32	88.9%	4	11.1%
Q4	28	77.8%	8	22.2%
Q5	31	86.1%	5	13.9%
Q6	32	88.9%	4	11.1%
Q7	31	86.1%	5	13.9%
Q8	29	80.6%	7	19.4%
Q9	34	94.4%	2	5.6%
Q10	32	88.9%	4	11.1%
Q11	31	86.1%	5	13.9%
Q12	27	75.0%	9	25.0%
Q13	31	86.1%	5	13.9%
Q14	32	88.9%	4	11.1%
Q15	31	86.1%	5	13.9%
Q16	27	75.0%	9	25.0%
Q17	27	75.0%	9	25.0%
Q18	21	58.3%	15	41.7%
Q19	31	86.1%	5	13.9%
Q20	30	83.3%	6	16.7%
Q21	27	75.0%	9	25.0%
Q22	28	77.8%	8	22.2%
Q23	30	83.3%	6	16.7%
Q24	30	83.3%	6	16.7%
Q25	30	83.3%	6	16.7%
Q26	28	77.8%	8	22.2%
Q27	31	86.1%	5	13.9%
Q28	31	86.1%	5	13.9%
Q29	31	86.1%	5	13.9%
Q30	31	86.1%	5	13.9%
Q31	30	83.3%	6	16.7%
Q32	32	88.9%	4	11.1%
Q33	20	55.6%	16	44.4%
Q34	14	38.9%	22	61.1%
Q35	9	25.0%	27	75.0%
Q36	9	25.0%	27	75.0%
Q37	14	38.9%	22	61.1%
Q38	11	30.6%	25	69.4%
Q39	17	47.2%	19	52.8%
Q40	30	83.3%	6	16.7%
Q41	5	13.9%	31	86.1%
Q42	8	22.2%	28	77.8%
Q43	19	52.8%	17	47.2%

Q44	13	36.1%	23	63.9%
Q45	11	30.6%	25	69.4%
Q46	7	19.4%	29	80.6%
Q47	14	38.9%	22	61.1%
Q48	26	72.2%	10	27.8%
Q49	3	8.3%	33	91.7%
Q50	3	8.3%	33	91.7%
Q51	27	75.0%	9	25.0%
Q52	29	80.6%	7	19.4%
Q53-1	28	77.8%	8	22.2%
Q53-2	17	47.2%	19	52.8%
Q54	28	77.8%	8	22.2%
Q55	23	63.9%	13	36.1%
Q56	26	72.2%	10	27.8%
Q57	28	77.8%	8	22.2%
Q58	26	72.2%	10	27.8%
Q59	29	80.6%	7	19.4%
Q60	16	44.4%	20	55.6%
Q61	15	41.7%	21	58.3%
Q62	13	36.1%	23	63.9%
Q63	16	44.4%	20	55.6%
Q64	28	77.8%	8	22.2%
Q65	9	25.0%	27	75.0%
Q66	10	27.8%	26	72.2%
Q67	19	52.8%	17	47.2%
Q68	18	50.0%	18	50.0%
Q69	10	27.8%	26	72.2%
Q70	12	33.3%	24	66.7%
Q71	14	38.9%	22	61.1%
Q72	20	55.6%	16	44.4%
Q73	17	47.2%	19	52.8%
Q74	13	36.1%	23	63.9%
Q75	13	36.1%	23	63.9%
Q76	24	66.7%	12	33.3%
Q77	9	25.0%	27	75.0%
Q78	8	22.2%	28	77.8%
Q79	19	52.8%	17	47.2%
Q80	16	44.4%	20	55.6%
Q81	14	38.9%	22	61.1%
Q82	13	36.1%	23	63.9%
Q83	13	36.1%	23	63.9%
Q84	30	83.3%	6	16.7%
Q85	28	77.8%	8	22.2%
Q86	30	83.3%	6	16.7%
Q87	33	91.7%	3	8.3%
Q88	35	97.2%	1	2.8%

Q89	32	88.9%	4	11.1%
Q90	30	83.3%	6	16.7%
Q91	27	75.0%	9	25.0%
Q92	31	86.1%	5	13.9%
Q93	32	88.9%	4	11.1%
Q94	27	75.0%	9	25.0%
Q95	30	83.3%	6	16.7%
Q96	30	83.3%	6	16.7%
Q97	31	86.1%	5	13.9%
Q98	29	80.6%	7	19.4%
Q99	31	86.1%	5	13.9%
Q100	29	80.6%	7	19.4%
Q101	28	77.8%	8	22.2%
Q102	30	83.3%	6	16.7%
Q103	32	88.9%	4	11.1%
Q104	33	91.7%	3	8.3%
Q105	33	91.7%	3	8.3%
Q106	29	80.6%	7	19.4%
Q107	25	69.4%	11	30.6%
Q108	29	80.6%	7	19.4%
Q109	20	55.6%	16	44.4%
Q110	23	63.9%	13	36.1%
Q111	21	58.3%	15	41.7%
Q112	27	75.0%	9	25.0%
Q113	32	88.9%	4	11.1%
Q114	26	72.2%	10	27.8%
Q115	29	80.6%	7	19.4%

	Number Responded	Percent	Number Not Responded	Percent
Mean	23.6	65.5%	12.4	34.5%
Median	27	75.0%	9	25.0%
Mode	30	83.3%	5	13.9%
Maximum	35	97.2%	33	91.7%
Minimum	3	8.3%	1	2.8%

## **APPENDIX 3**

### **NUMBERS AND PERCENTAGES OF QUESTIONS ANSWERED BY COUNTRY AND SURVEY CATEGORY**

Appendix 3: Numbers and Percentages of Questions Answered by Country and Survey Category

Number of Questions Answered by Country and Category

	Q 1 to 6	Q 7 to 14	Q 15 to 23	Q 24 to 86	Q 87 to 90	Q 91	Q 92 to 94	Q 95 to 112	Q 113 to 115	Total
Algeria	1	1	4	41	0	0	2	13	3	65
Belarus	0	6	5	36	4	1	3	18	2	75
Bulgaria	6	8	0	2	4	0	0	2	1	23
Czech Republic	6	8	9	28	4	1	3	12	2	73
Estonia	6	8	8	39	4	1	3	15	3	87
Finland	4	6	6	38	4	0	3	12	3	76
Germany	3	5	5	2	2	0	1	9	1	28
Iraq	6	8	9	41	4	1	3	15	3	90
Ireland	6	7	9	46	4	1	2	17	2	94
Japan	6	8	9	50	4	1	3	18	3	102
Jordan	5	8	9	61	4	1	3	16	1	108
Korea	6	6	7	46	4	1	3	14	3	90
Kuwait	5	6	9	39	4	1	3	14	3	84
Mongolia	4	3	6	25	4	1	3	14	2	62
Morocco	6	7	9	40	1	1	2	14	3	83
New Zealand	6	8	9	45	4	1	3	18	3	97
NorWay	6	8	9	38	4	1	3	18	3	90
Philippines	6	8	0	35	4	1	2	18	3	77
Poland	6	8	8	64	4	1	3	18	2	114
Portugal	2	5	4	10	1	1	1	5	2	31
Qatar	4	5	1	17	3	0	0	8	0	38
Slovak Republic	6	8	9	38	4	1	3	18	3	90
South Africa	6	8	9	37	4	1	3	18	3	89
Swaziland	4	8	5	25	3	0	2	17	3	67
Sweden	3	6	8	21	4	0	3	9	3	57
Syria	4	8	4	4	4	1	1	0	0	26
Tajikistan	6	8	7	16	4	1	3	16	3	64
United Arab Emirates	6	8	9	37	4	1	3	12	2	82
United Kingdom	6	8	9	52	4	1	3	18	3	104
USA	1	5	9	31	4	0	3	18	3	74
Angola	3	5	6	21	4	0	3	18	3	63
Iceland	6	8	8	45	4	1	3	18	3	96
Australia	6	8	9	50	4	1	3	18	3	102
Greece	6	7	8	42	4	1	2	17	2	89
Croatia	6	7	8	46	4	1	3	14	3	92
Austria	6	8	9	7	4	1	3	11	2	51
Total answered	175	247	252	1215	130	27	90	510	87	2733

Percentage of Questions Answered by Country and Category

	Q 1 to 6	Q 7 to 14	Q 15 to 23	Q 24 to 86	Q 87 to 90	Q 91	Q 92 to 94	Q 95 to 112	Q 113 to 115	Percent Total
Number of questions	6	8	9	64	4	1	3	18	3	116
NOTE: Q 53 is counted as two questions										
Algeria	16.7%	12.5%	44.4%	64.1%	0.0%	0.0%	66.7%	72.2%	100.0%	56.0%
Belarus	0.0%	75.0%	55.6%	56.3%	100.0%	100.0%	100.0%	100.0%	66.7%	64.7%
Bulgaria	100.0%	100.0%	0.0%	3.1%	100.0%	0.0%	0.0%	11.1%	33.3%	19.8%
Czech Republic	100.0%	100.0%	100.0%	43.8%	100.0%	100.0%	100.0%	66.7%	66.7%	62.9%
Estonia	100.0%	100.0%	88.9%	60.9%	100.0%	100.0%	100.0%	83.3%	100.0%	75.0%
Finland	66.7%	75.0%	66.7%	59.4%	100.0%	0.0%	100.0%	66.7%	100.0%	65.5%
Germany	50.0%	62.5%	55.6%	3.1%	50.0%	0.0%	33.3%	50.0%	33.3%	24.1%
Iraq	100.0%	100.0%	100.0%	64.1%	100.0%	100.0%	100.0%	83.3%	100.0%	77.6%
Ireland	100.0%	87.5%	100.0%	71.9%	100.0%	100.0%	100.0%	66.7%	94.4%	81.0%
Japan	100.0%	100.0%	100.0%	78.1%	100.0%	100.0%	100.0%	100.0%	100.0%	87.9%
Jordan	83.3%	100.0%	100.0%	95.3%	100.0%	100.0%	100.0%	88.9%	33.3%	93.1%
Korea	100.0%	75.0%	77.8%	71.9%	100.0%	100.0%	100.0%	77.8%	100.0%	77.6%
Kuwait	83.3%	75.0%	100.0%	60.9%	100.0%	100.0%	100.0%	77.8%	100.0%	72.4%
Mongolia	66.7%	37.5%	66.7%	39.1%	100.0%	100.0%	100.0%	77.8%	66.7%	53.4%
Morocco	100.0%	87.5%	100.0%	62.5%	25.0%	100.0%	100.0%	77.8%	100.0%	71.6%
New Zealand	100.0%	100.0%	100.0%	70.3%	100.0%	100.0%	100.0%	100.0%	100.0%	83.6%
NorWay	100.0%	100.0%	100.0%	59.4%	100.0%	100.0%	100.0%	100.0%	100.0%	77.6%
Philippines	100.0%	100.0%	0.0%	54.7%	100.0%	100.0%	66.7%	100.0%	100.0%	66.4%
Poland	100.0%	100.0%	88.9%	100.0%	100.0%	100.0%	100.0%	100.0%	66.7%	98.3%
Portugal	33.3%	62.5%	44.4%	15.6%	25.0%	100.0%	33.3%	27.8%	66.7%	26.7%
Qatar	66.7%	62.5%	11.1%	26.6%	75.0%	0.0%	0.0%	44.4%	0.0%	32.8%
Slovak Republic	100.0%	100.0%	100.0%	59.4%	100.0%	100.0%	100.0%	100.0%	100.0%	77.6%
South Africa	100.0%	100.0%	100.0%	57.8%	100.0%	100.0%	100.0%	100.0%	100.0%	76.7%
Swaziland	66.7%	100.0%	55.6%	39.1%	75.0%	0.0%	66.7%	94.4%	100.0%	57.8%
Sweden	50.0%	75.0%	88.9%	32.8%	100.0%	0.0%	100.0%	50.0%	100.0%	49.1%
Syria	66.7%	100.0%	44.4%	6.3%	100.0%	100.0%	33.3%	0.0%	0.0%	22.4%
Tajikistan	100.0%	100.0%	77.8%	25.0%	100.0%	100.0%	100.0%	88.9%	100.0%	55.2%
United Arab Emirates	100.0%	100.0%	100.0%	57.8%	100.0%	100.0%	100.0%	66.7%	66.7%	70.7%
United Kingdom	100.0%	100.0%	100.0%	81.3%	100.0%	100.0%	100.0%	100.0%	100.0%	89.7%
USA	16.7%	62.5%	100.0%	48.4%	100.0%	0.0%	100.0%	100.0%	100.0%	63.8%
Angola	50.0%	62.5%	66.7%	32.8%	100.0%	0.0%	100.0%	100.0%	100.0%	54.3%
Iceland	100.0%	100.0%	88.9%	70.3%	100.0%	100.0%	100.0%	100.0%	100.0%	82.8%
Australia	100.0%	100.0%	100.0%	78.1%	100.0%	100.0%	100.0%	100.0%	100.0%	87.9%
Greece	100.0%	87.5%	88.9%	65.6%	100.0%	100.0%	66.7%	94.4%	66.7%	76.7%
Croatia	100.0%	87.5%	88.9%	71.9%	100.0%	100.0%	100.0%	77.8%	100.0%	79.3%
Austria	100.0%	100.0%	100.0%	10.9%	100.0%	100.0%	100.0%	61.1%	66.7%	44.0%
Total countries	36									
Percent answered	81.0%	85.8%	77.8%	52.7%	90.3%	75.0%	83.3%	78.7%	80.6%	65.4%

## **APPENDIX 4**

### **QUANTITATIVE ANALYSIS BY QUESTION: RAW NUMBERS**

Appendix 4: Quantitative Analysis by Question --Raw Numbers

Question	countries			36								
	Y	N	N/A	no response								
1	20	4	6	6								
2	15	2	9	10								
3	<see summary analysis>											
4	<see summary analysis>											
5	17	4	10	5								
6	27	3	2	4								
7	<see summary analysis>											
8	<see summary analysis>											
9	28	4	2	2								
10	<see summary analysis>											
11	<see summary analysis>											
12	<see summary analysis>											
	11Y	11N	11N/A	no response	11EY	11EN	11EN/A	no response	11RY	11RN	11RN/A	no response
13_1	17	2	2	15	17	1	2	16	16	1	2	17
13_2	19	1	2	14	18	1	2	15	17	1	2	16
13_3	25	0	1	10	24	0	0	12	23	0	0	13
13_4	27	0	1	8	26	0	0	10	26	0	0	10
13_5	20	1	2	13	19	1	2	14	17	1	2	16
	Y	N	N/A	no response								
14	28	1	3	4								
15_a	19	9	0	8								
15_b	28	2	0	6								
15_c	28	1	0	7								
15_d	27	2	0	7								
15_e	23	5	0	8								
15_f	20	9	0	7								
15_g	20	7	1	8								
15_h	13	7	3	13								
16	<see summary analysis>											
17	<see summary analysis>											
18	<see summary analysis>											
19	16	14	1	5								
20	17	12	1	6								
21	<see summary analysis>											
22	21	7	0	8								
23	17	11	2	6								
24_a	9	1	0	26								
24_b	3	0	0	33								
24_c	20	1	0	15								
25_a	23	3	2	8								
25_b	13	12	1	10								
26	10	16	2	8								
27	10	18	3	5								
28	28	3	0	5								
29	24	7	0	5								
30	16	13	2	5								
30_l	10	8	3	15								
31	27	2	1	6								
32	28	4	0	4								
32_l	average											
	28.1											
	y96	y97	y98									
33	252.6	244.4	243.3									
34	307.4	310.6	314.4									
35	36.4	35.7	30.3									
	1	2	3	4	5	6	7	8	9	10		
36	1	2	1	2	1	1	4	2	2	3		
37	<see summary analysis>											
	1	2	3	4								
38	3	0	3	7								
39	<see summary analysis>											
	Y	N	N/A	no response								
40	21	6	3	6								
	y96	y97	y98									
41	266.3	295.8	401.0									
42	829.8	666.0	689.5									
43	155.2	174.5	188.3									

Appendix 4: Quantitative Analysis by Question --Raw Numbers

44	146.9	186.1	160.7							
45	6.8	5.8	6.7							
46	1	2	3	4	5	6	7	8	9	10
47	3	4	1	1	0	0	2	3	0	3
	<see summary analysis>									
48	Y	N	N/A	no response						
	16	9	2	9						
49	y96	y97	y98							
50	404.7	481.3	458.7							
	347.3	428.7	456.7							
51	Y	N	N/A	no response						
	10	16	1	9						
52	average									
	26.9									
53_1	Y	N	N/A	no response						
	24	3	1	8						
53_2	13	4	0	19						
54	14	14	0	8						
55	3	15	5	13						
56	16	8	2	10						
57	10	16	2	8						
57_1	average									
	97.7									
58	Y	N	N/A	no response						
	10	8	8	10						
58_1	average									
	3.1									
59	Y	N	N/A	no response						
	26	3	0	7						
60	y96	y97	y98							
61	51.0	59.4	58.1							
	8.2	9.1	8.8							
62	1	2	3	4	5					
63	10	5	0	0	4					
	<see summary analysis>									
64	Y	N	N/A	no response						
	23	5	0	8						
65	y96	y97	y98							
66	65.6	55.4	49.5							
67	11.4	10.2	9.0							
68	39.4	36.9	30.7							
69	11.6	10.0	9.6							
	0.3	2.3	2.6							
70	1	2	3	4	5	6	7	8		
	2	2	2	5	2	1	1	7		
71	y96	y97	y98							
72	<see summary analysis>									
73	9.2	6.9	8.1							
	4.8	4.5	4.1							
74	1	2	3	4	5					
75	7	7	0	2	7					
	<see summary analysis>									
76	Y	N	N/A	no response						
	17	5	2	12						
77	y96	y97	y98							
78	17.1	20.0	19.9							
79	7.3	7.7	7.8							
	11.7	11.3	11.6							

Appendix 4: Quantitative Analysis by Question --Raw Numbers

80	6.5	6.1	7.3					
81	4.4	2.1	1.9					
	1	2	3	4	5	6	7	8
82	1	3	3	5	1	0	0	7
83	<see summary analysis>							
	Y	N	N/A	no response				
84	22	7	1	6				
85	26	1	1	8				
86	21	8	1	6				
87	25	6	2	3				
88	32	2	1	1				
89	12	15	5	4				
90	13	14	3	6				
91	16	8	3	9				
92	17	11	3	5				
93	17	13	2	4				
94	11	12	4	9				
95_a	22	2	1	11				
95_b	19	4	1	12				
95_c	20	3	1	12				
95_d	19	3	2	12				
95_e	19	4	1	12				
95_f	17	4	1	14				
	Y	N	NBS	N/A	no response			
96	20	4	3	3	6			
	Y	N	N/A	no response				
97_1	23	4	4	5				
97_2	average 7.6							
	Y	N	N/A	no response				
98	25	1	3	7				
99	23	6	2	5				
99_1	average 22456.9							
	Y	N	N/A	no response				
100	21	3	5	7				
101	16	9	3	8				
	Y	N	N/A	no response				
102	17	7	6	6				
103	22	8	2	4				
104	30	1	2	3				
105	29	2	2	3				
106	19	6	4	7				
107	8	10	6	12				
107_1	6	1	8	21				
107_2	average 1.3							
	Y	N	N/A	no response				
108	20	5	4	7				
109	6	8	6	16				
109_1	4	1	7	24				
109_2	average 3.3							
	Y	N	N/A	no response				
110	6	11	6	13				
110_1	6	1	5	24				
110_2	average 2.0							
111	10	5	6	15				
111_1	8	1	6	21				
	average							

Appendix 4: Quantitative Analysis by Question --Raw Numbers

111_2	3.6			
	Y	N	N/A	no response
112	9	14	4	9
113	26	5	1	4
114	11	12	3	10
115	23	3	3	7

## **APPENDIX 5**

### **QUANTITATIVE ANALYSIS BY QUESTION: PERCENTAGES**

Appendix 5: Quantitative Analysis by Question--Percentages

Question

	Y	N	N/A
1	66.7%	13.3%	20.0%
2	57.7%	7.7%	34.6%
3	<see summary analysis>		
4	<see summary analysis>		
5	54.8%	12.9%	32.3%
6	84.4%	9.4%	6.3%
7	<see summary analysis>		
8	<see summary analysis>		
9	82.4%	11.8%	5.9%
10	<see summary analysis>		
11	<see summary analysis>		
12	<see summary analysis>		

	1IY	1IN	1IN/A	1EY	1EN	1EN/A	1RY	1RN	1RN/A
13_1	81.0%	9.5%	9.5%	85.0%	5.0%	10.0%	84.2%	5.3%	10.5%
13_2	86.4%	4.5%	9.1%	85.7%	4.8%	9.5%	85.0%	5.0%	10.0%
13_3	96.2%	0.0%	3.8%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
13_4	96.4%	0.0%	3.6%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
13_5	87.0%	4.3%	8.7%	86.4%	4.5%	9.1%	85.0%	5.0%	10.0%

	Y	N	N/A
14	87.5%	3.1%	9.4%
15_a	67.9%	32.1%	0.0%
15_b	93.3%	6.7%	0.0%
15_c	96.6%	3.4%	0.0%
15_d	93.1%	6.9%	0.0%
15_e	82.1%	17.9%	0.0%
15_f	69.0%	31.0%	0.0%
15_g	71.4%	25.0%	3.6%
15_h	56.5%	30.4%	13.0%
16	<see summary analysis>		
17	<see summary analysis>		
18	<see summary analysis>		
19	51.6%	45.2%	3.2%
20	56.7%	40.0%	3.3%
21	<see summary analysis>		
22	75.0%	25.0%	0.0%
23	56.7%	36.7%	6.7%
24_a	90.0%	10.0%	0.0%
24_b	100.0%	0.0%	0.0%
24_c	95.2%	4.8%	0.0%
25_a	82.1%	10.7%	7.1%
25_b	50.0%	46.2%	3.8%
26	35.7%	57.1%	7.1%
27	32.3%	58.1%	9.7%
28	90.3%	9.7%	0.0%
29	77.4%	22.6%	0.0%
30	51.6%	41.9%	6.5%
30_1	47.6%	38.1%	14.3%
31	90.0%	6.7%	3.3%
32	87.5%	12.5%	0.0%

32\_1 average  
28.1

	y96	y97	y98
33	252.6	244.4	243.3

Appendix 5: Quantitative Analysis by Question--Percentages

34	307.4	310.6	314.4							
35	36.4	35.7	30.3							
	1	2	3	4	5	6	7	8	9	10
36	11.1%	22.2%	11.1%	22.2%	11.1%	11.1%	44.4%	22.2%	22.2%	33.3%
37	<see summary analysis>									
	1	2	3	4						
38	27.3%	0.0%	27.3%	63.6%						
39	<see summary analysis>									
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
40	70.0%	20.0%	10.0%							
	y96	y97	y98							
41	266.3	295.8	401.0							
42	829.8	666.0	689.5							
43	155.2	174.5	188.3							
44	146.9	186.1	160.7							
45	6.8	5.8	6.7							
	1	2	3	4	5	6	7	8	9	10
46	42.9%	57.1%	14.3%	14.3%	0.0%	0.0%	28.6%	42.9%	0.0%	42.9%
47	<see summary analysis>									
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
48	59.3%	33.3%	7.4%							
	y96	y97	y98							
49	404.7	481.3	458.7							
50	347.3	428.7	456.7							
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
51	37.0%	59.3%	3.7%							
	average									
52	26.9									
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
53_1	85.7%	10.7%	3.6%							
53_2	76.5%	23.5%	0.0%							
54	50.0%	50.0%	0.0%							
55	13.0%	65.2%	21.7%							
56	61.5%	30.8%	7.7%							
57	35.7%	57.1%	7.1%							
	average									
57_1	97.7									
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
58	38.5%	30.8%	30.8%							
	average									
58_1	3.1									
	<b>Y</b>	<b>N</b>	<b>N/A</b>							
59	89.7%	10.3%	0.0%							
	y96	y97	y98							

Appendix 5: Quantitative Analysis by Question--Percentages

60	51.0	59.4	58.1					
61	8.2	9.1	8.8					
62	1	2	3	4	5			
63	71.4%	35.7%	0.0%	0.0%	28.6%			
	<see summary analysis>							
	<b>Y</b>	<b>N</b>	<b>N/A</b>					
64	82.1%	17.9%	0.0%					
	y96	y97	y98					
65	65.6	55.4	49.5					
66	11.4	10.2	9.0					
67	39.4	36.9	30.7					
68	11.6	10.0	9.6					
69	0.3	2.3	2.6					
	1	2	3	4	5	6	7	8
70	16.7%	16.7%	16.7%	41.7%	16.7%	8.3%	8.3%	58.3%
	y96	y97	y98					
71	<see summary analysis>							
72	9.2	6.9	8.1					
73	4.8	4.5	4.1					
	1	2	3	4	5			
74	53.8%	53.8%	0.0%	15.4%	53.8%			
75	<see summary analysis>							
	<b>Y</b>	<b>N</b>	<b>N/A</b>					
76	70.8%	20.8%	8.3%					
	y96	y97	y98					
77	17.1	20.0	19.9					
78	7.3	7.7	7.8					
79	11.7	11.3	11.6					
80	6.5	6.1	7.3					
81	4.4	2.1	1.9					
	1	2	3	4	5	6	7	8
82	7.7%	23.1%	23.1%	38.5%	7.7%	0.0%	0.0%	53.8%
83	<see summary analysis>							
	<b>Y</b>	<b>N</b>	<b>N/A</b>					
84	73.3%	23.3%	3.3%					
85	92.9%	3.6%	3.6%					
86	70.0%	26.7%	3.3%					
87	75.8%	18.2%	6.1%					
88	91.4%	5.7%	2.9%					
89	37.5%	46.9%	15.6%					
90	43.3%	46.7%	10.0%					
91	59.3%	29.6%	11.1%					
92	54.8%	35.5%	9.7%					
93	53.1%	40.6%	6.3%					
94	40.7%	44.4%	14.8%					
95_a	88.0%	8.0%	4.0%					
95_b	79.2%	16.7%	4.2%					
95_c	83.3%	12.5%	4.2%					
95_d	79.2%	12.5%	8.3%					

Appendix 5: Quantitative Analysis by Question--Percentages

95_e	79.2%	16.7%	4.2%
95_f	77.3%	18.2%	4.5%
96	66.7%	13.3%	10.0%
97_1	74.2%	12.9%	12.9%
97_2	average 7.6		
	<b>Y</b>	<b>N</b>	<b>N/A</b>
98	86.2%	3.4%	10.3%
99	74.2%	19.4%	6.5%
99_1	average 22456.9		
	<b>Y</b>	<b>N</b>	<b>N/A</b>
100	72.4%	10.3%	17.2%
101	57.1%	32.1%	10.7%
	<b>Y</b>	<b>N</b>	<b>N/A</b>
102	56.7%	23.3%	20.0%
103	68.8%	25.0%	6.3%
104	90.9%	3.0%	6.1%
105	87.9%	6.1%	6.1%
106	65.5%	20.7%	13.8%
107	33.3%	41.7%	25.0%
107_1	40.0%	6.7%	53.3%
107_2	average 1.3		
	<b>Y</b>	<b>N</b>	<b>N/A</b>
108	69.0%	17.2%	13.8%
109	30.0%	40.0%	30.0%
109_1	33.3%	8.3%	58.3%
109_2	average 3.3		
	<b>Y</b>	<b>N</b>	<b>N/A</b>
110	26.1%	47.8%	26.1%
110_1	50.0%	8.3%	41.7%
110_2	average 2.0		
111	47.6%	23.8%	28.6%
111_1	53.3%	6.7%	40.0%
111_2	average 3.6		
	<b>Y</b>	<b>N</b>	<b>N/A</b>
112	33.3%	51.9%	14.8%
113	81.3%	15.6%	3.1%
114	42.3%	46.2%	11.5%
115	79.3%	10.3%	10.3%

## **APPENDIX 6**

### **LIST OF EXTRADITION TREATIES AS REPORTED BY THE UNITED KINGDOM**

We have taken this question to mean extradition relations. Our extradition partners are as follows:

#### *European Convention on Extradition 1957*

Albania; Austria Belgium; Croatia; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Israel; Italy; Latvia; Liechtenstein; Lithuania; Luxembourg; Malta; Moldova; The Netherlands; Norway; Poland; Portugal; Romania; Slovakia; Spain; Sweden; Switzerland; Turkey and Ukraine.

#### *Commonwealth Countries*

Antigua & Barbuda; Australia; The Bahamas; Bangladesh; Barbados; Belize; Botswana; Brunei Darussalam; Canada; Dominica; Fiji; The Gambia; Ghana; Grenada; Guyana; India; Jamaica; Kenya; Kiribati; Lesotho; Malawi; Malaysia; Maldives; Mauritius; Nauru; New Zealand; Nigeria; Papua New Guinea; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Seychelles; Sierra Leone; Singapore; Solomon Islands; South Africa; Sri Lanka; Swaziland; Tanzania; Tonga; Trinidad and Tobago; Tuvalu; Uganda; Vanuatu; Western Samoa; Zambia and Zimbabwe.

#### *Countries with bilateral extradition treaties with the United Kingdom*

Albania; Argentina; Bolivia; Brazil; Chile; Columbia; Cuba; Ecuador; Guatemala; Haiti; Iraq; Liberia; Mexico; Monaco; Nicaragua; Panama; Paraguay; Peru; Salvador; San Marino; Thailand; Uruguay; USA; and Yugoslavia.

#### *Special arrangements and UN Conventions*

In addition to the above, our legislation allows us to conclude special extradition arrangement with a state for the purposes of extradition and also extradition is possible with states who have signed up to a number of UN Conventions which have extradition provisions, namely:

The Convention on Offences and certain other Acts committed on board Aircraft

The Convention for the Suppression of Unlawful Seizure of Aircraft

The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons

The International Convention against Taking of Hostages

The Convention of the Physical Protection of Nuclear Material

The United Nations Convention against Torture and other Cruel, Inhuman or degrading treatment or punishment

The United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances

The Protocol for the Suppression of Unlawful Acts of Violence at Airports servicing International Civil Aviation

The Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental shelf

The Convention on the Safety of the United Nations and Associated Personnel

## **APPENDIX 7**

### **LIST OF EXTRADITION TREATIES AS REPORTED BY THE UNITED STATES**

# UNITED STATES EXTRADITION TREATIES - APRIL 12, 2000

<u>Extradition Treaty</u> <u>with:</u>	<u>Signed:</u>	<u>Entered into Force:</u>	<u>Citation</u> <u>(if any):</u>
Albania	March 1, 1933	November 14, 1935	49 Stat. 3133
<b>Antigua</b>	<b>June 3, 1996</b>	<b>July 1, 1999</b>	
<b>Argentina</b>	<b>June 10, 1997</b>		
Argentina	January 21, 1972	September 15, 1972	23 UST 3501
Australia	May 14, 1974	May 8, 1976	27 UST 957
Australia Protocol	September 4, 1990	December 21, 1992	
<b>Austria</b>	<b>January 8, 1998</b>	<b>January 1, 2000</b>	
Bahamas	March 9, 1990	September 22, 1994	
<b>Barbados</b>	<b>February 28, 1996</b>	<b>March 3, 2000</b>	
Belgium	April 27, 1987	September 1, 1998	
Belgium Protocol	March 17, 1987		
Belize	June 8, 1972	January 21, 1977	28 UST 227
Belize	April 4, 2000		
Bolivia	June 27, 1995	November 21, 1996	
Brazil	January 13, 1961	December 17, 1964	15 UST 2093
Brazil	June 18, 1962	December 17, 1964	15 UST 2112
Bulgaria	March 19, 1924	June 24, 1924	43 Stat. 1886
Bulgaria	June 8, 1934	August 15, 1935	49 Stat. 3250
Burma	December 22, 1931	November 1, 1941	47 Stat. 2122
Canada	December 3, 1971	March 22, 1976	27 UST 983
Canada	June 28, 1974	March 22, 1976	27 UST 1017
Canada Extradition Protocol	January 11, 1988	November 26, 1991	
Chile	April 17, 1900	June 26, 1902	32 Stat. 1850
Colombia	September 14, 1979	March 4, 1982	
Congo	January 6, 1909	July 27, 1911	37 Stat. 1526
Congo	January 15, 1929	May 19, 1929	46 Stat. 2276
Congo	April 23, 1936	September 24, 1936	50 Stat. 1117
Congo		August 5, 1961	13 UST 2065
Costa Rica	December 4, 1982	October 11, 1991	
Cuba	April 6, 1904	March 2, 1905	33 Stat. 2265
Cuba	December 6, 1904	March 2, 1905	33 Stat. 2273
Cuba	January 14, 1926	June 18, 1926	44 Stat. 2392
<b>Cyprus</b>	<b>June 17, 1996</b>	<b>September 14, 1999</b>	
Czech Republic	July 2, 1925	March 29, 1926	44 Stat. 2367
Czech Republic	April 29, 1935	August 28, 1935	49 Stat. 3253
Denmark	June 22, 1972	July 31, 1974	25 UST 1293
<b>Dominica</b>	<b>October 10, 1996</b>		
Dominica	June 8, 1972	January 21, 1977	28 UST 227
Dominican Republic	June 19, 1909	August 2, 1910	36 Stat. 2468
Ecuador	June 28, 1872	November 12, 1873	18 Stat. 199
Egypt	August 11, 1874	April 22, 1875	19 Stat. 572
El Salvador	April 18, 1911	July 10, 1911	37 Stat. 1516
Estonia	November 8, 1923	November 15, 1924	43 Stat. 1849
Estonia	October 10, 1934	May 7, 1935	49 Stat. 3190
Fiji	December 22, 1931	June 24, 1935	47 Stat. 2122
Finland	June 11, 1976	May 11, 1980	31 UST 944
<b>France</b>	<b>April 15, 1996</b>		
France	January 6, 1909	July 27, 1911	37 Stat. 1526

France	February 12, 1970	April 3, 1971	22 UST 407
Gambia	December 22, 1931	June 24, 1935	47 Stat. 2122
Germany	June 20, 1978	August 29, 1980	32 UST 1485
Germany Protocol	October 21, 1986	March 11, 1993	
Ghana	December 22, 1931	June 24, 1935	47 Stat. 2122
Greece	May 6, 1931	November 1, 1932	47 Stat. 2185
Greece	September 2, 1937	September 2, 1937	51 Stat. 357
<b>Grenada</b>	<b>May 31, 1996</b>	<b>Sept. 14, 1999</b>	
Guatemala	February 27, 1903	August 15, 1903	33 Stat. 2147
Guatemala	February 20, 1940	March 13, 1941	55 Stat. 1097
Guyana	December 22, 1931	June 24, 1935	47 Stat. 2122
Haiti	August 9, 1904	June 28, 1905	34 Stat. 2858
Honduras	January 15, 1909	July 10, 1912	37 Stat. 1616
Honduras	February 21, 1927	June 5, 1928	45 Stat. 2489
Hong Kong	December 20, 1996	January 21, 1998	
Hungary	December 1, 1994	March 18, 1997	
Iceland	January 6, 1902		32 Stat. 1096
Iceland	November 6, 1905	February 19, 1906	34 Stat. 2887
<b>India</b>	<b>June 25, 1997</b>	<b>July 21, 1999</b>	
Iraq	June 7, 1934	April 23, 1936	49 Stat. 3380
Ireland	July 13, 1983	December 15, 1984	
Israel	December 10, 1962	December 5, 1963	14 UST 1707
Italy	October 13, 1983	September 24, 1984	TIAS 10837
Jamaica	June 14, 1983	July 7, 1991	
Japan	March 3, 1978	March 26, 1980	31 UST 892
Jordan	March 28, 1995	July 29, 1995	
Kenya	December 22, 1931	June 24, 1935	47 Stat. 2122
Kenya		August 19, 1965	16 UST 1866
Kiribati	June 8, 1972	January 21, 1977	28 UST 227
Latvia	October 16, 1923	March 1, 1924	43 Stat. 1783
Latvia	October 10, 1934	March 29, 1935	49 Stat. 3131
Liechtenstein	May 20, 1936	June 28, 1937	50 Stat. 1337
Lesotho	December 22, 1931	June 24, 1935	47 Stat. 2122
Liberia	November 1, 1937	November 21, 1939	54 Stat. 1733
Lithuania	April 9, 1924	August 23, 1924	43 Stat. 1835
Lithuania	May 17, 1934	January 8, 1935	49 Stat. 3077
<b>Luxembourg</b>	<b>October 1, 1996</b>		
Luxembourg	April 24, 1935	March 3, 1936	49 Stat. 3355
Luxembourg	October 29, 1883	August 13, 1884	23 Stat. 808
Malawi	December 22, 1931	June 24, 1935	47 Stat. 2122
Malawi		April 4, 1967	18 UST 1822
Malaysia	August 3, 1995	June 2, 1997	
Malta	December 22, 1931	June 24, 1935	47 Stat. 2122
Mauritius	December 22, 1931	June 24, 1935	47 Stat. 2122
Mexico	May 4, 1978	January 25, 1980	31 UST 5059
<b>Mexico Protocol</b>	<b>November 13, 1997</b>		
Monaco	February 15, 1939	March 28, 1940	54 Stat. 1780
Nauru	December 22, 1931	June 24, 1935	47 Stat. 2122
Netherlands	June 24, 1980	September 15, 1983	TIAS 10733
New Zealand	January 12, 1970	December 8, 1970	22 UST 1
Nicaragua	March 1, 1905	July 14, 1907	35 Stat. 1869
Nigeria	December 22, 1931	June 24, 1935	47 Stat. 2122
Norway	June 9, 1977	March 7, 1980	31 UST 5619
Pakistan	December 22, 1931	March 9, 1942	47 Stat. 2122
Panama	May 25, 1904	May 8, 1905	34 Stat. 2851
Papua New Guinea	December 22, 1931	August 30, 1935	47 Stat. 2122

Paraguay	Feb. 2, 23, 1988	Feb. 23, 1988	
Paraguay	November 9, 1998		
Peru	May 24, 1973	May 7, 1974	25 UST 967
Philippines	November 28, 1899	February 23, 1901	31 Stat. 1921
<b>Poland</b>	November 13, 1994	November 22, 1996	
Portugal	<b>July 10, 1996</b>	<b>September 17, 1999</b>	
Romania	May 7, 1908	November 14, 1908	35 Stat. 2071
Romania	July 23, 1924	April 7, 1925	44 Stat. 202
San Marino	November 10, 1936	July 27, 1937	50 Stat. 1349
San Marino	January 10, 1906	July 8, 1908	35 Stat. 1971
Seychelles	October 10, 1934	June 28, 1935	49 Stat. 3198
Sierra Leone	December 22, 1931	June 24, 1935	47 Stat. 2122
Singapore	December 22, 1931	June 24, 1935	47 Stat. 2122
Singapore		June 24, 1935	47 Stat. 2122
Slovak Republic	July 2, 1925	June 10, 1969	20 UST 2764
Slovak Republic	April 29, 1935	March 29, 1926	44 Stat. 2367
Solomon Islands	June 8, 1972	August 28, 1935	49 Stat. 3253
South Africa	December 18, 1947	January 21, 1977	28 UST 227
South Africa	September 16, 1999	April 30, 1950	2 UST 884
South Korea	June 9, 1998		
<b>Spain Protocol</b>	<b>March 12, 1996</b>	December 21, 1999	
Spain Protocol	February 9, 1988	<b>July 25, 1999</b>	
Spain Supplementary	January 25, 1975	July 2, 1993	
Spain	May 29, 1970	June 2, 1978	29 UST 2283
Sri Lanka	September 30, 1999	June 16, 1971	22 UST 737
Sri Lanka	December 22, 1931		
<b>St. Christopher and Nevis</b>	<b>September 18, 1996</b>	June 24, 1935	47 Stat. 2122
<b>St. Lucia</b>	<b>April 18, 1996</b>	<b>February 23, 2000</b>	
<b>St. Vincent</b>	<b>August 15, 1996</b>	<b>February 2, 2000</b>	
Suriname	January 18, 1904	<b>September 8, 1999</b>	
Suriname	June 2, 1887	August 28, 1904	33 Stat. 2257
Swaziland	December 22, 1931	July 11, 1889	26 Stat. 1481
Sweden	October 24, 1961	June 24, 1935	47 Stat. 2122
Sweden	March 14, 1983	December 3, 1963	14 UST 1845
Switzerland	November 14, 1990	September 24, 1984	TIAS 10812
Tanzania	December 22, 1931	September 10, 1997	
		June 24, 1935	47 Stat. 2122
Thailand	December 14, 1983	Dec. 6, 1965	16 UST 2066
Tonga	December 22, 1931	May 17, 1991	
Tonga		June 24, 1935	47 Stat. 2122
<b>Trinidad-Tobago</b>	<b>March 6, 1996</b>	September 13, 1977	28 UST 5290
Turkey	June 7, 1979	<b>Nov. 3, 1999</b>	
Tuvalu	June 8, 1972	January 1, 1981	32 UST 3111
Tuvalu		January 21, 1977	28 UST 227
United Kingdom	June 8, 1972	April 25, 1980	32 UST 1310
U.K. Protocol	June 25, 1985	January 21, 1977	28 UST 227
Uruguay	April 6, 1973	December 23, 1986	
Venezuela	January 19, 1922	April 11, 1984	TIAS 10850
Yugoslavia	October 25, 1901	April 14, 1923	43 Stat. 1698
Zambia	December 22, 1931	June 12, 1902	32 Stat. 1890
<b>Zimbabwe</b>	<b>July 25, 1997</b>	June 24, 1935	47 Stat. 2122

**BOLDFACE** indicates a new treaty approved by the U.S. Senate on October 21, 1998

## **APPENDIX 8**

### **SUMMARY ANALYSIS OF RESPONSES FROM THE UNITED NATIONS OFFICES AND INSTITUTES AND OTHER INTERNATIONAL ORGANIZATIONS**

**SUMMARY ANALYSIS OF RESPONSES  
FROM THE UNITED NATIONS OFFICES AND INSTITUTES  
TO THE QUESTIONNAIRE ON THE IMPLEMENTATION OF  
THE UNITED NATIONS DECLARATION ON CRIME AND PUBLIC SECURITY**

**UN OFFICES AND INSTITUTES**

**THE UN HIGH COMMISSION FOR REFUGEES**

No relevant information was given.

**THE UN UNIVERSITY**

The UN University is currently not involved in research or capacity-building activities specific to crime and public security. No specific information to offer.

**UNAFEI**

According to the memo received, UNAFEI is not in the position to answer the survey. However, UNAFEI does take part in some activities along the lines of the Declaration:

- ▶ Conducted 108th International Seminar on “Current Problems in the Combat of Organized Transnational Crime (1998)”
- ▶ Offered 113th International Training Course on “The Effective Administration of Criminal Justice for the Prevention of Corrupt Activities by Public Officials (1999)”
- ▶ Dispatched experts to Thailand to assist the Office of Narcotics Control Board in offering “Regional Training Courses on Effective Countermeasures against Drug Offenses and the Advancement of Criminal Justice Administration”
- ▶ Hold 114th International Seminar in which participants will lead discussions focusing on MLATS and extradition.

**UNEP**

Memo stated that UNEP considers the survey questions beyond the scope and mandate of the UNEP. Some activities that UNEP has been involved in that may be along lines of the Declaration include:

- ▶ UNEP has an enforcement unit which collaborates with international organizations on enforcement of and compliance with multilateral environmental agreements (MEAs) focusing on environmental crime and illegal trade and/or trafficking.
- ▶ UNEP has organized workshops on an international level

- ▶ UNEP has developed a database of MEA Enforcement Focal Points/Persons

### **UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

Did not answer the survey but noted that the UN Office for Human Rights:

- ▶ Remains active in providing input to the Ad Hoc Committee on the Elaboration of a Convention Against Transnational Organized Crime on the Draft Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children.
- ▶ Contracted the completion of a report by an independent expert on victims' rights to compensation and rehabilitation for gross violations of their human rights and/or fundamental freedoms.

### **UN OFFICE OF LEGAL AFFAIRS**

Did not offer any information specifically from its own office. Did enclose a copy of the Annual Report of the Secretary-General (UN) on the item "Measures to Eliminate International Terrorism" which contains information from various member nations (22) and international organizations (7) on how they deal with international terrorism, as well as information from 15 global/regional treaties with regard to international terrorism.

## **OTHER ORGANIZATIONS**

### **EUROPEAN COMMISSION**

Did not complete the survey. The EC is not a member nation to the UN and had no information to contribute to the questionnaire. The spokesperson for the EC did note that the EC continues to be supportive of the Declaration through its involvement with the EU's policy against crime.

### **EUROPOL**

Not a member nation to the UN but answered questions 87, 101, 102, and 103:

Q87: Coordinated and developed training at international level in such areas as combating illicit drug labs, combating human trafficking for sexual exploitation, airport awareness, and strategic and operational analysis. Presently designing similar projects for the future as well.

Q101: EUROPOL initiated a project on the cross-border movement of cash to see if there were arguments to justify the proposal of legislation regarding the import/export of cash.

Q103: Pending the development of a database for the housing of information on

suspicious financial transactions, EUROPOL may become the EU's center for the collection, analysis and dissemination of such information as well as maintain the proposed database.

#### **INTERNATIONAL FEDERATION OF RED CROSS/RED CRESCENT**

Not in a position to contribute to the questionnaire. Concern of the Federation lies in the effects of crime and lack of public security. Activities of the Federation concentrate on victim support.

#### **INTERNATIONAL LABOR OFFICE (ILO)**

The ILO recently adopted the ILO Convention on the Worst Forms of Child Labor. The Convention calls for:

- ▶ The elimination of the sale and trafficking of children, child prostitution and child pornography.
- ▶ Cooperation or assistance on an international level.
- ▶ International efforts in gathering and exchanging information on criminal offenses

## **APPENDIX 9**

### **LIST OF UN MEMBERS, NON-MEMBERS AND PERMANENT OBSERVERS WHICH WERE SENT THE UN QUESTIONNAIRE**

**APPENDIX 9**

**PROPERTY OF**  
**National Criminal Justice Reference Service (NCJRS)**  
Box 6000  
Rockville, MD 20849-6000

**LIST OF UN MEMBERS, NON-MEMBERS AND PERMANENT OBSERVERS WHICH  
WERE SENT THE UN QUESTIONNAIRE**

**MEMBERS**

AFGHANISTAN	FIJI	NAURU
ALBANIA	FINLAND	NEPAL
ALGERIA	FRANCE	NETHERLANDS
ANDORRA	GABON	NEW ZEALAND
ANGOLA	GAMBIA	SAO TOME AND
ANTIGUA AND BARBUDA	GEORGIA	PRINCIPE
ARGENTINA	GERMANY	SAUDI ARABIA
ARMENIA	GHANA	SENEGAL
AUSTRIA	GREECE	SEYCHELLES
AZERBAIJAN	GRENADA	SIERRA LEONE
BAHAMAS	GUATEMALA	SINGAPORE
BAHRAIN	GUINEA	SLOVAKIA
BANGLADESH	GUINEA-BISSAU	SLOVENIA
BARBADOS	GUYANA	SOLOMON ISLANDS
BELARUS	LIECHTENSTEIN	SOMALIA
BELGIUM	LITHUANIA	SOUTH AFRICA
BELIZE	LUXEMBOURG	SPAIN
BENIN	MADAGASCAR	SRI LANKA
BHUTAN	MALAWI	SUDAN
BOLIVIA	MALAYSIA	SURINAME
BOSNIA AND	MALDIVES	SWAZILAND
HERZEGOVINA	MALI	SWEDEN
BOTSWANA	MALTA	SYRIAN ARAB
BRAZIL	MARSHALL ISLANDS	REPUBLIC
DENMARK	MAURITANIA	TAJIKISTAN
DJIBOUTI	MAURITIUS	THAILAND
DOMINICA	MEXICO	THE FORMER
DOMINICAN REPUBLIC	MICRONESIA	YUGOSLAV REPUBLIC
ECUADOR	(FEDERATED STATES	OF MACEDONIA
EGYPT	OF)	TOGO
EL SALVADOR	MONACO	TONGA
EQUATORIAL GUINEA	MOROCCO	TRINIDAD AND TOBAGO
ERITREA	MOZAMBIQUE	BRUNEI DARUSSALAM
ESTONIA	MYANMAR	BULGARIA
ETHIOPIA	NAMIBIA	

BURKINA FASO  
CAMBODIA  
CAMEROON  
CANADA  
CAPE VERDE  
CENTRAL AFRICAN  
REPUBLIC  
CHAD  
CHILE  
CHINA  
COLOMBIA  
COMOROS  
CONGO  
COSTA RICA  
COTE D'IVOIRE  
CROATIA  
CUBA  
CYPRUS  
CZECH REPUBLIC  
DEM. PEOPLE'S REP. OF  
KOREA  
DEM. REPUBLIC OF THE  
CONGO  
GUYANA  
HAITI  
HONDURAS  
HUNGARY  
ICELAND  
INDIA  
INDONESIA  
IRAN (ISLAMIC  
REPUBLIC OF)  
IRAQ  
IRELAND  
ISRAEL  
ITALY  
JAMAICA  
JAPAN  
JORDAN  
KAZAKHSTAN  
KENYA  
KIRIBATI  
KUWAIT  
KYRGYZSTAN

LAO PEOPLE'S DEM.  
REPUBLIC  
LATVIA  
LEBANON  
LESOTHO  
LIBERIA  
LIBYAN ARAB  
JAMAHIRIYA  
NICARAGUA  
NIGER  
NIGERIA  
NORWAY  
OMAN  
PAKISTAN  
PALAU  
PANAMA  
PAPUA NEW GUINEA  
PARAGUAY  
PERU  
PHILIPPINES  
POLAND  
PORTUGAL  
QATAR  
REPUBLIC OF KOREA  
REPUBLIC OF  
MOLDOVA  
ROMANIA  
SAINT KITTS AND  
NEVIS  
SAINT LUCIA  
SAINT VINCENT AND  
THE GRENADINES  
SAMOA  
SAN MARINO  
TUNISIA  
TURKEY  
TURKMENISTAN  
TUVALU  
UGANDA  
UKRAINE  
UNITED ARAB  
EMIRATES  
UNITED KINGDOM  
UNITED REPUBLIC  
OF TANZANIA

UNITED STATES OF  
AMERICA  
URUGUAY  
UZBEKISTAN  
VANUATU  
VENEZUELA  
VIET NAM  
YEMEN  
YUGOSLAVIA  
ZAMBIA  
ZIMBABWE

#### **NON-MEMBER STATES**

COOK ISLANDS  
NIUE

#### **PERMANENT OBSERVERS**

HOLY SEE  
SWITZERLAND

A COVERBINDER COVER 1200-851-1070  
1/2" CLASSIC ANIMATED GUM FOR 91 TO 120 SHEETS