



## General Assembly

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### **Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime**

Eighth session

Vienna, 21 February-3 March 2000

Agenda item 3

**Consideration of the revised draft United Nations Convention  
against Transnational Organized Crime, with particular emphasis  
on articles 2, 2 bis (subparagraph (a) only), 4, 4 bis, 4 ter, 4 quater, 7, 7 bis,  
7 ter, 17, 17 bis, 18, 18 bis and 18 ter**

### **Proposals and contributions received from Governments**

#### **China: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime**

##### **Article 10: Extradition**

###### *Paragraph 3*

In paragraph 3 of article 10 as contained in document A/AC.254/4/Rev.7, it would be established as an optional obligation for the States concerned to take the Convention as the legal basis for extradition, which, in the view of China, would not contribute positively to the effectiveness of this article nor even to that of the Convention as a whole. The delegation of China has noted that the present draft text before the Ad Hoc Committee is designed to accommodate the domestic legal systems of some countries and that similar stipulations can be found in other international conventions, such as the 1988 Convention. It is also the view of China that conducting cooperation on extradition is of great significance in combating transnational organized crime and increasing the effectiveness of this article will greatly enhance the role of the whole Convention. Therefore, taking into consideration the domestic legal systems of some countries, the delegation of China would like to suggest that paragraph 3 of article 10 be replaced with the following:

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

“(…) States Parties that make extradition conditional on the existence of a treaty shall:

“(a) Inform the Secretary-General of the United Nations of whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention;

“(b) Endeavour to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.”

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