



General Assembly

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

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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

Belarus: amendments to article 9 of the revised draft United Nations Convention against Transnational Organized Crime submitted at the request of the Chairman

Article 9: Jurisdiction

1. In accordance with paragraphs 3 and 4 of article 2 of the draft Convention, a State Party carries out its obligations in a manner consistent with the principle of non-intervention in the domestic affairs of other States and is not entitled to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved for the authorities of that other State by its domestic law. Belarus accordingly believe that the provisions of subparagraphs (a), (b), (c) and (d) of paragraph 2 and also paragraph 6 of article 9 are at variance with paragraphs 3 and 4 of article 2.

2. Also, the provisions of subparagraph (a) of paragraph 3 of article 9 duplicate the provisions of subparagraphs (a) and (b) of paragraph 1 of that article. It is thus proposed that paragraphs 2, 3, 4 and 6 of article 9 be deleted from the draft and that the text of paragraph 2 be worded as follows:

“2. A State Party may also establish its jurisdiction over any such offence committed outside the territory of that State when:

“(a) The offence is committed against the interests of that State;

“(b) The offence is committed by a person who is a national or permanent resident of that State and that person is not criminally liable in the State on whose territory the offence was committed;

“(c) The person who has committed the offence is present in the territory of that State and the State does not extradite him or her to another State Party on the ground that he or she is one of its nationals.”

3. In the cases referred to in subparagraphs (a), (b) and (c) above, criminal prosecution is carried out in accordance with the provisions of article 16 of this Convention.
4. Paragraphs 5 and 7 of the article in question should be renumbered 3 and 4 accordingly.
