

LEGISLATIVE COUNCIL BRIEF

**International Organizations (Privileges and Immunities) Ordinance
(Chapter 558)**

**Fugitive Offenders Ordinance
(Chapter 503)**

SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL BILL

**INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND
IMMUNITIES) (UNITED NATIONS AND ASSOCIATED
PERSONNEL) ORDER**

**FUGITIVE OFFENDERS (SAFETY OF UNITED NATIONS
AND ASSOCIATED PERSONNEL) ORDER**

INTRODUCTION

At the meeting of the Executive Council on 25 April 2006, the Council ADVISED and the Chief Executive ORDERED that –

— (a) the Safety of United Nations and Associated Personnel Bill (the Bill), at **Annex A**, should be introduced into the Legislative Council;

— (b) the draft International Organizations (Privileges and Immunities) (United Nations and Associated Personnel) Order (the draft IO Order), at **Annex B**, to be made under section 3 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558), should be approved in principle, to be referred back to the Chief Executive in Council to be made after the Bill has passed into law; and

- (c) the draft Fugitive Offenders (Safety of United Nations and Associated Personnel) Order (the draft FO Order), at **Annex C**, to be made under section 3 of the Fugitive Offenders Ordinance (Cap. 503), should be approved in principle, to be referred back to the Chief Executive in Council to be made after the Bill has passed into law.

The Bill will give effect to Articles 9 and 10(1) of the Convention on the Safety of United Nations and Associated Personnel (the Convention), while the draft IO Order and FO Order will respectively give effect to Article 8, and Articles 13(1) and 15 of the Convention.

JUSTIFICATIONS

— 2. The objective of the Convention (at **Annex D**) is to ensure the safety and security of United Nations and associated personnel by requiring State Parties to take all necessary measures to protect United Nations and associated personnel by establishing criminal offences punishable by appropriate penalties, and by cooperating in the prevention of such crimes and in providing assistance to one another in connection with criminal proceedings. It entered into force for China^{Note}, including Hong Kong, on 22 October 2004.

3. Hong Kong's existing administrative measures and legislation can already comply with the majority of the requirements of the Convention. However, the provision on the duty to release and return United Nations and associated personnel captured or detained (Article 8 of the Convention); the requirement on each State Party to make the acts proscribed by the Convention crimes under its national law and punishable by appropriate penalties (Article 9 of the Convention); the requirements on each State Party to establish its jurisdiction over the crimes proscribed by the Convention (Article 10(1) of the Convention); and the extradition-related provisions

^{Note} Article 22(1) of the Convention specifies that "Any dispute between two or more State Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court." China has made a reservation with regard to this provision and is not bound by it.

(Articles 13(1) and 15 of the Convention) need to be implemented by new legislative measures.

Articles 9 and 10(1) of the Convention

4. Article 9 of the Convention requires each State Party to make the following acts specified in Article 9(1) crimes under its national law and punishable by appropriate penalties which shall take into account their grave nature -

“The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack.”

(a) Adequacy of existing legislation

5. Currently, the general criminal offences stipulated under the Crimes Ordinance (Cap. 200), the Offences against the Person Ordinance (Cap. 212) and the Criminal Procedure Ordinance (Cap. 221) as well as common law can already deal with the crimes under paragraph 4(a), (b), (d) and (e) above. This should sufficiently fulfill the requirement under Article 9 of the Convention.

(b) Higher penalty needed for offence of threat

6. For the offence of “threat” under paragraph 4(c) above, section 24 of Cap. 200 already provides that a person in Hong Kong who threatens any other person with any illegal act with intent to cause the person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, shall be guilty of an offence. Section 27 of Cap. 200 stipulates that the maximum penalty for such an offence is imprisonment for five years. Having regard to the requirement under Article 9(2) of the Convention that the offences proscribed should be punishable for appropriate penalties, the international obligation to ensure the safety and security of United Nations and associated personnel and the penalty level in Australia, Canada and the United Kingdom, we consider it necessary to prescribe a higher maximum penalty (imprisonment for ten years) for the offence of threatening to commit an attack proscribed by the Convention in order to reflect the internationally recognized need for special deterrence for the offence.

(c) New legislation needed for extra-territoriality

7. Article 10(1) of the Convention requires each State Party to take such measures as may be necessary to establish its jurisdiction over the crimes specified in Article 9(1) (paragraph 4 above) when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State and when the alleged offender is a national of that State. The existing general criminal offences mentioned in paragraph 5 above can already deal with such crimes when committed in Hong Kong, irrespective of the offenders’ nationality. By virtue of section 23B of Cap. 200 and section 3 of the Aviation Security Ordinance (Cap. 494), Hong Kong also has jurisdiction over any offence committed on board a Hong Kong registered ship and a Hong Kong registered aircraft respectively. However, these provisions cannot cover the crimes under Article 9(1) of the Convention committed outside Hong Kong territory and not on board a Hong Kong registered ship or aircraft. New legislative measures are therefore needed to give effect to the extra-territoriality over nationals under Article 10(1) of the Convention.

(d) Coverage of the Bill

8. Taking into account the considerations in paragraphs 6 and 7 above, we propose to draw up the Bill to provide for an appropriate penalty for the offence of threatening to commit an attack proscribed by the Convention, and to establish extra-territorial jurisdiction over Chinese nationals who are Hong Kong permanent residents committing the crimes proscribed by the Convention outside Hong Kong.

Article 8 of the Convention

9. Article 8 of the Convention provides that if United Nations and associated personnel are captured or detained in the course of the performance of their duties, they shall not be subjected to interrogation and they shall be promptly released and returned to the United Nations or other appropriate authorities. An Order needs to be made under section 3 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558), to give effect to this requirement.

Articles 13(1) and 15 of the Convention

10. Articles 13(1) and 15 of the Convention require taking measures to extradite to another State Party offenders who have committed the crimes set out in the Convention. An Order needs to be prepared under section 3 of the Fugitive Offenders Ordinance (Cap. 503) to implement these extradition requirements.

THE BILL

Interpretation (Clause 2)

11. **Clause 2** of the Bill defines the terms used in the Bill. It essentially adopts the definitions in Article 1 of the Convention, and the term “United Nations operation” has been defined having regard to the requirement of Article 2 of the Convention which states that the Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations

in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Offences (Clause 3 to 7)

12. **Clause 3** provides that proceedings for an offence which apart from Part 2 of the Bill would not be an offence in Hong Kong shall only be instituted by, or with the consent of, the Secretary for Justice.

13. **Clauses 4 to 6** implement Articles 9 and 10(1) of the Convention. Clauses 4 and 6 make it an offence for a person who is a Chinese national and a Hong Kong permanent resident, when outside Hong Kong, to do any act to or in relation to a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute a common law offence or an offence under the relevant sections of Cap. 200 or Cap. 212 (please refer to **Annex E** for the details of such offences); or to attempt to commit such an act; or to aid, abet, counsel or procure the commission of such an act. The offender shall be subject to the same penalty as if the offence is committed in Hong Kong.

14. **Clause 5** makes it an offence for a person in Hong Kong, or a person who is a Chinese national and a Hong Kong permanent resident, when outside Hong Kong, to make a threat to commit an act which would constitute an offence described in clause 4. The offender is liable to a maximum penalty of imprisonment for ten years.

THE DRAFT ORDERS

15. The draft IO Order and the draft FO Order, respectively, seek to implement Article 8, and Articles 13(1) and 15 of the Convention. The draft IO Order provides that Article 8 of the Convention shall have the force of law in Hong Kong. The draft FO Order provides that the procedures in Cap. 503 shall apply as between Hong Kong and the places outside Hong Kong to which the Convention relates. The two Orders are subsidiary legislation to be made by the Chief Executive in Council under Cap. 558 and Cap. 503 respectively, for which approval of the Legislative Council is required under the negative vetting procedure. Upon passage of the Bill, the two Orders will be referred back to the Chief Executive in Council to be made.

LEGISLATIVE TIMETABLE

16. The legislative timetable is as follows -

Publication in the Gazette	4 May 2006
First Reading and commencement of Second Reading debate	17 May 2006
Resumption of Second Reading debate, Committee stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSAL

17. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, civil service, economic or sustainability implications.

18. There is no express binding effect provision in the Bill. Individual public officials will be subject to the provisions of the Bill in their personal capacity.

PUBLIC CONSULTATION

19. The Legislative Council Panel on Security was briefed on the legislative proposals at its meeting on 6 December 2005.

PUBLICITY

20. A press release will be issued on 3 May 2006. A spokesman will be available to answer enquiries.

BACKGROUND

21. The Convention was adopted by the United Nations General Assembly on 9 December 1994 at its 49th session and entered into force on

15 January 1999. As at 28 February 2006, there were 79 Parties to the Convention. In drawing up the above legislative proposals, we have taken into account the approaches adopted in other jurisdictions such as Australia, Canada, New Zealand and the United Kingdom.

ENQUIRIES

22. For any enquiries on the brief, please contact Miss Jane Lee, Assistant Secretary for Security, at telephone number 2810 3523.

Security Bureau
3 May 2006

**SAFETY OF UNITED NATIONS AND
ASSOCIATED PERSONNEL BILL**

**INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES)
(UNITED NATIONS AND ASSOCIATED PERSONNEL) ORDER**

**FUGITIVE OFFENDERS (SAFETY OF UNITED NATIONS AND
ASSOCIATED PERSONNEL) ORDER**

Annexes

- Annex A – Safety of United Nations and Associated Personnel Bill
- Annex B – Draft International Organizations (Privileges and Immunities)
(United Nations and Associated Personnel) Order
- Annex C – Draft Fugitive Offenders (Safety of United Nations and Associated
Personnel) Order
- Annex D – Convention on the Safety of United Nations and Associated
Personnel
- Annex E – Local offences constituting offences under the Bill when committed
by Chinese nationals who are Hong Kong permanent residents, when
outside Hong Kong

A BILL

To

Implement Article 9 and paragraph 1 of Article 10 of the Convention on the Safety of United Nations and Associated Personnel; and to provide for incidental or related matters.

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Safety of United Nations and Associated Personnel Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

In this Ordinance –

“associated personnel” (有關人員) means –

- (a) persons assigned by a government or an intergovernmental organization with the agreement of a competent organ of the United Nations;
- (b) persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; and
- (c) persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a

specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

“Convention” (《公約》) means the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994;

“relevant offence” (有關罪行) means –

- (a) an offence mentioned in section 4(1)(a) or (b), against a member of the United Nations personnel or a member of the associated personnel; or
- (b) an offence mentioned in section 4(1)(c), against any premises or means of transportation ordinarily used by a member of the United Nations personnel or a member of the associated personnel,

whether it is an offence by virtue of section 4(2) or not;

“specified person” (指明人士) means a person who is –

- (a) a Chinese national; and
- (b) a Hong Kong permanent resident;

“United Nations operation” (聯合國行動) means an operation established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under the authority and control of the United Nations –

- (a) where the operation is for the purpose of maintaining or restoring international peace and security; or
- (b) where the Security Council of the United Nations or the General Assembly of the United Nations has declared, for the purposes of the Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation,

but does not include any operation which is authorized by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations, in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies;

“United Nations personnel” (聯合國人員) means –

- (a) persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; and
- (b) other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

PART 2

OFFENCES

3. Institution of proceedings

Proceedings for an offence which apart from this Part would not be an offence in Hong Kong shall only be instituted by, or with the consent of, the Secretary for Justice.

4. Offences against United Nations personnel and associated personnel

- (1) A specified person shall not, outside Hong Kong, do any act –
 - (a) to or in relation to a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute the offence of murder, manslaughter, kidnapping, false imprisonment, assault occasioning actual bodily harm or common assault;

- (b) to or in relation to a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute an offence under –
 - (i) section 53, 60 or 118 of the Crimes Ordinance (Cap. 200); or
 - (ii) section 17, 19, 20, 21, 22, 23, 28, 29, 30 or 42 of the Offences against the Person Ordinance (Cap. 212); or
- (c) to or in relation to any premises or means of transportation ordinarily used by a member of the United Nations personnel or a member of the associated personnel which, if done in Hong Kong, would constitute an offence under section 53 or 60 of the Crimes Ordinance (Cap. 200).

(2) A specified person who contravenes subsection (1) commits the offence that he would have committed had the act been done in Hong Kong.

5. Threats

(1) A person shall not, in order to compel another person to do or refrain from doing any act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence, with the intention that the other person shall fear that the threat will be carried out.

(2) A specified person shall not, outside Hong Kong, in order to compel another person to do or refrain from doing any act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence, with the intention that the other person shall fear that the threat will be carried out.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 10 years, but the term of imprisonment shall not exceed the maximum which may be imposed for the relevant offence constituted by doing the act threatened to be done.

(4) A specified person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 10 years, but the term of imprisonment shall not exceed the maximum which may be imposed for the relevant offence constituted by doing the act threatened to be done.

6. Attempts, aiding, abetting, etc.

(1) If a specified person does any act, outside Hong Kong, which, if done in Hong Kong, would constitute an attempt to commit a relevant offence under section 159G of the Crimes Ordinance (Cap. 200), the act shall be deemed to have been done in Hong Kong.

(2) A specified person who aids, abets, counsels or procures, outside Hong Kong –

(a) the commission by another person of a relevant offence; or

(b) an attempt by another person to commit a relevant offence,

shall be guilty of the like offence.

7. Knowledge of other persons being members of United Nations personnel or members of associated personnel

For the purposes of sections 4(1), 5(1) and (2) and 6(1) and (2), it is immaterial whether a person knows that another person is a member of the United Nations personnel or a member of the associated personnel.

Explanatory Memorandum

The Government of the People's Republic of China acceded to the Convention on the Safety of United Nations and Associated Personnel ("the Convention") on 22 September 2004 and the Convention entered into force for the People's Republic of China, including Hong Kong, on 22 October 2004.

2. Paragraph 1 of Article 10 of the Convention requires every State Party to the Convention to take such measures as may be necessary to establish its jurisdiction over the offences set out in Article 9 of the Convention in the following cases –

- (a) where the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;
- (b) where the alleged offender concerned is a national of that State.

3. The objective of this Bill is to implement Article 9 and paragraph 1 of Article 10 of the Convention by –

- (a) establishing the jurisdiction of the Hong Kong courts in respect of the offences set out in Article 9 of the Convention that are committed outside Hong Kong by any Chinese national who is a Hong Kong permanent resident; and
- (b) creating a new offence of a threat to commit the attack described in Article 9 of the Convention.

4. Clause 4 establishes the jurisdiction of Hong Kong in respect of the following offences that are committed outside Hong Kong against United Nations personnel or associated personnel or against premises or means of transportation ordinarily used by United Nations personnel or associated personnel, as the case may be –

- (a) the following common law offences –
 - (i) murder;

- (ii) manslaughter;
 - (iii) kidnapping;
 - (iv) false imprisonment;
 - (v) assault occasioning actual bodily harm;
 - (vi) common assault;
- (b) offences under the following provisions –
- (i) the following provisions of the Crimes Ordinance (Cap. 200) –
 - (A) section 53 (causing explosion likely to endanger life or property);
 - (B) section 60 (destroying or damaging property);
 - (C) section 118 (rape);
 - (ii) the following provisions of the Offences against the Person Ordinance (Cap. 212) –
 - (A) section 17 (shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm);
 - (B) section 19 (wounding or inflicting grievous bodily harm);
 - (C) section 20 (attempting to choke, etc., in order to commit indictable offence);
 - (D) section 21 (using chloroform, etc., in order to commit indictable offence);
 - (E) section 22 (administering poison, etc., so as to endanger life or inflict grievous bodily harm);
 - (F) section 23 (administering poison, etc., with intent to injure, etc.);

- (G) section 28 (causing bodily injury by gunpowder, etc.);
- (H) section 29 (causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm);
- (I) section 30 (placing gunpowder near building, etc., with intent to do bodily injury);
- (J) section 42 (forcible taking or detention of person, with intent to sell him).

5. Clause 5 provides for an offence of making a threat that an act will be done which, if done, would constitute an offence mentioned in clause 4(1).

6. Clause 6 provides for attempting outside Hong Kong to commit any of the offences mentioned in clause 4(1) and aiding, abetting, counselling or procuring outside Hong Kong the commission of, or an attempt to commit, any of those offences.

**INTERNATIONAL ORGANIZATIONS (PRIVILEGES
AND IMMUNITIES) (UNITED NATIONS AND
ASSOCIATED PERSONNEL) ORDER**

(Made by the Chief Executive in Council under section 3 of the
International Organizations (Privileges and Immunities)
Ordinance (Cap. 558))

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

In this Order –

“associated personnel” (有關人員) means –

- (a) persons assigned by a government or an intergovernmental organization with the agreement of a competent organ of the United Nations;
- (b) persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency; and
- (c) persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

“Convention” (《公約》) means the Convention on the Safety of United Nations and Associated Personnel done at New York on 9 December 1994;

“United Nations operation” (聯合國行動) means an operation established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under the authority and control of the United Nations –

- (a) where the operation is for the purpose of maintaining or restoring international peace and security; or
- (b) where the Security Council of the United Nations or the General Assembly of the United Nations has declared, for the purposes of the Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation,

but does not include any operation which is authorized by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations, in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies;

“United Nations personnel” (聯合國人員) means –

- (a) persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation; and
- (b) other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted.

3. Article 8 of Convention has force of law in Hong Kong

Article 8 of the Convention, as set out in the Schedule, has the force of law in Hong Kong.

SCHEDULE

[s. 3]

ARTICLE 8 OF CONVENTION HAVING FORCE
OF LAW IN HONG KONGArticle 8Duty to release or return United Nations and
associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Clerk to the Executive Council

COUNCIL CHAMBER

2006

Explanatory Note

The Government of the People's Republic of China acceded to the Convention on the Safety of United Nations and Associated Personnel ("the Convention") on 22 September 2004 and the Convention entered into force for the People's Republic of China, including Hong Kong, on 22 October 2004.

2. Article 8 of the Convention provides for the privileges and immunities to be enjoyed by the United Nations and associated personnel who are captured or detained in the course of the performance of their duties, which include the immunity from interrogation, the right to be promptly released and returned to the United Nations or other appropriate authorities, and the right of being treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949 pending their release.

3. The objective of this Order is to implement Article 8 of the Convention by providing that that Article has the force of law in Hong Kong.

**FUGITIVE OFFENDERS (SAFETY OF UNITED
NATIONS AND ASSOCIATED
PERSONNEL) ORDER**

(Made by the Chief Executive in Council under section 3
of the Fugitive Offenders Ordinance (Cap. 503))

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

**2. Procedures in Ordinance to apply between
Hong Kong and certain places outside Hong
Kong**

(1) In relation to the arrangements mentioned in subsection (2), it is directed that the procedures in the Ordinance shall apply as between Hong Kong and the places outside Hong Kong to which those arrangements relate subject to the limitations, restrictions, exceptions and qualifications contained in the terms of those arrangements.

(2) The arrangements referred to in subsection (1) are the arrangements for the surrender of fugitive offenders –

- (a) which are applicable to Hong Kong and places outside Hong Kong; and
- (b) the terms of which are recited in the Schedule.

SCHEDULE

[s. 2]

**Convention on the Safety of United Nations and Associated
Personnel**

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention:

- (a) “United Nations personnel” means:
 - (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
 - (ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;
- (b) “Associated personnel” means:
 - (i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;
 - (ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;
 - (iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) “United Nations operation” means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

- (i) Where the operation is for the purpose of maintaining or restoring international peace and security; or
- (ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) “Host State” means a State in whose territory a United Nations operation is conducted;

(e) “Transit State” means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2

Scope of application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.
2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Article 3

Identification

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.
2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4

Agreements on the status of the operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

Article 5

Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6

Respect for laws and regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:
 - (a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

Article 7

Duty to ensure the safety and security of United Nations and associated personnel

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized

standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack,

shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10

Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

(b) With respect to a national of that State; or

(c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11

Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and

(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12

Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

- (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
- (c) The State or States of which the victim is a national; and
- (d) Other interested States.

Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15

Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16

Mutual assistance in criminal matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17

Fair treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

Article 18

Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

Article 19

Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20

Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and

associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21

Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22

Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23

Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

Article 24

Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25

Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 27

Entry into force

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28

Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

DONE at New York this ninth day of December one thousand nine hundred and ninety-four.

Clerk to the Executive Council

COUNCIL CHAMBER

2006

Explanatory Note

The Government of the People's Republic of China acceded to the Convention on the Safety of United Nations and Associated Personnel ("the Convention") on 22 September 2004 and the Convention entered into force for the People's Republic of China, including Hong Kong, on 22 October 2004.

2. The Fugitive Offenders Ordinance (Cap. 503) ("the Ordinance") provides for the surrender to certain places outside Hong Kong of persons who are wanted for prosecution, or for the imposition or enforcement of a sentence, in respect of certain offences against the laws of those places. It also provides for the treatment of persons wanted for prosecution, or for the imposition or enforcement of a sentence, in respect of certain offences against the law of Hong Kong who are surrendered from certain places outside Hong Kong.

3. The objective of this Order is to apply as between Hong Kong and the places outside Hong Kong to which the Convention relates the procedures for the surrender of fugitive offenders set out in the Ordinance. It should be noted that those procedures are subject to the limitations, restrictions, exceptions and

qualifications contained in the terms of the Convention as recited in the Schedule to the Order.

Convention on the Safety of United
Nations and Associated Personnel

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention:

(a) "United Nations personnel" means:

- (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
- (ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

- (i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;
- (ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;
- (iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

(i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

(ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2

Scope of application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces, and to which the law of international armed conflict applies.

Article 3

Identification

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.
2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4

Agreements on the status of the operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

Article 5

Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6

Respect for laws and regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

(a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

Article 7

Duty to ensure the safety and security of United Nations and associated personnel

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such

personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack,

shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10

Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

(b) With respect to a national of that State; or

(c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11

Prevention of crimes against United
Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and

(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12

Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

- (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
- (c) The State or States of which the victim is a national; and
- (d) Other interested States.

Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15

Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.
4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16

Mutual assistance in criminal matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.
2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17

Fair treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

Article 18

Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

Article 19

Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20

Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21

Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22

Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.
2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23

Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

Article 24

Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25

Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 27

Entry into force

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28

Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

DONE at New York this ninth day of December one thousand nine hundred and ninety-four.

**Local offences constituting offences under the Bill
when committed by Chinese nationals who are
Hong Kong permanent residents, when outside Hong Kong**

Common law offences

- Murder
- Manslaughter
- Kidnapping
- False imprisonment
- Assault occasioning actual bodily harm
- Common assault

Statutory offences

Crimes Ordinance (Cap. 200)

- Causing explosion likely to endanger life or property (section 53)
- Destroying or damaging property (section 60)
- Rape (section 118)

Offences against the Person Ordinance (Cap. 212)

- Shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm (section 17)
- Wounding or inflicting grievous bodily harm (section 19)
- Attempting to choke, etc., in order to commit indictable offence (section 20)
- Using chloroform, etc., in order to commit indictable offence (section 21)
- Administering poison, etc., so as to endanger life or inflict grievous bodily harm (section 22)
- Administering poison, etc., with intent to injure, etc. (section 23)
- Causing bodily injury by gunpowder, etc. (section 28)
- Causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm (section 29)
- Placing gunpowder near building, etc., with intent to do bodily injury (section 30)
- Forcible taking or detention of person, with intent to sell him (section 42)