



General Assembly

Distr.: Limited
22 January 1999

Original: English

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

First session

Vienna, 19-29 January 1999

Agenda item 4

Consideration of the draft convention against transnational organized crime

Amendment submitted by the Office of the United Nations High Commissioner for Refugees concerning safeguards for refugees and/or persons in need of international protection threatened by extradition in the context of article 10 of the draft United Nations Convention against Transnational Organized Crime

1. The Office of the United Nations High Commissioner for Refugees (UNHCR), bearing in mind its statute and the 1951 Convention relating to the Status of Refugees,¹ would like to request that a paragraph be incorporated into the draft United Nations Convention against Transnational Organized Crime that would prohibit extradition for the purposes of the Convention in cases of “political offences”.
2. This position is supported by both article 3, paragraph 1, of the 1957 European Convention on Extradition and article 4, paragraph 4, of the 1981 Inter-American Convention on Extradition. UNHCR would like to suggest the following wording, which combines elements of both conventions: “Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence, an offence related thereto, or an ordinary criminal offence prosecuted for political reasons.”
3. UNHCR also would like to recommend wording along the lines of article 4, paragraph 5, of the 1981 Inter-American Convention on Extradition and article 33 of the 1951 Convention relating to the Status of Refugees, pursuant to which “extradition shall not be granted if, from the circumstances of the case, it can be inferred that persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion is involved ...”.

¹ United Nations, *Treaty Series*, vol. 189, No. 2545.