



General Assembly

Distr.: Limited
2 July 1999

English
Original: Chinese

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

Fourth session

Vienna, 28 June-9 July 1999

Agenda item 3

**Consideration of the draft United Nations Convention against
Transnational Organized Crime, with particular emphasis
on articles 4 *ter*, 5, 6, 9, 10 and 14**

Proposals and contributions received from Governments on the draft United Nations Convention against Transnational Organized Crime

China: amendments to article 14 of the revised draft United Nations Convention against Transnational Organized Crime

Article 14: Mutual legal assistance

Paragraph 6

1. Replace the paragraph with the following:

“6. The requested State Party shall be obliged to provide assistance only if the conduct in relation to which the request was made would constitute an offence under its domestic law. However, it may, when it deems appropriate, provide assistance, in so far as it decides to do so at its own discretion, irrespective of whether the conduct would constitute an offence under the laws of both the requesting State Party and the requested State Party.”

Paragraph 8

2. Add the following sentence after the first sentence: “A State Party may also designate separate authorities for the same purpose for its special regions or territories that have separate systems of mutual legal assistance.”

Paragraph 14

3. Replace the paragraph with the following:

“14. The requesting State Party shall not use any information or evidence provided pursuant to this article for any purposes other than those stated in the request for assistance without the prior consent of the requested State Party.”

Paragraph 16

4. Replace subparagraphs (c) and (d) with the following:

“(c) If the execution of the request would be contrary to the fundamental principles of the laws of the requested State Party ;

“(d) If the requested Party has already rendered a final judgement on the same suspect or defendant for the same offence in relation to which the request was made”.

- 5 Add a new paragraph as follows:

“(…) Before denying assistance pursuant to this paragraph, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such conditions as it deems necessary. If the requesting Party accepts assistance subject to those conditions, it shall comply with the conditions.”
