



# General Assembly

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

Fifth session

Vienna, 4-15 October 1999

Agenda item 3

**Consideration of the draft United Nations Convention against  
Transnational Organized Crime, with particular emphasis  
on articles 4, 4 bis, 7, 7 bis, 7 ter, 10, 14 (paragraphs 14-22) and 15-19**

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

### **Report of the informal group convened at the request of the Chairman to review alternative proposals for article 15, paragraph 1, of the draft United Nations Convention against Transnational Organized Crime**

1. At the request of the Chairman of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, an informal group was convened to review article 15, paragraph 1, of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.4).
2. The proposals of the informal group are presented below.

#### **Article 15: Special investigative techniques**

##### *Paragraph 1*

3. It is proposed to replace paragraph 1 by the following paragraph:

“1. Each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of special investigative techniques, in particular controlled delivery, electronic or other forms of surveillance, and undercover operations (by its competent authorities in its territory) for the purpose of effectively combating organized crime.”

*Footnotes*

4. It is proposed to add the following footnotes:

“\* One delegation noted that the proposal should be flexible and permit States to take the measures necessary for the use of such techniques and to encourage States to implement them without placing them under an obligation to do so.

“\*\* Some delegations were of the view that the formulation could be more binding and/or compelling.

“\*\*\* One delegation suggested reverting to the original proposal and retaining the phrase ‘for the purpose of gathering evidence and taking legal action against persons involved’.”

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