



General Assembly

Distr.: Limited
18 June 2002

English
Original: Russian

Ad Hoc Committee for the Negotiation of a Convention against Corruption

Second session

Vienna, 17-28 June 2002

Agenda item 3

Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII

Proposals and contributions received from Governments

Russian Federation: amendments to article 46

Article 46: Measures to enhance cooperation with law enforcement authorities

The Russian Federation supports option 2 of article 46, which is taken from the proposal submitted by Colombia (A/AC.261/IPM/14), and proposes that that option be amended to read as follows:

“Article 46

Measures to enhance cooperation with law enforcement authorities

“1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of any of the offences established in accordance with this Convention to provide factual, specific help to competent authorities that may contribute to the investigation and substantiation of offences and to the recovery of the proceeds from them.

“2. States Parties shall consider providing in their domestic law for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

“3. States Parties shall consider providing, in their domestic law, for the possibility of exempting from criminal responsibility and punishment a person who provides substantial cooperation in the prevention, investigation or prosecution of an offence covered by this Convention.



“4. Protection of such persons shall be as provided for in article [...] [Protection of “whistle-blowers”, witnesses and victims] of this Convention.

“5. Where a person referred to in paragraphs 1, 2 and 3 of this article located in one State Party wishes to provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party to such person of the treatment set forth in paragraphs 2 and 3 of this article.”
