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

Seventh session Vienna, 17-28 January 2000

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its sixth session, held in Vienna from 6 to 17 October 1999

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I. Introduction

- 1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.
- 2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

II. Organization of the session

A. Opening of the session

- 3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its sixth session in Vienna from 6 to 17 December 1999. The Ad Hoc Committee held 20 meetings.
- 4. At its fifth session, held in Vienna from 4 to 15 October 1999, the Ad Hoc Committee had decided to consider at its sixth session articles 4 ter, 17 bis and 20-30 of the revised draft United Nations Convention against Transnational Organized Crime, as well as to continue its first reading of the international legal instruments addressing trafficking in persons, especially women and children, and illegal trafficking in and transporting of migrants, including by sea.
- 5. After the opening of the sixth session of the Ad Hoc Committee by its Chairman, the Secretary recalled that the Ad Hoc Committee had requested the Secretariat to prepare an analytical study on provisions of national laws relevant to the draft Convention concerning offences

punishable by deprivation of liberty, with an indication of the number of years of imprisonment. He informed the Ad Hoc Committee that the analytical study on serious crime (A/AC.254/22 and Corr.1 and Add.1) had been prepared and would be distributed to all delegations during the sixth session of the Ad Hoc Committee.

B. Attendance

6. The sixth session of the Ad Hoc Committee was attended by representatives of 106 States. Also attending the sixth session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

- 7. At its 77th meeting, on 6 December 1999, the Ad Hoc Committee adopted the following agenda for its sixth session:
 - 1. Opening of the sixth session of the Ad Hoc Committee.
 - Adoption of the agenda and organization of work.
 - 3. Consideration of the additional international legal instruments:
 - (a) Draft instrument against illegal trafficking in and transporting of

- migrants, with particular emphasis on articles 7-19;
- (b) Draft instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18.
- 4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 *ter*, 17 *bis* and 20-30.
- Adoption of the report of the Ad Hoc Committee on its sixth session.

D. Documentation

8. At its sixth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Austria, Cameroon, Canada, China, Colombia, Finland, France, Germany, India (on behalf of the Group of 77), Japan, the Libyan Arab Jamahiriya, Mexico, the Russian Federation, South Africa and the United States of America. A list of documents is contained in annex II to the present report.

III. Discussion on the additional international legal instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19

- 9. At its 77th to 80th meetings, the Ad Hoc Committee discussed the additional legal instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19. It based its work on a document containing the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.15, A/AC.254/L.96, A/AC.254/L.97, A/AC.254/L.99, A/AC.254/L.101, A/AC.254/L.102 and A/AC.254/L.104).
- 10. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of

the discussion in the informal consultations on the common provisions between the draft Convention and the draft protocols thereto. The new version of those articles of the draft Protocol was included in document A/AC.254/L.128/Add.2. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session will be reflected in a new version of the draft Protocol.¹

IV. Discussion on the additional international legal instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18

- 11. At its 81st to 86th meetings, the Ad Hoc Committee discussed the additional legal instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18. The Ad Hoc Committee decided to base its work on the restructured version of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/5/Add.13), as had been recommended by the informal consultations held during the fifth session of the Ad Hoc Committee, and on other proposals and contributions submitted by Governments (A/AC.254/5/Add.16, A/AC.254/L.103, A/AC.254/L.105, A/AC.254/L.107 and A/AC.254/L.116). The Ad Hoc Committee also had before it revisions of and amendments to the draft Protocol prepared by informal working groups, either at the request of the Chairman or on the basis of the Chairman's summaries (A/AC.254/L.110, A/AC.254/L.112 and A/AC.254/L.113).
- 12. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft protocols thereto. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session (A/AC.254/L.128/Add.3) will be reflected in a new version of the draft Protocol.²

To be issued subsequently as document

A/AC.254/4/Add.1/Rev.4.

To be issued subsequently as document A/AC.254/4/Add.3/Rev.5.

V. Discussion on the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 4 ter, 17 bis and 20-30

13. At its 87th to 96th meetings, the Ad Hoc Committee discussed articles 4 ter, 17 bis and 20-30 of the draft Convention. The Ad Hoc Committee based its work on the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.5) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.14, A/AC.254/L.98, A/AC.254/L.100, A/AC.254/L.108, A/AC.254/L.111, A/AC.254/L.114, A/AC.254/L.115, A/AC.254/L.118, A/AC.254/L.119 and A/AC.254/L.121-125). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by informal working groups, either at the request of the Chairman or on the basis of the Chairman's summaries (A/AC.254/L.122). In completing its second reading of the draft Convention and in accordance with the request by the Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect the points of convergence and would form the basis for further drafting. The new version of those articles was included in document A/AC.254/L.128/Add.4. The progress achieved on the draft Convention by the Ad Hoc Committee at its sixth session will be reflected in a new version of the draft Convention.³

14. The representative of Morocco, speaking on behalf of the Group of African States, informed the Ad Hoc Committee of delays experienced by representatives of least developed countries in receiving funds intended to assist them in meeting the local costs of their attendance at the sixth session of the Ad Hoc Committee. The Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention explained that administrative difficulties stemming from certain General Assembly decisions currently in force were the root cause of the delays. The Ad Hoc Committee expressed the hope that, in order to alleviate the situation, the Assembly would give favourable consideration to a draft resolution on the subject that would be submitted to it at its fifty-fourth session by Guyana, on behalf of the

Group of 77 and China. In that resolution the Assembly would request the Secretary-General both to continue to use the extrabudgetary resources provided for the purpose of covering the travel expenses of representatives of least developed countries to attend the session of the Ad Hoc Committee and also to provide financial support, as extrabudgetary resources permitted, to cover the local costs of those representatives.

VI. Informal consultations

- 15. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.
- 16. At its fifth session, the Ad Hoc Committee had decided that the informal consultations at its sixth session would be devoted to an overview of provisions that could be considered common to the draft Convention and the draft protocols thereto, and to consideration of the articles of those draft instruments that would be under discussion at its sixth session. At the sixth session of the Ad Hoc Committee, informal consultations were held from 7 to 10 December 1999 in parallel with the plenary meetings of the Ad Hoc Committee. The documents made available to the Ad Hoc Committee for its informal consultations were A/AC.254/21, A/AC.254/4/Rev.5, A/AC.254/5/Add.14, A/AC.254/L.106 and A/AC.254/L.117.
- 17. The recommendations of the informal consultations (A/AC.254/L.109 and A/AC.254/L.120) were submitted to the Ad Hoc Committee by the chairmen of the informal consultations.
- 18. At its 94th meeting, the Ad Hoc Committee approved the recommendations of the informal consultations on the common provisions of the draft Convention and the draft protocols thereto (A/AC.254/L.109). The Ad Hoc Committee carried out its work on articles 4 *ter*, 20, 22 and 22 *bis* on the basis of the recommendations of the informal consultations (A/AC.254/L.120).

VII. Adoption of the report of the Ad Hoc Committee on its sixth session

19. At its 96th meeting, on 17 December 1999, the Ad Hoc Committee adopted the report on its sixth session (A/AC.254/L.128).

³ To be issued subsequently as document A/AC.254/4/Rev.6.

- 20. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its seventh session, to be held in Vienna from 17 to 28 January 2000 (A/AC.254/L.128/Add.1).⁴
- 21. In approving the provisional agenda for its seventh session, the Ad Hoc Committee decided to include an item on the implementation of General Assembly resolution 54/128, entitled "Action against corruption".

⁴ To be issued subsequently as document A/AC.254/24.

Annex I

List of participants

States

Afghanistan Farid A. Amin

Albania Roland Izedin Bimo, Spiro Koci

Algeria Mokhtar Reguieg, Boudjema Mehdi, Mohamed Khellili,

Salah Francis El-Hamdi, Linda Briza

Angola Henrique Dos Santos, António Felismino, José L. Bravo da Costa Argentina Juan Carlos Kreckler, Eugenio M. Curia, Gustavo de Paoli,

Eduardo Tempone, Martín Recondo

Australia Annette Willing, Helen Stylianou, Susan Coles, Suzanne Tatam

Austria Irene Freudenschuss-Reichl, Fritz Zeder, Stefan Benner,

Ulrike Kathrein, Wolfgang Pekel, Albin Dearing, Heinz Drobesch, Karl Hutter, Matthias Vogl, Wolfgang Gschliffner, Johann Haller, Christian Fellner, Elisabeth Marschang, Gregor Schusterschitz,

Christian Ebner, Katharina Koller

Bangladesh M. Farrukh Ahmed

Belarus Valyantsin Fisenka, Olga Zvereva

Belgium Michel Adam, Peter Huyghebaert, J. S. Jamart, Wouter Boucique,

W. de Meyer, Tina Scholiers, M. F. Gazan

Benin Antoine Gouhouede

Bolivia Jaime Niño de Guzmán, Juan Ignacio Siles, María Lourdes

Espinoza

Brazil Manoel Gomes Pereira, Jose Jorge Alcazar Almeida

Bulgaria Ivan Naydenov, Traiko Spasov

Burkina Faso Thomas Sanou, Lazare Gansore, Thomas Dakouré, Herman Traore

Burundi François Ndayiragije

Cameroon Egbe Achuo Hillmann, Bisseck Raphael, Tehane Levi,

Eheth Salomon, Yay Jean Gabriel, Ename Atangana, Ela Emmanuel

Thierry, Ndimba Wenceslas de Bohème

Canada Keith Morrill, Alan Morgan, Robert Sinclair, Audrey Tomick,

Debra Normoyle, Jacques Lemire, James Hayes, Jamie Deacon

Cape Verde Felesmino Garcia Cardoso

Chile José Luis Balmaceda, Patricio Powell

China Xu Hong, Liu Yinghai, Diao Mingsheng, Zhai Jinrong,

Liu Guoxiang, Zhang Yi, Tian Ni

Colombia Héctor Charry Samper, Juliana Bustamante Reyes,

Carlos Rodríguez Bocanegra, Diana Patricia Mejía Molina

Comoros Mirhane Bourhane

Costa Rica Luis Eduardo Echeverria Moturiol, Stella Aviram Neuman

Côte d'Ivoire Lenoir Kouassi, Olga Barou

Croatia Mario Nobilo, Ranko Vilović, • eljko Horvatić, Zoran Nekić,

Marijana Kujund• ić

Cuba Luis Garcia Peraza, Aurora Gramatges López, Eliseo Zamora

Hernández, Pedro Manuel Alvarez Aguirre

Cyprus Nicolaos D. Macris, Anny Shakalli, Antonios Theocharous

Czech Republic Pavel Šturma, Jan Kohout

Democratic People's

Republic of Korea Jong Yun Hyong, Kim Tok Gil

Denmark Gitte Hundahl, Rikke Freil Schaumann, Ingeborg Gade,

Jan Torp Hansen, Jakob Christensen, Anders Karlsen,

Carsten Krogh

Djibouti Omar Houssein Hassan

Ecuador Patricio Palacios, Franklin Chavez

Egypt Sameh Hassan Shoukry, Iskandar Ghattas, Abdel Wahab

Mohamed Bakir, Yasser Sayed El-Atawi, Saliman Abdeloneim

Finland Tom Grönberg, Jaakko Halttunen, Matti Joutsen, Reijo Pöyhönen,

Seppo Juntunen, Tuomo Kurri, Camilla Busck-Nielsen, Pia Rantala

France Bérengère Quincy, Alain Moureau, Oliver de Baynast,

Philippe Delacroix, Catherine Thony, Michel Gauthier, Eric Ruelle, Anne Delahaie, Michel Quille, Bruno Savoye, Anne-Sylvie Delouvrier, Anne-Françoise Tissier, M. Petraz, Alain Bianchi, Delphine Lida, Françoise Travaillot, Patrick

Deunet, Gilles Vaysser

Gambia Sariyang M. K. Jobarteh

Georgia Levan Mikeladze, Zurab Chapidze

Germany Michael Grotz, Hans Peter Plischka, Manfred Möhrenschlager,

Axel Werbke, Thomas Fitschen, Joachim Ziegler, Albrecht Volkwein, Alexander Bollongino, Martina Lapacz, Joachim Rzenicki-Weyers, Nicole Zündorf-Hinte,

Gerhard Neurohr, Bernd Rossbach, Christian Dargel

Greece Ioannis Aggelis, Ekaterini Fountoulaki, Konstantinos Matzoukas

Guatemala Ricardo Diaz-Duque, Sylvia Wohlers de Meie, Juan Pablo

Diaz Castillo

Guinea Cyrille Conde

Haiti Rolande Dorency Dathis, Moetsi Duchatellier Holy See Dominique Rézeau, Raffaella Manoni Zagaria Hungary Mihály Tóth, Tibor Tóth, László Gàl, Zoltán Márki, Sándor Virág,

Ákos Borai, András Blahó, Róbert Manchin, István Münnich,

Attila Zsigmond, Andrea Igazi, Árpád Eördögh

India Jayant Umranikar

Indonesia Sapartini S. Kuntjoro Jakti, Sadewo Joedo, Diar Nurbintoro

Iran (Islamic

Republic of) Mehdi Danesh-Yazdi, Amir Hossein Zamaninia, Ali Hajigholam

Saryazdi, Mahmoud Khani Joyabadi, Bahram Darvish Khadem,

Mehdi Nikfar

Ireland Donacha O'Sullivan, Anne Vaughan

Italy Vincenzo Manno, Gioacchino Polimeni, Massimo Curcio,

Luigi Sico, Roberta Barberini, Maria Grazia Giammarinaro, Giusto Sciacchitano, Francesca Marcelli, Elisabetta Rosi, Gualtiero Michelini, Alfredo Nunzi, Ennio Di Francesco, Vincenzo Delicato, Castore Palmerini, Giancarlo Olimbo, Umberto de Augustinis,

Sandro Senatore, Tiziana Terribile

Japan Masayoshi Kamohra, Michiaki Ozaki, Kiyoshi Koinuma,

Kuniko Ozaki, Taisuke Kanayama, Kazuhito Sakurai, Kazuharu Hirano, Keisuke Senta, Katsuhiro Hirokami, Iwao Katayama, Noriaki Kojima, Katsunori Imai, Yuko Sano, Naoki Onishi, Takeshi Hayakawa, Nobuhiro Watanabe,

Yoshiyuki Ishiwata, Aya Umezu

Jordan Mohammed El-Hawamdeh, Mohammed Abdullah Al Qudah,

Ghazi Al-Faori, Leena Al-Hadid

Kuwait Faisal Al-Ghais, Jasem Al-Budaiwi

Lebanon William Habib, Georges Boustani, Mohammed Alameldin,

Caroline Ziadé

Libyan Arab

Jamahiriya Said Abdulaati, Abduslam El Tomai, Sharif Ali Alazhari,

Mehdi S. Medjrbi, Faisal Elshaeri

Lithuania Sarunas Adomavicius

Luxembourg Georges Santer, Pierre Franck, Pierre Ferring, Katja Kremer

Madagascar Maxime Zafera, Maurice Randrianame, Clarah Andrianjaka,

Koraiche Allaouidine

Mauritania Abbat Ould Senny

Mauritius Chooramun Jassodanand

Mexico Olga Pellicer, Joel Hernandez, Sergio Olivar Moctezuma,

Vanessa Patiño Bonnemaire, Irma Cue Sarquis, Martín Salvador Morfin Ruiz, Elvia Perez Gonzalez, Juan Jorge Quiroz Richards

Morocco Abderrahim Benmoussa, Mohamed Eloualladi, Abdellatif Saadi

Mozambique Maria Leonor Joaquim, Pedro Sinai Nhatitima, Joã Brito Da

Cunha, Zanadine Dalsuco, Lourenço Mavie

Myanmar Sit Aye

Nepal Kul Chandra Shrestha

Netherlands Jaap Ramaker, Marjorie Bonn, Jan Peek, J. Wiarda,

Michiel Bierkens, Quirine Van der Linden, Liesbeth Lijnzaad

Nicaragua Alberto Altamirano lacayo

Niger Abdou Adamou

Nigeria Dahiru Adamu, Abel Adelekun Ayoko, Lot Peter Egopija

Norway Helga Hernes, Lars Meling, Brigit Vinnes, Fredrik Böckman

Finstad, Ellen-Sofie Terland, Jan Pieter Groenhof,

Gjermund Saether, Ola Rambjör Heidi

Oman Ahmed Said Al-Hassani, Said Nasser Al-Siyabi,

Ahmed Said Al-Hasani, Yousuf A. H. Al-Jabry

Pakistan Shaukat Umer, Iffat Imran Gardezi

Panama Jorge Enrique Halphen Pérez, Mirna P. de Pérez-Venero

Peru Gilbert Chauny de Porturas Hoyle, Ruth Saif de Préperier,

Raúl Loarte Ramos, Manuel Alvarez Espinal

Philippines Victor G. Garcia III, Jose Percival L. Adiong,

Aurora Javate-de-Dios, Alberto M. Astudillo, Mary Anne A.

Padua, Nelia Sancho

Poland Janusz Rydzkowski, Mariusz Skowroński, Zbigniew Wrona,

Zdzisław Galicki, Beata Ziorkiewicz, Boźena Szczytowska

Portugal Joã Rosa Lã, José Maria Leite Martins, Mario Gomes Dias,

Euclides Dâmaso Simões, Liliana Araujo, Carlos Pais, Maria do Carmo Costa, Maria José Matos, António Folgado,

Cristina Pucarinho, Eduardo Lobo Rodrigues

Qatar Ali Essa Al-Khoulaifi, Salim Sakr Al-Murikhi

Republic of Korea Chung Dal-ho, Yuh Jae-hong, Paek Kee-bong, Koo Hyun-mo,

Je Dong-hwan, Lee Chul

Romania Adrian Vierita

Russian

Federation Sergei N. Karev, Valery V. Loshchinin, Victor N. Melnikov,

Georgiy G. Matchitidze, Mikhail S. Paleyev, Lyudmila N. Kurovskaya, Vladmir V. Chistyukhin, Igor L. Smirnov, Valentine I. Mikhailov, Anatoly V. Grinenko, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov, Eduard P. Ryazanov, I. L. Dimitrov, D. V. Grishchin,

I. O. Meledzayev, O. K. Leshchev

Rwanda Busingye Johnston

Saudi Arabia Omar Ibn Mohammad Kurdi, Abdulrahim M. Al Ghamdi,

Abdullah Ibn Abdul-Rahman Al-Yousuf, Fahd Nasser Al-Mannaa, Mohammad Ibn Nasser Al-Owlah, Abdul-Rahman Hamdan Al-Shamrani, Ahmad Abdul-Karim Al-Marzouqi, Mutlaq ibn Saleh Al-Dibjan, Saud Al-Mutlaq, Mohammed Abdul-

Aziz Al-Mohaizer

Singapore Sowaran Singh, Danielle Ping Lin Yeow,

Sellakumaran Sellamuthoo

Slovakia Alojz Némethy, Oksana Tomová, Zuzana Chudá, Vladimír Kotuli Č,

Paval Slopovský, Denisa Ivanová, Jozef Szabó, Metod Špaček

Slovenia Bojan Bertoncelj

South Africa Nozipho Joyce Mxakato-Diseko, P. M. Matlou, N. S. Schoombie,

P. Smith, Peter Gastrow, Ncumisa Pamella Notutela

Spain Antonio Ortiz, Pilar Ruiz-Carnicero, Ignacío Baylina-Ruiz,

Antonio Yébenes Gadea, Javier González Ibañez, José María de las

Cuevas Carretero, Alberto Ruiz Secchi

Sri Lanka C. S. Poolokasingham, S. A. D. S. Subasinghe

Sudan Isaac Chinkok Kenti, Kureng Akuei Pac

Sweden Per Hedvall, Erika Hemtke, Johanna Peyron, Håkan Öberg

Switzerland Urs Breiter, Anita Marfurt, Daniel Wüger, Charles Naudi,

Stephan Arnold

Syrian Arab

Republic Omar Mohammed Kurdi, Sobhi Salloum, Abboud Al-Sarraj,

Jawad Nabout

Thailand Udom Raksiltharm, Sutee Thaichinda, Wanchai Roujanavong,

Suphanvasa Chotikajan

The former

Yugoslav Republic

of Macedonia Margarita Trajkova, Ruzica Zanteva Angelova

Togo Joachim Bénivi Beni-Locco

Tunisia Slabeddine Dhambri, Tahar Fellous, Emma Lazoughli, Fethi Setty,

Sabri Chaabani, Nabil Ammar

Turkey Abdülkadir Kaya, M. Aydin Özbay, Macide Erdener

Ukraine Volodymyr Ohrysko, Yevgen Strekalov, Viktoria Kuvshynnykova

United Arab

Emirates Mohamed Mahmood Al Kamali, Abdulrahim Mohamed Sinkais

Al-Awadi, Abdulla Al-Falasi, Jamal Mohamed Khalifa Al Marri,

Hassan Mohammed Tamim

United Kingdom of Great Britain and Northern

Ireland John Patrick George Freeman, Richard Bradley, Mark Etherton,

Paul McKell, Aiden Kiely, David Lusher, Robert Butlin,

Brian Kinney, David Wilson

United States

of America Rob Boone, Laura E. Kennedy, Kathleen W. Barmon,

Jeffrey A. Breinholt, Thomas N. Burrows, Mary Helen Carlson, Thomas Coony, Kenneth Harris, Raul Pedrozo, Kenneth Propp, James Puleo, Herbert S. Traub, James Vigil, Steven C. Warnath

Uruguay D. Fructuoso Pittaluga-Fonseca, Gustavo Alvarez, Elena Fajardo

Venezuela Fidel Garófalo Laya, Neiza Pineda

Yemen Abdul Qader Qahtan, Naggeb Ismail Ali

Zimbabwe Phelekezela Mphoko

Entities represented by observers

Palestine

United Nations Secretariat units

Office of the United Nations High Commissioner for Human Rights, Office for Drug Control and Crime Prevention, Economic Commission for Africa

United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences

Specialized agencies and other organizations of the United Nations system

United Nations Children's Fund, International Maritime Organization

Other intergovernmental organizations

Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of the European Community, European Union, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, League of Arab States, Organization for Security and Cooperation in Europe, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status

International Abolitionist Federation, International Council of Women, Zonta International

Special consultative status

Asia Crime Prevention Foundation, Asian Women's Human Rights Council, Caritas Internationalis (International Confederation of Catholic Charities), Coalition against Trafficking in Women, European Women's Lobby, International Council on Alcohol and Addictions, International Federation of University Women, International Human Rights Law Group, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Council of Independent Christian Churches

Roster

International Movement against All Forms of Discrimination and Racism

Annex II

List of documents before the Ad Hoc Committee at its sixth session

Document symbol	Title or description
A/AC.254/4/Rev.5	Revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.1/Rev.3	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/4/Add.3/Rev.4	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.13	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.14	Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.15	Proposals and contributions received from Governments on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/5/Add.16	Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/19	Report of Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its fifth session, held in Vienna from 4 to 15 October 1999
A/AC.254/19/Add.1	Report of the informal consultations on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/20	Annotated provisional agenda and proposed organization of work

Document symbol Title or description A/AC.254/21 Common provisions of the revised draft United Nations Convention against Transnational Organized Crime and the draft Protocols thereto: note by the Secretariat A/AC.254/22 and Corr.1 and Add.1 Analytical study on serious crime A/AC.254/L.96 Mexico: amendment to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime A/AC.254/L.97 Germany: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime Austria and the United States of America: amendments to A/AC.254/L.98 articles 23 and 23 bis of the revised draft United Nations Convention against Transnational Organized Crime A/AC.254/L.99 Argentina: amendment to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime Colombia: amendments to articles 2 bis and 4 ter of the A/AC.254/L.100 revised draft United Nations Convention against Transnational Organized Crime A/AC.254/L.101 Libyan Arab Jamahiriya: comments on and amendments to articles 7-10 and 14-16 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime A/AC.254/L.102 Cameroon: amendments to articles 8, 11, 12 and 14 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime A/AC.254/L.103 Cameroon: amendments to articles 8-10, 12-14 and 18 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime France: amendment to article 9 of the revised draft Protocol A/AC.254/L.104 against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

Document symbol	Title or description
A/AC.254/L.105	United States of America: amendments to articles 2 and 2 <i>bis</i> of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.106	Finland: non-paper comparing the common provisions of the revised draft United Nations Convention against Transnational Organized Crime and the three draft protocols
A/AC.254/L.107	France and United States of America: amendments to article 8 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.108	India: amendments to the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.109	Common provisions of the revised draft United Nations Convention against Transnational Organized Crime and the draft Protocols thereto: report of the Chairman on the informal consultations
A/AC.254/L.110	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: report on the informal consultations
A/AC.254/L.111	Japan: amendment to article 4 <i>ter</i> of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.112	Working group on the inclusion of a non-discrimination clause in article 13 (Savings clause) of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: amendment to article 13 of the draft Protocol as contained in document A/AC.254/5/Add.13
A/AC.254/L.113	Working group on article 10 (Prevention of trafficking in persons) of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: amendment to article 10 of the draft Protocol as contained in document A/AC.254/5/Add.13
A/AC.254/L.114	Canada: amendment to article 26 of the revised draft United Nations Convention against Transnational Organized Crime

Document symbol	Title or description
A/AC.254/L.115	Russian Federation: amendments to article 4, 4 bis and 4 ter of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.116	Germany: amendment to article 13 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/L.112)
A/AC.254/L.117	Informal consultations: working text of articles 20 and 22 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.118	China: amendment to article 22 <i>ter</i> of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.119	Mexico: amendment to article 4 <i>ter</i> and proposal for a new article of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.120	Articles 4 ter, 20, 22 and 22 bis of the revised draft United Nations Convention against Transnational Organized Crime: report of the Chairman on the informal consultations
A/AC.254/L.121	South Africa: amendment to article 4 <i>ter</i> of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.122	Working group on article 23 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.123	France: amendment to article 24 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.124	Germany: amendment to article 17 <i>bis</i> of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.125	United States of America: amendment to article 4 <i>ter</i> and proposal for a new article of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.126	Colombia: amendment to articles 22 and 26 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.127	Yemen: amendment to article 22 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/L.128	Draft report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its sixth session

Document symbol	Title or description
A/AC.254/L.128/Add.1	Draft provisional agenda and proposed organization of work for the seventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 17 to 28 January 2000
A/AC.254/L.128/Add.2	Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.128/Add.3	Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
A/AC.254/L.128/Add.4	Articles 4 <i>ter</i> , 17 <i>bis</i> and 20-30 of the revised draft United Nations Convention against Transnational Organized Crime
A/AC.254/CRP.3	International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea