

8025/96

LIMITE

JUSTPEN 83

**NOTE**

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from: General Secretariat of the Council

to : Working Party on International Organized Crime

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**Subject: Questionnaire on the practical aspects of judicial cooperation in the fight against international organized crime**

**- Replies from the delegations of the CCEE (1)**

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In order to implement the action programme of the Member States of the European Union and of the associated countries of Central and Eastern Europe, including the Baltic States, a questionnaire was prepared on the practical aspects of judicial cooperation in the fight against crime.

At the seminar held in Budapest from 25 to 28 March 1996, the representatives of the Member States of the European Union and of the CCEE agreed on the questionnaire contained in 4426/1/96 REV 1 JUSTPEN 12. It was also agreed that all those States should send their replies to the General Secretariat of the Council before 1 June 1996.

Delegations will find attached the replies provided by the delegations of the CCEE. The replies of the Member States are contained in 8024/96 JUSTPEN 82.

A synthesis will shortly be made of the replies given.

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(1) The delegations of Estonia and Romania have not yet given their replies.

**1. *Is it necessary for your national legislation to make provision for appointing contact magistrates or authorities in another State under bilateral arrangements, to help in responding to requests for judicial cooperation?***

***– If so, specify the area, describe the national legislation, forward the texts and, if possible, specify the types of case in which those liaison magistrates or authorities have produced satisfactory results.***

***– If not, state what difficulties you would have in allowing for this possibility.***

## **BULGARIA**

In the Republic of Bulgaria there are not law provisions on the appointment, within the frames of bilateral agreements, of liaison magistrates or agencies in other countries for execution of the requests for legal assistance.

The lack of legislative arrangements and actual availability of such institutions creates difficulties and affects the speed of execution of requests for legal assistance of the Bulgarian justice and other authorities sent to another country. Quick feed back through a magistrate or agency, giving or asking for additional information, documents etc., as well as cooperation with the agencies executing requests for legal assistance on the spot would accelerate, to a great extent, the response to the requested concrete legal assistance.

## **HUNGARY**

There is no legislative provision for appointing liaison magistrates or authorities in other State under our bilateral agreements. Requests for judicial cooperation, for legal assistance are presented to the Hungarian Ministry of Justice, which – depending on the case – either forwards it to the competent court or makes the necessary steps itself.

## **LATVIA**

Latvian legislation does not prohibit the actions referred to in the question, however, the institutions such as liaison magistrates etc. have not been established, mostly due to the economic reasons. At present, Latvia would not be able to pay for extra work by any officials or even whole authorities abroad because of the limited budget facilities.

INTERPOL National Office is operating successfully in Latvia. This office could be mentioned as an institution that has produced good results in developing international judicial cooperation.

## LITHUANIA

No, we haven't got.

The main objections are:

- financial resources,
- lack of necessary governmental decisions.

At present, these legal documents are being drafted and we expect to have them adopted by the end of this year.

## POLAND

The existing Polish law does not provide for sending abroad (exchanging) liaison magistrates. Neither has Poland ratified any international agreements on this respect. The above problem looks different in the area of the police cooperation for Polish home office, pursuant to the agreements concluded with appropriate sectors in other countries, has been exchanging liaison officers. There are Polish liaison police officers operating in a few European countries. They have the status of members of diplomatic/consular staff, similarly to foreign liaison officers operating in Poland.

If appropriate international agreements were ratified, it seems, it would also be possible to exchange liaison magistrates. However, we should consider the question how useful would such an exchange be. In this respect, we should first of all take into account the range of powers (duties) of liaison magistrates as well as the costs of their maintenance.

Pursuant to the Polish penal procedure (Code of Penal Procedure of 19 April 1969, Dziennik Ustaw No. 13, item 96 with amendments) a foreign judge/prosecutor is not able to perform any action in connection with legal proceedings in Poland. The situation of Polish judges/prosecutors abroad is similar: pursuant to the Code of Penal Procedure even as far as undertaking actions towards a Polish citizen in a foreign country (servicing, hearing) is concerned, the only person empowered to it is the Polish consul and not a judge/prosecutor. One can hardly expect making essential changes in Polish legal regulations in this respect, since they would at the same time touch a very delicate problem of infringement of state sovereignty. We think, it is the same in other countries.

In this light, what a Polish liaison magistrate abroad or a foreign liaison magistrate in Poland could do, would be giving information, making explanations, rendering unofficial assistance to the administration of justice of the country delegating him/her or the country receiving him/her in response to a foreign request. Such actions would naturally make the international cooperation in criminal matters easier. However, this type of actions can be performed equally effectively by adequately trained consular services and majority of problems can be solved thanks to the permanent direct contact between organisational units of the countries involved in conducting legal transactions in criminal matters. Such a solution is much less expensive than the maintenance of several (a dozen or so) of liaison magistrates.

## **CZECH REPUBLIC**

The institute of liaison judges or officials active in another country who assist in the execution of a request for legal assistance, is not addressed by our internal legal system.

The possibility of authorities and persons concerned in the requisitioning state participating in the execution of the requisition in the state being requisitioned is referred to only in the European Convention on Mutual Assistance in Criminal Matters, negotiated on 20 April 1959 in Strassbourg, in its article 4 and in the Treaty between the Czech Republic and the Republic of Austria on the Amendment to the European Convention on Legal Assistance, negotiated on 27 June 1994 in Vienna, in its Article V.

Similar provisions are included in the draft treaties on legal assistance with the Federal Republic of Germany, the USA and Canada.

We would like to further familiarize ourselves with these issues.

## **SLOVAKIA**

There are no provisions in the Slovak legislation on appointing liaison magistrates or authorities in another State and there are also no bilateral treaties to this effect binding on the Slovak Republic.

The Slovak Republic has not yet researched into such a possibility and has not been approached by another State with a suggestion of introducing this form of cooperation.

In principle, the Ministry of Justice does not see any substantial problems with the introduction of this form of cooperation. As it is not familiar with all the particularities of such form of cooperation, certain technical issues would have to be clarified first.

2. (a) *Does your legislation admit of direct contact between your magistrates and those of other States in the field of international mutual judicial assistance? What procedure applies?*
- (b) *If your State has made a declaration pursuant to Article 15 of the European Convention on Mutual Assistance in Criminal Matters, could you state the reasons why your country cannot accept direct contacts between judicial authorities? Does this apply also in emergency cases? (1)*

## **BULGARIA**

There are not law provisions which impose interdiction for direct contacts of Bulgarian magistrates with magistrates from other countries, but the bilateral and multilateral agreements in the field of legal cooperation and legal assistance provide for sending the requests for legal assistance through designated central authorities. Possibility for direct contacts between the Main Prosecutor's Office of the Republic of Bulgaria and the relevant central prosecution agencies of the other contracting party is provided in some bilateral agreements.

## **HUNGARY**

According to our present legislation there is no direct contact between our magistrates and those of other states. We do not exclude however the possibilities of developments on this field. Our obligations in the field of mutual judicial assistance are carried out through the Ministry of Justice which serves as a "contact point" in this regard, accepts the requests from foreign judicial authorities and forwards it to the competent Hungarian courts and vice versa.

## **LATVIA**

As seen from the above article of Criminal Proceedings Code of Latvia, international contacts take place through Justice Ministry, Interior Ministry or Prosecutor's Office. However, such contacts could be considered as direct to a certain extent because, for example, Police Service of Interior Ministry as well as the Prosecutor's Office perform considerable part of criminal proceedings. The procedural part of the contacts is governed by Criminal Proceedings Code (see above) and bilateral agreements.

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(1) Member States which have made a declaration pursuant to Article 15 of the European Convention on Mutual Assistance in Criminal Matters are asked to specify the extent of their reservation.

## LITHUANIA

Yes, our legislation approves such direct contacts. e.g.:

- Lithuania has ratified the European Convention on mutual assistance in criminal matters (1959) and the Additional Protocol (1978) on 4 April 1994,
- Lithuania regained its membership in Interpol on 30 November 1991.

The procedure is as follows:

- the cooperation in investigation of the cases concerning criminal prosecution of certain persons is in the competence of Prosecutor's General Office and the Ministry of Internal Affairs;
- the exchange of information on the investigation of certain criminal cases goes through the channels of Interpol NCB (according to the provisions of Interpol Statutes).

## POLAND

- a) Direct communication between Polish judges/prosecutors and judges/prosecutors of other countries while rendering legal assistance is now possible between Poland and several countries pursuant to the following agreements:
- with Czech Republic: the Agreement between Polish People's Republic and Czechoslovak Socialist Republic about Legal Assistance and Conduct in Civil, Family, Labour and Criminal Matters of 21 December 1987. Pursuant to Article 3, paragraph 1 of this agreement, the administrations of justice of Participant Countries remain in direct contact unless stipulated otherwise. Their requests for rendering legal assistance are prepared in a bilingual form. The assistance is given pursuant to the law of the requested country. If the requested authority is not competent enough to comply with the request, the request is ex officio sent to a competent one, about which the requesting authority is informed.
  - with Slovakia: the agreement and conditions of rendering legal assistance are the same as the ones for Czech Republic.
  - with Hungary: the Agreement between Polish People's Republic and Hungarian People's Republic about Legal Conduct in Civil, Family and Criminal Matters of 6 March 1959. The principles of rendering legal assistance between these two countries are similar to those discussed in respect to Czech Republic.
  - with Lithuania: the Agreement between the Public Prosecutor General of the Republic of Poland and the Public Prosecutor General of the Republic of Lithuania about Cooperation of Public Prosecutor's Offices of 20 December 1994 concluded pursuant to the Agreement between the Republic of Poland and the Republic of Lithuania about Rendering Legal Assistance and Conduct in Civil, Family, Labour and Criminal Matters of 26 January 1993. Pursuant to Article 8, Paragraph 1 of the above mentioned Agreement, while rendering a legal assistance, the voivodship public prosecutor's offices of Poland remain in direct contact with district public prosecutor's offices of Lithuania. The conditions of satisfying these requests are similar to the ones described in respect to Czech Republic.

- with Germany: Common Report from the Polish-German talks about closer legal cooperation in criminal matters of 8 March 1993. According to point 3 of the Report request for rendering legal assistance in criminal matters are sent directly to competent courts and prosecutors of both countries. The requests from Germany are sent to competent Polish voivodship courts/prosecutors, the requests from Poland – to competent German district courts and/or prosecutors by district courts.

In addition to the above mentioned bilateral agreements, on 17 June 1996 the European Convention about Mutual Legal Assistance in Criminal Matters of 20 April 1959, concerning Poland, will enter into force together with the Additional Report of 17 March 1978. Pursuant to Article 15 of the Convention, Polish judicial authorities (here also prosecuting authorities) will be able to be reached directly, as well as similar institutions of other Participant Countries, in urgent cases (Paragraph 2), in order to receive information from registers of convicted persons (Paragraph 3) and in other matters mentioned in Article 15 Paragraph 4 of the Convention.

- b) Pursuant to Article 15, Paragraph 6, when ratifying the Convention, Poland declared that in every case of a direct transfer of a request, a copy of it would be sent to the Ministry of Justice. In our opinion, this does not only make the conduct of the legal transaction smoother but also constitutes an additional guarantee that the request will be dealt with in a proper way (supervision and, possibly, assistance of a central authority who has greater possibilities and experience in the conduct of legal transactions with foreign countries).

## CZECH REPUBLIC

Direct contact between the judicial authorities in matters of international legal assistance is possible with the following states:

- with Poland on the basis of a Treaty between the former Czechoslovak Socialist Republic and the Polish People's Republic on legal assistance and the arrangement of legal relations in civic, family, labour, and criminal matters, agreed upon on 21 December 1987 in Warsaw,
- with Hungary on the basis of a Treaty between the former Czechoslovak Socialist Republic and the Hungarian People's Republic on legal assistance and the arrangement of legal relations in civic, family, labour and criminal matters agreed upon on 28 March 1989 in Bratislava,
- with Slovakia on the basis of a Treaty between the Czech Republic and the Slovak Republic on legal assistance provided by the judicial authorities and on the arrangement of certain legal relations in civic and criminal matters, agreed upon on 29 October 1992 in Prague,
- with Austria on the basis of a Treaty between the Czech Republic and the Republic of Austria on the amendment to the European Convention on Legal Assistance in Criminal Matters dated 20.04.1959 and on the facilitation of its application, negotiated on 07.06.1994 in Vienna,
- with Saxony on the basis of an exchange of letters of the Ministers of Justice, effective February 1996, only at the level of the Offices of the Public Prosecutor.

## **SLOVAKIA**

Direct contacts between Slovak courts and prosecutor's offices and foreign courts and prosecutor's offices (magistrates) in the field of judicial assistance are possible only if an international treaty provides so.

At present, direct contacts on the basis of bilateral treaties for purposes of execution of requests of service and/or letters rogatory are possible between Slovak courts and prosecutors and the courts and prosecutors in the Czech Republic, Hungary, Poland and Austria.

**3. *What procedure must be followed under your legislation if a request for mutual judicial assistance made by another State is to have effect?***

## **BULGARIA**

Conditions that should be satisfied by a request for legal assistance and the procedure for its execution are subject to bilateral agreements on legal assistance between the Republic of Bulgaria and other countries or are specified in the relevant conventions to which our country adhered. For execution of the requests for legal assistance the Bulgarian legislation provides, in case procedure has not been agreed, or agreed provisions are incomplete, to apply the corresponding provisions of the Bulgaria procedure legislation in the execution of the requests for legal assistance.

## **HUNGARY**

Requests for mutual judicial assistance must be addressed to the Ministry of Justice which makes the necessary steps. Our bilateral agreements and multilateral agreements concluded within the framework of the Council of Europe apply how to act, what procedures to follow.

## **LATVIA**

The general procedural matters are governed by Criminal Proceedings Code but the exact procedure for submission, examination and performance of requests is determined by bilateral agreements if such agreements have been made with the respective state. The basic provisions for performance of the request are as follows:

- the request has to be submitted by a competent authority of the respective state authorized to act so;
- the request has to be substantiated – it shall arise out of the legislation of the state which submits the request;
- there shall not be any legal obstacles for performance of the request under Latvian legislation (for example, if the person to be extradited has already been convicted for the particular crime, if he/she is a citizen of Republic of Latvia, if the requested information is secret, etc.);
- the request shall be submitted to the competent Latvian authority – Justice Ministry (matters of cooperation), Office of Prosecutor General (extradition, institution of criminal cases and other criminal proceedings), Interior Ministry (operative actions and information).

## LITHUANIA

The authorised law enforcement institution of the requesting country must submit the request for legal assistance to the Prosecutor's General Office of Lithuania. The Prosecutor's General Office executes the requests of the countries which have acceded to the European Convention on Mutual Assistance in Criminal Matters (1959) and of those with whom agreements on mutual legal assistance have been signed.

**Note:** This procedure is valid until the new Criminal Code and Criminal Procedure Code of the Republic of Lithuania are adopted. Afterwards the amendments to the procedure will be made.

## POLAND

The way Polish judicial and prosecution authorities deal with foreign requests for legal assistance in criminal matters depends upon the fact whether or not Poland is bound with the country forwarding a request by their international agreement about legal conduct in criminal matters and upon the contents of such agreement.

In the case of not having with a given country an agreement concerning direct communication between judicial administrations of Participant Countries (see point 2), the requesting authority may send their request directly to the requested competent Polish authority (in their execution of ratified agreements Participant Countries exchange among themselves lists of competent authorities and information on their range of competence). The request, which has to satisfy the conditions defined in the agreement, is sent over on a bilingual, jointly prepared form. Dealing with the request, the requested authority applies the law of their own country. It may, however, apply the law of the requesting country, unless it is not contradictory to the law of the requested country. If the requested authority is not competent enough to deal with the request, it is obliged to send it to a competent authority. After the fulfilment of the request, the requested authority transfers the files directly to the requesting party.

In the case of having an agreement providing for a conduct of legal transactions in criminal matters by means of central authorities, the request from a foreign country must first be sent to a Polish central authority; The Ministry of Justice is now such authority in Poland (in earlier agreements the Public Prosecutor General was mentioned as a central authority but after the changes in the organisation of the public prosecutor's office, such authority no longer exists, and the functions of the central authority in this respect is fulfilled exclusively by the Ministry of Justice). It transfers requests for their execution by a competent court or public prosecutor. Apart from that the rendering of a legal assistance in direct conduct of legal transactions is based on the same above mentioned principles.

In the case of not having an agreement about legal assistance in criminal matters concluded with a given country, Poland may deal with a foreign request on the basis of the existing legal acts -the Code of Penal Procedure of 19 April 1969, if the given country assures of its reciprocity in this respect (Article 541 of the Code of Penal Procedure). Such a request is transferred by means of Polish diplomatic channels. Polish courts/prosecutor's offices refuse rendering legal assistance if the execution of a given action is not in agreement with the Polish legal order or infringes Polish sovereignty. They may, however, also refuse rendering assistance if the execution of the given action according to the Polish law does not belong to the range of duties of the court or the public prosecutor or if the request for action is made when, in the meaning of Polish law, the act is not an offence. To their responding to a

request, a court and/or a public prosecutor's office apply Polish law but, on request of the requesting authority, they can apply foreign procedural law, if it does not infringe the Polish legal order.

## **CZECH REPUBLIC**

As soon as the Ministry of Justice of the Czech Republic or the Supreme Public Prosecutor's Office obtains a request for legal assistance in criminal matters from authorities of a foreign state - depending on the internal division of jurisdictions - it will pass it on without delay to a court or another state authority, or itself initiate the execution of the request in accordance with international treaties.

In cases where direct contact between the judicial authorities was agreed upon, lists of municipalities, together with lists of judicial authorities, had been exchanged. In such cases the requisitioned authorities carry out the request directly, without informing the central authorities thereof.

## **SLOVAKIA**

If a request is made under an international treaty binding on Slovakia and the requesting State, provisions of that treaty apply.

If there is no treaty between Slovakia and the requesting State, a request for judicial assistance shall be executed only if reciprocity is guaranteed.

The execution of the request can be refused, if it does not fall within the competence of Slovak judicial authorities or if its execution is contrary to the Slovak *ordre public*.

The execution of the request is governed by the Slovak rules of procedure. However, on the basis of a request by a foreign authority to that effect, the request can be executed according to foreign rules of procedure, if such procedure is not contrary to the Slovak *ordre public*.

If no authorised translation into Slovak or Czech is attached to the document to be served on an addressee in the Slovak Republic, it shall be served only if the addressee accepts it voluntarily.

4. ***Does your national legislation provide for a central authority responsible for handling requests for international mutual judicial assistance?  
If, so, describe its legal status, its tasks and its powers.***

## **BULGARIA**

According to the Bulgaria national legislation the central agency dealing with the requests for legal assistance is the Ministry of Justice. Within the Ministry of Justice of the Republic of Bulgaria is the "International legal cooperation and international legal assistance" Department. This Department has two divisions. One of them - "International legal cooperation" carries out preparatory work for signing of bilateral agreements on legal assistance or adherence to international conventions and agreements. It organizes also participation of representatives of Bulgaria in various form of international cooperation in the field of law : experts' meetings, seminars, visits to other countries, participation in meetings of the Council of Europe, legal committees and other international organizations.

The other one - "international legal assistance" carries out large scale and varied activities in the legal exchange between justice authorities of Bulgaria and those of other countries. The requests for legal assistance by the Bulgarian investigating, judicial, prosecution, notarial and judicial executive authorities are received in this division for transmitting them to other countries. Same requests for legal assistance from abroad sent to the above mentioned Bulgarian justice authorities come also here. This division deals also with exchange of information in the area of legislation of the Republic of Bulgaria and the other countries as well as in the field of legal cooperation in general and in the penal area in particular. It deals also, together with the Main prosecutor's office of the Republic of Bulgaria, with extradition and transfer of sentenced persons.

## **HUNGARY**

Yes, as mentioned above this authority is the Ministry of Justice. It serves as a "mailbox", a "contact point" towards the foreign judicial authorities. Upon request of the competent Hungarian courts, it helps in interpreting and translating the foreign documents. As a way of improvement, we do not exclude the possibility of appointing a special judicial authority to deal with judicial assistance.

## **LATVIA**

No, Latvia does not have any central authority of this kind.

## **LITHUANIA**

We haven't got a central institution. The equivalent institutions are Prosecutor's General Office and the Ministry of Internal Affairs.

## **POLAND**

Many bilateral agreements about legal assistance ratified by Poland (among others in criminal matters) provide that requests for rendering legal assistance are dealt with by central authorities of Participant Countries. The Polish Ministry of Justice – subordinate to Minister of Justice by means of which he carries out this legal tasks – functions as a central authority.

The Ministry of Justice, a central authority, puts the requests for rendering legal assistance into motion in an appropriate direction. This concerns requests prepared by:

- Polish courts/public prosecutor's offices and directed abroad,
- foreign countries and directed to Polish courts/public prosecutor's offices.  
(This, of course, does not concern the cases in which the international agreement provides for a direct conduct of legal transactions – see answer No. 2).

In the case of requests for rendering legal assistance made by Polish courts/public prosecutor's offices, the Ministry checks whether they are correct from a formal point of view (that is, whether they satisfy the requirements of an international agreement), arranges for their translation required by the agreement (the request as well as the enclosures) and finally sends them over to competent foreign authorities.

If requests for rendering legal assistance come from abroad, the Ministry checks them from a formal point of view, hands them over to competent Polish courts/public prosecutor's offices and renders general supervision over their execution.

The performance of the above mentioned actions belongs to two organisational units of the Ministry:

- the Department of International Cooperation and European Law
  - the Division of International Law and,
- the Department of Public Prosecution
  - the Division of Conduct of Legal Transactions with Foreign Countries.

The first of these departments is responsible for putting the requests from Polish courts or the ones sent to Polish courts from abroad (that is, concerning the stage of court proceedings) into motion in appropriate direction. The latter department handles requests sent by, or to, Polish public prosecutors (that is, concerning the stage of preparatory proceedings).

## **CZECH REPUBLIC**

The authorities having jurisdiction, designated for the receipt of requests for the purposes of implementing the European Convention on Mutual Assistance in Criminal Matters are two state authorities:

- The Ministry of Justice of the Czech Republic
- The Office of the Supreme Public Prosecutor of the Czech Republic

Requisitioning in criminal proceedings prior to an indictment is sent to the Office of the Supreme Public Prosecutor of the Czech Republic.

Requisitioning in criminal proceedings after an indictment – to the Ministry of Justice of the Czech Republic.

The Ministry of Justice of the Czech Republic is the central authority of the Czech Republic's state administration, responsible for courts of law, the public prosecutor's office and penitentiaries.

The Ministry of Justice carries out the following tasks, among others:

- it represents the Czech Republic in the handling of complaints for violations of human rights and freedoms,
- it fulfills the tasks following from the policy of integration into the European Union,
- it prepares legal opinions for credit and guarantee accords, in which the Czech Republic is a contracting party,
- it handles the agenda in the field of international legal assistance.

The Ministry of Justice administers the following:

- institute of Education of the Ministry of Justice of the Czech Republic,
- Center for the International Legal Protection of Youth,
- Institute for Criminology and Social Prevention,
- Judicial School in Kromeriz.

The Office of the Supreme Public Prosecutor is the highest article in the system of state authorities, charged primarily with representing the state and the state interest in court proceedings.

The Minister of Justice of the Czech Republic is the administrative superior of the Supreme Public Prosecutor and carries out supervision over the activities of the Supreme State Prosecutor.

The Supreme Public Prosecutor's Office is charged with the following tasks, among others:

- it handles notifications of criminal activity and other grounds for criminal proceedings,
- it takes part in the public sessions of the Supreme Court of the Czech Republic in proceedings concerning violations of law,
- carries out methodical activity in the field of organized and especially dangerous criminal activity,
- secures international legal contact within the framework of the Office of the Public Prosecutor as a whole,
- carries out the tasks in civic court proceedings and fulfills further tasks in the non-criminal area.

## **SLOVAKIA**

There is no separate "artificial" central authority responsible for handling requests for international judicial assistance. The Ministry of Justice of the Slovak Republic functions as the central receiving authority for incoming requests for judicial assistance in cases which, in the requesting State, were brought before the court. In cases which were not yet brought to court, the Prosecutor-General's Office functions as the receiving authority. This naturally applies only in cases where there is no direct contact between courts and prosecutors' offices possible.

Both the Ministry of Justice and the Prosecutor-General's Office have no powers to execute the incoming requests for assistance. They have the power to review such a request whether it is acceptable to be executed by the Slovak judicial authorities. If it is, they shall forward the request to the competent court or prosecutor's office respectively.

The request for judicial assistance originating in the Slovak courts and in the prosecutor's offices are channelled to foreign authorities through the Ministry of Justice or the Prosecutor-General's Office respectively which review whether the request meets the necessary requirements.

**5. *If the answer to 4 is no, what difficulties would there be in establishing a central authority or department responsible for international mutual judicial assistance in your country?***

## **BULGARIA**

Positive reply to the last question does not require any answer to this one.

## **HUNGARY**

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## **LATVIA**

Firstly, the establishment of an entirely new authority could be made difficult by the limited facilities of the state budget.

Secondly, according to the opinion by the Office of Prosecutor General of Republic of Latvia, in particular cases, the establishment of a central authority could even hinder successful international cooperation. Direct cooperation between the professionals in their particular field is more effective because a central authority might fail to be competent when it comes to the specific matters of a particular case or situation.

In addition, the search for cooperation through the central office will make international cooperation bureaucratic and more time-consuming.

The Office of Prosecutor General believes that it would be a great achievement in promotion of international cooperation to create an international directory containing law enforcement authorities of each state, their competence and persons to be contacted in respect of the international cooperation matters.

## **LITHUANIA**

This issue was not discussed in Lithuania as a keen one. The situation may change after the adoption of the new Criminal Code and Criminal Procedure Code.

## **POLAND**

Not applicable since the answer to question 4 is positive.

## **CZECH REPUBLIC**

Answered under point 4 above.

## **SLOVAKIA**

We do not consider setting-up a separate artificial central authority for handling requests for judicial assistance, nor do we find it desirable.

6. *Are you currently able to designate a department or authority responsible in your country for the exchange of information in the fields of mutual judicial assistance, extradition and judicial cooperation in criminal matters? If not, do you think it would be possible to set one up and, if so, under what conditions?*

## **BULGARIA**

Besides the Department "International legal cooperation and international legal assistance" of the Ministry of Justice, it is the Main prosecutor's office of the Republic of Bulgaria that takes part in the legal cooperation and legal assistance in the penal field including extradition and transfer of sentenced persons. Another agency that assists in the execution of requests for legal assistance in the penal area is the National Central Bureau of "Interpol" in Bulgaria. This agency is within the Ministry of Internal Affairs. It also assists the justice authorities in the investigation of criminals outside Bulgaria for whom usually extradition is requested thereafter. Representatives of the National Central Bureau "Interpol" take also part in the transfer of sentenced persons in the phase of delivery and bringing under conduct of sentenced persons from abroad to Bulgaria. This guarantees the speed of interaction with justice and other agencies of foreign countries, when it proves necessary, taking into account the nature of the requested legal assistance. For the purposes of the international legal assistance, diplomatic missions in foreign countries are also involved, insofar this is provided for in some bilateral agreements for legal assistance and in the international consular and other conventions. In the countries with which Bulgaria has not concluded agreements for legal assistance, diplomatic missions make contacts with justice and other authorities in the field of legal assistance sending by diplomatic ways the requests for legal assistance laid by the relevant authorities in these countries.

## **HUNGARY**

Within the present framework the Ministry of Justice is able to fulfill its tasks. However, if in the near future the number of cases increased significantly, some reorganization would be necessary.

## **LATVIA**

Yes, there are the following institutions:

- Justice Ministry (cooperation in the matters of court actions) – Court Department, tel. 371-7281589, Brivibas Blv. 36, LV 1536, fax 371-7285575;
- The Office of Prosecutor General (institution of criminal cases upon request by foreign authorities, extradition and other proceedings). Gunárs Kūtris, Senior Prosecutor of Methodology Department, is in charge of international cooperation matters in this institution, tel. 211479, fax 212231, O. Kalpaka blv. 6, Riga, LV 1050, Latvia;
- Interior Ministry (operative actions and information in criminal cases) – International Relations Department, tel. 219151 or 219160, Raina blv. 6, LV 1050, Latvia;

- INTERPOL National Office as well as separate structures of Interior Ministry such as Office for Fight against Drugs maintain direct contacts with respective services of other states.

## **LITHUANIA**

This body is:

The Information and International Relations Section of the Prosecutor's General Office of the Republic of Lithuania.

## **POLAND**

In Poland, the authority responsible for, among others, information concerning international legal assistance, extradition and legal cooperation in criminal matters in general is now the Ministry of Justice. The above mentioned functions within the Ministry of Justice are performed by:

- Department of International Cooperation and European Law – Division of International Law which is responsible for information concerning matters at their court or preparatory stage of proceedings,
- Department of Public Prosecution – Division of Conduct of Legal Transactions with Foreign Countries which is responsible for information concerning matters at their preparatory stage of proceedings.

## **CZECH REPUBLIC**

Within the Ministry of Justice of the Czech Republic there is an international department responsible for the exchange of information in the field of legal assistance, extradition and judicial cooperation in criminal matters, and within it a department of international legal assistance has been set up.

Within the Supreme State Prosecutor's Office of the Czech Republic the department of legal contact with foreign countries is responsible for the above-mentioned matters.

## **SLOVAKIA**

This task is already being carried out by the Department of International Law of the Ministry of Justice and the International Department of the Prosecutor-General's Office.

7. ***Among the following topics, indicate those which in general you think should be examined as a matter of priority in order to improve international mutual judicial cooperation:***

- drug trafficking***
- trafficking in works of art***
- trafficking in human organs***
- trafficking in stolen vehicles***
- trafficking in human beings.***

***Do you believe that it is necessary, for any of these types of crime, to adopt specific judicial cooperation measures? Can you give the reasons for such an approach?***

## **BULGARIA**

We consider that priority should be given to the following topics that should be included for consideration in view of improving international legal assistance :

- drugs traffic,**
- traffic of works of art,**
- traffic of stolen cars.**

## **HUNGARY**

- Drug trafficking,**
- trafficking in stolen vehicles, and,**
- trafficking in works of art**

should be of high priority.

## **LATVIA**

For Latvia, the most important topics are the following:

- drug trafficking,**
- trafficking in stolen vehicles,**
- trafficking in human beings.**

## **LITHUANIA**

To our mind the priorities should be as follows:

- drug trafficking,
- trade in stolen cars,
- trafficking in people.

## **POLAND**

According to us, priority should be given (among the aspects mentioned in the question) to further cooperation and effective common solutions in:

- drug trafficking,
- trading of stolen cars,
- trading of people.

Giving priority to the above mentioned problems results first of all from the fact that there is a large number of these crimes in Poland and that the level of their danger is very high. These problems are, in practice, the most difficult ones Polish administration of justice and prosecuting authorities deal with.

## **CZECH REPUBLIC**

Among the spheres of problems delineated by you, the following spheres appear to our side as being the most relevant:

- drug trafficking,
- trafficking in stolen vehicles.

## **SLOVAKIA**

This topics of drug trafficking and trafficking of stolen vehicles can be considered as a matter of priority for the interests of the Slovak Republic.

**8. Do you wish to add other priorities to those listed in 7?**

**BULGARIA**

Our suggestion is, that an extremely important topic for the countries of Eastern Europe be included as a priority matter :

- money laundering.

**HUNGARY**

Trafficking and smuggling weapons and ammunition could be added to the list under point 7.

**LATVIA**

Smuggling of oil and other energy products, alcohol, tobacco and food products.

**LITHUANIA**

We would like to add these issues:

- Illegal immigration business,
- Smuggling of firearms and non-proliferation materials.

**POLAND**

In our opinion, next priority problems requiring common actions are:

- international trade in arms,
- smuggling of alcohol, cigarettes,
- money laundering.

Apart from that, other kinds of problems, that are the ones connected with more than one type of crime, are of not lesser importance. According to us they are:

- transfer of convicted persons for serving their punishments without their consent,
- simpler and quicker transfer of requests for rendering legal assistance (mode of communication, forms of documents, translation),
- reasons for refusing rendering legal assistance.

## **CZECH REPUBLIC**

A further problem that we consider very serious is the illegal trade in nuclear materials.

## **SLOVAKIA**

No addition is being proposed.

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CONVENTIONS	Signature	Ratification	Reservations and Declarations	Intention of Sign	Intention of Ratify	Problems and Difficulties
European Convention on Extradition (1957)	30.09.93	17.06.94	R/D			
Additional Protocol to the European Convention on Extradition (1975)	30.09.93	17.06.94				
II Additional Protocol to the European Convention on Extradition (1978)	30.09.93	17.06.94	D			
European Convention on mutual assistance in criminal matters (1959)	30.09.93	17.06.94	R/D			
Additional Protocol to the European Convention on mutual assistance in criminal matters (1978)	30.09.93	17.06.94	D			
European Convention on the transfer of proceedings in criminal matters (1972)						
Convention on the transfer of sentenced persons (1983)	30.09.93	17.06.94	D			
Convention on laundering, search, seizure and confiscation of the proceeds from crime (1990)	28.09.92	02.06.93	R/D			
Convention on the physical protection of nuclear material (1980)	23.06.81	03.02.84				
United Nations Convention against narcotic drugs (1961)	31.07.61	25.10.68				
Additional Protocol to the United Nations Convention against narcotic drugs (1972)				YES	YES	
United Nations Convention against psychotropic substances (1971)	18.05.72	18.05.72				
United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (1988)	19.05.89	15.07.92				

THE REPUBLIC OF BULGARIA (continued)

	Signature	Justification	Reservations and Declarations	Intention of Sign	Intention of Ratify	Problems and Difficulties
in on the international validity of Criminal				YES		
in on the suppresion of Terrorisms (1977)			.	YES		

## THE REPUBLIC OF LATVIA

### Questionnaire on the practical aspects of judicial cooperation in the fight against international organized crime

To give reply to this questionnaire a brief survey of Latvian legislation governing international judicial cooperation in general should be given at first.

Article 23 under Criminal Proceedings Code of Republic of Latvia provides that the procedure used by court, prosecution and informative authorities to communicate with respective foreign authorities as well as the procedure used to perform the requests by such foreign authorities are governed by Criminal Proceedings Code and agreements made by Republic of Latvia or its institutions with the respective states or their institutions. Regrettably, Latvia has not joined the conventions of European Council governing the matters of criminal proceedings and fight against organized crime, however, according to the information provided by Foreign Ministry of Republic of Latvia, it will happen in the nearest future.

Criminal Proceedings Code governs the following matters in respect of international cooperation:

#### Article 23-2. "Performance of assignments by foreign authorities in performance of procedural actions"

Court, prosecution and informative authorities shall perform the procedural actions provided for under the present Code and comply with the provisions under the present Code in their performance of requests by foreign authorities.

Court, prosecution and informative authorities shall receive the requests by foreign authorities through Justice Ministry, Interior Ministry or Prosecutor's Office of Republic of Latvia. If any court, prosecution and informative authorities have received any such request directly, it shall perform the request only if authorized to do so by Justice Ministry, Interior Ministry or Prosecutor's Office of Republic of Latvia respectively.

If it is not possible to perform any request made by foreign authority, a notice specifying the reason for such non-performance shall be given to such authority through Justice Ministry, Interior Ministry or Prosecutor's Office of Republic of Latvia.

Officials of foreign court, prosecution and informative or security authorities shall perform the procedural actions provided for under the present Code independently only when authorized by Justice Ministry, Interior Ministry or Prosecutor's Office of Republic of Latvia and in the presence of the officials from the said authorities and in the procedure provided for under the present Code or the bilateral agreement.

THE REPUBLIC OF LATVIA (continued)

**Article 23-3. "Request to institute a criminal case"**

A request by a foreign authority to institute a criminal case, commence or take over (continue) criminal prosecution in respect of a person who has committed a crime in a foreign state and returned to Republic of Latvia shall be considered by the Office of Prosecutor General of Republic of Latvia, determining whether the request to institute the criminal case, commence or take over (continue) criminal prosecution is substantiated. It shall give notice of its determination in the matter to the authority that has made the request.

If a criminal case has been instituted or criminal prosecution has been commenced or taken over (continued) against the person in Republic of Latvia and the final resolution has been adopted, such foreign institution shall be sent the translation of the resolution in the respective foreign language certified in the procedure provided for by the law together with the notice.

If a foreign citizen has committed a crime within the territory of Republic of Latvia and thereafter left for his/her state, the materials gathered by prosecution and informative authorities in respect of such person shall be submitted to the Office of Prosecutor General of Republic of Latvia which shall decide on necessity to send to the respective state the request to institute a criminal case, commence or take over (continue) criminal prosecution.

**Article 23-4. "Request to a foreign state to extradite a person"**

In cases and procedure provided for by bilateral agreements the Prosecutor's Office of Republic of Latvia shall apply to the respective foreign authority with the request to extradite the citizen of Republic of Latvia or other person who has committed a crime within the territory of Republic of Latvia if a criminal case has been instituted or a resolution about criminal prosecution or a convicting resolution has been adopted against him/her.

The request about extradition of a person shall contain the surname, name, father's name, year of birth, citizenship of the person charged (convicted), circumstances of the crime committed, text of the article under Criminal Code of Latvia providing for criminal responsibility for such crime. The description of outer appearance and photograph of the person, and, if possible, fingerprints and other materials identifying the person as well as the copy of the judgement translated into the respective foreign language and certified in the procedure provided for by the law shall be enclosed to the request.

THE REPUBLIC OF LATVIA (continued)

**Article 23-5. "Limit of criminal responsibility of the person extradited by a foreign state"**

A person extradited by a foreign state shall neither be called to criminal responsibility and convicted nor handed over to any third state for the crime it has committed prior to the extradition and for commitment of which he/she has not been extradited unless the state that extradited the person has given its consent to such action.

**Article 23-6. "Extradition of a person"**

If a person who has committed a crime in a foreign state where a criminal case has been instituted or criminal prosecution commenced against him/her, or he/she has been brought before court, or a convicting court judgement has taken legal effect against him/her, is hiding within the territory of Republic of Latvia, the Prosecutor's Office of Republic of Latvia, upon receipt of the request by the respective foreign state to extradite such person and in the cases provided for by bilateral agreements, shall adopt the resolution about extradition of the person based on the received documents, and pass the adopted resolution to Interior Ministry for execution.

The resolution about extradition of a person shall contain the surname, name, year of birth of the person, grounds for extradition, the time and authority when and to which the resolution has been passed for execution as well as the documents enclosed to the resolution. The certified translation of the resolution into the respective foreign language shall be enclosed.

The extradition of a person from Republic of Latvia shall not be admissible in the following cases:

- (1) the person is a citizen of Republic of Latvia;
- (2) the crime has been committed within the territory of Republic of Latvia;
- (3) the court judgement has already been made and taken legal effect in respect of the person for the crime for which his/her extradition was requested as well as if the case in respect of this charge has been terminated;
- (4) if the person may not be called to criminal responsibility due to prescriptive limit or on any other statutory grounds under the law of Republic of Latvia;
- (5) the offense for commitment of which the extradition of the person is requested does not constitute a crime under Criminal Code of Latvia;
- (6) the person has been granted political asylum in Latvia.

## THE REPUBLIC OF LATVIA (continued)

An excerpt from sample bilateral agreement on legal assistance directly governing the cooperation in the sphere of criminal proceedings is enclosed to the report. Latvia has entered into such agreements with the following states - Estonia and Lithuania (November 11, 1992), Russia (February 3, 1993), Moldova (February 23, 1993), Belarus (February 21, 1994), Poland (February 23, 1993) as well as the agreement on cooperation in criminal cases (March 18, 1993) and the agreement on cooperation in fight against organized crime, terrorism and particularly dangerous crimes with Germany (May 30, 1995), and also the agreement on extradition of the convicts for serving of their sentences with Russia (March 4, 1993). There is also a number of agreements made by the Office of Prosecutor General and Interior Ministry of Republic of Latvia.

*1. Does your national legislation make any provision for appointing liaison magistrates or authorities in another State under bilateral agreements to help in responding to requests for judicial cooperation?*

Latvian legislation does not prohibit the actions referred to in the question, however, the institutions such as liaison magistrates etc. have not been established, mostly due to the economic reasons. At present Latvia would not be able to pay for extra work by any officials or even whole authorities abroad because of the limited budget facilities.

INTERPOL National Office is operating successfully in Latvia. This office could be mentioned as an institution that has produced good results in developing international judicial cooperation.

*2. Does your legislation admit of direct contact between your magistrates and those of other states in the field of international mutual assistance? What procedure applies?*

As seen from the above article of Criminal Proceedings Code of Latvia, international contacts take place through Justice Ministry, Interior Ministry or Prosecutor's Office. However, such contacts could be considered as direct to a certain extent because, for example, Police Service of Interior Ministry as well as the Prosecutor's Office perform considerable part of criminal proceedings. The procedural part of the contacts is governed by Criminal Proceedings Code (see above) and bilateral agreements.

THE REPUBLIC OF LATVIA (continued)

SUBPART 2

LEGAL ASSISTANCE IN CRIMINAL MATTERS

Criminal Proceedings

Article 60

Obligation to Initiate or Accept Transfer of Criminal Proceedings

1. Any CONTRACTING STATE upon request of the other CONTRACTING STATE according to its own law shall initiate or accept the transfer of criminal proceedings concerning its nationals suspected in commitment of a crime within the territory of the other CONTRACTING STATE.

2. Application for initiation of criminal proceedings handed in by a victim within the time specified in law of the CONTRACTING STATE to its competent authority shall be effective in the territory of the other CONTRACTING STATE.

Article 61

Requests for Initiation or Acceptance of Transfer of Criminal Proceedings

1. Requests for initiation or acceptance of transfer of criminal proceedings shall be in writing and include the following:

- 1) the name of the requesting authority;
- 2) description of the offense being the grounds of request for initiation or taking over the criminal proceedings;
- 3) as exact place and time of the offense as it is possible to indicate;
- 4) text of law of the requesting CONTRACTING STATE which is the grounds to consider the committed offense as a crime;
- 5) name, citizenship, domicile and other information about the suspect; description of the suspect, its photographic picture and fingerprints, if available;
- 6) application of a victim if the criminal proceedings may be initiated on the grounds of such an application or application to compensate damages, if any;
- 7) information about material harm caused by the offense.

The request shall be supplemented by information and evidence obtained within the requesting CONTRACTING STATE. Transfer of items being used as instrument of the crime or obtained by the criminal because of the committed crime shall be subject to provisions set forth in paragraph 3 of the Article 74 of the present Agreement.

## THE REPUBLIC OF LATVIA (continued)

2. If at the time the request for initiation or taking over the criminal proceedings is made in accordance with paragraph 1 of the Article 60 of the present Agreement the person is detained in the territory of the requesting CONTRACTING STATE, the person shall be transferred to the territory of the other CONTRACTING STATE. Transfer shall be sanctioned by the official supervising the investigation. The transfer shall be subject to provisions set forth in paragraph 1 of the Article 72.

### Extradition

#### Article 62

##### Conditions for Extradition

1. Contracting States undertake in accordance with provisions laid down in the present Agreement to extradite upon request a person for charging him/her with criminal offense or serving the sentence.
2. Extradition takes place if the offense committed may be considered as a crime in both CONTRACTING STATES and if the punishment imposed exceeds a year of imprisonment or any other more severe punishment is imposed. Extradition of sentenced persons shall take place if the sentenced person has at least six months yet to serve.

#### Article 63

##### Refusal to Extradite

1. Extradition shall be refused if:
  - 1) a person in question is a national of the requested CONTRACTING STATE or he/she is granted political asylum there;
  - 2) according to law of both Contracting States criminal proceedings may be initiated only upon application filed by the victim;
  - 3) at the time the request is received according to law of the requested CONTRACTING STATE criminal proceedings may not be initiated because of the prescription period being expired or because of any other reason specified in law;
  - 4) a person in question has been sentenced for the same offense or proceedings has been terminated.
2. Extradition may be refused if a crime has been committed within the territory of the requested CONTRACTING STATE.
3. The requested CONTRACTING STATE shall motivate its refusal.

THE REPUBLIC OF LATVIA (continued)

Article 64

Postponement of Extradition

If a person whose extradition is requested is charged with or prosecuted for another offense within the territory of the requested CONTRACTING STATE, extradition may be postponed until the end of criminal proceedings, service of sentence or until the person is discharged on any other grounds specified in law.

Article 65

Temporary Extradition

If the postponement of extradition specified in Article 64 may result in expiration of the prescription period or may burden the investigation, temporary extradition may be effected upon motivated request subject to condition that the extradited person shall be sent back immediately at the end of proceedings because of which it is extradited but not later than in three months after the extradition.

Article 66

Extradition upon Request of Several States

If requests for extradition are submitted by several states, the requested state shall decide which request shall be satisfied.

Article 67

Limitation of the Scope of Criminal Proceedings concerning Extradited Person

1. The extradited person shall not be charged with or prosecuted for any crime other than that specified in request for extradition without consent of the CONTRACTING STATE which effected the extradition.
2. The extradited person shall not be transferred to the third state without consent of the CONTRACTING STATE which effected the extradition.
3. Consent of the CONTRACTING STATE which effected the extradition shall not be necessary if the extradited person does not leave the territory of the CONTRACTING STATE to which he/she has been extradited in 15 days after termination of criminal proceedings, service of sentence or discharge on any other grounds specified in law or if he/she reappears there voluntarily. 15 days period does not comprise time during which the person was not able to leave despite his/her will to do so.

## THE REPUBLIC OF LATVIA (continued)

### Article 68

#### Request for Extradition

1. Request for extradition shall be made in writing and include the following: -
  - 1) the name of the requesting authority;
  - 2) text of law of the requesting CONTRACTING STATE being the grounds to consider the committed offense a crime;
  - 3) name, citizenship, domicile and other information about the person in question, attaching his/her description, photographic picture and fingerprints if available.
  - 4) information of material harm incurred by the offense.
2. Request for extradition shall be accompanied by a certified copy of the warrant of detention, including description of the circumstances of the case.

Request for extradition shall be accompanied by a certified copy of judgment and a certificate confirming its effectivity as well as by text of law being grounds for the sentence. If a sentenced person has already served a part of the sentence, the relevant information shall also be included.

### Article 69

#### Arrest of the Person to be Extradited

When the request for extradition is received the requested CONTRACTING STATE shall take measures to arrest the person to be extradited immediately except for cases specified in the present Agreement when extradition shall not be effected.

### Article 70

#### Supplementary Information

1. The requested CONTRACTING STATE may ask for any supplementary information if the request does not include all the information specified in Article 64. The CONTRACTING STATE shall reply in a month time; under justifying circumstances prolongation not exceeding 15 days may be granted.
2. If the requesting CONTRACTING STATE does not submit its reply to the request for supplementary information the requested CONTRACTING STATE may discharge the arrested person in accordance with provisions set forth in Article 69.

### Article 71

#### Arrest of a Person before the Request for Extradition is Received

1. In case of urgency upon preliminary request of a CONTRACTING STATE the other CONTRACTING STATE may arrest a person before the request specified in Article 67 is received. The preliminary request shall include reference to the warrant of

## THE REPUBLIC OF LATVIA (continued)

arrest or effective judgment concerning the person in question; it shall also include a remark stating that the request for extradition will be submitted immediately.

Request shall be in writing; it shall be submitted by postal, telegraphic or other means.

2. A person may be arrested without preliminary request specified in paragraph 1 of the present Article if there are grounds to suspect a person having committed a crime within the territory of the other CONTRACTING STATE.

3. The other CONTRACTING STATE shall be informed immediately about the arrest effected according to paragraph 1 and 2 of the present Article or about any circumstances preventing the execution of request specified in paragraph 1.

4. The person arrested in accordance with paragraph 1 or 2 of the present Article shall be discharged if the request for extradition is not submitted within the stated time.

### Article 72 Extradition

1. The requested CONTRACTING STATE shall inform the other CONTRACTING STATE about its decision concerning extradition specifying place and time of extradition.

2. If a requesting CONTRACTING STATE does not accept the extradited person in 15 days after the stated date of extradition the person shall be discharged. Upon specific request of the requesting CONTRACTING STATE prolongation not exceeding 15 days may be granted.

### Article 73 Repeated Extradition

If a person avoiding criminal proceedings or service of sentence returns to the territory of the requested CONTRACTING STATE he/she may be extradited again upon request of the other CONTRACTING STATE. In such a case, documents specified in Article 68 shall not be attached.

### Article 74 Transfer of Items

1. The requested CONTRACTING STATE shall transfer items which were used as instruments of crimes specified in Article 72 as well as items containing tracks of such crimes. These items shall be transferred upon request or in case the extradition of person is not possible because of the death of the person in question or because of other circumstances.

THE REPUBLIC OF LATVIA (continued)

2. The requested CONTRACTING STATE may postpone transfer of items if they are used in ongoing criminal investigation.

3. Rights of the third parties in items transferred to the requesting state shall remain effective. Upon termination of proceedings the items shall be returned to the CONTRACTING STATE which have effected the transfer.

THE REPUBLIC OF LATVIA (continued)

Article 75  
Transit

1. A CONTRACTING STATE shall grant a request for transit of a person extradited by the third state to the other CONTRACTING STATE. Contracting States are under no obligation to grant transit of persons the extradition of which is not provided for in the present Agreement.
2. Request for transit shall be drawn up and submitted in accordance with rules set forth for requests for extradition.
3. Competent authorities of Contracting States in each specific case agree upon means, routes and other matters concerning transit.
4. Costs of transit shall be borne by the requesting CONTRACTING STATE.

Article 76  
Participation of Representatives of Contracting States in Rendering Legal Assistance in Criminal Matters.

Representatives of a CONTRACTING STATE may take part in execution of request for legal assistance in criminal matters if the requesting CONTRACTING STATE accepts such participation.

Article 77  
Information on Previous Conviction of Person

Upon request a CONTRACTING STATE shall furnish information concerning previous conviction of person charged with criminal offense within the territory of the other CONTRACTING STATE.

Article 78  
Information on Results of Criminal Proceedings

Contracting States shall inform each other about results of criminal proceedings against a person in whose respect a request for initiation or transfer of criminal proceedings or extradition has been made. Upon request copy of the sentence or other final decision shall be submitted.

Article 79  
Notification of Sentences

Contracting States shall notify each other about enforceable judgments rendered in respect of nationals of the other CONTRACTING STATE.

THE REPUBLIC OF LITHUANIA

ANSWERS TO THE QUESTIONARE ON CONVENTIONS

CONVENTIONS	Signature	Ratification	Reservations and Declarations	Intention of Sign	Intention of Ratify	Problems and Difficulties
European Convention on Extradition (1957)		4 April 1995	NO			
Additional Protocol to the European Convention on Extradition (1975)		4 April 1995	NO			
II Additional Protocol to the European Convention on Extradition (1978)		4 April 1995	NO			
European Convention on mutual assistance in criminal matters (1959)		4 April 1995	NO			
Additional Protocol to the European Convention on mutual assistance in criminal matters (1978)		4 April 1995	NO			
European Convention on the transfer of proceedings in criminal matters (1972)				up to the middle of 1996		Possible reservations and declarations
Convention on the transfer of sentenced persons (1983)		9 May 1994	NO			
Convention on laundering, search, seizure and confiscation of the proceeds from crime (1990)		22 December 1998	NO			
Convention on the physical protection of nuclear material (1980)	6 January 1994		NO			This Convention does not require ratification
United Nations Convention against narcotic drugs (1961)	2 February 1996		NO			
Additional Protocol to the United Nations Convention against narcotic drugs (1972)	2 February 1994		NO			
United Nations Convention against psychotropic substances (1971)	2 February 1994		NO			
United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (1988)				1996		Some legislation problems

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THE REPUBLIC OF LITHUANIA (continued)

CONVENTIONS	Signature	Ratification	Reservations and Declarations	Intention of Sign	Intention of Ratify	Problems and Difficulties
European Convention on the international validity of Criminal judgments (1970)	10 September 1995		NO			
European Convention on the supresion of Terrorisme (1977)			NO	1996		

INTERNATIONAL COOPERATION SECTION  
 MINISTRY OF INTERNAL AFFAIRS OF THE  
 REPUBLIC OF LITHUANIA

## THE CZECH REPUBLIC

### Conventions

#### European Convention on Extradition (1957)

signing: 13.2.1992

ratification: 15.4.1992

reservation:

Transit of persons in accordance with Article 21 will be permitted only under the conditions under which an approval of extradition is issued.

#### Additional Protocol to the European Convention on Extradition (1975)

Ratification intended by: end of the 1st half of 1996

#### II. Additional Protocol to the European Convention on Extradition (1978)

Ratification intended by: end of the 1st half of 1996

#### European Convention on Mutual Assistance in Criminal Matters (1959)

signing: 13.2.1992

ratification: 15.4.1992

reservation:

To article 5, paragraph 1, letter a) and c), that the requisition concerning a search or securing of a thing be carried out under the condition that the criminal act, to which the requisition relates, is criminal both according to the legal code of the requisitioning party as well as that of the Czech side and that the execution of the requisition is in accordance with the Czech legal code.

#### Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (1978)

Ratification intended by: end of the 1st half of 1996

#### European Convention on the Transfer of Proceedings in Criminal Matters (1972)

signing: 13.2.1992

ratification: 15.4.1992

reservation:

The Czech Republic is not accepting articles 22 and 23 of the Convention.

THE CZECH REPUBLIC (continued)

Convention on the Transfer of Sentenced Persons (1983)

signing: 13.2.1992

ratification: 15.4.1992

reservation: x

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990)

signing: 18.12.1995

Ratification intended by: end of the 1st half of 1996

Convention on the Physical Protection of Nuclear Material (1980)

signing: 14.9.1981

ratification: 23.4.1982

reservation: x

United Nations Convention Against Narcotic Drugs (1961)

signing: 31.7.1961

ratification: 20.3.1964

reservations: to article 12, paragraphs 2 and 3, article 13, paragraph 2, article 14, paragraphs 1 and 2, article 31, paragraph 1 (b)

declaration:

The Czech Republic does not consider itself to be bound by the provisions of article 12, paragraphs 2 and 3, article 13, paragraph 2, article 14, paragraphs 1 and 2 and article 31, paragraph 1 (b) of the Uniform Convention on Narcotic Drugs, which concern those states that were deprived of the option of becoming parties to the Convention as per the provision included in its article 40. The Uniform Convention on Narcotic Drugs deals with issues that concern the interests of all states and its purpose is to unify their efforts in the fight against so great an evil, which the abuse of narcotic drugs is; hence, in accordance with the principle of international law of equality of all states, no state has the right to prevent another state from participation, particularly in the case of a Convention of this kind, and the Uniform Convention on Narcotic Drugs must therefore be open to all states. 1 and 2

Additional Protocol to the United Nations Convention Against Narcotic Drugs (1972)

Document of accession to the protocol was deposited on 4.6.1991.

THE CZECH REPUBLIC (continued)

United Nations Convention Against Psychotropic Substances (1971)

signing: 21.2.1971  
ratification: 13.10.1988  
reservation:

In accordance with article 32 paragraph 2 of the Convention the Czech Republic does not feel itself to be bound by the provisions of article 19, clauses 1 and 2 of the Convention, to the extent that they concern states that were deprived of the option of becoming parties to the Convention as per its article 25.

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)

signing: 7.12.1989  
ratification: 4.6.1991  
reservation: x

European Convention on the International Validity of Criminal Judgments (1970)

intent to sign: does not so intend

European Convention on the Suppression of Terrorism (1977)

signing: 13.2.1992  
ratification: 15.4.1992  
reservation: x