



STATUTORY INSTRUMENTS

**S.I. No. 9 of 2009**



EXTRADITION ACT 1965 (APPLICATION OF PART II)  
(AMENDMENT) ORDER 2009

**(Prn. A9/0060)**

EXTRADITION ACT 1965 (APPLICATION OF PART II)  
(AMENDMENT) ORDER 2009

WHEREAS by the Agreement Between the Government of Ireland and the Government of the Hong Kong Special Administrative Region of the People's Republic of China concerning Surrender of Fugitive Offenders, the terms of which are set out in Schedule 9A of the Extradition Act (Application of Part II) Order 2000 (S.I. No. 474 of 2000) (inserted by Article 2(a) of, and Schedule 1 to, this Order), done at Dublin on the 5th day of October 2007 (referred to subsequently in these recitals as "the Hong Kong Agreement"), an arrangement was made with the Hong Kong Special Administrative Region of the People's Republic of China for the surrender of persons wanted for prosecution or punishment for an offence specified in Article 2 thereof;

AND WHEREAS the terms of the Hong Kong Agreement were approved by Dáil Éireann by resolution passed by it on the 21st day of November 2007;

AND WHEREAS by a note dated the 2nd day of July 2008, the Hong Kong Special Administrative Region of the People's Republic of China has, in accordance with the Hong Kong Agreement, notified the State that its requirements for the entry into force of the Hong Kong Treaty have been complied with;

AND WHEREAS by a note dated the 15th day of December 2008, the State has, in accordance with the Hong Kong Agreement, notified the Hong Kong Special Administrative Region of the People's Republic of China that its requirements for the entry into force of the Hong Kong Treaty have been complied with;

AND WHEREAS, since the making of the Extradition Act 1965 (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005), certain additional reservations have been entered to the Protocol, done at Montreal on the 24th day of February 1988, for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on the 23rd day of September 1971 (referred to subsequently in these recitals as the "Montreal Protocol"), the Convention on the Physical Protection of Nuclear Material, opened for signature at Vienna and New York on the 3rd day of March 1980 (referred to subsequently in these recitals as the "Nuclear Material Convention"), the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, concluded at Vienna on the 20th day of December 1988 (referred to subsequently in these recitals as the "Drug Trafficking Convention"), the European Convention on the Suppression of Terrorism, done at Strasbourg on the 27th day of January 1977 (referred to

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subsequently in these recitals as the “Anti-Terrorism Convention”), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on the 10th day of December 1984 (referred to subsequently in these recitals as the “Convention Against Torture”), the Criminal Law Convention on Corruption, done at Strasbourg on the 27th day of January 1999 (referred to subsequently in these recitals as the “Convention on Corruption”), the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on the 10th day of March 1988 (referred to subsequently in these recitals as the “Maritime Safety Convention”), the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on the 10th day of March 1988 (referred to subsequently in these recitals as the “Fixed Platforms Protocol”), the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on the 17th day of December 1979 (referred to subsequently in these recitals as the “Hostages Convention”), the International Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents, adopted at New York on the 14th day of December 1973 (referred to subsequently in these recitals as the “Convention on Crimes against Internationally Protected Persons”), the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on the 15th day of December 1997 (referred to subsequently in these recitals as the “Convention on Terrorist Bombings”) and the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on the 9th day of December 1999 (referred to subsequently in these recitals as the “Convention on Financing Terrorism”), the texts of which are set out in Part B of Schedule 4, Part B of Schedule 5, Part B of Schedule 6, Part B of Schedule 7, Part C of Schedule 7A (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2002 (S.I. No.173 of 2002)), Part B of Schedule 7D (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2003 (S.I. No. 479 of 2003)), Part B of Schedule 7E (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2004 (S.I. No. 587 of 2004)), Part B of Schedule 7F (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2004 (S.I. No. 587 of 2004)), Part B of Schedule 7G (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005)), Part B of Schedule 7H (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005)), Part B of Schedule 7I (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005)), and Part B of Schedule 7J (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005)) of the Extradition Act 1965 (Application of Part II) Order 2000 (S.I. No. 474 of 2000) (as amended by Article 2 of, and Schedule 2 to, this Order);

AND WHEREAS, since the making of the Extradition Act 1965 (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005), certain additional declarations have been made in relation to the European Convention on Extradition, done at Paris on the 13th day of December 1957, the Convention for the

Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on the 23rd day of September 1971, the Montreal Protocol, the Nuclear Material Convention, the Drug Trafficking Convention, the Anti-Terrorism Convention, the Convention Against Torture, the Convention on the Safety of United Nations and Associated Personnel, done at New York on the 9th day of December 1994, the Convention on Corruption, the Maritime Safety Convention, the Fixed Platforms Protocol, the Hostages Convention, the Convention on Crimes against Internationally Protected Persons, the Convention on Terrorist Bombings and the Convention on Financing Terrorism, the texts of which are set out in Part C of Schedule 1, Part B of Schedule 3, Part B of Schedule 4, Part B of Schedule 5, Part B of Schedule 6, Part B of Schedule 7, Part C of Schedule 7A, Part B of Schedule 7B (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2002 (S.I. No.173 of 2002)), Part B of Schedule 7D, Part B of Schedule 7E, Part B of Schedule 7F, Part B of Schedule 7G, Part B of Schedule 7H, Part B of Schedule 7I and Part B of Schedule 7J, of the Extradition Act 1965 (Application of Part II) Order 2000 (S.I. No. 474 of 2000) (as amended by Article 2 of, and Schedule 2 to, this Order);

NOW I, MICHEÁL MARTIN, Minister for Foreign Affairs, in the exercise of the powers conferred on me by section 8 (amended by section 49 of the European Arrest Warrant Act 2003 (No. 45 of 2003)) of the Extradition Act 1965 (No. 17 of 1965) and after consultation with the Minister for Justice, Equality and Law Reform, hereby order as follows:

1. (1) This Order may be cited as the Extradition Act 1965 (Application of Part II) (Amendment) Order 2009.

(2) This Order comes into operation on the 14th day of January 2009.

2. The Extradition Act 1965 (Application of Part II) Order 2000 (S.I. No. 474 of 2000) (as amended) is amended by—

- (a) the insertion of the Schedule set out in Schedule 1 to this Order,
- (b) the insertion, in Part C of Schedule 1, of the declarations set out in Part A of Schedule 2 to this Order,
- (c) the insertion, in Part B of Schedule 3, of the declaration set out in Part B of Schedule 2 to this Order,
- (d) the insertion, in Part B of Schedule 4, of the reservation and declaration set out in Part C of Schedule 2 to this Order,
- (e) the insertion, in Part B of Schedule 5, of the reservations and declarations set out in Part D of Schedule 2 to this Order,
- (f) the insertion, in Part B of Schedule 6, of the reservations and declarations set out in Part E of Schedule 2 to this Order,
- (g) the insertion, in Part B of Schedule 7, of the reservations and declarations set out in Part F of Schedule 2 to this Order,

- (h) the insertion, in Part C of Schedule 7A (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2002 (S.I. No.173 of 2002)), of the reservations and declarations set out in Part G of Schedule 2 to this Order,
- (i) the insertion, in Part B of Schedule 7B (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2002), of the declarations set out in Part H of Schedule 2 to this Order,
- (j) the insertion, in Part B of Schedule 7D (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2003 (S.I. No. 479 of 2003)), of the reservations and declarations set out in Part I of Schedule 2 to this Order,
- (k) the insertion, in Part B of Schedule 7E (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2004 (S.I. No. 587 of 2004)), of the reservations and declarations set out in Part J of Schedule 2 to this Order,
- (l) the insertion, in Part B of Schedule 7F (inserted by the Extradition Act 1965 (Application of Part II) (Amendment) Order 2004), of the reservations and declarations set out in Part K of Schedule 2 to this Order,
- (m) the insertion, in Part B of Schedule 7G (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005 (S.I. No. 374 of 2005)), of the reservations and declarations set out in Part L of Schedule 2 to this Order,
- (n) the insertion, in Part B of Schedule 7H (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005), of the reservations and declarations set out in Part M of Schedule 2 to this Order,
- (o) the insertion, in Part B of Schedule 7I (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005), of the reservations and declarations set in Part N of Schedule 2 to this Order,
- (p) the insertion, in Part B of Schedule 7J (inserted by the Extradition Act (Application of Part II) (Amendment) Order 2005), of the reservations and declarations set out in Part O of Schedule 2 to this Order,
- (q) the insertion in paragraph 1(1) of Schedule 10 of the following definition:

“ ‘Hong Kong Agreement’ means the Agreement Between the Government of Ireland and the Government of the Hong Kong Special Administrative Region of the People’s Republic of China concerning Surrender of Fugitive Offenders, done at Dublin on the 5th day of October, 2007;”, and

- (r) the substitution of the Table set out in Schedule 3 to this Order for the Table (inserted by Article 2(n) of, and Schedule 6 to, the Extradition Act 1965 (Application of Part II) (Amendment) Order 2005) set out in Schedule 10.

## SCHEDULE 1

“Schedule 9A

### AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE’S REPUBLIC OF CHINA CONCERNING SURRENDER OF FUGITIVE OFFENDERS

done at Dublin on the 5th day of October 2007

The Government of Ireland and the Government of the Hong Kong Special Administrative Region of the People’s Republic of China (“Hong Kong Special Administrative Region”) having been duly authorised to conclude this agreement by the Central People’s Government of the People’s Republic of China (hereinafter referred to as “the Parties”),

Desiring to make provision for the reciprocal surrender of fugitive offenders;

Have agreed as follows:

#### **ARTICLE 1 OBLIGATION TO SURRENDER**

(1) The Parties agree to surrender to each other, subject to the provisions laid down in this Agreement and in accordance with the law of the requested Party, any person who is found in the jurisdiction of the requested Party and who is wanted by the requesting Party for prosecution or for the imposition or enforcement of a sentence in respect of an offence described in Article 2.

(2) References in this Agreement to “surrender”, “surrender of a fugitive offender” or “surrender of fugitive offenders” shall for the purposes of the law of Ireland be interpreted as “extradition” or “extradite”.

#### **ARTICLE 2 OFFENCES**

(1) Surrender shall be granted for an offence coming within any of the following descriptions of offences in so far as it is according to the laws of both Parties punishable by imprisonment or other form of detention for one year or more, or by a more severe penalty:

- (i) murder (including attempted murder) or manslaughter, including criminal negligence causing death;

- (ii) aiding, abetting, counselling or procuring suicide;
- (iii) maliciously wounding; maiming; inflicting grievous or actual bodily harm; assault causing harm or causing serious harm to another person, threats to kill; intentional or reckless endangering of life whether by means of a weapon, a dangerous substance or otherwise, offences relating to unlawful wounding or injuring;
- (iv) offences of a sexual nature including rape; sexual assault; indecent assault; unlawful sexual acts on children; child pornography; statutory sexual offences;
- (v) gross indecency with a child, a mental defective or an unconscious person;
- (vi) kidnapping; abduction; false imprisonment; unlawful confinement; dealing or trafficking in slaves or other persons; taking a hostage;
- (vii) criminal intimidation;
- (viii) offences against the law relating to illegal drugs including narcotics and psychotropic substances and precursors and essential chemicals used in the illegal manufacture of narcotic drugs and psychotropic substances and offences related to the proceeds of drug trafficking;
- (ix) obtaining property or pecuniary advantage by deception; theft; robbery; burglary (including breaking and entering); embezzlement; blackmail; extortion; unlawful handling or receiving of property; false accounting; any other offence in respect of property or fiscal matters involving fraud; any offence against the law relating to unlawful deprivation of property;
- (x) offences against bankruptcy law or insolvency;
- (xi) offences against the law relating to companies including offences committed by officers, directors, and promoters;
- (xii) offences relating to securities and futures trading;
- (xiii) any offence relating to counterfeiting; any offence against the law relating to forgery or uttering what is forged;
- (xiv) an offence against the laws relating to protection of intellectual property, copyrights, patents or trademarks;
- (xv) an offence against the law relating to bribery, corruption, secret commissions, and breach of trust;
- (xvi) perjury and subornation of perjury;

- (xvii) offences relating to the perversion or obstruction of the course of justice;
- (xviii) arson; criminal damage including offences in relation to computer data;
- (xix) an offence against the law relating to firearms;
- (xx) an offence against the law relating to explosives;
- (xxi) an offence against laws relating to environmental pollution or protection of public health;
- (xxii) mutiny or any mutinous act committed on board a vessel at sea;
- (xxiii) piracy involving ships or aircraft, according to international law;
- (xxiv) unlawful seizure or exercise of control of an aircraft or other means of transportation;
- (xxv) genocide or direct and public incitement to commit genocide;
- (xxvi) facilitating or permitting the escape of a person from lawful custody;
- (xxvii) an offence against the laws relating to the control of exportation or importation of goods of any type, or the international transfer of funds;
- (xxviii) smuggling; offences against the laws relating to import and export of prohibited items, including historical and archaeological items and wildlife and endangered species;
- (xxix) immigration offences including fraudulent acquisition or use of a passport or visa;
- (xxx) arranging or facilitating for financial gain, the illegal entry of persons into the jurisdiction of the requesting Party;
- (xxxi) an offence relating to gambling or lotteries;
- (xxxii) offences relating to the unlawful termination of pregnancy;
- (xxxiii) stealing, abandoning, neglecting or unlawfully detaining a child: any other offence involving the exploitation of children;
- (xxxiv) offences against the laws relating to prostitution and premises kept for the purposes of prostitution;
- (xxxv) offences involving the unlawful use of computers;

- (xxxvi) revenue offences, including offences relating to fiscal matters, taxes or duties and customs;
- (xxxvii) offences relating to the unlawful escape from custody;
- (xxxviii) bigamy;
- (xxxix) any offence against the law relating to false or misleading trade descriptions;
- (xl) offences relating to the possession or laundering of proceeds obtained from the commission of any offence for which surrender may be granted under this Agreement;
- (xli) impeding the arrest or prosecution of a person who has or is believed to have committed an offence for which surrender may be granted under this Agreement;
- (xlii) offences for which fugitive offenders may be surrendered under international conventions binding on the Parties; offences created as a result of decisions of international organisations which are binding on the Parties;
- (xliii) conspiracy to commit fraud or to defraud;
- (xliv) torture;
- (xlv) conspiracy to commit any offence for which surrender may be granted under this Agreement;
- (xlvi) aiding, abetting, counselling or procuring the commission of, inciting, being an accessory before or after the fact to, or attempting to commit any offence for which surrender may be granted under this Agreement;
- (xlvii) any other offence for which surrender may be granted in accordance with the law of the requested Party.

(2) A revenue offence is an extraditable offence. For the purposes of this Agreement, “revenue offence” means an offence connected with taxes or duties even where the requested Party does not impose the same kind of tax or duty or its law does not contain the same type of rules as regards taxes, duties and customs as the requesting Party.

(3) Where surrender is requested for the purpose of carrying out a sentence, a further requirement shall be that in the case of a period of imprisonment or detention at least six months remain to be served.

(4) For the purposes of this Article, in determining whether an offence is an offence punishable under the laws of both Parties the totality of the acts or

omissions alleged against the person whose surrender is sought shall be taken into account.

(5) For the purposes of paragraph (1) of this Article, an offence shall be an offence according to the laws of both Parties if the conduct constituting the offence was an offence against the law of the requesting Party at the time it was committed and is an offence against the law of both Parties at the time the request for surrender is received.

(6) Where the surrender of a fugitive offender is requested for the purpose of carrying out a sentence the requested Party may refuse to surrender him or her if it appears that the conviction was obtained in his or her absence, unless he or she has the opportunity to have his or her case retried in his or her presence, in which case he or she shall be considered as an accused person under this Agreement.

### **ARTICLE 3 SURRENDER OF NATIONALS**

(1) The Government of Ireland reserves the right to refuse the surrender of its nationals. The Government of the Hong Kong Special Administrative Region reserves the right to refuse the surrender of nationals of the People's Republic of China.

(2) Where the requested Party exercises this right, the requesting Party may request that the case be submitted to the competent authorities of the requested Party in order that proceedings for prosecution of the person may be considered.

### **ARTICLE 4 BASIS FOR SURRENDER**

A fugitive offender shall be surrendered only if:

- (a) for an accused person, there is sufficient evidence provided, according to the law of the requested Party, to justify the committal for trial of the person sought if the offence of which he or she is accused were committed in the territory of the requested Party; or
- (b) in the case of a person already convicted, there is sufficient information provided showing that the sentence is enforceable and that he or she is the person convicted.

### **ARTICLE 5 MANDATORY REFUSAL OF SURRENDER**

(1) A fugitive offender shall not be surrendered if the requested Party has substantial grounds for believing:

- (a) that the offence of which the person is accused or was convicted is a political offence or an offence of a political character in accordance with the law of the requested Party;

- (b) that the request for surrender (though purporting to be made on account of an offence for which surrender may be granted) is in fact made for the purpose of prosecution or punishment on account of race, religion, nationality, political opinions, sex, sexual orientation, language or ethnic origin;
- (c) that the person might, if returned, be prejudiced at that person's trial or punished, detained or restricted in his or her personal liberty by reason of race, religion, nationality, political opinions, sex, sexual orientation, language or ethnic origin;

(2) A person shall not be surrendered if final judgement has been passed in the requested Party upon the person sought in respect of an offence for which his or her surrender has been requested.

(3) Surrender shall not be granted if the offence for which surrender is sought is an offence under military law which is not also an offence under ordinary criminal law.

(4) Surrender shall not be granted where the offence for which surrender is sought is punishable according to the law of the requesting Party by the death penalty.

#### **ARTICLE 6 DISCRETIONARY REFUSAL OF SURRENDER**

(1) Surrender may be refused if the requested Party considers that:

- (a) there has been excessive delay, for reasons which cannot be imputed to the person sought, in bringing charges, in bringing the case to trial or in making the person serve his or her sentence or the remainder thereof;
- (b) the offence for which surrender is sought was committed within the jurisdiction of its courts;
- (c) the surrender might place that Party in breach of its obligations under international treaties; or
- (d) in the circumstances of the case, the surrender would be incompatible with humanitarian considerations in view of the age, health or other personal circumstances of the person sought.

(2) Surrender may be refused if the offence for which surrender is sought was committed within the jurisdiction of the courts of the requested Party and proceedings for prosecution of the person for that offence are pending.

(3) Surrender may be refused where the person sought has been finally acquitted or convicted in a third country for the same offence for which surrender is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.

**ARTICLE 7**  
**POSTPONEMENT OF SURRENDER**

If the person sought is being proceeded against or is under punishment in the jurisdiction of the requested Party for any offence other than that for which surrender is requested, surrender may be granted or deferred until the conclusion of the proceedings and the execution of any punishment imposed.

**ARTICLE 8**  
**THE REQUEST AND SUPPORTING DOCUMENTS**

(1) A request for surrender shall be in writing. A request and any related documents may be communicated directly between the competent authorities of the Parties.

(2) A request for surrender shall be made:

- (a) in the case of Ireland, to the Minister for Justice, Equality and Law Reform;
- (b) in the case of Hong Kong Special Administrative Region, to the Department of Justice,

and these shall be deemed to be the competent authorities of the Parties for the purposes of paragraph 1.

Either Party may change its competent authority, in which case it shall notify the other Party of the change.

(3) The request shall be accompanied by:

- (a) as accurate a description as possible of the person sought, together with any other information which would help to establish that person's identity, nationality and location;
- (b) a statement of each offence for which surrender is sought and a statement of the acts and omissions which are alleged against the person in respect of each offence, including the place and date of commission; and
- (c) the text or copies of the legal provisions, if any, creating the offence, and a statement of the punishment which can be imposed therefor and any time limit on the institution of proceedings, or on the execution of any punishment for that offence.

(4) If the request relates to an accused person it shall also be accompanied by the original or a copy of the warrant of arrest issued by a judge, magistrate or other competent authority of the requesting Party and by the evidence required under Article 4(a).

(5) If the request relates to a person already convicted or sentenced, it shall also be accompanied by:

- (a) the original or a copy of the certificate of the conviction or sentence; and
- (b) if the person was convicted but not sentenced, a statement to that effect by the appropriate court and a copy of the warrant of arrest; or
- (c) if the person was sentenced, a statement indicating that the sentence is enforceable and how much of the sentence has still to be served.

## **ARTICLE 9 AUTHENTICATION**

(1) Documents supporting a request for surrender shall be admitted in evidence as proof of the facts contained therein if duly authenticated. Documents are duly authenticated if they purport to be:

- (a) signed or certified by a judge, magistrate or an official of the requesting Party, and
- (b) sealed with the official seal of a competent authority of the requesting Party.

(2) Any certified translation of documents or any certified copy thereof submitted in support of a request for surrender provided by the requesting Party shall be admitted for all purposes in proceedings for surrender.

## **ARTICLE 10 LANGUAGE OF DOCUMENTATION**

All documents submitted in accordance with this Agreement shall be in, or translated into, an official language of the requested Party.

## **ARTICLE 11 ADDITIONAL INFORMATION**

(1) If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision in pursuance of this Agreement, the latter Party may request the necessary supplementary information and may fix a time-limit for receipt thereof.

(2) If the person whose surrender is sought is in custody and the additional information furnished is not sufficient in accordance with this Agreement or is not received within the time specified, the person may be discharged. Such discharge shall not preclude the requesting Party from making a fresh request for the surrender of the person.

(3) Where the person is released from custody in accordance with paragraph (2), the requested Party shall notify the requesting Party as soon as possible of that fact.

## **ARTICLE 12 PROVISIONAL ARREST**

(1) In urgent cases the person sought may, at the discretion of the requested Party and in accordance with its law, be provisionally arrested on the application of the requesting Party.

(2) The application for provisional arrest shall contain a statement as to why the matter is urgent, a statement of intention to request the surrender of the person sought, and the text of a warrant of arrest or a judgment of conviction against that person, a statement of the offence and the penalty for that offence, a statement of the brief facts of the case and details identifying that person.

(3) An application for provisional arrest may be transmitted by any means affording a record in writing. It may be made through the International Criminal Police Organisation (Interpol) or directly between the competent authorities specified in Article 8.

(4) The provisional arrest of the person sought shall be terminated if the request for surrender and supporting documents have not been received within the time periods laid down under the law of the requested Party. The release of a person pursuant to this paragraph shall not prevent the institution or continuation of surrender proceedings if the request and the supporting documents are received subsequently.

## **ARTICLE 13 CONCURRENT REQUESTS**

If the surrender of a person is requested concurrently by one of the Parties and a State with whom Ireland or the Hong Kong Special Administrative Region, whichever is being requested, has agreements or arrangements for the surrender of accused and convicted persons, the requested Party shall make its decision having regard to all the circumstances including the provisions in this regard in any agreements in force between the requested Party and the requesting parties, the relative seriousness, date and place of commission of the offences, the respective dates of the requests, the nationality and ordinary place of residence of the person sought and the possibility of subsequent surrender to another state, and notify the other party of its decision in the event of surrender of the person to another jurisdiction.

## **ARTICLE 14 REPRESENTATION AND COSTS**

(1) The requested Party shall make all necessary arrangements for and meet the costs of any proceedings arising out of a request for surrender and shall otherwise represent the interests of the requesting Party.

(2) If it becomes apparent that exceptional expenses may be incurred as a result of a request for surrender the Parties shall consult with a view to deciding how these expenses will be met.

(3) The requested Party shall bear the expenses incurred in its territory arising out of the arrest and detention of the person whose surrender is sought until that person is surrendered. The requesting Party shall bear all subsequent expenses, including the expenses incurred in conveying the person from the jurisdiction of the requested Party.

#### **ARTICLE 15 ARRANGEMENTS FOR SURRENDER**

(1) The requested Party shall, as soon as a decision on the request for surrender has been made, communicate that decision to the requesting Party.

(2) Where surrender is granted, the requested Party shall surrender the person in accordance with arrangements agreed to between the competent authorities of the Parties.

(3) Subject to the provisions of paragraph (4) of this Article, the requesting Party shall remove the person within the period specified by the requested Party and if the person is not removed within that period the requested Party may refuse to surrender that person for the same offence.

(4) If circumstances beyond its control prevent a Party from surrendering or taking over the person to be surrendered, it shall notify the other Party. In that case, the two Parties shall agree a new date for surrender and the provisions of paragraph (3) of this Article shall apply.

#### **ARTICLE 16 TRANSFER OF PROPERTY**

(1) To the extent permitted under the law of the requested Party, when a request for surrender of a fugitive offender is granted, the requested Party:

(a) shall, if the requesting Party so requests, hand over to the requesting Party all articles, including sums of money,

(i) which may be required as evidence; or

(ii) which have been acquired by the person sought as a result of the offence and are in that person's possession or are discovered subsequently,

and which have been specified by the requesting Party,

(b) may, if the articles in question are liable to seizure or confiscation within the jurisdiction of the requested Party in connection with pending proceedings, temporarily retain them or hand them over on condition they are returned.

(2) The rights of the requested Party or of third parties in the property shall be preserved. When such rights exist the articles shall on request be returned to the requested Party without charge as soon as practicable after the end of the proceedings.

(3) Subject to the terms of this Article, the articles in question shall, if the requesting Party so requests, be handed over to that Party even if the surrender cannot be carried out due to the death or escape of the person sought.

#### **ARTICLE 17 SPECIALTY AND RESURRENDER**

(1) A fugitive offender who has been surrendered shall not be proceeded against, sentenced, detained or subjected to any other restriction of personal liberty by the requesting Party for any offence committed prior to his or her surrender other than:

- (a) the offence or offences in respect of which his or her surrender was granted;
- (b) an offence, however described, based on substantially the same facts in respect of which his or her surrender was granted, provided such offence is one for which he or she could be surrendered under this Agreement, and provided further such offence is punishable by a penalty no more severe than the penalty for the offence for which he or she was surrendered;
- (c) any other offence for which surrender may be granted under this Agreement in respect of which the requested Party may consent to his or her being dealt with;

unless he or she has first had an opportunity to exercise his or her right to leave the jurisdiction of the Party to which he or she has been surrendered and he or she has not done so within forty five days or has voluntarily returned to that jurisdiction having left it.

(2) A fugitive offender who has been surrendered shall not be surrendered or transferred beyond the jurisdiction of the requesting Party for an offence committed prior to his or her surrender unless:

- (a) the requested Party consents to that surrender; or
- (b) he or she has first had an opportunity to exercise his or her right to leave the jurisdiction of the Party to which he or she has been surrendered and has not done so within forty five days or has voluntarily returned to that jurisdiction having left it.

(3) A Party whose consent is requested under paragraphs (1)(c) or (2)(a) of this Article may require the submission of any document or statement referred to in Article 8, and any statement made by the surrendered person on the matter.

**ARTICLE 18**  
**SURRENDER BY CONSENT**

(1) If the person sought consents to surrender to the requesting Party, the requested Party may, in accordance with its law, surrender the person as expeditiously as possible without further proceedings.

(2) The provisions of Article 17 shall apply to a person surrendered pursuant to this Article.

**ARTICLE 19**  
**TRANSIT**

(1) To the extent permitted by its law, transit through the jurisdiction of a Party may be granted on a request in writing.

(2) The Party through whose jurisdiction transit will occur may request the information referred to in Article 8.

(3) Permission for the transit of a person shall, subject to the law of the Party of transit, include permission for the person to be held in custody during transit.

(4) In the case of an unscheduled landing, the request of an officer having custody of the person being surrendered while the person is being conveyed shall be sufficient to constitute a request under paragraph 1 of this Article.

(5) Where a person is being held in custody pursuant to paragraph 3, the Party in whose territory the person is being held may direct that the person be released if his or her transportation is not continued within a reasonable time.

(6) The Party who requested transit facilities shall reimburse the other Party for any exceptional expense incurred by that other Party in connection with the transit.

**ARTICLE 20**  
**ENTRY INTO FORCE SUSPENSION AND TERMINATION**

(1) This Agreement shall enter into force thirty days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of the Agreement have been complied with.

(2) The provisions of this Agreement shall apply to requests made after its entry into force regardless of the date of the commission of the offence or offences set out in the request.

(3) Each of the Parties may suspend or terminate this Agreement at any time by giving notice to the other through the channel notified under paragraph (1) of Article 8. Suspension shall take effect on receipt of the relevant notice. In the case of termination this Agreement shall cease to have effect six months after the receipt of notice to terminate.

In witness whereof the undersigned, being duly authorised by their respective governments have signed this Agreement.

Done in duplicate at Dublin this 5th day of October Two Thousand and Seven in the English and Chinese and Irish languages, each text being equally authentic.

FOR THE GOVERNMENT OF IRELAND

FOR THE GOVERNMENT OF THE  
HONG KONG SPECIAL  
ADMINISTRATIVE REGION OF THE  
PEOPLE'S REPUBLIC OF CHINA"

## SCHEDULE 2

*PART A***“Austria**

Declaration contained in a Note Verbale from the Permanent Representation of Austria, dated 18 March 2005, registered at the Secretariat General on 18 March 2005.

In accordance with Article 28, paragraph 3, of the Convention, Austria notifies that from 1 May 2004 it will apply the national legislation implementing the European Union Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) in relation to Contracting Parties which are Member States of the European Union and which already applied the EU Framework Decision on 1 May 2004, except requests relating to punishable acts committed partly or as a whole before 7 August 2002.

**Belgium**

Declaration contained in a letter from the Minister of Justice of Belgium, dated 20 April 2004, registered at the Secretariat General on 26 April 2004.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Belgium declares that it applies the Law of 19 December 2003, implementing the European Union Council's Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, to the arrest and surrender of all persons since 1 January 2004 in relations between Belgium and the Member States of the European Union. This Law shall apply also to relations between Belgium and the new Member States as from the date of their accession to the Union.

By way of exception, the European Convention on Extradition of 13 December 1957 and other conventions relating to extradition will continue to apply on a transitory basis:

1. with Member States which have not implemented the Framework Decision as from 1 January 2004 or on the date of their accession, and until these States will have notified to the Secretariat General of the Council of the European Union that they have put themselves into conformity;
2. for the surrender to Belgium (as requesting State) of persons:
  - a) sought after for acts committed before 1 November 1993 and arrested in France;

- b) sought after for acts committed before 7 August 2002 and arrested in Austria or in Italy.

### **Bulgaria**

Declaration made at the time of signature, on 30 September 1993, confirmed at the time of deposit of the instrument of ratification, on 17 June 1994 and modified by a Note verbale from the Permanent Representation of Bulgaria, dated 5 January 2004, registered at the Secretariat General on 6 January 2004 and by a Note verbale from the Permanent Representation of Bulgaria, dated 10 November 2006, registered at the Secretariat General on 13 November 2006.

On 12 November 2003 the National Assembly of the Republic of Bulgaria adopted a Law amending the Law for the Ratification of the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocol thereto, the Convention on the Transfer of Sentenced Persons and the European Convention on Extradition and the two Additional Protocols thereto. The said Law was published in the Official Journal, No. 103/2003, dated 25 November 2003.

On 25 October 2006, the National Assembly of Bulgaria adopted a Law by which it modified the declaration of the Republic of Bulgaria relating to paragraph 1 of Article 6 of the European Convention on Extradition.

Therefore, the text of the declaration made by the Republic of Bulgaria in respect of Article 6, paragraph 1, of the European Convention on Extradition is modified and shall read:

“The Republic of Bulgaria declares that it will refuse extradition of its nationals. The Republic of Bulgaria declares that it will recognise as a national for the purposes of the convention any person having Bulgarian nationality at the time of receiving the request for extradition.”

### **Cyprus**

Declaration transmitted by a letter from the Permanent Representative of Cyprus, dated 20 May 2005, registered at the Secretariat General on 24 May 2005.

In accordance with Article 28, paragraph 3, of the Convention, the Cyprus Government notifies the implementation in Cyprus legislation of the European Union Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA).

The Framework Decision was implemented in Cyprus legislation by Law n° 133 of 30 April 2004. The Law has entered into force on 1 May 2004 and is applicable to requests for surrender (extradition) made by Member States of the European Union as from that date. The provisions of the European arrest warrant thereby replace corresponding provisions of the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March

1978 in the mutual relationship between Cyprus and the other Member States of the European Union.

### **Czech Republic**

Declaration contained in a letter from the Permanent Representative of the Czech Republic, dated 14 January 2005, registered at the Secretariat General on 14 January 2005

In accordance with Article 28, paragraph 3, of the Convention, the Czech Republic notifies that, as from 1 November 2004, it enacted legislation implementing the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA; hereinafter “framework decision on the European arrest warrant”), which the Czech Republic considers a uniform law as provided for by Article 28, paragraph 3, of the Convention, and which the Czech Republic will apply in relation to Member States of the European Union, which also apply legislation implementing the Framework Decision on the European arrest warrant. The European Convention on Extradition and its two Protocols of 15 October 1975 and 17 March 1978 will continue to apply in relation to Member States of the European Union on extradition of persons sought for offences committed before 1 November 2004.

The Czech Republic shall continue to apply Article 3 of the Treaty between the Czech Republic and the Slovak Republic on Mutual Assistance Rendered by Judicial Authorities and Regulation of Some Legal Relations in Civil and Criminal Matters, done in Prague on 29 October 1992, and Article XV of the Treaty between the Czech Republic and Austria on Supplementation to the European Convention on Extradition of 13 December 1957 and on Facilitation of its Application, done in Vienna on 27 June 1994, on whose basis the European arrest warrants and other documents are transmitted without translation into the official language of the requested State.

### **Finland**

Declaration contained in a Note Verbale from the Permanent Representation of Finland, dated 21 April 2004, registered at the Secretariat General on 21 April 2004.

In accordance with Article 28, paragraph 3 of the European Convention on Extradition, Finland will apply the national legislation implementing the Council Framework Decision (2002/584/JHA) on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union.

### **France**

Declaration contained in a letter from the Permanent Representative of France, dated 12 October 2004, registered at the Secretariat General on 18 October 2004.

The Government of the French Republic declares, in accordance with the provisions of Article 28, paragraph 3, of the Convention, that since the 12th of March 2004 regarding Paris and since the 13rd of March 2004 regarding the rest of France, the provisions relating to the European arrest warrant, when implementable, replace the corresponding dispositions of the European Convention on Extradition of 13 December 1957 in the surrender procedures between Member States of the European Union.

### **Germany**

Declaration contained in a Note Verbale from the Permanent Representation of Germany, dated 17 August 2004, registered at the Secretariat General on 18 August 2004:

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Federal Government declares that the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States has been implemented in German law by the Law of 21 July 2004 on the European arrest warrant and the surrender procedures between Member States of the European Union (Law on the European arrest warrant — EuHbG). The Law will come into force on 23 August 2004.

From this date the dispositions on the European arrest warrant replace the corresponding dispositions of the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the mutual relationship between Germany and the other Member States of the European Union. Nevertheless, the treaties mentioned hereabove still apply subsidiarily, to the extent that they offer the possibility to go beyond the objectives of the European arrest warrant, contribute to simplify or facilitate the procedures and to the extent that the Member state concerned also continues to apply them. The same applies to bilateral agreements concluded by the Federal Republic of Germany with different Member States of the European Union.

### **Greece**

Declaration contained in a Note Verbale from the Permanent Representation of Greece, dated 12 October 2006, registered at the Secretariat General on 17 October 2006.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Hellenic Republic notifies that on 9 July 2004 the law nr. 3251/2004 has entered into force, implementing the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA). The Hellenic Republic shall apply this law in relations to Contracting Parties which are Member States of the European Union and have also implemented the Framework Decision on the European arrest warrant.

## **Hungary**

Declaration contained in a Note verbale from the Permanent Representation of Hungary, dated 26 May 2004, registered at the Secretariat General on 27 May 2004.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Hungary hereby notifies the Council of Europe of the implementation of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA).

The Framework Decision was implemented in Hungarian Law by Act No. CXXX of 2003. The Act entered into force on 1st May 2004 and is applicable to requests for surrender made by Member States of the European Union as from that date. The provisions of the European arrest warrant thereby replace the corresponding provisions of the European Convention on Extradition, signed in Paris, on 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between the Republic of Hungary and the other Member State.

## **Italy**

Declaration contained in a Note Verbale from the Permanent Representation of Italy, dated 25 April 2006, registered at the Secretariat General on 25 April 2006.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Italy notifies the applicability of the European Union Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States of the European Union.

The Framework Decision has been implemented in Italy by the Law of 22 April 2005 No. 69 ("Provisions for the implementation of the Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States", G.U. 29 April 2005 No. 98), which entered into force on 14 May 2005.

## **Latvia**

Declaration contained in a letter from the Minister of Foreign Affairs of Latvia, dated 13 December 2005, registered at the Secretariat General on 3 January 2006.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Latvia declares that, since 30 June 2004, the Republic of Latvia does not apply the Convention and its Protocols in its relations with the Member States of the European Union, but applies the national legislation which implements Council Framework Decision of 13 June

2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA).

### **Lithuania**

Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Lithuania, dated 15 July 2004, registered at the Secretariat General on 28 July 2004.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Lithuania declares that in relations between the Republic of Lithuania and other Member States of the European Union, the procedure of surrender of a person under the European arrest warrant shall be applied, except in cases indicated in the statements of the Member States of the European Union made in respect of Article 32 of the Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

### **Luxembourg**

Declaration contained in a letter from the Minister of Foreign Affairs of Luxembourg, dated 25 October 2004, transmitted by the Permanent Representative of Luxembourg, and registered at the Secretariat General on 2 November 2004.

In accordance with Article 28, paragraph 3, of the Convention, the Grand-Duchy of Luxembourg applies the Law of 17 March 2004 relating to the European arrest warrant and the surrender procedures between Member States of the European Union with respect to offences committed after 7 August 2002 in its relations with a State Member of the European Union that has implemented the EU Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

The European Convention on Extradition of 13 December 1957 and the Additional Protocol of 15 October 1975 remain applicable to offences committed prior to 7 August 2002.

### **Malta**

Declaration contained in a Note Verbale from the Permanent Representation of Malta, dated 7 November 2005, registered at the Secretariat General on 9 November 2005.

In accordance with Article 28, paragraph 3, of the 1957 European Convention on Extradition, the Government of Malta notifies the Secretary General of the Council of Europe that Malta shall apply the Framework Decision of the Council of the European Union (No. 2002/584/JHA) of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States in relations between the Member States of the European Union, insofar as the Framework Decision is applicable in relations between Malta and the other Member States. This is effective as from 7th June 2004.

## Montenegro

Declarations contained in the instrument of accession deposited on 30 September 2002.

The Federal Republic of Yugoslavia shall refuse extradition, in accordance with Article 6, paragraph 1(a), of the Convention, and transit of its nationals in accordance with Article 21, paragraph 2, of the Convention.

In accordance with Article 21, paragraph 5, of the Convention, the Federal Republic of Yugoslavia shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.

[Note by the Secretariat: The Committee of Ministers of the Council of Europe decided on its 967th meeting that the Republic of Montenegro is to be considered a Party to this treaty with effect from 6 June 2006.

## Netherlands

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 31 August 2005, registered at the Secretariat General on 5 September 2005.

On 13 June 2002, the Council of the European Union adopted a framework decision on the European arrest warrant and surrender procedures between Member States (no. 2002/584/JHA) ("the Framework Decision"). Article 31 of the Framework Decision provides that from 1 January 2004 the Framework Decision will replace the corresponding provisions of the relevant extradition conventions applicable in the field of extradition in relations between the Member States.

The Permanent Representation of the Kingdom of the Netherlands therefore has the honour to inform the Secretary General of the Council of Europe that pursuant to Article 28, paragraph 3, of the Convention on Extradition, the Convention shall no longer be applied in relations between the European part of the Kingdom of the Netherlands and the Member States of the European Union that are a Party to the Convention.

The Permanent Representation of the Kingdom of the Netherlands would emphasise that the above does not alter the application of the Convention in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Convention, or
- the European part of the Kingdom and the Parties to the Convention that are not Member States of the European Union.

**Poland**

Declaration contained in a letter from the Permanent Representative of Poland, dated 24 February 2005, registered at the Secretariat General on 24 February 2005.

In accordance with Article 28, paragraph 3, of the Convention, the Republic of Poland hereby declares that since 1 May 2004 in relations with the Member States of the European Union, it will apply the internal legal provisions implementing the provisions of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) insofar as the Framework Decision is applicable in relations between Poland and these States.

The provisions of the aforementioned Framework Decision were implemented in the Polish law by virtue of the statute amending the Penal Code, Code of Criminal Procedure and the Code of Misdemeanours, dated 18 March 2004.

**Portugal**

Declaration contained in a letter from the Permanent Representative of Portugal, dated 15 April 2005, registered at the Secretariat General on 18 April 2005.

In accordance with Article 28, paragraph 3, of the Convention, the Portuguese Republic notifies the applicability, in its relations with the other Member States of the European Union, of the European Union Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States of the European Union.

The Framework Decision was implemented in Portuguese law by Law n° 65/2003 of 23 August 2003, and, in accordance with Article 40 of this Law, its legal framework is in force since 1 January 2004 and is applicable to requests for surrender (extradition) made by Member States of the European Union which opted for the immediate application of the Framework Decision, as from that date.

**Romania**

Declarations contained in a Note Verbale from the Permanent Representation of Romania, dated 7 July 2006, registered at the Secretariat General on 17 July 2006.

Romania declares that, in accordance with the paragraph 1 of the Act 74/2005, the declaration formulated by Romania on Article 6, paragraph 1, of the Convention is amended as follows:

“The Romanian citizens may not be extradited. By derogation of these provisions, the Romanian citizen may be extradited from Romania in accordance with the international conventions to which Romania is Contracting Party and on the basis of reciprocity, only if one of the following conditions is fulfilled:

- a) the soliciting State, in order to carry on the criminal prosecution and the judgment, gives assurances estimated as satisfactory, that, if a conviction to a punishment depriving of liberty is pronounced by a final decision of justice, the Romanian citizen will be transferred to serve the punishment in Romania;
- b) the Romanian citizen has his residence in the State that formulated the request at the date of the formulation of the request for extradition;
- c) the Romanian citizen has also the citizenship of the soliciting State,
- d) the Romanian citizen committed the fact on the territory or against a citizen of a member State of the European Union, if the soliciting State is member of the European Union.

The person for whom asylum was granted in Romania may not be extradited.”

Romania declares that, in accordance with the paragraph 2 of the Act 74/2005, the declaration formulated by Romania on Article 21, paragraph 5, of the Convention, is amended as follows:

“If the transit across the territory of Romania is asked for a Romania citizen or a person who has the asylum right in Romania, the provisions of the paragraph 1 are amended accordingly.”

Declaration contained in a Note Verbale from the Permanent Representation of Romania, dated 6 February 2007, registered at the Secretariat General on 9 February 2007.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Romania declares that, starting with 1 January 2007, it applies Title III of the Law no. 302/2004 on the judicial cooperation in criminal matter, which implements the provisions of the European Union Council Framework Decision no. 584/JHA of 13 June 2002 on the European arrest warrant and the surrender of all persons between Member States, in relations between Romania and the other Member States of the European Union.

By way of exception, the European Convention on Extradition, done at Paris on 13 December 1957, and its Additional Protocols, done at Strasbourg on 15 October 1975 and 17 March 1978, will continue to apply in the following cases:

- a. to the extradition requests made or received before 1 January 2007, which are pending, and also to the requests made on the grounds of Article 14 of the European Convention on Extradition, regarding extradition requests made before that date;
- b. to the acts which represent the object of notifications sent by some Member States of the European Union to the General Secretariat of the Council of the European Union according to Article 32 of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, with the meaning that for those acts the provisions of the extradition treaties in force will continue to apply on a transitory basis.

The above does not alter by any means the application of the Convention in relations between Romania and the Parties to the Convention that are not Member States of the European Union.

### **Slovakia**

Declaration contained in a Note Verbale from the Permanent Representation of Slovakia, dated 25 July 2006, registered at the Secretariat General on 28 July 2006.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition of 13 December 1957, the Slovak Republic notifies that it shall not apply the said Convention and its two Additional Protocols of 15 October 1975 and 17 March 1978, in relations to those Contracting Parties — Member States of the European Union — which implemented the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA), and which apply procedures based on that Framework Decision. The Slovak Republic considers the said Framework Decision as uniform law under the Article referred to.

The Slovak Republic shall continue to apply the provisions of the Convention and its two Additional Protocols in relations to the Member States of the European Union to the extent that these provisions were not replaced by the Framework Decision and in cases to which the Framework Decision does not apply (including cases covered by declarations by the Member States).

### **Slovenia**

Declaration contained in a Note Verbale from the Permanent Representation of Slovenia, dated 30 September 2004, registered at the Secretariat General on 30 September 2004.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Government of Slovenia declares that the Republic of Slovenia implemented the EU Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures. The Act entered into force on 1 May 2004 and is applicable to requests for surrender (extradition) among Member States made after that date and for offences committed after 7 August 2002.

The provisions of the Act on the European arrest warrant and the surrender procedures thereby replace the provisions of the European Convention on Extradition of 13 December 1957 and its two Additional Protocols of 15 October 1975 and 17 March 1978, insofar as the Council Framework Decision on the European arrest warrant and the surrender procedures is applicable in relations between Slovenia and other Member States.

**Sweden**

Declaration contained in a Note Verbale from the Permanent Representation of Sweden, dated 19 December 2003, registered at the Secretariat General on 19 December 2003.

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Sweden will, from 1 January 2004, apply Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between Sweden and the other Member State.”

*PART B***“Andorra**

Declaration

At the time of Andorra’s accession to the Convention and to the Protocol, Andorra does not have an airport or an aerodrome in its territory, although it does have heliports and several helipad areas, and no aircraft are registered in its registers.”

*PART C***“Andorra**

Declaration

At the time of Andorra’s accession to the Convention and to the Protocol, Andorra does not have an airport or an aerodrome in its territory, although it does have heliports and several helipad areas, and no aircraft are registered in its registers.

**Netherlands**

On 12 December 2005, the Kingdom of the Netherlands deposited its instrument of ratification of the Protocol for Aruba. The declaration and reservation made upon signature and ratification for the Kingdom in Europe were reconfirmed for Aruba.”

*PART D***“Andorra**

The Principality of Andorra designates the Ministry in charge of Transport and Energy as the central authority and point of contact for the Convention on the Physical Protection of Nuclear Material.

**Bahamas, Commonwealth of the**

In accordance with Article 17 paragraph 3, the Commonwealth of The Bahamas does not consider itself bound by any of the arbitration procedures laid down in Article 17 paragraph 2 of the Convention.

**El Salvador**

With regard to the provisions of Article 11 of the Convention, the Government of the Republic of El Salvador does not consider the Convention as the legal basis for cooperation in respect of extradition.

Furthermore, with regard to the provisions of Article 17 of the Convention, the Government of the Republic of El Salvador does not consider itself bound and does not recognize the mandatory jurisdiction of the International Court of Justice.

**Netherlands**

2 December 2005

The Minister of Foreign Affairs of the Kingdom of the Netherlands, declares, in conformity with Article 18, paragraph 2, of the Convention on the Physical Protection of Nuclear Material, done at Vienna/New York on 3 March 1980, that the Kingdom of the Netherlands accepts the said Convention, with Annexes, for Aruba, and that the provisions so accepted shall be observed, subject to the following reservation:

“With regard to the obligation to exercise jurisdiction referred to in Article 10 of the Convention on the Physical Protection of Nuclear Material, done at Vienna/New York on 3 March 1980, the Kingdom of the Netherlands makes the reservation, that in cases where the judicial authorities of Aruba are unable to exercise jurisdiction on the grounds of one of the principles referred to in Article 8, paragraph 1, of the Convention, the Kingdom shall be bound by this obligation only if it has received an extradition request from a Party to the Convention and the said request has been rejected.”

*PART E***“Switzerland**

Reservation concerning article 3, paragraph 2:

Switzerland does not consider itself bound by article 3, paragraph 2, concerning the maintenance or adoption of criminal offences under legislation on narcotic drugs.

Reservation concerning article 3, paragraphs 6, 7 and 8:

Switzerland considers the provisions of article 3, paragraphs 6, 7 and 8 as binding only to the extent that they are compatible with Swiss criminal legislation and Swiss policy on criminal matters.

Notifications under article 6, 7 and 17

**Barbados**

23 June 1993

The Attorney-General has been designated as the authority for the purposes of articles 7 (8) and 17 (7) of the above-mentioned Convention and that English is the acceptable language for the purposes of paragraph 9 of said article 7.

**Brunei Darussalam**

19 June 2007

The competent authority under article 7 (8) is the following:

Ministry of Foreign Affairs and Trade Jalan Subok Bandar Seri Begawan BD 2710 Brunei Darussalam

Telephone: (673) 226 1177 Fax: (673) 226 1709 Email: mfa&commat;gov.bn

**Cook Islands**

24 March 2005

*(a)* Article 6: Extradition

The Cook Islands Extradition Act 2003 provides for the extradition of persons to and from the Cook Islands.

The objects of the Act are to—

*(a)* codify the law relating to the extradition of persons from the Cook Islands; and

- (b) facilitate the making of requests for extradition by the Cook Islands to other countries, and
- (c) enable the Cook Islands to carry out its obligations under extradition treaties.

An offence under the Act is an extradition offence if—

1. (a) it is an offence against a law of the requesting country punishable by death or imprisonment for not less than 12 months or the imposition of a fine of more than \$5,000; and
  - (b) the conduct that constitutes an offence (however described) in the Cook Islands punishable by death or imprisonment for not less than 12 months or the imposition of a fine of more than \$5,000.
2. In determining whether conduct constitutes an offence, regard may be had to only some of the acts and omissions that make up the conduct.
3. In determining the maximum penalty for an offence for which no statutory penalty is imposed, regard must be had to the level of penalty that can be imposed by any court in the requesting country for the offence.
4. An offence may be an extradition offence although:
  - (a) it is an offence against a law of the requesting country relating to taxation, customs duties or other revenue matters, or relating to foreign exchange controls; and
  - (b) the Cook Islands does not impose a duty, tax, impost or control of that kind.

(b) Article 7: Mutual Legal Assistance:

The authority in the Cook Islands with the responsibility and power to execute requests for mutual legal assistance is as follows:

Solicitor General, Crown Law Office, PO Box 494, Avarua, Rarotonga, Cook Islands. Tel: (682) 29 337; Fax: (682) 20 839.

(c) Article 17: Illicit Traffic at Sea The authority in the Cook Islands with the responsibility for responding to requests for information on vessels flying the Cook Islands flag is as follows:

Secretary, Ministry of Transport, PO Box 61, Avarua, Rarotonga, Cook Islands. Tel: (682) 28 810; Fax: (682) 28 816.

**Democratic People's Republic of Korea**

31 May 2007

The Government of the Democratic People's Republic of Korea has designated the following authorities under the provisions of article 7 (8) and 17 (7), respectively.

Ministry of People's Security

Wasan-dong,

Sosong District

Pyongyang, DPR Korea.

Fax: + 850-2-381-5833

Tel.: + 850-2-381-5833

Maritime Administration

Tonghun-dong

Central District

Pyongyang, DPR Korea.

Fax: + 850-2-381-4410

Tel.: + 850-2-18111 ext 8059

E-mail: Mab@silibank.com

On the same date, the Government of the Democratic People's Republic of Korea notified the Secretary-General that English has been chosen as its language for the purpose of article 7 (9) of the Convention.

**Ireland**

1 February 2006

The authority now designated by Ireland under Article 17 (7) of the Convention is as follows:

Head of Unit

Liaison & Joint Operations

Customs Drugs Law Enforcement

Revenue Investigations & Prosecutions Division

Ashtown Gate

Dublin 15

Ireland

Telephone No. (office hours): + 353 1 827 7512

24 Hour Telephone No. (outside office hours):

+ 353 87 254 8201 Fax: + 353 1 827 7680

E-mail address: antidrugs@revenue.ie

Office Hours: 0800 — 1800 (Monday-Friday)

Languages of incoming requests accepted: English

Time zone: GMT +/- 0

### **Nicaragua**

31 July 2006

The Government of the Republic of Nicaragua has designated the Attorney General of the Republic as the Central Authority in charge of fulfilling that which is stipulated in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988.”

### *PART F*

#### **“Iceland**

Declaration contained in a letter from the Permanent Representative of Iceland, dated 2 February 2006, registered at the Secretariat General on 7 February 2006.

Iceland declares that the appointed central authority to carry out the functions of the Convention is:

The Ministry of Justice and Ecclesiastical Affairs

Skuggasund

150 Reykjavik

Iceland

tel.: +354 545 9000

fax.: +354 552 7340.

**Monaco**

Reservation contained in the instrument of ratification deposited on 18 September 2007.

The Principality of Monaco declares that it reserves itself the right to refuse extradition in conformity with the provisions of Article 13, paragraph 1, of the Convention.

**Montenegro**

Reservation contained in the instrument of ratification deposited by the state union of Serbia and Montenegro, on 15 May 2003.

Pursuant to Article 13 of the Convention, Serbia and Montenegro reserves the right to refuse to extradite a person because of any criminal offence mentioned in Article 1 which it considers a political criminal offence, as well as a criminal offence in connection with a political criminal offence or a criminal offence inspired by political motivation.

**Netherlands**

Declaration and reservation contained in a letter from the Minister of Foreign Affairs of the Netherlands, dated 25 January 2006, registered at the Secretariat General on 10 February 2006.

The Kingdom of the Netherlands accepts the Convention for Aruba with the following reservation: "With due observance of Article 13, paragraph 1, of the Convention, Aruba reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention including the attempt to commit or participation in one of these offences, which it considers to be a political offence or an offence connected with a political offence."

Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 8 February 2006, registered at the Secretariat General on 10 February 2006.

On 13 June 2002, the Council of the European Union adopted a framework decision (2002/584/JHA) on the European arrest warrant and the surrender procedures between Member States ("the framework decision"). Article 31 of the framework decision states that, from 1 January 2004, the provisions of the framework decision shall replace the corresponding provisions of the conventions pertaining to extradition that apply in relations between the Member States of the European Union.

The Permanent Representation of the Kingdom of the Netherlands therefore has the honour to confirm to the Secretary General of the Council of Europe that the provisions of the European Convention on the Suppression of Terrorism ("the Convention") regarding extradition, in view of the above, are no longer applied in relations between the part of the Kingdom of the Netherlands

situated in Europe and the Member States of the European Union that are Parties to the Convention.

The Permanent Representation would emphasise that the above in no way alters the application of the Convention in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Convention, or
- the part of the Kingdom of the Netherlands situated in Europe and the Parties to the Convention that are not Member States of the European Union.

[Note by the Secretariat: By Note of 31 August 2005, the Permanent Representation of the Netherlands informed the Secretary General that the European Convention on Extradition, done at Paris on 13 December 1957 (“the Convention”), would no longer be applied in relations between the part of the Kingdom of the Netherlands situated in Europe and the Member States of the European Union that are Parties to the Convention.]”

## *PART G*

### **“Morocco**

On 19 October 2006, the Government of Morocco notified the Secretary-General that it had decided to withdraw the reservation made regarding article 20, made upon signature and confirmed upon ratification. The reservation reads as follows:

The Government of the Kingdom of Morocco does not recognize the competence of the Committee provided for in article 20.

### **Thailand**

Interpretative declaration:

1. With respect to the term “torture” under Article 1 of the Convention, although there is neither a specific definition nor particular offence under the current Thai Penal Code corresponding to the term, there are comparable provisions under the aforesaid Thai Penal Code applicable to acts under Article 1 of the Convention. The term “torture” under Article 1 of the Convention shall accordingly be interpreted in conformity with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 1 of the Convention at the earliest opportunity.

2. For the same reason as stipulated in the preceding paragraph, Article 4 of the Convention which stipulates: ‘Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt

to commit torture and to an act by any person which constitutes complicity or participation in torture,' shall be interpreted in conformity with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 4 of the Convention at the earliest opportunity.

3. Article 5 of the Convention which provides: 'Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 4....' is interpreted by the Kingdom of Thailand to mean that the jurisdiction referred to in Article 5 shall be established in accordance with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 5 of the Convention at the earliest opportunity.

Reservation:

The Kingdom of Thailand does not consider itself bound by Article 30, paragraph 1, of the Convention.

#### Declarations made under articles 21 and 22

(Declarations recognizing the Competence of the Committee against Torture)

#### **Andorra**

22 November 2006

1. The Principality of Andorra recognizes, in accordance with article 21 of the Convention, the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

2. The Principality of Andorra recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction, who claim to be victims of a violation of the provisions of the Convention.

#### **Bolivia**

14 February 2006

The Government of Bolivia recognizes the competence of the Committee against Torture as provided for under article 21 of the Convention.

The Government of Bolivia recognizes the competence of the Committee against Torture as provided for under article 22 of the Convention.

**Brazil**

26 June 2006

The Federative Republic of Brazil recognizes the competence of the Committee against Torture to receive and consider denunciations of violations of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984, as permitted by Article 22 of the Convention.

**Georgia**

30 June 2005

In accordance with article 21, paragraph 1, of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on December 10, 1984 Georgia hereby declares that it recognizes the competence of the Committee against Torture under the conditions laid down in article 21, to receive and consider communications to the effect that another state party claims that Georgia is not fulfilling its obligations under this Convention.

In accordance with article 22, paragraph 1, of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on December 10, 1984 Georgia hereby declares that it recognizes the competence of the Committee against Torture under the conditions laid down in article 22, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by Georgia of the provisions of the Convention.

**Guatemala**

25 September 2003

In accordance with article 22 of the Convention, the Republic of Guatemala recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation of the provisions of the Convention in respect of acts, omissions, situations or events occurring after the date of the present declaration.

**Kazakhstan**

21 February 2008

In accordance with article 21, paragraph 1, of the Convention against torture and other cruel, inhuman or degrading treatment or punishment done at New York on December 10, 1984 the Republic of Kazakhstan hereby declares that it recognizes the competence of the Committee against torture under the conditions laid down in article 21, to receive and consider communications to the

effect that another state party claims that the Republic of Kazakhstan is not fulfilling its obligations under this Convention.

In accordance with article 22, paragraph 1, of the Convention against torture and other cruel, inhuman or degrading treatment or punishment done at New York on December 10, 1984 the Republic of Kazakhstan hereby declares that it recognizes the competence of the Committee against torture under the conditions laid down in article 22, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Republic of Kazakhstan of the provisions of the Convention.

### **Montenegro**

Confirmed upon succession:

Yugoslavia recognizes, in compliance with article 21, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications in which one State Party to the Convention claims that another State Party does not fulfil the obligations pursuant to the Convention;

Yugoslavia recognizes, in conformity with article 22, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

### **Morocco**

19 October 2006

The Government of the Kingdom of Morocco declares, under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, that it recognizes, on the date of deposit of the present document, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation, subsequent to the date of deposit of the present document, of the provisions of the Convention.

### **Republic of Korea**

9 November 2007

The Republic of Korea recognizes the competence of the Committee against Torture, pursuant to Article 21 of the said Convention, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention and also recognizes the competence of the said Committee, pursuant to Article 22 of the said Convention, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

### **Serbia**

Confirmed upon succession:

Yugoslavia recognizes, in compliance with article 21, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications in which one State Party to the Convention claims that another State Party does not fulfil the obligations pursuant to the Convention;

Yugoslavia recognizes, in conformity with article 22, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

### **Ukraine**

12 September 2003

Ukraine fully recognizes extension to its territory of Article 21 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as regards recognition of the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

Ukraine fully recognizes extension to its territory of Article 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as regards recognition of the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to jurisdiction of a State Party who claim to be victims of a violation by a State Party of the provisions of the Convention.

Ukraine declares that the provisions of Articles 20, 21 and 22 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall extend to cases which may arise as from the date of receipt by the UN Secretary General of the notification concerning the withdrawal of reservations and relevant declarations of Ukraine.”

## *PART H*

### **“Estonia**

Declaration:

In accordance with paragraph 2 of Article 10 of the Convention the Republic of Estonia establishes her jurisdiction over any such crime when it is committed with respect to a national of Estonia.

## Objections

### Greece

21 July 2005

With regard to the declarations made by Turkey upon ratification:

The Government of the Hellenic Republic has examined the declarations made by the Republic of Turkey upon ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel.

In the view of the Government of the Hellenic Republic, paragraph 1 of these declarations amounts to a reservation which raises concerns as to the commitment of Turkey to implement core provisions of the Convention and in particular those pertaining to the prevention and suppression of crimes against United Nations and Associated Personnel. The reservation may also lead to a discriminatory application of the Convention.

In connection with paragraph II of the declarations, the Government of the Hellenic Republic is of the view that it also amounts to a reservation as it raises the same concerns as above. Furthermore, it raises doubts as to whether Turkey fully undertakes the obligations incumbent upon it by virtue of Article 10 of the Convention. The Government of the Hellenic Republic, therefore, considers that the above reservations are incompatible with the object and purpose of the Convention.

Regarding the reservation made by the Republic of Turkey in connection with Article 20 par. 1 of the Convention, the Government of the Hellenic Republic considers that, in so far as the instruments referred to in the reservation are reflective of customary international law, they are universally binding and cannot be exempted from by a reservation.

For these reasons, the Government of the Hellenic Republic objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of United Nations and Associated Personnel. This objection shall not preclude the entry into force of the Convention between the Hellenic Republic and the Republic of Turkey. The Convention, therefore, enters into force between the two States without taking into account the abovementioned reservations.

### United Kingdom of Great Britain and Northern Ireland

16 August 2005

With regard to the declarations and reservation made by Turkey upon accession:

The Government of the United Kingdom of Great Britain and Northern Ireland has examined the declaration made by the Republic of Turkey upon ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel.

The Government of the United Kingdom of Great Britain and Northern Ireland is concerned that paragraph 1 of the declaration may amount to a reservation of indeterminate scope. Diplomatic relations between Turkey and other States are capable of being established and terminated at will, and without the other State Parties to the Convention knowing of their status. It would offend the legal certainty of treaty relations to attempt to make these contingent upon the existence of diplomatic relations.

As regards paragraph II of the declaration, the Government of the United Kingdom of Great Britain and Northern Ireland is of the view that it raises doubts as to whether Turkey fully undertakes the obligations incumbent upon it by virtue of Article 10 of the Convention. As well as providing that a State Party shall establish its jurisdiction over crimes committed within its national territory, or on board a ship or aircraft registered in that State, Article 10 also provides that a State shall take measures to assume jurisdiction where the alleged offender is a national of that State. Paragraph II, in attempting to ratify the Convention solely with regard to the national territory of Turkey, appears to be contrary to Article 10 (1) (b).

The Government of the United Kingdom of Great Britain and Northern Ireland, therefore, considers that the above paragraphs of the declaration constitute reservations which are incompatible with the object and purpose of the Convention.

Regarding the reservation made by the Republic of Turkey in connection with Article 20 (1) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland considers that, in so far as the instruments referred to in the reservation are reflective of customary international law, they are universally binding and cannot be derogated from.

For these reasons, the Government of the United Kingdom of Great Britain and Northern Ireland objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of United Nations and Associated Personnel.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Republic of Turkey. The Convention, therefore, enters into force between the two States without taking into account the above-mentioned reservations.

#### **Notifications made under article 10(2)**

##### **China**

27 July 2007

Pursuant to article 10, paragraph 2 of the Convention, the Hong Kong Special Administrative Region of the People's Republic of China has established its jurisdiction referred to in article 10, paragraph 2 (a) of the Convention over the crimes set out in article 9 of the Convention."

*PART I***“Andorra**

Reservation contained in the instrument of ratification deposited on 6 May 2008:

In accordance with Article 37, paragraph 1, of the Convention, Andorra reserves its right to apply Articles 6 and 10 to the members of foreign public Assemblies and to the members of international parliamentary Assemblies.

Reservation contained in the instrument of ratification deposited on 6 May 2008:

In accordance with Article 37, paragraph 1, of the Convention, Andorra declares that it will establish as a criminal offence the conduct referred to in Articles 7 and 8, in accordance with its domestic law, only when it will be qualified as such by the Criminal Code of the Principality of Andorra.

Reservation contained in the instrument of ratification deposited on 6 May 2008:

In accordance with Article 37, paragraph 1, of the Convention, Andorra reserves its right not to establish as a criminal offence the conduct referred to in Article 12, when it is only an attempt in accordance with its domestic law.

Declaration contained in the instrument of ratification deposited on 6 May 2008:

In accordance with Article 29, paragraph 2, of the Convention, Andorra declares that it designates as central authority, in accordance with Article 29, paragraph 1, of the Convention:

*Ministeri de Justícia i Interior*  
(Ministry of Justice and Interior)  
Edifici administratiu de l'Obac  
AD700 Escaldes-Engordany  
Principat d'Andorra

**Armenia**

Reservations contained in the instrument of ratification deposited on 9 January 2006.

Pursuant to Article 37, paragraph 1, of the Convention, the Republic of Armenia reserves its right not to establish as a criminal offence under its domestic law the conduct referred to in Article 12.

Pursuant to Article 37, paragraph 3, of the Convention, the Republic of Armenia declares that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which it considers a political offence.

Declaration contained in the instrument of ratification deposited on 9 January 2006.

Pursuant to Article 29 of the Convention, the Republic of Armenia declares that it designates the following central authorities, which shall be responsible for co-operation under Chapter IV of the Convention:

a. The General Prosecutor's office of the Republic of Armenia (5, Vazgen SARGSYAN Street, 375010 YEREVAN) for the criminal offences at the pre-trial stage;

b. The Ministry of Justice of the Republic of Armenia (3, Vazgen SARGSYAN Street, 375010 YEREVAN) for the criminal offences at the trial stage.

### **Belarus**

Declaration contained in a Note Verbale from the Embassy of Belarus in France appended to the instrument of ratification deposited on 6 November 2007.

According to the provisions of Article 29, paragraph 1, of the Convention, the General Prosecutor's Office of the Republic of Belarus is designated as a central authority for the purposes of Chapter IV of the Convention. The contact information are the following:

General Prosecutor's Office  
of the Republic of Belarus  
22, Internacionalnaya str.  
220050 MINSK  
Republic of Belarus  
Tel.: (+375-17)227-31  
Fax: (+375-17)226-42-52

### **Belgium**

Declaration contained in a letter from the Permanent Representative of Belgium, dated 27 May 2004, registered at the Secretariat General on 28 May 2004.

According to Article 29, paragraph 1, of the Convention, the Government of the Kingdom of Belgium designates the "Service Public Fédéral Justice, Direction Générale de la Législation et des Libertés et Droits fondamentaux" as the central authority which shall be responsible for receiving the requests for mutual legal assistance and, either for executing or for transmitting them to the authorities competent for their execution. The address of this central authority is the following: 115 Boulevard de Waterloo, 1000 Bruxelles — Tel. 00.32.2.542.67.30 — Fax: 00.32.2.538.83.75 — Email: <http://www.just.fgov.be>

### **France**

Reservation contained in the instrument of ratification deposited on 25 April 2008:

In accordance with Article 37, paragraph 1, of the Convention, the French Republic reserves the right not to establish as a criminal offence the conduct of

trading in influence defined in Article 12 of the Convention, in order to exert an influence, as defined by the said Article, over the decision-making of a foreign public official or a member of a foreign public assembly, referred to in Articles 5 and 6 of the Convention.

Reservation contained in the instrument of ratification deposited on 25 April 2008:

In accordance with Articles 17, paragraph 2, and 37, paragraph 2, of the Convention, the French Republic declares that it reserves the right to establish its jurisdiction as regards Article 17, paragraph 1.b, of the Convention, only when the offender is one of its nationals and the offences are punishable under the legislation of the country where they have been committed, and that it reserves the right not to establish its jurisdiction regarding the situations referred to in Article 17, paragraph 1.c, of the Convention.

### **Georgia**

Declaration contained in the instrument of ratification deposited on 10 January 2008.

Georgia declares that the Convention shall be applicable on the part of the territory of Georgia where Georgia exercises its full jurisdiction.

Declaration contained in a letter from the Minister of Foreign Affairs of Georgia, dated 15 January 2008, registered at the Secretariat General on 15 January 2008.

In accordance with Article 29, paragraph 2, of the Convention, Georgia declares that it designates as central authorities pursuant to Article 29, paragraph 1, of the Convention:

Ministry of Justice of Georgia  
30 Rustaveli ave.  
Tbilisi 0146  
Georgia  
Tel.+995-32-75-82-10/82-77/82-78  
Fax.:+995-32-75-82-76/82-29  
Email: [Intlawdep@justice.gov.ge](mailto:Intlawdep@justice.gov.ge)

and

Office of the Prosecutor General of Georgia  
24 Gorgasali str.  
Tbilisi 0133  
Georgia  
Tel./Fax: (+995 32) 40 51 42  
Internet: <http://www.psg.gov.ge>

## **Greece**

Reservation contained in a letter from the Permanent Representative of Greece deposited with the instrument of ratification, on 10 July 2007 completed by a Note Verbale from the Permanent Representation of Greece, dated 1 February 2008, registered at the Secretariat General on 5 February 2008.

Pursuant to Article 37, paragraph 3, of the Convention, the Hellenic Republic is not bound by Article 26, paragraph 1, of the Convention and may refuse judicial assistance if the request of the contracting State concerns an offence, which is considered as a political one.

The Hellenic authorities consider that the two sentences which form the reservation of Greece to the Convention can only be read jointly in order to avoid any doubt with regard to the fact that the only case where the Hellenic Republic may refuse judicial assistance within Article 26, paragraph 1, of the said Convention, is when the offence concerned is qualified as a “political offence”.

Declaration contained in a Note Verbale from the Permanent Representation of Greece, dated 1 February 2008, registered at the Secretariat General on 5 February 2008.

In accordance with Article 29 of the Convention, the central authority for Greece is the:

Ministry of Justice

Direction d’Entraide Judiciaire Internationale et d’Accord de Grâce

Service d’Affaires Pénales Spéciales et d’Entraide Judiciaire Internationale en matière pénale

96 Avenue Mesogeion

11527 Athènes

Greece

Tel.

030.210.77.67.310

Fax: 0030.210.77.67.478

Email: xpappa@justice.gov.gr

## **Latvia**

Renewal of reservation contained in a Note Verbale from the Ministry of Foreign Affairs of Latvia, dated 19 September 2007, registered at the Secretariat General on 2 October 2007.

With due regard to well-established principles of international law in the field of extradition, the Republic of Latvia declares that it renews its reservation regarding Article 26, paragraph 1, of the Convention, for the period set out in Article 38, paragraph 1, of the Convention.

The Republic of Latvia considers that the issue of mutual legal assistance, beyond all doubts, constitutes one of the fundamental elements of suppression

of all means of crimes, inter alia, corruption. Nevertheless, the Republic of Latvia would like to stress, that in accordance with the principles of its legal order, observation of human rights and rule of law is the core element for providing mutual legal assistance to other States.

If there is sufficient ground to believe that offence to which the compliance for mutual legal assistance regards could be considered as political offence, the national authorities in charge are under an obligation to review the aforementioned compliance in the light of safeguards provided to any person in accordance with human rights.

Furthermore, the Republic of Latvia would like to emphasize that it has made similar reservations to all international instruments in the penal field, if this instrument contains clauses for extradition or mutual legal assistance.

### **Luxembourg**

Reservation contained in a letter from the Ministry of Foreign Affairs of Luxembourg, transmitted to the Secretariat General at the time of deposit of the instrument of ratification, on 13 July 2005.

In accordance with Article 17, paragraph 2 of the Criminal Law Convention on Corruption, the Government of the Grand Duchy of Luxembourg declares that, except in cases covered by paragraph 1, subparagraph a of Article 17 of this Convention, it will apply the jurisdiction rules laid down in Article 17, paragraph 1, subparagraphs b and c, only if the offender has the Luxembourgish nationality.

Declaration contained in a letter from the Ministry of Foreign Affairs of Luxembourg, transmitted to the Secretariat General at the time of deposit of the instrument of ratification, on 13 July 2005.

The Government of the Grand Duchy of Luxembourg declares that the State Prosecutor General is designated to exercise in the Grand Duchy of Luxembourg the function of central authority in the meaning of Article 29 of the Criminal Law Convention on Corruption, without prejudice to the jurisdiction conferred by Law to other authorities. Where necessary, the State Prosecutor General will ensure the transmission of the request to the competent authority.

### **Monaco**

Reservations contained in the instrument of ratification deposited on 19 March 2007.

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal offence the passive bribery of foreign public officials and of members of foreign public assemblies referred to in Articles 5 and 6 of the Convention.

In accordance with the provisions of Article 37, paragraph 1, of the Convention, the Principality of Monaco reserves its right not to establish as a criminal

offence, in whole or in part, the conduct of trading in influence referred to in Article 12 of the Convention.

In accordance with the provisions of Article 17, paragraph 2, of the Convention, the Principality of Monaco reserves its right not to establish its jurisdiction when the offender is one of its nationals or one of its public officials and when the offences are not punished by the Law of the territory on which they have been committed. When the offence implies one of its public officials or a member of its public or national assemblies or any other person referred to in Articles 9 to 11 who is at the same time one of its nationals, the rules of jurisdiction set in paragraphs 1b and c of Article 17 apply without prejudice of the provisions of Articles 5 to 10 of Monaco's Code of Criminal Procedure concerning the exercise of public action for crimes and offences committed outside of the Principality.

Declaration contained in the instrument of ratification deposited on 19 March 2007.

According to the provisions of Article 29, paragraph 1, of the Convention, the Principality of Monaco declares that the central authority is the "Direction des Services Judiciaires, Palais de Justice, BP 5132, 98015 Monaco Cedex, Tél. = 377.98.98.81.28, Fax: +377.98.98.85.89 (\*)".

The specialised authority is the "Service d'Information et de Contrôle des Circuits Financiers (SICCFIN)".

[(\*) Note by the Secretariat: Information updated by a letter from the Directorate of External Relations of Monaco, dated 13 April 2007, registered at the Secretariat General on 25 April 2007]

### **Montenegro**

Declaration contained in a Note Verbale from the Permanent Representation of Serbia and Montenegro, dated 1 July 2004, registered at the Secretariat General on 5 July 2004 and updated by a letter from the Ministry of Foreign Affairs of Montenegro, dated 13 October 2006, registered at the Secretariat General on 19 October 2006.

In accordance with Article 29 of the Convention, the following institutions have been designated as central authority of the Republic of Montenegro responsible for sending and answering requests made under Chapter IV of the Convention, the execution of such requests or transmission of them to the authorities competent for the execution:

Agency for Anti-corruption Initiative of the Republic of Montenegro  
Trg Vektra bb  
81 000 Podgorica

**Poland**

Partial withdrawal of reservation contained in a letter from the Permanent Representative of Poland, dated 29 September 2006, registered at the Secretariat General on 29 September 2006.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Poland reserves its right to apply Article 7 only in such case when the benefit or its promise is received by a person who has a leading position within an entity pursuing economic activity or by a person who, due to his/her position or function, has an actual influence on taking decisions connected with activity of such an entity, in exchange for acting or abandonment, which can cause damage to its property, or for inadmissible preferential act, or actions being unfair competition act.

Partial withdrawal of reservation contained in a letter from the Permanent Representative of Poland, dated 29 September 2006, registered at the Secretariat General on 29 September 2006.

In accordance with Article 37, paragraph 1, of the Convention, the Republic of Poland reserves its right to apply Article 8 only in such case when the benefit or its promise is given to a person who has a leading position within an entity pursuing economic activity or by a person who, due to his/her position or function, has an actual influence on taking decisions connected with activity of such an entity, in exchange for acting or abandonment, which can cause damage to its property, or for inadmissible preferential act, or actions being unfair competition act.

**Russia**

Declaration contained in a letter from the Permanent Representative of Russia, dated 4 October 2006, deposited with the instrument of ratification on 4 October 2006.

According to Article 29 of the Convention, the Russian Federation will shortly designate a central authority for the purposes of the Convention. The name and address of this central authority will be communicated as soon as it is designated.

**Switzerland**

Reservations contained in the instrument of ratification deposited on 31 March 2006.

Switzerland reserves its right to apply Article 12 of the Convention only if the conduct referred to constitutes an offence under the Swiss legislation.

Switzerland reserves its right to apply Article 17, paragraph 1, subparagraphs b and c, only if the conduct is also punishable where it has been committed and insofar as the author is in Switzerland and will not be extradited to a foreign State.

Declarations contained in the instrument of ratification deposited on 31 March 2006.

Switzerland declares that it will punish the active and passive bribery in the meaning of Articles 5, 9 and 11 only if the conduct of the bribed person consists in performing or refraining from performing an act contrary to his/her duties or depending on his/her power of estimation.

The central authority designated by Switzerland pursuant to Article 29 is the “Office fédéral de la justice, CH-3003 Berne”.

### **United Kingdom**

Renewal of reservations contained in a letter from the Permanent Representative of the United Kingdom, dated 10 September 2007, registered at the Secretariat General on 11 September 2007.

In accordance with Article 38, paragraph 2, of the Convention, the Government of the United Kingdom declares that it intends to uphold, wholly, the reservations made in accordance with Article 37 of the Convention. These reservations concern Articles 7, 12 and 17 of the Convention.

With regards to Article 7, the existing provision in the law of the United Kingdom (section 1 of the Prevention of Corruption Act 1906), whilst capturing most of the conduct referred to in Article 7, does not explicitly refer to the circumstance in which a bribe is not given directly to the individual who is being induced to act in a particular way but to a third party. It was previously explained that the Government was seeking, in the context of a wider reform, to amend this aspect of the law in England, Wales and Northern Ireland to ensure explicit coverage through a draft Corruption Bill published in 2003. However, in light of Parliamentary criticism that Bill was not formally introduced to Parliament and in December 2005 the Government issued a further consultation paper with the aim of establishing a consensus on an appropriate formulation. The consultation closed in March 2006 and the summary of responses was published in March this year. In light of this consultation the Government has asked the Law Commission to undertake, as a priority, a further fundamental review and to prepare a draft Bill. We intend that this new Bill will, along with a wider reform, amend this aspect of the law. Separate consideration is also being given to this issue in Scotland. Therefore, for the time being, the United Kingdom wishes to maintain its reservation to Article 7 which was made in accordance with Article 37, paragraph 1.

The United Kingdom also wishes to maintain its reservation made in accordance with Article 37, paragraph 1, not to establish as a criminal offence all of the conduct referred to in Article 12. The law of the United Kingdom covers much of the conduct referred to in Article 12 but only in so far as an agent relationship exists between the “influence seller” and the person influenced.

In respect of Article 17, section 109 of the Anti-terrorism, Crime and Security Act 2001 [for Scotland section 69 of the Criminal Justice (Scotland) Act 2003], gave the United Kingdom courts jurisdiction over the common law offence of

bribery, the section 1 offences of the Public Bodies Corrupt Practices Act 1889, and the section 1 offences of the 1906 Act, when they are committed overseas by United Kingdom nationals and incorporated bodies. The United Kingdom courts therefore apply the jurisdictional rule laid down in Article 17, paragraph 1(b), except that jurisdiction is limited to United Kingdom nationals, and accordingly does not cover public officials or members of domestic public assemblies except where they are United Kingdom nationals. The law has not changed. The United Kingdom is therefore maintaining its reservation made in accordance with Article 17, paragraph 2, and Article 37, paragraph 2, to apply the jurisdictional rule laid down in Article 17, paragraph 1(b) only where the offender is a United Kingdom national. The United Kingdom is also maintaining its reservation made under Article 17, paragraph 2, and Article 37, paragraph 2, not to apply the jurisdictional rule laid down in Article 17, paragraph 1(c) at all.”

## *PART J*

### **“Andorra**

The instrument of accession of Andorra contained the following declaration:

Andorra is a landlocked State and, at the time of its accession to the Convention and the Protocol, has no official ships registered. However, in accordance with the Traffic Code of 10 June 1999, individuals of Andorran nationality and foreigners residing legally in the country may have their sports vessels entered in a register established by the Government of Andorra.

In this context, Andorra reserves the right recognized in the United Nations Convention on the Law of the Sea, in particular article 125, to request transit States (the Kingdom of Spain and the Republic of France) for right of access to and from the sea, and freedom of transit through their territories for that purpose.

We, the Co-princes, having read and considered the above-mentioned Convention and Protocol, hereby express the consent of the State to be bound by the provisions contained therein, and to that end we command issuance of this instrument of accession, signed by us and countersigned by the Head of the Government.

### **Armenia**

The instrument of accession contained the following reservation:

The Republic of Armenia declares that it does not consider itself bound by the 2nd sentence of Article 16, paragraph 1, of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

### **Brazil**

The instrument of accession contained the following reservation:

With reservation to article 6, paragraph 2; article 8' and article 16, paragraph 1 of the Convention and to article 3, paragraph 2 of the Protocol.

### **Iraq**

Reservation upon signature:

This signature does not in any way imply recognition of Israel or entry into any relationship with it.

### **Moldova**

The instrument of accession contained the following declaration:

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled by the authorities of the Republic of Moldova.

The Republic of Moldova shall apply the provisions of article 8, paragraph 1 of the Convention as far as it will not infringe its own national legislation.

The Republic of Moldova declares that it shall establish its own jurisdiction over the offences specified in article 3 of the Convention, in cases provided in article 6, paragraph 2 of this Convention.

According to article 16, paragraph 2 of the Convention, the Republic of Moldova does not consider itself bound by the provisions of article 16, paragraph 1 of the Convention.

### **Saudi Arabia**

The instrument of accession was accompanied by the following reservation:

This document announces the Kingdom of Saudi Arabia's accession to and approval of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, with full reservation as to Article 11 and Article 16, paragraph 1, of the Convention.

### **United Arab Emirates**

The instrument of accession contained the following reservation:

The Government of the United Arab Emirates has taken cognizance of the provisions of the aforementioned Convention and Protocol and accedes to them with full reservation in respect of the provisions of article 16, paragraph 1 of the Convention, concerning the settlement of a dispute between States Parties to

the Convention by arbitration or, if they are unable to agree on the organization of arbitration, by referral of the dispute to the International Court of Justice. It also enters a full reservation with respect to the provisions of article 1 of the Protocol, insofar as they refer to article 16, paragraph 1 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.”

## *PART K*

### **“Brazil**

The instrument of accession contained the following reservation:

With reservation to article 6, paragraph 2; article 8 and article 16, paragraph 1 of the Convention and to article 3, paragraph 2 of the Protocol.

### **Iraq**

Reservation upon signature:

This signature does not in any way imply recognition of Israel or entry into any relationship with it.

### **Moldova**

The instrument of accession contained the following declaration:

Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol shall be applied only on the territory controlled by the authorities of the Republic of Moldova.

The Republic of Moldova declares that it shall establish its own jurisdiction over the offences specified in article 2 of the Protocol, in cases provided in article 3, paragraph 2 of this Protocol.

### **United Arab Emirates**

The instrument of accession contained the following reservation:

The Government of the United Arab Emirates has taken cognizance of the provisions of the aforementioned Convention and Protocol and accedes to them with full reservation in respect of the provisions of article 16, paragraph 1, of the Convention concerning the settlement of a dispute between States Parties to the Convention by arbitration or, if they are unable to agree on the organization of arbitration, by referral of the dispute to the International Court of Justice. It also enters a full reservation with respect to the provisions of article 1 of the Protocol insofar as they refer to article 16, paragraph 1, of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

Attesting to this, I, Rashid Abdullah Al-Nuaimi, Foreign Minister of the United Arab Emirates, have signed this document on behalf of the Government of the United Arab Emirates and ordered that the official seal of the Foreign Ministry be affixed to it.”

*PART L*

**“Iran (Islamic Republic of)**

Reservation:

Pursuant to Article 16, paragraph 2 of the International Convention against the Taking of Hostages, the Government of the Islamic Republic of Iran declares that it does not consider itself bound by the provisions of Article 16, paragraph 1 of the Convention regarding the reference of any dispute concerning the interpretation, or application of this Convention, which is not settled by negotiation to arbitration or to the International Court of Justice.

Interpretative declaration:

The Government of the Islamic Republic of Iran declares its categorical condemnation of each and every act of terrorism, including taking innocent civilians as hostages, which violates human rights and fundamental freedom of human kind, undermines the stability and security of human communities, and hinders countries from development and progress. The Islamic Republic of Iran believes that elimination of terrorism requires a comprehensive campaign by the international community to identify and eradicate political, economic, social and international root causes of the scourge.

The Islamic Republic of Iran further believes that fighting terrorism should not affect the legitimate struggle of peoples under colonial domination and foreign occupation in the exercise of their right of self-determination, as enshrined in a variety of international documents, including the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and Article 1 paragraph 4 of the Protocol I Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts.

**Israel**

Upon signature:

1. It is the understanding of Israel that the Convention implements the principle that hostage taking is prohibited in all circumstances and that any person committing such an act shall be either prosecuted or extradited pursuant to article 8 of this Convention or the relevant provisions of the Geneva Conventions of 1949 or their additional Protocols, without any exception whatsoever.

2. The Government of Israel declares that it reserves the right, when depositing the instrument of ratification, to make reservations and additional declarations and understandings.

### **Malaysia**

Declarations and reservation:

1. The Government of Malaysia understands the phrase ‘preliminary inquiry into the facts’ in Article 6 (1) of the Convention to mean a reference to the criminal investigation by the relevant law enforcement authority before a decision is made whether to institute a prosecution against the alleged offender for the offences under the Convention. 2. The Government of Malaysia understands Article 8 (1) of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws. 3. (a) Pursuant to Article 16 (2) of the Convention, the Government of Malaysia declares that it does not consider itself bound by article 16 (1) of the Convention; and (b) The Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 16 (1) of the Convention or any other procedure for arbitration.

### **Montenegro**

Confirmed upon succession:

Declaration:

The [Government of Yugoslavia] herewith states that the provisions of Article 9 of the Convention should be interpreted and applied in practice in the way which would not bring into question the goals of the Convention, i.e. undertaking of efficient measures for the prevention of all acts of the taking of hostages as a phenomenon of international terrorism, as well as the prosecution, punishment and extradition of persons considered to have perpetrated this criminal offence.

### **Russian Federation**

In a communication received on 1 May 2007, the Government of the Russian Federation informed the Secretary-General of its decision to withdraw the following reservation made by the Union of Soviet Socialist Republics upon accession to the Convention:

“... does not consider itself bound by article 16, paragraph 1, of the International Convention against the Taking of Hostages and declares that, in order for any dispute between parties to the Convention concerning the interpretation or application thereof to be referred to arbitration or to the International Court of Justice, the consent of all parties to the dispute must be secured in each individual case.”

**Thailand**

Reservation:

The Government of the Kingdom of Thailand does not consider itself bound by Article 16, paragraph 1 of the Convention.

**Objections**

**Italy**

27 March 2007

With regard to the interpretative declaration made by the Islamic Republic of Iran upon accession:

The interpretative declaration made by Iran would limit the scope of application of the Convention to exclude acts that otherwise constitute the offence of “taking of hostages” under article 2, if they meet the test of “legitimate struggle of peoples under colonial domination and foreign occupation in the exercise of their right of self-determination”. The interpretative declaration does not limit the obligations of Iran under the Convention with regard to article 1.

Italy wishes to make clear that it opposes any and all interpretations of the Convention that would limit its scope of application, and does not consider the declaration made by Iran to have any effect on the Convention. Italy thus regards the Convention as entering into force between Italy and Iran without the interpretative declaration made by Iran.

**Latvia**

24 October 2007

With regard to the reservation and interpretative declaration made by the Government of the Islamic Republic of Iran upon accession:

The Government of the Republic of Latvia has carefully examined the reservation regarding Article 16, paragraph 1 and declarations made by the Islamic Republic of Iran to the International Convention against the Taking [of] Hostages.

The Government of the Republic of Latvia considers that the aim of the said International Convention is to prevent and suppress hostage taking by whomsoever it is committed, and the legitimate struggle of peoples under colonial domination and foreign occupation, as the said rights are recognized by Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, Protocol I Additional to the Geneva Convention of 12 August 1949 could not be deemed to be penalized under the International Convention against the [Taking of] Hostages. However, the Government of the Republic of Latvia is of the opinion that this explanatory declaration is in fact unilateral act that is deemed to limit the scope of the said

International Convention and therefore should be regarded as reservation. Thus, this reservation named as an explanatory declaration contradicts the objectives and purposes of the International Convention against the [Taking of Hostages] to prevent hostage taking wherever and by whomever those might be committed. Therefore, the Government of the Republic of Latvia is of the opinion that this reservation named as an interpretative declaration made by the Islamic Republic of Iran contradicts the object and purpose of the International Convention and in particular the obligation all States Parties to penalize the offences set forth within the said International Convention by appropriate penalty.

Moreover, the Government of the Republic of Latvia recalls Part VI, Article 28 of the

Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted. Therefore, the Government of the Republic of Latvia objects to the aforesaid reservation named as an interpretative declaration regarding non-application of the said International Convention to the legitimate struggle by the peoples under colonial domination or foreign occupation made by the Islamic Republic of Iran to the International Convention against the Taking [of] Hostages.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Islamic Republic of Iran. Thus, the Convention will become operative without the Islamic Republic of Iran benefiting from its reservation.

#### **Netherlands**

10 December 2007.

The Government of the Kingdom of the Netherlands has carefully examined the interpretative declaration made by the Islamic Republic of Iran with regard to the International Convention against the Taking of Hostages.

The Government of the Kingdom of the Netherlands considers that this interpretative declaration cannot limit the scope of the Convention; otherwise it would be a reservation contrary to its object and purpose, if purporting to exclude from the acts prohibited by the Convention acts committed in the struggle of peoples under colonial domination and foreign occupation. Therefore, the Government of the Kingdom of the Netherlands does not consider the declaration made by Iran to have any legal effect on the Convention.”

**“Luxembourg**

## Declaration:

Luxembourg courts are competent to apply the Convention, and Luxembourg criminal law applies to the crimes referred to in article 2 of the Convention when the alleged offender is in Luxembourg territory and has not been extradited to another State, regardless of the nationality of the alleged offender and the place where the crime was perpetrated.

**Romania**

In a communication received on 19 September 2007, the Government of Romania notified the Secretary-General that it had decided to withdraw the reservation made upon signature and confirmed upon ratification to the Convention. The text of the reservation read as follows:

The Socialist Republic of Romania declares that it does not consider itself bound by the provisions of article 13, paragraph 1, of the Convention, under which any dispute between two or more Contracting Parties concerning the interpretation or application of the Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration or referred to the International Court of Justice.

The Socialist Republic of Romania considers that such disputes may be submitted to arbitration or referred to the International Court of Justice only with the consent of all parties to the dispute in each individual case.

**Russian Federation**

In a communication received on 1 May 2007, the Government of the Russian Federation informed the Secretary-General of its decision to withdraw the following reservation made by the Union of Soviet Socialist Republics upon signature to the Convention and confirmed upon ratification thereof:

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 13, paragraph 1, of the Convention, under which any dispute between two or more States Parties concerning the interpretation or application of the Convention shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice, and states that, in each individual case, the consent of all parties to such a dispute is necessary for submission of the dispute to arbitration or to the International Court of Justice.

**Singapore**

## Declaration:

The Republic of Singapore understands Article 7, paragraph 1, of the Convention to include the right of competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.

## Reservation:

Pursuant to Article 13, paragraph 2, of the Convention, the Republic of Singapore declares that it will not be bound by the provisions of Article 13, paragraph 1 of the Convention.

**Thailand**

## Reservations:

1. In applying the provision of article 8, paragraph 3 of the Convention, extraditable offences shall be restricted to offences which, under Thai law, are punishable with imprisonment of not less than one year and are subject to the procedural provisions and other conditions of the Thai legislation for extradition.

2. The Kingdom of Thailand does not consider itself bound by article 13, paragraph 1 of the Convention.”

*PART N***“Bahamas**

## Reservation:

In accordance with paragraph 2 of Article 20, the Commonwealth of The Bahamas does not consider itself bound by any of the arbitration procedures established under paragraph 1 of Article 20 on the basis that referral of a dispute concerning the application or interpretation of the provisions of the Convention to arbitration or to the International Court must be by the consent of all of the parties to the dispute.

**Belgium**

**On 28 January 2008**, the Government of Belgium notified the Secretary-General of his withdrawal of the reservation in respect of article 11 made upon ratification. The text of the reservation read as follows:

“1. In exceptional circumstances, the Government of Belgium reserves the right to refuse extradition or mutual legal assistance in respect of any offence set forth in article 2 which it considers to be a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

2. In cases where the preceding paragraph is applicable, Belgium recalls that it is bound by the general legal principle *aut dedere aut judicare*, pursuant to the rules governing the competence of its courts.”

### **Egypt**

Upon signature:

Reservations:

1. Article 6, paragraph 5:

The Government of the Arab Republic of Egypt declares that it is bound by Article 6, paragraph 5, of the Convention insofar as the domestic laws of States Parties do not contradict the relevant rules and principles of international law.

2. Article 19, paragraph 2:

The Government of the Arab Republic of Egypt declares that it is bound by Article 19, paragraph 2, of the Convention insofar as the military forces of the State, in the exercise of their duties do not violate the rules and principles of international law.

Upon ratification:

1. The Government of the Arab Republic of Egypt declares that it shall be bound by article 6, paragraph 5, of the Convention to the extent that the national legislation of States Parties is not incompatible with the relevant norms and principles of international law.

2. The Government of the Arab Republic of Egypt declares that it shall be bound by article 19, paragraph 2, of the Convention to the extent that the armed forces of a State, in the exercise of their duties, do not violate the norms and principles of international law.

### **Indonesia**

Declaration:

The Government of the Republic of Indonesia declares that the provisions of Article 6 of the International Convention for the Suppression of Terrorist Bombings will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of States.

Reservation:

The Government of the Republic of Indonesia does not consider itself bound by the provision of Article 20 and takes the position that dispute relating to the interpretation and application on the Convention which cannot be settled through the channel provided for in Paragraph (1) of the said Article, may be referred to the International Court of Justice only with the consent of all the Parties to the dispute.

**Qatar**

Reservation:

With reservation regarding paragraph 1 of Article (20) concerning the submission of disputes to international arbitration or to the International Court of Justice.

**Singapore**

Reservation:

Pursuant to Article 20, paragraph 2, of the Convention, the Republic of Singapore declares that it does not consider itself bound by the provisions of Article 20, paragraph 1 of the Convention.

Declarations and notification:

(1) The Republic of Singapore understands Article 8, paragraph 1, of the Convention to include the right of competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.

(2) The Republic of Singapore understands that the term ‘armed conflict’ in Article 19, paragraph 2, of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(3) The Republic of Singapore understands that, under Article 19 and Article 1, paragraph 4, the Convention does not apply to:

- (a) the military forces of a state in the exercise of their official duties;
- (b) civilians who direct or organize the official activities of military forces of a state; or
- (c) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

(4) In accordance with Article 6, paragraph 3 of the Convention, the Republic of Singapore declares that it has established jurisdiction over offences set forth in Article 2 of the Convention in all the cases provided for in Article 6, paragraph 1, and Article 6, paragraph 2.

**Thailand**

Reservation:

The Government of the Kingdom of Thailand does not consider itself bound by Article 20 paragraph 1 of the Convention.

## **United Arab Emirates**

Reservation and declaration:

Subject to a reservation with respect to paragraph 1 of article 20 thereof, which relates to the settlement of disputes arising between States Parties, in consequence of which the United Arab Emirates does not consider itself bound by that paragraph concerning arbitration.

Moreover, the Government of the United Arab Emirates will determine its jurisdiction over the offences in the cases provided for in article 6, paragraph 2, of the Convention and will notify the Secretary-General of the United Nations to that effect in accordance with paragraph 3 of that article.

## **Objections**

### **Canada**

26 April 2006

With regard to the reservation made by Belgium upon accession:

The Government of Canada considers the Reservation to be contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to “.....adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Canada therefore objects to the Reservation relating to Article 2 made by the Government of Belgium upon ratification of the International Convention for the Suppression of Terrorist Bombings which it considers as contrary to the object and purpose of the Convention. This objection does not, however, preclude the entry into force of the Convention between Canada and Belgium.

The Government of Canada notes that, under established principles of international treaty law, as reflected in Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of the treaty shall not be permitted.

### **France**

15 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the French Republic has examined the reservation made by the Government of the Arab Republic of Egypt upon its ratification of the International Convention for the Suppression of Terrorist Bombings of 15

December 1997. Pursuant to that reservation, the Government of the Arab Republic of Egypt declares that it is bound by article 19, paragraph 2, of the Convention only insofar as the military forces of the State, in the exercise of their duties, do not violate the rules and principles of international law. However, the relevant portion of article 19, paragraph 2, of the Convention states that: “the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

The Government of the French Republic considers that the effect of the reservation made by the Government of the Arab Republic of Egypt is to bring within the scope of the Convention activities undertaken by a State’s armed forces which do not belong there because they are covered by other provisions of international law. As a result, the reservation substantially alters the meaning and scope of article 19, paragraph 2 of the Convention. The Government of the French Republic objects to the reservation, which is incompatible with the object and purpose of the Convention. This objection shall not preclude the entry into force of the Convention between France and Egypt.

### **Germany**

18 May 2006

With regard to the declaration made by Belgium upon ratification:

The Government of the Federal Republic of Germany has carefully examined the reservation made by the Government of the Kingdom of Belgium upon ratification of the International Convention for the Suppression of Terrorist Bombings with respect to its Article 11. With this reservation, the Government of the Kingdom of Belgium expresses that it reserves the right to refuse extradition or mutual legal assistance in respect of any offence which it considers to be politically motivated. In the opinion of the Government of the Federal Republic of Germany, this reservation seeks to limit the Convention’s scope of application in a way that is incompatible with the objective and purpose of the Convention.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservation made by the Government of the Kingdom of Belgium to the International Convention for the Suppression of Terrorist Bombings. This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Kingdom of Belgium.

11 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the Federal Republic of Germany has carefully examined the declaration, described as a reservation, relating to article 19, paragraph 2 of the International Convention for the Suppression of Terrorist Bombings made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention.

In this declaration the Government of the Arab Republic of Egypt expresses the opinion that the activities of the armed forces of a State in the exercise of their duties, inasmuch as they are not consistent with the rules and principles of international humanitarian law, are governed by the Convention. However, according to article 19, paragraph 2 of the Convention, the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, as well as the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention, so that the declaration by the Arab Republic of Egypt aims to broaden the scope of the Convention.

The Government of the Federal Republic of Germany is of the opinion that the Government of the Arab Republic of Egypt is only entitled to make such a declaration unilaterally for its own armed forces, and it interprets the declaration as having binding effect only on armed forces of the Arab Republic of Egypt. In the view of the Government of the Federal Republic of Germany, such a unilateral declaration cannot apply to the armed forces of other States Parties without their express consent. The Government of the Federal Republic of Germany therefore declares that it does not consent to the Egyptian declaration as so interpreted with regard to any armed forces other than those of the Arab Republic of Egypt, and in particular does not recognize any applicability of the Convention to the armed forces of the Federal Republic of Germany.

The Government of the Federal Republic of Germany also emphasizes that the declaration by the Arab Republic of Egypt has no effect whatsoever on the Federal Republic of Germany's obligations as State Party to the International Convention for the Suppression of Terrorist Bombings, or on the Convention's applicability to armed forces of the Federal Republic of Germany.

The Government of the Federal Republic of Germany regards the International Convention for the Suppression of Terrorist Bombings as entering into force between the Federal Republic of Germany and the Arab Republic of Egypt subject to a unilateral declaration made by the Government of the Arab Republic of Egypt, which relates exclusively to the obligations of the Arab Republic of Egypt and to the armed forces of the Arab Republic of Egypt.

## **Ireland**

23 June 2006

With regard to the declaration made by Pakistan upon accession:

The Government of Ireland have examined the declaration made by the Government of the Islamic Republic of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings according to which the Islamic Republic of Pakistan considers that nothing in this Convention shall be applicable to struggles, including armed struggles, for the realisation of the right of self-determination launched against any alien or foreign occupation or domination.

The Government of Ireland are of the view that this declaration amounts to a reservation as its purpose is to unilaterally limit the scope of the Convention. The Government of Ireland are also of the view that this reservation is contrary to the object and purpose of the Convention, namely suppressing terrorist bombings, wherever and by whomever carried out.

The Government of Ireland further consider the declaration to be contrary to the terms of Article 5 of the Convention, according to which States Parties commit themselves to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature and are punished by penalties consistent with their grave nature.

The Government of Ireland recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible. It is in the common interest of States that treaties to which they have chosen to become party are respected as to their object and purpose and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of Ireland therefore object to the aforesaid reservation made by the Government of the Islamic Republic of Pakistan to the International Convention for the Suppression of Terrorist Bombings. This objection shall not preclude the entry into force of the Convention between Ireland and the Islamic Republic of Pakistan. The Convention enters into force between Ireland and the Islamic Republic of Pakistan, without the Islamic Republic of Pakistan benefiting from its reservation.

## **Italy**

18 May 2006

With regard to the declaration made by Belgium upon ratification:

The Government of Italy has examined the reservation to the International Convention for the Suppression of Terrorist Bombings made by the Government of Belgium upon the accession to that Convention. The Government of Italy considers the reservation by Belgium as intended to limit the scope of the Convention on a unilateral basis, which is contrary to its object and purpose, namely the suppression of terrorist bombings, irrespective of where it takes place and of who carries it out. The Government of Italy recalls that, according to Article 19 (c) of the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Italy therefore objects to the aforesaid reservation made by the Government of Belgium to the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between Belgium and Italy. The Convention enters into force between Belgium and Italy without the Government of Belgium benefiting from its reservation.

14 August 2006

With regard to the reservations made by Egypt upon ratification:

The Government of Italy has examined the reservations made by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of Terrorism Bombings, according to which 1) The Government of the Arab Republic of Egypt declares that it shall be bound by article 6, paragraph 5, of the Convention to the extent that national legislation of States Parties is not incompatible with relevant norms and principles of international law. 2) The Government of the Arab Republic of Egypt declares that it shall be bound by article 19, paragraph 2, of the Convention to the extent that the armed forces of a State, in article 19, paragraph 2, of the Convention to the extent that the armed forces of a State, in the exercise of their duties, do not violate the norms and principles of international law.

The Government of Italy considers the reservations to be contrary to the terms of article 5 of the Convention, according to which the States Parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Italy wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Italy therefore objects to the reservations made by the Arab Republic of Egypt to the International Convention for the Suppression of Terrorist Bombings. This objection shall not preclude the entry into force of the Convention between the Arab Republic of Egypt and Italy. The Convention enters into force between the Arab Republic of Egypt and Italy without the Arab Republic of Egypt benefiting from its reservations.

### **Netherlands**

14 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the Kingdom of the Netherlands has examined the declaration relating to article 19, paragraph 2, of the International Convention for the

Suppression of Terrorist Bombings made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention.

In the view of the Government of the Kingdom of the Netherlands this declaration made by the Government of Egypt seeks to extend the scope of the Convention on a unilateral basis to include the armed forces of a State to the extent that they fail to meet the test that they 'do not violate the rules and principles of international law'. Otherwise such activities would be excluded from the application of the Convention by virtue of article 19, paragraph 2.

The Kingdom of the Netherlands is of the opinion that the Government of Egypt is entitled to make such a declaration, only to the extent that Egypt will apply the terms of the Convention in circumstances going beyond those required by the Convention to their own armed forces. The declaration of the Government of Egypt will have no effect in respect of the obligations of the Kingdom of the Netherlands under the Convention or in respect to the application of the Convention to the armed forces of the Kingdom of the Netherlands.

This statement shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Arab Republic of Egypt.

## **Spain**

19 May 2006

With regard to the declaration made by Belgium upon ratification:

The Government of the Kingdom of Spain has examined the reservation made by the Government of the Kingdom of Belgium to article 11 of the International Convention for the Suppression of Terrorist Bombings upon ratifying that Convention.

The Government of the Kingdom of Spain considers that this reservation is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of Spain considers, in particular, that the reservation by Belgium is incompatible with article 5 of the Convention, whereby States parties undertake to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or others of similar nature.

The Government of the Kingdom of Spain recalls that, under the customary-law provision enshrined in article 19 (c) of the 1969 Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of the treaty concerned are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the reservation made by the Government of the Kingdom of Belgium to article 11 of the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Kingdom of Belgium.

11 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the Kingdom of Spain has examined the reservation to article 19, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings presented by the Government of the Arab Republic of Egypt.

The Government of the Kingdom of Spain considers that Egypt's reservation relates to an essential component of the Convention, having an impact not only on article 19, paragraph 2, but also on the clause establishing the scope of the Convention's implementation, because its effect is to alter the law applicable to actions of a State's armed forces which violate international law. As a result, this is a reservation which runs counter to the interests safeguarded by the Convention, and to the Convention's object and purpose.

The Government of the Kingdom of Spain wishes to recall that, according to the provision of international law codified in the 1969 Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty are prohibited.

Consequently, the Kingdom of Spain objects to Egypt's reservation to article 19, paragraph 2, of the International Convention for the Suppression of Terrorist Bombings.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Arab Republic of Egypt.

#### **United Kingdom of Great Britain and Northern Ireland**

15 May 2006

With regard to the declaration made by Belgium upon ratification:

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the reservation relating to Article 11 of the International Convention for the Suppression of Terrorist Bombings made by the Government of Belgium at the time of its ratification of the Convention.

The Government of the United Kingdom note that the effect of the said reservation is to disapply the provisions of Article 11 in "exceptional circumstances". In light of the grave nature of the offences set forth in Article 2 of the Convention, the Government of the United Kingdom consider that the provisions of Article 11 should apply in all circumstances.

The Government of the United Kingdom therefore objects to the reservation made by the Government of Belgium to the International Convention for the

Suppression of Terrorist Bombings. However, this objection shall not preclude the entry into force of the Convention between the United Kingdom and Belgium.

3 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the declaration, described as a reservation, relating to article 19, paragraph 2 of the International Convention for the Suppression of Terrorist Bombings made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention.

The declaration appears to purport to extend the scope of application of the Convention to include the armed forces of a State to the extent that they fail to meet the test that they 'do not violate the rules and principles of international law'. Such activities would otherwise be excluded from the application of the Convention by virtue of article 19, paragraph 2. It is the opinion of the United Kingdom that the Government of Egypt is entitled to make such a declaration only insofar as the declaration constitutes a unilateral declaration by the Government of Egypt that Egypt will apply the terms of the Convention in circumstances going beyond those required by the Convention to their own armed forces on a unilateral basis. The United Kingdom consider this to be the effect of the declaration made by Egypt.

However, in the view of the United Kingdom, Egypt cannot by a unilateral declaration extend the obligations of the United Kingdom under the Convention beyond those set out in the Convention without the express consent of the United Kingdom. For the avoidance of any doubt, the United Kingdom wish to make clear that it does not so consent. Moreover, the United Kingdom do not consider the declaration made by the Government of Egypt to have any effect in respect of the obligations of the United Kingdom under the Convention or in respect of the application of the Convention to the armed forces of the United Kingdom.

The United Kingdom thus regard the Convention as entering into force between the United Kingdom and Egypt subject to a unilateral declaration made by the Government of Egypt, which applies only to the obligations of Egypt under the Convention and only in respect of the armed forces of Egypt.

#### **United States of America**

22 May 2006

With regard to the declaration made by Belgium upon ratification:

The Government of the United States of America, after careful review, considers the Declaration made by Belgium to Article 11 of the Convention, to be a reservation that seeks to limit the scope of the Convention on a unilateral basis. The Government of the United States understands that the intent of the

Government of Belgium may have been narrower than apparent from its Declaration in that the Government of Belgium would expect its Declaration to apply only in exceptional circumstances where it believes that, because of the political nature of the offense, an alleged offender may not receive a fair trial. The United States believes the Declaration is unnecessary because of the safeguards already provided for under Articles 12, 14, and 19 (2) of the Convention. However, given the broad wording of the Declaration and because the Government of the United States considers Article 11 to be a critical provision in the Convention, the United States is constrained to file this objection. This objection does not preclude entry into force of the Convention between the United States and Belgium.

16 August 2006

With regard to the reservation made by Egypt upon ratification:

The Government of the United States of America has examined the declaration, described as a reservation, relating to article 19, paragraph 2 of the International Convention for the Suppression of Terrorist Bombings made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention.

The declaration appears to purport to extend the scope of application of the Convention to include the armed forces of a State, to the extent that those forces fail to meet the test that they 'do not violate the rules and principles of international law'. Such activities would otherwise be excluded from the application of the Convention by virtue of article 19, paragraph 2. It is the opinion of the United States that the Government of Egypt is entitled to make such a declaration only insofar as the declaration constitutes a unilateral declaration by the Government of Egypt that Egypt will apply the terms of the Convention in circumstances going beyond those required by the Convention to its own armed forces on a unilateral basis. The United States considers this to be the effect of the declaration made by Egypt. However, in the view of the United States, Egypt cannot by a unilateral declaration extend the obligations of the United States or any country other than Egypt under the Convention beyond those obligations set out in the Convention without the express consent of the United States or other countries. To avoid any doubt, the United States wishes to make clear that it does not consent to Egypt's declaration. Moreover, the United States does not consider the declaration made by the Government of Egypt to have any effect in respect of the obligations of the United States under the Convention or in respect of the application of the Convention to the armed forces of the United States. The United States thus regards the Convention as entering into force between the United States and Egypt subject to a unilateral declaration made by the Government of Egypt, which applies only to the obligations of Egypt under the Convention and only in respect of the armed forces of Egypt.

## Notifications made under article 6(3)

### Jamaica

Jamaica has established jurisdiction over the offences set forth in Article 2, with respect to the jurisdiction stated in Article 6 (2) (d) which states:

‘A State Party may establish jurisdiction over any such offence when:

(d) The offence is committed in an attempt to compel that State to do or abstain from doing any act;...’

### Thailand

12 June 2007

Pursuant to Article 6 paragraph 3 of the International Convention for the Suppression of Terrorist Bombings, the Government of the Kingdom of Thailand hereby notifies the Secretary-General of the criminal jurisdiction it has established in accordance with Chapter 2 of the Thai Penal Code on the Scope of Application as follows:

Section 4: Any person who commits an offence within the Kingdom shall be punished according to the law.

The commission of an offence in any Thai vessel or aeroplane shall be deemed as being committed within the Kingdom, irrespective of the place where such Thai vessel or aeroplane may be. Section 5: Whenever any offence is even partially committed within the Kingdom, or the consequence of the commission of which, as intended by the offender, occurs within the Kingdom, or by the nature of the commission of which, the consequence resulting therefrom should occur within the Kingdom, or it could be foreseen that the consequence would occur within the Kingdom, it shall be deemed that such offence is committed within the Kingdom.

In case of preparation or attempt to commit any act provided by the law to be an offence, even though it is done outside the Kingdom, if the consequence of the doing of such act, when carried through to the stage of accomplishment of the offence, will occur within the Kingdom, it shall be deemed that the preparation or attempt to commit such offence is done within the Kingdom.

Section 6: Whenever an offence is committed within the Kingdom, or is deemed by this Code as being committed within the Kingdom, even though the act of the co-principal, a supporter or an instigator in the offence is done outside the Kingdom, it shall be deemed that the principal, supporter or instigator has committed the offence within the Kingdom.

Section 7: Any person who commits the following offences outside the Kingdom shall be punished in the Kingdom, namely:

(1) offences relating to the Security of the Kingdom as provided in Sections 107 to 129;

(1/1) offences relating to Terrorism as provided in Section 135/1, Section 135/2, Section 135/3 and Section 135/4;

(2) offences relating to Counterfeiting and Alteration as provided in Sections 240 to 249, Section 254, Section 256, Section 257 and Section 266 (3) and (4);

(2 bis) offences relating to Sexuality as provided in Section 282 and Section 283;

(3) offences relating to Robbery as provided in Section 339, and offences relating to Gang-Robbery as provided in Section 340; which is committed on the high seas.

Section 8: Any person who commits an offence outside the Kingdom shall be punished in the Kingdom, provided that:

(a) the offender is a Thai person, and the Government of the country where the offence has occurred or the injured person has requested for such punishment; or

(b) the offender is an alien, and the Thai Government or a Thai person is an injured person, and the injured person has requested for such punishment;

and, provided further that the offence committed by any of the following:

(1) offences relating to Causing Public Dangers as provided in Section 217, Section 218, Section 221 to 223 except the case relating to the first paragraph of Section 220, and Section 224, Section 226, Section 228 to 232, Section 237, and Section 233 to 236 only when it is the case to be punished according to Section 238;

(2) offences relating to Documents as provided in Section 264, Section 265, Section 266 (1) and (2), Section 268 except the case relating to Section 267 and Section 269;

(2/1) offence relating [to] the Electronic Card according to be prescribed by Section 269/1 to Section 269/7.

(3) offences relating to Sexuality as provided in Section 276, Section 280 and Section 285 only for the case relating to Section 276;

(4) offences against Life as provided in Section 288 to 290;

(5) offences relating to Bodily Harm as provided in Section 295 to 298;

(6) offences of Abandonment of Children, Sick or Aged Persons as provided in Section 306 to 308;

- (7) offences against Liberty as provided in Section 309, Section 310, Sections 312 to 315, and Sections 317 to 320;
- (8) offences of Theft and Snatching as provided in Sections 334 to 336;
- (9) offences of Extortion, Blackmail, Robbery and Gang-Robbery as provided in Sections 337 to 340;
- (10) offences of Cheating and Fraud as provided in Sections 341 to 344, Section 346 and Section 347;
- (11) offences of Criminal Misappropriation as provided in Sections 352 to 354;
- (12) offences of Receiving Stolen Property as provided in Section 357;
- (13) offences of Mischief as provided in Sections 358 to 360.”

### *PART O*

#### **“Argentina**

##### Declaration:

In accordance with the provisions of article 24, paragraph 2, the Argentine Republic declares that it does not consider itself bound by article 24, paragraph 1, and consequently does not accept mandatory recourse to arbitration or to the jurisdiction of the International Court of Justice.

#### **Bahamas**

##### Declaration:

In accordance with article 2.2 of the Convention for the Suppression of the Financing of Terrorism, the Government of the Commonwealth of The Bahamas declares that it is not a party to the Agreements listed as items 5 to 9 in the annex referred to in paragraph 1, subparagraph (a) of the Convention and that those Agreements shall be deemed not to be included in the annex referred to in paragraph 1, subparagraph (a). Those Agreements are:

Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3rd March, 1980.

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against Safety of Civil Aviation, done at Montreal on 24th February, 1988.

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10th March, 1988.

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome, on 10th March, 1988.

International Convention for the Suppression of Terrorist Bombings adopted by the General Assembly of the United Nations on 15th December, 1997.

### **Bangladesh**

Reservation:

Pursuant to Article 24, paragraph 2 of the Convention [the] Government of the People's Republic of Bangladesh does not consider itself bound by the provisions of Article 24, paragraph 1 of the Convention.

Understanding:

[The] Government of the People's Republic of Bangladesh understands that its accession to this Convention shall not be deemed to be inconsistent with its international obligations under the Constitution of the country.

### **Belgium**

On 28 January 2008, the Government of Belgium notified the Secretary-General of its intention to withdraw the reservation in respect of article 14 made upon ratification. The text of the reservation reads as follows:

“1. In exceptional circumstances, the Government of Belgium reserves the right to refuse extradition or mutual legal assistance in respect of any offence set forth in article 2 which it considers to be a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

2. In cases where the preceding paragraph is applicable, Belgium recalls that it is bound by the general legal principle *aut dedere aut judicare*, pursuant to the rules governing the competence of its courts.”

### **Brazil**

Upon signature:

Interpretative declarations:

Interpretative Declarations to be made by the Federal Republic of Brazil on the occasion of signing of the International Convention for the Suppression of the Financing of Terrorism:

1. As concerns Article 2 of the said Convention, three of the legal instruments listed in the Annex to the Convention have not come into force in Brazil. These are the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and the International Convention for the Suppression of Terrorist Bombings.

2. As concerns Article 24, paragraph 2 of the said Convention, Brazil does not consider itself obligated by paragraph 1 of the said Article, given that it has not recognized the mandatory jurisdiction clause of the International Court of Justice.

### **China**

Reservation and declaration:

1. The People's Republic of China shall not be bound by paragraph 1 of article 24 of the Convention.

[...]

3. As to the Macao Special Administrative Region of the People's Republic of China, the following three Conventions shall not be included in the annex referred to in Article 2, paragraph 1, subparagraph (a) of the Convention:

(1) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980.

(2) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.

(3) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988.

### **Democratic People's Republic of Korea**

Upon signature:

Reservations:

1. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 2, paragraph 1, sub-paragraph (a) of the Convention.

2. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 14 of the Convention.

3. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 24, paragraph 1 of the Convention.

### **Estonia**

On 30 March 2006, the Government of Estonia notified the Secretary-General that it had decided to withdraw its declaration made upon ratification. The text of the declaration reads as follows:

“... pursuant to article 2, paragraph 2 of the Convention, the Republic of Estonia declares, that she does not consider itself bound by the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the

Continental Shelf, done at Rome, on 10 March 1988, annexed to the Convention;”....

### **Indonesia**

#### Declaration:

A. In accordance with Article 2 paragraph 2 subparagraph (a) of the Convention for the Suppression of the Financing of Terrorism, the Government of the Republic of Indonesia declares that the following treaties are to be deemed not to be included in the Annex referred to in Article 2 paragraph 1 subparagraph (a) of the Convention:

1. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

2. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

3. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.

5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

B. The Government of the Republic of Indonesia declares that the provisions of Article 7 of the Convention for the Suppression of the Financing of Terrorism will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of States.

#### Reservation:

The Government of the Republic of Indonesia, while signatory to the Convention for the Suppression of the Financing of Terrorism, does not consider itself bound by the provision of Article 24 and takes the position that dispute relating to the interpretation and application on the Convention which cannot be settled through the channel provided for in paragraph (1) of the said Article, may be referred to the International Court of Justice only with the consent of all the Parties to the dispute.

### **Malaysia**

#### Declarations and reservation:

1. The Government of Malaysia declares, pursuant to article 2 (2) (a) of the Convention, that in the application of the Convention to Malaysia, the Convention shall be deemed not to include the treaties listed in the Annex to the Convention which Malaysia is not a party thereto.

2. In accordance with Article 7 (3) of the Convention, the Government of Malaysia declares that it has established jurisdiction in accordance with its domestic laws over the offences set forth in Article 2 of the Convention in all the cases provided for in Article 7 (1) and 7 (2).

3. The Government of Malaysia understands Article 10 (1) of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.

4. (a) Pursuant to Article 24 (2) of the Convention, the Government of Malaysia declares that it does not consider itself bound by article 24 (1) of the Convention; and

(b) The Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24 (1) of the Convention or any other procedure for arbitration.

### **Qatar**

Reservation:

With reservation regarding paragraph 1 of Article (24) concerning the submission of disputes to International Arbitration or to the International Court of Justice.

### **Saudi Arabia**

Reservation and declaration:

The Kingdom of Saudi Arabia does not consider itself bound by article 24, paragraph 1 of the Convention relating to the submission to arbitration of any dispute concerning the interpretation or application of this Convention, or their referral to the International Court of Justice should settlement by arbitration be impossible.

The Convention on the Physical Protection of Nuclear Material is not deemed by the Kingdom of Saudi Arabia to be included in the annex referred to in article 2, paragraph 1 (a) of the Convention.

### **United Arab Emirates**

Reservation:

Subject to a reservation with respect to article 24, paragraph 1, thereof, in consequence of which the United Arab Emirates does not consider itself bound by that paragraph, which relates to arbitration.

### **Objections**

#### **Austria**

25 August 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Austria has carefully examined the Declaration relating to paragraph 1 (*b*) of Article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention. The Government of Austria considers that this declaration is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and of who carries them out.

The Declaration is furthermore contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Austria recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Austria therefore objects to the aforesaid reservation made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between Austria and the Arab Republic of Egypt.

12 September 2005

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of Austria has carefully examined the Declaration relating to paragraph 1 (*b*) of Article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Syrian Arab Republic at the time of its ratification of the Convention.

The Government of Austria considers that this declaration is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and of who carries them out.

The Declaration is furthermore contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Austria recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Austria therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism.

However, this objection shall not preclude the entry into force of the Convention between Austria and the Syrian Arab Republic.

## **Belgium**

25 July 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Kingdom of Belgium has examined the reservation formulated by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism, in particular the part of the reservation in which the Government of the Arab Republic of Egypt declares that it “does not consider acts of national resistance in all its forms, including armed resistance against foreign occupation and aggression with a view to liberation and self-determination, as terrorist acts within the meaning of article 2, [paragraph 1], subparagraph (b), of the Convention”. The Government of Belgium considers that this reservation is a reservation that seeks to limit the scope of the Convention on a unilateral basis and that is contrary to its object and purpose, namely, the suppression of the financing of terrorist acts, wherever and by whomever committed.

Moreover, this declaration is contrary to article 6 of the Convention, according to which “each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts

within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Belgium recalls that, according to article 19, paragraph (c), of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Belgium therefore objects to the aforementioned reservation made by the Government of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Belgium and Egypt.

24 October 2005

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of Belgium has examined the reservation formulated by the Syrian Arab Republic upon accession to the International Convention for the Suppression of the Financing of Terrorism, in particular the part of the reservations and declarations relating to the provisions of article 2, paragraph 1 (b), of the Convention, in which the Syrian Arab Republic declares that it considers “that acts of resistance to foreign occupation are not included under acts of terrorism”. The Government of Belgium considers that this reservation seeks to limit the scope of the Convention on a unilateral basis, which is contrary to the object and purpose thereof, namely, the suppression of the financing of acts of terrorism, wherever and by whomever committed.

Moreover, this reservation contravenes article 6 of the Convention, according to which “Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Belgium recalls that, under article 19 (c) of the Vienna Convention on the Law of Treaties, no reservation may be formulated that is incompatible with the object and purpose of the Convention.

The Government of Belgium therefore objects to the above-mentioned reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Belgium and the Syrian Arab Republic.

#### **Canada**

26 April 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Canada has examined the Declaration made by the Government of the Arab Republic of Egypt at the time of its ratification of the International Convention for the Suppression of the Financing of Terrorism and considers that the Declaration is, in fact, a reservation that seeks to limit the scope of the Convention on a unilateral basis and is contrary to the object and purpose of the Convention which is the suppression of the financing of terrorism, irrespective of who carries it out.

The Government of Canada considers the declaration to be, furthermore, contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Canada recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Canada and the Government of the Arab Republic of Egypt.

With regard to the reservation made by the Syrian Arab Republic upon accession

The Government of Canada has examined the Reservation made by the Government of the Syrian Arab Republic at the time of its ratification of the International Convention for the Suppression of the Financing of Terrorism and considers that the Reservation seeks to limit the scope of the Convention on a unilateral basis and is contrary to the object and purpose of the Convention which is the suppression of the financing of terrorism, irrespective of who carries it out.

The Government of Canada considers the Reservation to be, furthermore, contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Canada recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Canada and the Syrian Arab Republic.

31 August 2006

With regard to the understanding made by Bangladesh upon accession

The Government of Canada has examined the “understanding” made by the People’s Republic of Bangladesh at the time of its accession to the International Convention for the Suppression of the Financing of Terrorism and considers that the “understanding” is, in fact, a reservation that seeks to limit the scope of the Convention on a unilateral basis.

The Government of Canada recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Canada therefore objects to the aforesaid reservation made by the People’s Republic of Bangladesh to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Canada and the People’s Republic of Bangladesh.

### **Denmark**

15 September 2005

With regard to a reservation made the Syrian Arab Republic upon accession:

The Government of the Kingdom of Denmark has examined the reservation made by Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism upon accession to the Convention relating to Article 2 paragraph 1 (b) thereof.

The Government of Denmark considers that the reservation made by the Government of the Syrian Arab Republic unilaterally limits the scope of the Convention and that the reservation is contrary to the Convention’s object and purpose, namely the suppression of the financing of terrorist acts, irrespective of where they take place or who carries them out.

The Government of Denmark further considers the reservation to be contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to ‘adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature’.

The Government of Denmark recalls that, according to Article 19(c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention as between the Kingdom of Denmark and the Syrian Arab Republic.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Kingdom of Denmark has examined the Declaration Relating to paragraph 1 (b) of Article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention. The Government of Denmark considers that the declaration made by the Government of the Arab Republic of Egypt to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of the financing of terrorist acts, irrespective of where they take place or who carries them out.

The Government of Denmark further considers the Declaration to be contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Denmark recalls that, according to Article 19(c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforesaid reservation made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention as between the Kingdom of Denmark and the Arab Republic of Egypt.

## **Estonia**

23 September 2005

With regard to a reservation made the Syrian Arab Republic upon accession:

The Government of the Republic of Estonia has carefully examined the reservation relating to Article 2, paragraph 1, sub-paragraph (*b*) of the International Convention for the Suppression of the Financing of Terrorism made by the Syrian Arab Republic at the time of its accession to the Convention. The Government of Estonia considers the Syrian reservation to be contrary to the object and purpose of the Convention, namely the suppression of the financing of terrorist acts, irrespective of where they take place or who carries them out.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in Article 2, paragraph 1, sub-paragraph (*b*). The Government of Estonia finds that such acts can never be justified with reference to resistance to foreign occupation.

Furthermore, the Government of Estonia is in the position that the reservation is contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Estonia recalls that according to Article 19, sub-paragraph (*c*) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of states that all parties respect the treaties to which they have chosen to become parties as to their object and purpose, and that states are prepared to take all necessary measures to comply with their obligations under the treaties.

The Government of Estonia therefore objects to the aforementioned reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Republic of Estonia and the Syrian Arab Republic.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Republic of Estonia has carefully examined the explanatory declaration relating to Article 2, paragraph 1, sub-paragraph (*b*) of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention. The Government of Estonia considers the declaration made by Egypt to be in fact a reservation that seeks to limit unilaterally the scope of the Convention and is contrary to its object and purpose, namely the suppression of the financing of terrorist acts, irrespective of where they take place or who carries them out.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in Article 2, paragraph 1, sub-paragraph (*b*).

The Government of Estonia finds that such acts can never be justified with reference to resistance against foreign occupation and aggression with a view to liberation and self-determination.

Furthermore, the Government of Estonia is in the position that the explanatory declaration is contrary to the terms of Article 6 of the Convention, acceding to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Estonia recalls that according to Article 19, sub-paragraph (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that all parties respect the treaties to which they have chosen to become parties as to their object and purpose, and that states are prepared to take all necessary measures to comply with their obligations under the treaties.

The Government of Estonia therefore objects to the aforementioned declaration made by the Government of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Republic of Estonia and the Arab Republic of Egypt.

## **Finland**

20 July 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Finland has carefully examined the contents of the interpretative declaration relating to paragraph 1 (b) of article 2 of the Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt.

The Government of Finland is of the view that the declaration amounts to a reservation as its purpose is to unilaterally limit the scope of the Convention. The Government of Finland further considers the declaration to be in contradiction with the object and purpose of the Convention, namely the suppression of the financing of terrorist acts wherever and by whomever they may be carried out.

The declaration is, furthermore, contrary to the terms of Article 6 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature.

The Government of Finland wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of states that treaties to which they have chosen to become parties are respected as to their object and purpose and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland therefore objects to the above-mentioned interpretative declaration made by the Government of the Arab Republic of Egypt to the Convention.

This objection does not preclude the entry into force of the Convention between the Arab Republic of Egypt and Finland. The Convention will thus become operative between the two states without the Arab Republic of Egypt benefiting from its declaration.

20 July 2005

With regard to the declaration made by the Syrian Arab Republic upon accession:

The Government of Finland has carefully examined the contents of the reservation relating to paragraph 1 (b) of article 2 of the Convention for the Suppression of the Financing of Terrorism made by the Government of the Syrian Arab Republic.

The Government of Finland considers the reservation to be in contradiction with the object and purpose of the Convention, namely the suppression of the financing of terrorist acts wherever and by whomever they may be carried out.

The reservation is, furthermore, contrary to the terms of Article 6 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature.

The Government of Finland wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of states that treaties to which they have chosen to become parties are respected as to their object and purpose and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland therefore objects to the above-mentioned reservation made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab Republic and Finland. The Convention will thus become operative between the two states without the Syrian Arab Republic benefiting from its reservation.

## France

15 August 2005

With regard to the explanatory declaration made by Egypt upon ratification: The Government of the French Republic has examined the declaration made by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, whereby Egypt "... does not consider acts of national resistance in all its forms, including armed resistance against foreign occupation and aggression with a view to liberation and self-determination, as terrorist acts within the meaning of article 2, [paragraph 1], subparagraph (b), of the Convention ...". However, the Convention applies to the suppression of the financing of all acts of terrorism and states particularly in its article 6 that "each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature". The Government of the French Republic considers that the said declaration constitutes a reservation, contrary to the object and the purpose of the Convention and objects to that reservation. This objection does not preclude the entry into force of the Convention between the Arab Republic of Egypt and France.

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the French Republic has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, inasmuch as Syria considers, with regard to the provisions of article 2, paragraph 1 (b) of the Convention that "... Acts of resistance to foreign occupation are not included under acts of terrorism ...". However, the Convention applies to the suppression of the financing of all acts of terrorism and states particularly in its article 6 that "each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature". The Government of the French Republic considers that the said reservation is contrary to the object and the purpose of the Convention and objects to the reservation. This objection does not preclude the entry into force of the Convention between Syria and France.

**Germany**

16 August 2005

With regard to the reservation made by Syrian Arab Republic upon accession:

The Government of the Federal Republic of Germany has carefully examined the reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism upon accession to the Convention relating to Article 2 paragraph 1 (*b*) thereof. It is of the opinion that this reservation unilaterally limits the scope of the Convention and is thus in contradiction to the object and purpose of the Convention, in particular the object of suppressing the financing of terrorist acts wherever and by whomever they may be committed.

The reservation is further contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Federal Republic of Germany recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservation by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Federal Republic of Germany and the Syrian Arab Republic.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Federal Republic of Germany has carefully examined the declaration made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism upon ratification of the Convention relating to Article 2 paragraph 1 (*b*) thereof. It is of the opinion that this declaration amounts to a reservation, since its purpose is to unilaterally limit the scope of the Convention. The Government of the Federal Republic of Germany is furthermore of the opinion that the declaration is in contradiction to the object and purpose of the Convention, in particular the object of suppressing the financing of terrorist acts wherever and by whomever they may be committed.

The declaration is further contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure

that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Federal Republic of Germany recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned declaration by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Federal Republic of Germany and the Arab Republic of Egypt.

11 August 2006

With regard to the understanding made by Bangladesh upon accession:

The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of the People's Republic of Bangladesh upon accession to the International Convention for the Suppression of the Financing of Terrorism. The People's Republic of Bangladesh has declared that its accession to the Convention shall not be deemed to be inconsistent with its obligations under the Constitution of the country. The Government of the Federal Republic of Germany is of the opinion that this declaration raises questions as to which obligations the People's Republic of Bangladesh intends to give precedence to in the event of any inconsistency between the Convention and its Constitution.

Declarations that leave it uncertain to what extent that State consents to be bound by its contractual obligations are in the opinion of the Government of the Federal Republic of Germany to be treated, in effect, as vague and general reservations, which are not compatible with the object and purpose of a Convention.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned declaration made by the Government of the People's Republic of Bangladesh to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Federal Republic of Germany and the People's Republic of Bangladesh.

## **Hungary**

28 February 2006

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the Republic of Hungary has examined the declaration relating to paragraph 1 (*b*) of article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Syrian Arab Republic at the time of its accession to the Convention. The Government of the Republic of Hungary considers that the declaration made by the Government of the Syrian Arab Republic is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and of who carries them out.

The declaration is furthermore contrary to the terms of article 6 of the Convention according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of the Republic of Hungary recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Syrian Arab Republic.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Republic of Hungary has examined the explanatory declaration relating to paragraph 1 (*b*) of article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention. The Government of the Republic of Hungary considers that the explanatory declaration made by the Government of the Arab Republic of Egypt is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and of who carries them out.

The explanatory declaration is furthermore contrary to the terms of article 6 of the Convention according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of the Republic of Hungary recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the aforesaid reservation made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Arab Republic of Egypt.

## **Ireland**

23 June 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Ireland have examined the explanatory declaration made by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999, according to which the Arab Republic of Egypt does not consider acts of national resistance in all its forms, including armed resistance against foreign occupation and aggression with a view to liberation and self-determination, as terrorist acts within the meaning of paragraph 1 (b) of Article 2 of the Convention.

The Government of Ireland are of the view that this explanatory declaration amounts to a reservation as its purpose is to unilaterally limit the scope of the Convention. The Government of Ireland are also of the view that this reservation is contrary to the object and purpose of the Convention, namely suppressing the financing of terrorist acts, including those defined in paragraph 1 (b) of Article 2 of the Convention, wherever and by whomever committed.

This reservation is contrary to the terms of Article 6 of the Convention, according to which States parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Ireland recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible. It is in the common interest of States that treaties to which they have chosen to become party are respected as to their object and purpose and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of Ireland therefore object to the reservation made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between Ireland and the Arab Republic of Egypt. The Convention enters into force between Ireland and the Arab Republic of Egypt, without the Arab Republic of Egypt benefiting from its reservation.

**Italy**

12 January 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Italy has examined the explanatory declaration made by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism, according to which the Arab Republic of Egypt does not consider acts of national resistance in all its forms, including armed resistance against foreign occupation and aggression with a view of liberation and self-determination, as terrorist acts within the meaning of paragraph 1 (b) of Article 2 of the Convention.

The Government of Italy recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Italy considers that the declaration made by the Government of the Arab Republic of Egypt in substance constitutes a reservation.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in paragraph 1 (b) of Article 2 of the Convention. Such acts can never be justified with reference to the exercise of people's right to self-determination.

The Government of Italy further considers the reservation to be contrary to the terms of Article 6 of the Convention, according to which the States parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Italy wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become Parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Italy therefore objects to the reservation made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Arab Republic of Egypt and Italy. The Convention enters into force between the Arab Republic of Egypt and Italy without the Arab Republic of Egypt benefiting from its reservation.

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of Italy has examined the reservation made by the Government of the Syrian Arab Republic upon accession to the International Convention for the Suppression of the Financing of Terrorism, according to which the Syrian Arab Republic considers that acts of resistance to foreign occupation are not included under acts of terrorism within the meaning of paragraph 1 (b) of Article 2 of the Convention.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in paragraph 1 (b) of Article 2 of the Convention. Such acts can never be justified with reference to the exercise of people's right to self-determination.

The Government of Italy further considers the reservation to be contrary to the terms of Article 6 of the Convention, according to which the States Parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Italy wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Italy objects to the reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Syrian Arab Republic and Italy. The Convention enters into force between the Syrian Arab Republic and Italy, without the Syrian Arab Republic benefiting from its reservation.

## **Japan**

1 May 2006

With regard to the reservation made by the Syrian Arab Republic upon accession:

When depositing its instrument of accession, the Government of Syrian Arab Republic made a reservation which reads as follows: "A reservation concerning the provisions of its article 2, paragraph 1 (b), inasmuch as the Syrian Arab Republic considers that acts of resistance to foreign occupation are not included under acts of terrorism".

In this connection, the Government of Japan draws attention to the provisions of article 6 of the Convention, according to which each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic

legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Japan considers that the aforementioned reservation made by the Syrian Arab Republic seeks to exclude acts of resistance to foreign occupation from application of the Convention and that such reservation constitutes a reservation which is incompatible with the object and purpose of the Convention. The Government of Japan therefore objects to the reservation made by the Syrian Arab Republic.

### **Latvia**

30 September 2005

With regard to the declaration made by the Syrian Arab Republic upon accession:

The Government of the Republic of Latvia has examined the reservation made by the Syrian Arab Republic to the International Convention of the Suppression of the Financing of Terrorism upon accession to the Convention regarding Article 2 paragraph 1 (*b*) thereof.

The Government of the Republic of Latvia is of the opinion that this reservation unilaterally limits the scope of the Convention and is thus in contradiction to the objectives and purposes of the Convention to suppress the financing of terrorist acts wherever and by whomsoever they may be carried out.

Moreover, the Government of the Republic of Latvia considers that the reservation conflicts with the terms of Article 6 of the Convention setting out the obligation for State Parties to adopt such measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (*c*), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Syrian Arab Republic. Thus, the Convention will become operative without the Syrian Arab Republic benefiting from its reservation.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Republic of Latvia has examined the explanatory reservation made by the Arab Republic of Egypt to the International Convention of the Suppression of the Financing of Terrorism upon accession to the Convention regarding Article 2 paragraph 1 (b) thereof.

The Government of the Republic of Latvia is of the opinion that this explanatory declaration is in fact unilateral act that is deemed to limit the scope of the Convention and therefore should be regarded as reservation. Thus, this reservation contradicts to the objectives and purposes of the Convention to suppress the financing of terrorist acts wherever and by whomsoever they may be carried out.

Moreover, the Government of the Republic of Latvia considers that the reservation conflicts with the terms of Article 6 of the Convention setting out the obligation for States Parties to adopt such measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservation made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Arab Republic of Egypt. Thus, the Convention will become operative without the Arab Republic of Egypt benefiting from its reservation.

23 August 2006

With regard to the understanding made by Bangladesh upon accession:

The Government of the Republic of Latvia has carefully examined the ‘understanding’ made by the People’s Republic of Bangladesh to the International Convention for the Suppression of the Financing of Terrorism upon accession.

Thus, the Government of the Republic of Latvia is of the opinion that the understanding is in fact a unilateral act deemed to limit the scope of application of the International Convention for the Suppression of the Financing of Terrorism and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia has noted that the understanding does not make it clear to what extent the People’s Republic of Bangladesh considers itself bound by the provisions of the International Convention

for the Suppression of the Financing of Terrorism and whether the way of implementation of the provisions of the aforementioned Convention is in line with the object and purpose of the Convention.

The Government of the Republic of Latvia therefore objects to the aforesaid reservation made by the People's Republic of Bangladesh to the International Convention for the Suppression of the Financing of Terrorism.

However, this objection shall not preclude the entry into force of the International Convention for the Suppression of the Financing of Terrorism between the Republic of Latvia and the People's Republic of Bangladesh. Thus, the International Convention for the Suppression of the Financing of Terrorism will become operative without People's Republic of Bangladesh benefiting from its reservation.

### **Malaysia**

Declarations and reservation:

1. The Government of Malaysia declares, pursuant to article 2 (2) (a) of the Convention, that in the application of the Convention to Malaysia, the Convention shall be deemed not to include the treaties listed in the Annex to the Convention which Malaysia is not a party thereto.

2. In accordance with Article 7 (3) of the Convention, the Government of Malaysia declares that it has established jurisdiction in accordance with its domestic laws over the offences set forth in Article 2 of the Convention in all the cases provided for in Article 7 (1) and 7 (2).

3. The Government of Malaysia understands Article 10 (1) of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.

4. (a) Pursuant to Article 24 (2) of the Convention, the Government of Malaysia declares that it does not consider itself bound by article 24 (1) of the Convention; and (b) The Government of Malaysia reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24 (1) of the Convention or any other procedure for arbitration.

### **Netherlands**

20 May 2005

With regard to the reservation made by Belgium upon ratification:

The Government of the Kingdom of the Netherlands has examined the reservation made by the Government of Belgium regarding Article 14 of the International Convention for the suppression of the financing of terrorism made at the time of its ratification of the Convention.

The Government of the Kingdom of the Netherlands notes that the reservation made by the Government of Belgium is expressed to apply only “in exceptional circumstances” and that, notwithstanding the application of the reservation, Belgium continues to be bound by the general legal principle of *aut dedere aut judicare*. The Government of the Kingdom of the Netherlands further notes that the exceptional circumstances that are envisaged in paragraph 1 of the reservation made by the Government of Belgium are not specified in the reservation.

The Government of the Kingdom of the Netherlands considers the offences set forth in Article 2 of the Convention to be of such grave nature, that the provisions of Article 14 should apply in all circumstances.

Furthermore the Government of the Kingdom of the Netherlands recalls the principle that claims of political motivation must not be recognised as grounds for refusing requests for the extradition of alleged terrorists.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of Belgium to the International Convention for the suppression of the financing of terrorism.

This objection shall not preclude the entry into force of the Convention between Belgium and the Kingdom of the Netherlands, without Belgium benefiting from its reservation.

30 August 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Kingdom of the Netherlands has carefully examined the declaration made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism upon ratification of the Convention relating to Article 2 paragraph 1 (*b*) thereof. It is of the opinion that this declaration amounts to a reservation, since its purpose is to unilaterally limit the scope of the Convention. The Government of the Kingdom of the Netherlands is furthermore of the opinion that the declaration is in contradiction to the object and purpose of the Convention, in particular the object of suppressing the financing of terrorist acts wherever and by whomever they may be committed.

The declaration is further contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned declaration by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Kingdom of the Netherlands and the Arab Republic of Egypt.

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism upon accession to the Convention relating to Article 2 paragraph 1 (*b*) thereof. It is of the opinion that this reservation unilaterally limits the scope of the Convention and is in contradiction to the object and purpose of the Convention, in particular the object of suppressing the financing of terrorist acts wherever and by whomever they may be committed.

The reservation is further contrary to the terms of Article 6 of the Convention, according to which States Parties commit themselves to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of a convention are not permissible.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservation by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Kingdom of the Netherlands and the Syrian Arab Republic.

25 August 2006

With regard to the understanding made by Bangladesh upon accession:

The Government of the Kingdom of the Netherlands has examined the declaration made by the Government of the People's Republic of Bangladesh upon accession to the International Convention for the Suppression of the Financing of Terrorism. The People's Republic of Bangladesh has declared that its accession to the Convention shall not be deemed to be inconsistent with its international obligations under the Constitution of the country. The Government of the Kingdom of the Netherlands is of the opinion that this declaration raises questions as to which obligations the People's Republic of Bangladesh intends to give precedence to in the event of any inconsistency between the Convention and its Constitution. Declarations that leave it uncertain to what extent a State consents to be bound by its contractual obligations are in the

opinion of the Government of the Kingdom of the Netherlands to be treated, in effect, as general reservations, which are not compatible with the object and purpose of a Convention.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned declaration made by the Government of the People's Republic of Bangladesh to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention as between the Kingdom of the Netherlands and the People's Republic of Bangladesh.

### **Norway**

3 December 2002

With regard to the reservations made by the Democratic People's Republic of Korea upon signature:

The Government of Norway has examined the reservations made by the Government of the Democratic People's Republic of Korea upon signature of the International Convention for the Suppression of the Financing of Terrorism.

It is the position of the Government of Norway that the reservations with regard to paragraph 1 (a) of Article 2 and Article 14 are incompatible with the object and purpose of the Convention, as they purport to exclude the application of core provisions of the Convention. The Government of Norway recalls that, in accordance with well-established treaty law, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Norway therefore objects to the aforesaid reservations made by the Government of the Democratic People's Republic of Korea. This objection does not preclude the entry into force, in its entirety, of the Convention between the Kingdom of Norway and the Democratic People's Republic of Korea. The Convention thus becomes operative between the Kingdom of Norway and the Democratic People's Republic of Korea without the Democratic People's Republic of Korea benefiting from these reservations.

15 July 2004

With regard to the declaration made by Jordan upon ratification:

The Government of Norway has examined the declaration relating to paragraph 1 (b) of Article 2 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of Jordan.

The Government of Norway considers the declaration to be a reservation that seeks to limit the scope of the Convention on a unilateral basis and which is contrary to its object and purpose, namely the suppression of financing of terrorism, irrespective of where they take place and who carries them out.

The declaration is furthermore contrary to the terms of Article 6 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or similar nature.

The Government of Norway recalls that, according to customary international law, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Norway therefore objects to the aforesaid reservation made by the Government of Jordan to the Convention. This objection shall not preclude the entry into force of the Convention between Norway and Jordan.

4 October 2005

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of Norway has examined the contents of the reservation relating to paragraph 1 (b) of article 2 to the Convention for the Suppression of the Financing of Terrorism made by the Syrian Arab Republic.

The Government of Norway considers the reservation to be in contradiction with the object and purpose of the Convention, namely the suppression of the financing of terrorist acts wherever and by whomever they may be carried out.

The reservation is, furthermore, contrary to the terms of Article 6 of the Convention according to which State Parties commit themselves to adopt measures as may be necessary to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, ideological, racial, ethnic, religious or similar nature.

The Government of Norway wishes to recall that according to customary international law as codified in the Vienna Convention on the Law of Treaties a reservation incompatible with the object and purposes of the Convention shall not be permitted.

It is in the common interest of states that treaties to which they have chosen to become parties are respected as to their object and purpose and that states are prepared to undertake any legislative changes necessary to comply with the obligations under the treaties.

The Government of Norway therefore objects to the above-mentioned reservations made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab Republic and Norway. The Convention will thus become operative between the two states without the Syrian Arab Republic benefiting from its declaration.

**Poland**

28 April 2006

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the Republic of Poland has examined the reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism relating to article 2, paragraph 1 (*b*) thereof.

The Government of the Republic of Poland considers that the reservation made by the Government of the Syrian Arab Republic unilaterally limits the scope of the Convention and it is, therefore, contrary to the object and purpose of the Convention.

The Government of the Republic of Poland considers that the reservation to be contrary to the terms of article 6 of the Convention, according to which States Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of their political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of the Republic of Poland wishes to recall that according to article 19 (*c*) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Poland therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between the Republic of Poland and the Syrian Arab Republic.

2 August 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Republic of Poland has examined the explanatory declaration made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism relating to article 2, paragraph 1 (*b*) thereof.

The Government of the Republic of Poland considers that the declaration made by the Government of the Arab Republic of Egypt is in fact a reservation that seeks to limit the scope of the Convention on a unilateral basis and it is, therefore, contrary to the object and purpose of the Convention.

The Government of the Republic of Poland considers that the declaration to be contrary to the terms of article 6 of the Convention, according to which States

Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of their political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of the Republic of Poland wishes to recall that according to article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Poland therefore objects to the aforesaid declaration made by the Government of the Arab Republic of Egypt to the International Convention for the Financing of Terrorism. However this objection shall not preclude the entry into force of the Convention between the Republic of Poland and the Arab Republic of Egypt.

### **Portugal**

31 August 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Portugal considers that the declaration made by the Government of the Arab Republic of Egypt is in fact a reservation that seeks to limit the scope of the convention on a unilateral basis and is therefore contrary to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and who carries them out.

The declaration is furthermore contrary to the terms of the Article 6 of the Convention according to which State Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Portugal recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Portugal therefore objects to the aforesaid reservation made by the Government of the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between Portugal and the Arab Republic of Egypt.

With regard to the declaration made by the Syrian Arab Republic upon accession:

The Government of Portugal considers that the declaration made by the Government of the Syrian Arab Republic is in fact a reservation that seeks to limit the scope of the convention on a unilateral basis and is therefore contrary

to its object and purpose, which is the suppression of the financing of terrorist acts, irrespective of where they take place and who carries them out.

The declaration is furthermore contrary to the terms of the Article 6 of the Convention according to which State Parties commit themselves to “adopt such measures as may be necessary, including, where appropriate, domestic legislation to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”.

The Government of Portugal recalls that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Portugal therefore objects to the aforesaid reservation made by the Government of the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between Portugal and the Syrian Arab Republic.

### **Spain**

4 April 2006

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the Kingdom of Spain has examined the reservation entered by the Syrian Arab Republic to article 2, paragraph 1 (b), of the International Convention for the Suppression of the Financing of Terrorism upon ratifying that instrument.

The Government of the Kingdom of Spain considers that this reservation is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of Spain considers, in particular, that the reservation entered by the Syrian Arab Republic is incompatible with article 6 of the Convention, whereby States parties undertake to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Kingdom of Spain recalls that, under the customary-law provision enshrined in article 19 (c) of the 1969 Vienna Convention on the Law of Treaties, reservations that are incompatible with the object and purpose of the treaty concerned are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the reservation entered by the Syrian Arab Republic to article 2, paragraph 1 (b), of the International Convention for the Suppression of the Financing of Terrorism.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Syrian Arab Republic.

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the Kingdom of Spain has examined the reservation to article 2, paragraph 1 (*b*), of the International Convention for the Suppression of the Financing of Terrorism made by the Arab Republic of Egypt at the time of its ratification of the Convention.

The Government of the Kingdom of Spain considers that this reservation is contrary to the object and purpose of the Convention.

The Government of the Kingdom of Spain considers, in particular, that the reservation made by the Arab Republic of Egypt is contrary to article 6 of the Convention, according to which the States Parties pledge to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of the Kingdom of Spain recalls that, according to customary international law as codified in the 1969 Vienna Convention on the Law of Treaties (article 19 (*c*)), a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Kingdom of Spain therefore objects to the reservation made by the Arab Republic of Egypt to article 2, paragraph 1 (*b*), of the International Convention for the Suppression of the Financing of Terrorism.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Arab Republic of Egypt.

## **Sweden**

5 October 2005

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of Sweden has examined the explanatory declaration made by the Government of the Arab Republic of Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism, according to which the Arab Republic of Egypt does not consider acts of national resistance in all its forms, including armed resistance against foreign occupation and aggression with a view of liberation and self-determination, as terrorist acts within the meaning of paragraph 1 (*b*) of Article 2 of the Convention.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of

Sweden considers that the declaration made by the Government of the Arab Republic of Egypt in substance constitutes a reservation.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in paragraph 1 (*b*) of Article 2 of the Convention. Such acts can never be justified with reference to the exercise of people's right to self-determination.

The Government of Sweden further considers the reservation to be contrary to the terms of Article 6 of the Convention, according to which the States parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Sweden wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the reservation made by the Arab Republic of Egypt to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Arab Republic of Egypt and Sweden. The Convention enters into force between the Arab Republic of Egypt and Sweden without the Arab Republic of Egypt benefiting from its reservation.

With regard to the declaration made by the Syrian Arab Republic upon accession:

The Government of Sweden has examined the reservation made by the Government of the Syrian Arab Republic upon accession to the International Convention for the Suppression of the Financing of Terrorism, according to which the Syrian Arab Republic considers that acts of resistance to foreign occupation are not included under acts of terrorism within the meaning of paragraph 1 (*b*) of Article 2 of the Convention.

The object and purpose of the Convention is to suppress the financing of terrorist acts, including those defined in paragraph 1 (*b*) of Article 2 of the Convention. Such acts can never be justified with reference to the exercise of peoples' right to self-determination.

The Government of Sweden further considers the reservation to be contrary to the terms of Article 6 of the Convention, according to which the States parties are under an obligation to adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the

scope of the Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

The Government of Sweden wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the reservation made by the Syrian Arab Republic to the International Convention for the Suppression of the Financing of Terrorism. This objection shall not preclude the entry into force of the Convention between the Syrian Arab Republic and Sweden. The Convention enters into force between the Syrian Arab Republic and Sweden, without the Syrian Arab Republic benefiting from its reservation.

### **United Kingdom of Great Britain and Northern Ireland**

20 May 2005

With regard to the reservation made by the Belgium upon ratification:

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the reservation relating to Article 14 of the International Convention for the Suppression of the Financing of Terrorism made by the Government of Belgium at the time of its ratification of the Convention.

The Government of the United Kingdom note that the effect of the said reservation is to disapply the provisions of Article 14 in “exceptional circumstances”. Article 14 provides that:

“None of the offences set forth in Article 2 shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence inspired by political motives.”

The Government of the United Kingdom note that the provisions of Article 14 reflect in part the principle that claims of political motivation must not be recognised as grounds for refusing requests for the extradition of alleged terrorists. The Government of the United Kingdom consider this principle to be an important measure in the fight against terrorism and the provisions of Article 14 of the Convention in particular to be an essential measure in States’ efforts to suppress the financing of terrorist acts.

The Government of the United Kingdom note that paragraph 1 of the reservation made by the Government of Belgium is expressed to apply only “in

exceptional circumstances” and that, notwithstanding the application of the reservation, Belgium continues to be bound by the principle of *aut dedere aut judicare* as set out in Article 10 of the Convention. The Government of the United Kingdom note further, however, that the exceptional circumstances that are envisaged are not specified in the reservation.

In light of the grave nature of the offences set forth in Article 2 of the Convention, the Government of the United Kingdom consider that the provisions of Article 14 should apply in all circumstances. A reservation that seeks to disapply Article 14, even while reaffirming the application of the principle of *aut dedere aut judicare*, undermines the effectiveness of the provisions of Article 14 of the Convention as a measure in States’ efforts to suppress the financing of terrorist acts.

The Government of the United Kingdom therefore objects to the aforesaid reservation made by the Government of Belgium to the International Convention for the Suppression of the Financing of Terrorism. However, this objection shall not preclude the entry into force of the Convention between the United Kingdom and Belgium.

1 May 2006

The Government of the United Kingdom of Great Britain and Northern Ireland has examined the reservation relating to article 2, paragraph 1(b) of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Syrian Arab Republic at the time of its accession to the Convention.

The Government of the United Kingdom objects to the aforesaid reservation.

3 August 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the explanatory declaration relating to article 2, paragraph 1(b) of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the Arab Republic of Egypt at the time of its ratification of the Convention. The Government of the United Kingdom consider the declaration made by Egypt to be a reservation that seeks to limit the scope of the Convention on a unilateral basis.

The Government of the United Kingdom objects to the aforesaid reservation.

With regard to the understanding made by Bangladesh upon accession:

The Government of the United Kingdom of Great Britain and Northern Ireland have examined the ‘understanding’ of the International Convention for the Suppression of the Financing of Terrorism made by the Government of the People’s Republic of Bangladesh at the time of its accession to the Convention. The

Government of the United Kingdom consider the understanding made by Bangladesh to be a reservation that seeks to limit the scope of the Convention on a unilateral basis.

The Government of the United Kingdom objects to the aforesaid reservation.

### **United States of America**

9 March 2006

With regard to the explanatory declaration made by Egypt upon ratification:

The Government of the United States of America, after careful review, considers the explanatory declaration made by Egypt to be a reservation that seeks to limit the scope of the Convention on a unilateral basis. The explanatory declaration is contrary to the object and purpose of the Convention, namely, the suppression of the financing of terrorist acts, irrespective of where they take place and who perpetrates them.

The Government of the United States also considers the explanatory declaration to be contrary to the terms of Article 6 of the Convention, which provides: "Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature.

The Government of the United States notes that, under established principles of international treaty law, as reflected in Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of the treaty shall not be permitted.

The Government of the United States of America therefore objects to the explanatory declaration relating to paragraph 1 (b) of Article 2 made by Egypt upon ratification of the International Convention for the Suppression of the Financing of Terrorism. This objection does not, however, preclude the entry into force of the Convention between the United States and Egypt.

With regard to the reservation made by the Syrian Arab Republic upon accession:

The Government of the United States of America, after careful review, considers the reservation contrary to the object and purpose of the Convention, namely, the suppression of the financing of terrorist acts, irrespective of where they take place and who perpetrates them.

The Government of the United States also considers the reservation to be contrary to the terms of Article 6 of the Convention, which provides: "Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this

Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature.”

The Government of the United States notes that, under established principles of international treaty law, as reflected in Article 19(c) of the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of the treaty shall not be permitted.

The Government of the United States therefore objects to the explanatory declaration relating to paragraph 1(b) of Article 2 made by the Government of Syria upon accession to the International Convention for the Suppression of the Financing of Terrorism. This objection does not, however, preclude the entry into force of the Convention between the United States and the Syrian Arab Republic.

### **Notifications made under article 7(3)**

#### **Argentina**

Article 7, paragraph 3:

In relation to article 7, paragraph 3, of the Convention, the Argentine Republic declares that the territorial scope of application of its criminal law is set forth in article 1 of the Argentine Penal Code (Act No. 11,729), which states:

“This Code shall apply:

1. To offences that are committed or that produce effects in the territory of the Argentine nation, or in places under its jurisdiction;
2. To offences that are committed abroad by agents or employees of the Argentine authorities during the performance of their duties”.

The Argentine Republic shall therefore exercise jurisdiction over the offences defined in article 7, paragraph 2 (c), and over the offences defined in article 7, paragraph 2 (a), (b) and (d), when they produce effects in the territory of the Argentine Republic or in places under its jurisdiction, or when they were committed abroad by agents or employees of the Argentine authorities during the performance of their duties.

With regard to the offences referred to in article 7, paragraph 2 (e), jurisdiction over such offences shall be exercised in accordance with the legal provisions in force in the Argentine Republic. In this regard, reference should be made to article 199 of the Argentine Aeronautical Code, which states:

“Acts occurring, actions carried out, and offences committed in a private Argentine aircraft over Argentine territory or its jurisdictional waters, or where no State exercises sovereignty, shall be governed by the laws of the Argentine nation and tried by its courts.

Acts occurring, actions carried out, and offences committed on board a private Argentine aircraft over foreign territory shall also fall under the jurisdiction of the Argentine courts and the application of the laws of the nation if a legitimate interest of the Argentine State or of persons domiciled therein are thereby injured or if the first landing, following the act, action or offence, occurs in the Republic”.

### **Brazil**

26 September 2005

The Government of Brazil would like to inform that according to the provisions of Article 7, paragraph 3 of the International Convention for the Suppression of Financing of Terrorism, by ratifying that instrument the Federative Republic of Brazil will exercise jurisdiction over all hypotheses foreseen in items “a” to “e” of paragraph 2 of the same article.

### **China**

In accordance with paragraph 3 of Article 7 of the Convention, the People’s Republic of China has established the jurisdiction over five offences stipulated in paragraph 2 of Article 7 of the Convention, but this jurisdiction shall not apply to the Hong Kong Special Administrative Region of the People’s Republic of China.

### **Czech Republic**

In accordance with article 7, paragraph 3 of the Convention, the Czech Republic notifies that it has established its jurisdiction over the offences set forth in article 2 of the Convention in all cases referred to in article 7, paragraph 2 of the Convention.

### **Jamaica**

Jamaica has established jurisdiction over the offences set forth in Article 2, with respect to the jurisdiction stated in Article 7(2) (c) which states:

“A State Party may also establish its jurisdiction over any such offence when:

- (c) The offence was directed towards or resulted in an offence referred to in Article 2, paragraph 1, subparagraph (a) or (b), committed in an attempt to compel that State to do or abstain from doing any act”.

### **Singapore**

In accordance with the provision of Article 7, paragraph 3, the Republic of Singapore gives notification that it has established jurisdiction over the offences set forth in Article 2 of the Convention in all the cases provided for in Article 7, paragraph 2 of the Convention.”

SCHEDULE 3

“TABLE

Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement	
Afghanistan			X	X		X	X		X						X	X	X	X	X	X		
Albania	X		X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	
Algeria			X	X	X	X	X		X						X	X	X	X	X	X	X	
Andorra	X		X	X	X	X	X		X					X	X	X	X	X	X	X	X	
Angola			X	X	X		X															
Antigua and Barbuda			X	X		X	X		X								X	X		X	X	
Argentina			X	X	X	X	X		X	X			X		X	X	X	X	X	X	X	
Armenia	X		X	X	X	X	X	X	X					X	X	X	X	X	X	X	X	
Australia			X	X	X	X	X		X	X	X				X	X	X	X	X	X	X	
Austria	X		X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	
Azerbaijan	X		X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	
Bahamas			X	X	X	X	X								X	X	X	X	X	X	X	
Bahrain			X	X	X	X	X		X						X	X	X	X	X	X	X	
Bangladesh			X	X	X	X	X		X	X					X	X	X	X	X	X	X	

Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement	
Barbados			X	X	X		X								X	X	X	X	X	X		
Belarus			X	X	X	X	X		X	X				X	X	X	X	X	X	X	X	
Belgium		X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	
Belize			X	X	X		X		X								X	X	X	X	X	
Benin			X	X	X		X		X						X	X	X	X	X	X	X	
Bhutan			X	X	X		X		X						X	X	X	X	X	X	X	
Bolivia			X	X	X	X	X		X	X					X	X	X	X	X	X	X	
Bosnia and Herzegovina		X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	
Botswana			X	X	X	X	X		X	X					X	X	X	X	X	X	X	
Brazil			X	X	X	X	X		X	X			X		X	X	X	X	X	X	X	
Brunei Darussalam			X	X	X		X		X	X					X	X	X	X	X	X	X	
Bulgaria		X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	
Burkina Faso			X	X	X	X	X		X						X	X	X	X	X	X	X	
Burundi				X			X		X										X			
Cambodia			X	X	X	X	X		X							X	X	X	X	X	X	

Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement
Cameroon			X	X	X	X	X		X								X	X	X	X	
Canada			X	X	X	X	X		X	X			X		X	X	X	X	X	X	
Cape Verde			X	X	X	X	X		X						X	X	X	X	X	X	
Central African Republic			X	X	X	X	X										X	X	X	X	
Chad			X	X			X		X								X				
Chile			X	X	X	X	X		X	X			X		X	X	X	X	X	X	
China			X	X	X	X	X		X	X					X	X	X	X	X	X	
Colombia			X	X	X	X	X		X								X	X	X	X	
Comoros			X	X	X	X	X								X	X	X	X	X	X	
Congo			X	X			X		X											X	
Cook Islands			X	X	X		X								X					X	
Costa Rica			X	X	X	X	X		X	X					X	X			X	X	
Cote d'Ivoire			X	X			X		X	X							X	X	X	X	
Croatia		X	X	X	X	X	X	X	X	X						X	X	X	X	X	X







Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement	
Japan			X	X	X	X	X		X	X			X		X	X	X	X	X	X	X	
Jordan			X	X	X		X		X						X	X	X	X	X	X	X	
Kazakhstan			X	X	X	X	X		X						X	X	X	X	X	X	X	
Kenya			X	X	X	X	X		X	X					X	X	X	X	X	X	X	
Kiribati															X	X	X	X	X	X	X	
Kuwait			X	X	X	X	X		X	X					X	X	X	X	X	X	X	
Kyrgyzstan			X	X	X		X		X								X	X	X	X	X	
Lao People's Democratic Republic			X	X	X		X			X							X	X	X	X	X	
Latvia		X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	X	
Lebanon			X	X	X	X	X		X	X					X	X	X	X	X	X	X	
Lesotho			X	X			X		X	X							X		X	X	X	
Liberia			X	X	X		X		X	X							X	X	X	X	X	
Libyan Arab Jamahiriya			X	X	X	X	X		X	X							X	X	X	X	X	
Liechtenstein	X		X	X	X	X	X	X	X	X							X	X	X	X	X	
Lithuania	X		X	X	X	X	X	X	X	X							X	X	X	X	X	

Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement
Luxembourg		X	X	X	X	X	X	X	X	X			X	X			X	X	X	X	
Madagascar			X	X	X	X	X		X	X					X	X	X	X	X	X	
Malawi			X	X			X		X								X	X	X	X	
Malaysia			X	X	X		X										X	X	X	X	
Maldives			X	X	X		X		X								X	X	X	X	
Mali			X	X	X	X	X		X	X							X	X	X	X	
Malta	X		X	X	X	X	X	X	X						X	X	X	X	X	X	
Marshall Islands			X	X	X	X									X	X	X	X	X	X	
Mauritania			X	X	X	X	X		X						X	X	X	X	X	X	
Mauritius			X	X	X		X		X						X	X	X	X	X	X	
Mexico			X	X	X	X	X		X						X	X	X	X	X	X	
Micronesia (Federated States of)				X	X		X								X		X	X	X	X	
Moldova	X		X	X	X	X	X	X	X						X	X	X	X	X	X	
Monaco			X	X	X	X	X	X	X	X					X	X	X	X	X	X	
Mongolia			X	X	X	X	X		X	X					X	X	X	X	X	X	
Montenegro	X		X	X	X	X	X	X	X	X					X	X	X	X	X	X	

Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement	
Morocco			X	X	X	X	X		X						X	X	X	X	X	X		
Mozambique			X	X	X	X	X		X						X	X	X	X	X	X		
Myanmar			X	X	X		X								X	X	X	X	X	X		
Namibia			X	X	X	X			X						X	X						
Nauru			X	X	X	X				X					X	X	X	X	X	X		
Nepal			X	X	X		X		X	X					X		X	X	X	X		
Netherlands		X	X	X	X	X	X	X	X	X				X	X	X	X	X	X	X	X	
	Netherlands Antilles	X																				
	Netherlands Aruba	X																				
New Zealand			X	X	X	X	X		X	X					X	X	X	X	X	X		
Nicaragua			X	X	X	X	X		X						X	X	X	X	X	X		
Niger			X	X	X	X	X		X						X	X	X	X	X	X		
Nigeria			X	X	X	X	X		X						X	X	X	X	X	X		
Norway		X	X	X	X	X	X	X	X	X					X	X	X	X	X	X		
Oman			X	X	X	X	X								X	X	X	X	X	X		
Pakistan			X	X	X	X	X								X	X	X	X	X	X		



Countries with which the State has made an extradition agreement or an arrangement under section 8(2) of the Act of 1965	Places to which an extradition agreement or an arrangement under section 8(2) of the Act of 1965 applies	Paris Convention	Hague Convention	Montreal Convention	Montreal Protocol	Nuclear Materials Convention	Drug Trafficking Convention	Anti-Terrorism Convention	Convention Against Torture	Convention on the Safety of UN Personnel	Australian Treaty	United States Treaty	Convention on Combating Bribery	Convention on Corruption	Maritime Safety Convention	Fixed Platforms Protocol	Convention against Hostage Taking	Crimes against Internationally Protected Persons Convention	Suppression of Terrorist Bombings Convention	Suppression of Financing of Terrorism Convention	Hong Kong Agreement	
Saint Vincent and the Grenadines		X	X	X	X		X		X						X	X	X	X	X	X	X	
Samoa			X	X	X		X			X					X					X	X	
San Marino							X	X												X	X	
Sao Tome and Principe			X	X	X		X								X	X	X	X	X	X	X	
Saudi Arabia			X	X	X		X		X						X	X	X	X	X	X	X	
Senegal			X	X	X		X		X	X					X	X	X	X	X	X	X	
Serbia			X	X	X		X	X	X	X					X	X	X	X	X	X	X	
Seychelles			X	X	X		X		X	X					X	X	X	X	X	X	X	
Sierra Leone			X	X	X		X		X	X					X	X	X	X	X	X	X	
Singapore			X	X	X		X			X					X	X	X	X	X	X	X	
Slovakia			X	X	X		X	X	X	X					X	X	X	X	X	X	X	
Slovenia			X	X	X		X	X	X	X					X	X	X	X	X	X	X	
Somalia									X													
Solomon Islands				X																		

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South Africa		X	X	X	X	X	X		X				X		X	X	X	X	X	X		
Spain		X	X	X	X	X	X	X	X	X			X		X	X	X	X	X	X	X	
Sri Lanka			X	X	X		X		X	X					X		X	X	X	X	X	
Sudan			X	X	X	X	X								X	X	X	X	X	X	X	
Suriname			X	X	X		X								X	X	X					
Swaziland			X	X		X	X		X						X	X	X	X	X	X	X	
Sweden		X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	
Switzerland		X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	
Syrian Arab Republic			X	X	X		X		X						X	X		X		X	X	
Tajikistan			X	X	X	X	X		X						X	X	X	X	X	X	X	
Thailand			X	X	X		X		X						X	X	X	X	X	X	X	
The Former Yugoslav Republic of Macedonia	X		X	X	X	X	X	X	X	X					X	X	X	X	X	X	X	
Timor-Leste									X													
Togo			X	X	X	X	X		X	X						X	X	X	X	X	X	

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Tonga			X	X	X	X	X								X	X	X	X	X	X	
Trinidad and Tobago			X	X	X	X	X								X	X	X	X	X	X	
Tunisia			X	X	X	X	X		X	X					X	X	X	X	X	X	
Turkey		X	X	X	X	X	X	X	X	X			X		X	X	X	X	X	X	
Turkmenistan			X	X	X	X	X		X	X					X	X	X	X	X	X	
Tuvalu															X						
Uganda			X	X	X	X	X		X						X		X	X	X	X	
Ukraine		X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	
United Arab Emirates			X	X	X	X	X		X	X					X	X	X	X	X	X	
United Kingdom		X	X	X	X	X	X	X	X	X					X	X	X	X	X	X	
	Channel Islands	X																			
	Isle of Man	X																			
United Republic of Tanzania			X	X	X	X	X								X		X		X	X	





GIVEN under my Official Seal,  
14 January 2009

MICHEÁL MARTIN.  
Minister for Foreign Affairs.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The effect of this Order is to amend the Extradition Act 1965 (Application of Part II) Order 2000 by applying the provisions of Part II of the enabling Act to the Hong Kong Special Administrative Region, and to those additional States which became party to the international agreements dealt with by that Order (as amended) so as to ensure that the State can fulfil its international obligations relating to extradition.

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