International Counterterrorism and Organized Crime Conventions

International Counterterrorism and Organized Crime Conventions

Ву

Usman Hameed and Beata Polok

Cambridge Scholars Publishing



International Counterterrorism and Organized Crime Conventions

By Usman Hameed and Beata Polok

This book first published 2024

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data A catalogue record for this book is available from the British Library

Copyright © 2024 by Usman Hameed and Beata Polok

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-5275-5650-6 ISBN (13): 978-1-5275-5650-8

TABLE OF CONTENTS

Table of Casesxvi
Table of Treatiesxix
Table of National Legislationsxxiii
Table of United Nations Resolutionxxvi
Abbreviationsxxvii
Glossaryxxxi
Introduction1
Chapter 1
1.1) Introduction to part one: mandatory obligations to establish jurisdiction, criminalise offences and provide fair treatment9
1.2) Introduction to part two: mandatory obligations to implement enforcement devices of <i>aut dedere aut judicare</i> and confiscation of the proceeds of crime
1.3) Counterterrorism and organised crime conventions under consideration
1.3.1) Convention for the Suppression of Unlawful Seizure of Aircraft Signed at The Hague, on 16 December 1970 [hereinafter the Hague Convention 1970]
1.3.2) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Signed at Montreal, on 23 September1971 [hereinafter the Montreal Convention 1971] 13
1.3.3) Convention for the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Adopted by the General Assembly of United Nations on 14 December 1973 [hereinafter the Protection of Diplomats Convention 1973]

1.3.4) International Convention against the Taking of Hostages Adopted by the General Assembly of the United Nations on 17 December 1979 [hereinafter the Hostages Convention 1979] 14
1.3.5) Convention on Physical Protection of Nuclear Materials, Signed at Vienna on 3 March 1980 [hereinafter the Nuclear Materials Convention 1980]
1.3.6) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, concluded at Rome on 10 March 1988 [hereinafter the Rome Convention 1988]
1.3.7) International Convention for the Suppression of Terrorist Bombings, Signed at New York on 15 December 1997 [hereinafter the Terrorist Bombings Convention 1997]15
1.3.8) International Convention for the Suppression of the Financing of Terrorism, Adopted by the General Assembly of United Nations on 9 December 1999 [hereinafter the Terrorism Financing Convention 1999]
1.3.9) International Convention for the Suppression of Acts of Nuclear Terrorism, Adopted at New York on 13 April 2005 [hereinafter Nuclear Terrorism Convention 2005]
1.3.10) Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, Adopted at Beijing on 10 September 2010 [hereinafter the Beijing Convention 2010]
1.3.11) United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, Adopted at Vienna on 20 December 1988 [hereinafter the Drugs Convention 1988]
1.3.12) United Nations Convention against Transnational Organized Crime, Adopted at New York on 15 November 2000 [hereinafter the Organized Crime Convention 2000]
1.3.13) United Nations Convention against Corruption, Adopted at New York on 31 October 2003 [hereinafter the UN Convention against Corruption 2003]
1.4) Distinction between Security Council's counterterrorism regime and the regime set forth by the international counterterrorism and organised crime conventions
1.5) Do international conventions on terrorism and organised crime establish a supra national regime?

1.5.1) Distinction between the existing and proposed techniques of facilitating law enforcement cooperation and willingness of states to accept proposed technique	. 23
Part One: Establishment of Jurisdiction, Criminalising Offences and Ensuring Fair Treatment	
Chapter 2Mandatory Obligations to Establish Jurisdiction, Criminalise Offenses and Provide Fair Treatment	. 26
Section 1: Purpose of the obligation to establish extraterritorial jurisdiction under the international conventions on terrorism and organised crime	
1.1) Territoriality of crime no longer an option	. 28
1.1.1) <i>Lotus</i> Case	. 29
1.2) Significance of extraterritorial jurisdiction for combating crimes established by the international conventions on terrorism and organiscrime	sed
1.3) Meanings of extraterritorial jurisdiction	. 32
1.3.1) Argument that extraterritorial jurisdiction includes legislati enforcement and adjudication	
1.3.2) Argument that extraterritorial jurisdiction refers to the legislative jurisdiction alone	. 33
1.4) Rationale of having extraterritorial laws without power to enforce	. 36
Section 2: Bases provided by the international counterterrorism and organised crime conventions to give extraterritorial effect to national laws and the impact of the obligation to implement those bases	. 37
2.1) Grounds customarily relied on by states to assert jurisdiction over crime	. 37
2.1.1) Territoriality	. 38
2.1.2) The active personality or nationality theory	. 39
2.1.3) The passive personality theory	. 39
2.1.4) The Protective principle	. 39
2.1.5) The Universality Principle	40

2.2) Bases of jurisdiction under the international conventions on terrorism and organised crime	41
2.2.1) Primary bases of jurisdiction provided by the counterterroris conventions	
2.2.2) Primary bases of Jurisdiction under the organised crime conventions	46
2.2.3) Secondary basis	47
2.3) Mandatory bases - a move towards uniformity	48
2.4) Permissive bases - A move towards diversity	49
2.5) Impact of the obligation to establish extraterritorial jurisdiction of national laws	
2.5.1) Laws of Pakistan and India on terrorism and organised crime	50
2.5.2) US laws on terrorism and organised crime	52
2.5.3) Laws of the UK on terrorism and organised crime	54
Section 3: Fulfilment of legality principle and the condition of crime having occurred on state territory through the obligation to establish extraterritorial jurisdiction	55
3.1) Principle of Legality	
3.2) Requirement of crime having occurred in the territory of the requesting state	57
Section 4: Fulfilment of special use of double criminality through the obligation to establish extraterritorial jurisdiction	59
4.1) Special use of double criminality	59
4.1.1) Lack of harmony in national theories of jurisdiction and its implications for state cooperation in law enforcement	63
4.1.2) Inconsistent theories of jurisdiction- A contradiction of the aim of facilitating state cooperation in law enforcement	71
4.1.3) Flexibilities in the obligation to establish extraterritorial jurisdiction	72
4.2) Alternatives to Uniformity	75
Conclusions	77

Chapter 380
Promoting Law Enforcement Cooperation through the Obligation to Legislate Against Universal Definitions of Crime
Introduction80
Section 1: Crimes established by the international conventions on terrorism and organised crime, the object of their international criminalisation and relevance of dual criminality for their suppression 82
1.1) Acts criminalised under the international conventions on terrorism and organised crime
1.1.1) Principal crimes under the counterterrorism conventions 83
1.1.2) Principal crimes under the organised crime conventions 84
1.2) The object of international criminalisation
1.2.1) Measures of state cooperation are to be enforced subject to the Requesting state fulfilling the demands of principle of reciprocity 87
1.3) Relevance of double criminality for suppression of crimes established by the international conventions on terrorism and organised crime
Section 2 Duty to legislate under modern international conventions on terrorism and organised crime
2.1) Significance of the duty to legislate
2.2) Evolution of the duty to legislate in the international conventions on terrorism and organised crime94
2.2.1) Analysis of definitions of crimes under the older and modern counterterrorism conventions
2.3) Complications arising in law enforcement cooperation as a result of diverse national definitions of crimes
2.3.1) Adnan Khashoggi case97
2.3.2) Ross v Israel
2.3.3) Riley v. the Commonwealth99
2.4) The international conventions establishing duty to legislate 101
2.4.1) Counterterrorism Conventions
2.4.2) Organised Crime Conventions

2.5) Distinguishing features of the conventions establishing duty to legislate
2.5.1) Inchoate offences
2.5.2) Ancillary crimes
2.6) Limitations of Duty to Legislate
2.6.1) Offences are to be defined in accordance with national law of the states parties
2.6.2) Safeguard clauses
2.6.3) Reservations
2.6.4) Use of the words 'unlawful' and 'intentional' in definitions of offences
2.6.5) Discretion in the matter of establishing predicate crimes 109
Section 3: Impact of duty to legislate
3.1) Impact of duty to legislate on national counterterrorism and organised crime laws
3.1.1) counterterrorism laws
3.1.2) organised crime laws
3.2) Impact of the duty to legislate on bilateral treaties
Section 4 Controlled use of dual criminality as an alternative to duty to legislate
4.1) Totality of the acts shall be considered for satisfaction of dual criminality
4.2) An offence to be extraditable irrespective of different terminology used by the cooperating states with respect to its expression
4.3) Where an offence is extraditable, attempt, conspiracy, planning and abetment are also extraditable
4.4) Non-Application of dual criminality in mutual legal assistance. 125
4.5) Making non- Retroactivity less relevant
Conclusions

Chapter 4Promoting Law Enforcement Cooperation through the Obligation to Provide Fair Treatment	130
Introduction	130
Section 1: Requirement of harmony for extradition and mutual legal assistance and use of human rights violations as grounds for refusal of assistance	132
1.1) Double punishability condition	135
1.2) Use of human rights violations as grounds for refusal of assistance	136
Section 2: Obligation to provide fair treatment, its interpretation and significance in the context of state cooperation in extradition and mutual legal assistance	138
2.1) Introduction to Fair Treatment Obligation	138
2.1.1) Interpretation of the obligation	139
2.2) Significance of the obligation	142
Section 3: Effectiveness of the fair treatment obligation in facilitating the fulfilment of due process rights as grounds for refusal of assistance	143
3.1) Right to be protected against double jeopardy	143
3.1.1) Dissimilarities in national approaches concerning the use of double jeopardy as a ground for refusal of assistance	145
3.1.1.1) Recognition of the principle in extradition and mutual legal assistance proceedings	145
3.1.1.2) Forum of previous conviction	146
3.1.1.3) Offences or facts	149
3.2) Right to be protected against time-barred prosecutions	152
3.2.1) Dissimilarities in national approaches concerning the use of time-barred prosecution as a ground for refusal of assistance	154
Section 4) Effectiveness of the fair treatment obligation in facilitating the fulfilment fundamental human rights as grounds for refusal of assistance	161
4.1) Right to be protected against torture	161

4.1.1) Need to reconcile the prohibition against torture with the severe punishment requirement of transnational criminality 163
4.1.2) Dissimilar national and regional approaches with respect to considering severe punishments as torture
4.1.3) Diplomatic assurance as an alternative
4.2) Non Discrimination and freedom from persecution
4.2.1 Absence of any universal standard to determine prejudice on account of political opinion
Conclusions
Part Two: Mandatory Obligations to Implement the Enforcement Mechanisms of <i>aut dedere aut judicare</i> and Confiscation of the Proceeds of Crime
Chapter 5
Promoting Law Enforcement Cooperation Through Duty to Implement aut dedere aut judicare
Introduction
Section 1: Expression of <i>aut dedere aut judicare</i> in the international conventions on terrorism and organised crime and its implementation in national laws and bilateral treaties on extradition
1.1) Evolution of aut dedere aut judicare
1.2) Meanings of the maxim
1.3) Expression of <i>aut dedere aut judicare</i> in the counterterrorism and organised crime conventions
1.3.1) Counterterrorism Conventions
1.3.2) Organised Crime Conventions
1.3.3) Dissimilarities in the <i>aut dedere aut judicare</i> formula as contained in the Hague Convention 1970 and three organised crime conventions
1.4) Expression of aut dedere aut judicare in domestic laws 189
1.5) Expression of <i>aut dedere aut judicare</i> in bilateral and regional treaties on extradition
Section 2: Application of <i>aut dedere aut judicare</i> in accordance with

2.1) Duty to apprehend the suspect	194
2.1.1) Duty under the international conventions on terrorism and organised crime	194
2.1.2) Implementation of the duty in extradition treaties	195
2.2) <i>Judicare</i> part of the obligation	198
2.2.1) Duty to submit the case to competent authorities for consideration	198
2.2.2) Prosecution to be governed by national rules on prosecution of offenders	
2.3) <i>Dedere</i> part of the obligation	201
2.3.1) Obligation to consider the crimes extraditable	201
2.3.2) Obligation to consider the international conventions as a legal basis of surrender	203
Section 3: Regulation of the procedure of extradition under the international conventions on terrorism and organised crime	206
3.1) The fiscal offence exception	206
3.2) The political offence exception	207
3.3) Temporary Surrender	210
Section 4: Facilitating the application of aut dedere aut judicare as a whole in the specific context of transnational crimes	212
4.1) Facilitating the application of trial option of <i>aut dedere aut judicare</i>	212
4.1.1) Lack of extraterritorial jurisdiction to prosecute crimes committed abroad by non-national offenders	212
4.1.2) General lack of trust upon credibility of trial as an alternative to extradition	214
4.1.3) Alternative options	215
4.1.4) The problem of competing jurisdictions and the absence of hierarchy in the alternative obligations	218
4.2) Facilitating the application of extradition option of <i>aut dedere</i> aut judicare	224
4.2.1) Restricted application of the principle of speciality	225

4.2.2) Surrender of property and mutual legal assistance in extradition	26
Conclusions 22	
Chapter 623	
Facilitation of Law Enforcement Cooperation by Imposing Duty to Confiscate, Identify and Freeze the Proceeds or Instrumentalities of Crime	,,,
Introduction	30
Section 1: Introduction to confiscation and its significance for bringing to justice transnational offenders	
1.1) Transnational criminality and the importance of confiscation for i suppression	
1.2) Introduction to the different steps in the process of state cooperation in confiscation	34
Section 2: Analysis of provisions of the conventions concerning empowerment of national law enforcement authorities and execution of foreign requests of confiscation	36
2.1) Empowerment of national law enforcement authorities to identify trace, freeze and confiscate the proceeds of crime	
2.1.1) Meanings of the terms used in the provisions	36
2.1.2) Provisions to be implemented to the extent permissible under national law	
2.1.3) Inconsistent domestic implementation and its implications 23	38
2.2) Execution of foreign requests	41
2.2.1) Execution of a foreign confiscation order: either to execute of to submit for consideration	
2.2.2) Execution of a foreign freezing, tracing and seizure order . 24	44
2.3) Confiscation of intermingled, converted proceeds and protection of third party rights	
2.3.1) Meanings of intermingled and converted proceeds 24	46
2.3.2) Meanings of third party protection	50
Section 3: Obligation to provide Mutual Legal Assistance under the international conventions on terrorism and organised crime	54

3.1) Explanation of mutual legal assistance	254
3.2) Mutual legal assistance provisions of the international convention terrorism and organised crime	
3.2.1) Subordination to national law and bilateral treaties	257
3.2.2) Mutual Legal assistance provisions concerning identificate tracing, seizure and freezing	
3.2.3) Voluntary or spontaneous information	261
3.2.4) Disposal and sharing of the proceeds	262
3.2.5) Grounds for refusal of mutual legal assistance	265
3.2.6) Factors on the basis of which mutual legal assistance may be refused	
Conclusion	270
Chapter 7	272
Conclusion Appraisal 1.1 Suggestions for improvement	273
1.1.1) Relaxing the application of special use of double criminality	274
1.1.2) Relaxing the application of double criminality	275
1.1.3) Regulating the double punishability requirement	276
1.1.4) Simplifying the procedure of aut dedere aut Judicare	277
1.1.5) Simplifying the procedure of confiscation upon foreign request	278
1.2) Compatibility of the proposed technique with aims and purpose the counterterrorism and organised crime conventions and its utility regard to modernisation of extradition and mutual assistance laws.	y in
Bibliography	282

TABLE OF CASES

International and Regional Cases

- S.S. Lotus (Fr. v. Turk.), 1927 P.C.I.J. (ser. A) No. 10 (Sept.7)
- Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), Provisional Measures, 1992 ICJ Reports 3 (Apr 14)
- Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America); Merits, International Court of Justice (ICJ), Judgement of 27 June1986 [1986] ICJ Rep 14
- Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), ICJ Reports 2012, Judgement of July 20, 2012
- Othman (Abu Qatada) v. the United Kingdom 8139/09 [2012] ECHR 56
- Soering v. The United Kingdom, 1/1989/161/217, Council of Europe: European Court of Human Rights, 7 July 1989
- Chitat Ng v. Canada, Communication No. 469/1991, U.N. Doc. CCPR/C/49/D/469/1991 (1994)
- Case of Babar Ahmad and Others v. the United Kingdom (Applications nos. 24027/07, 11949/08, 36742/08, 66911/09 and 67354/09) ECtHR (Fourth Section) Admissibility Decision of 6 July 2010
- Case of Babar Ahmad and Others v. the United Kingdom EctHR (Fourth Section) Strasbourg Judgment 10 April 2012
- Kafkaris v. Cyprus [GC], no. 21906/04 ECHR 2008
- Saadi v. Italy, No. 32201/06, 128 (Eur.Ct. H.R. Feb 2, 2008

Domestic Cases

- MacLeod v Attorney General for New South Wales [1891] AC 455, 458
- Somchai Liangsiriprasert v. United States Government [1990] 2 ALL ER 866
- US v. Alvarez Machain 504 US 655 (1992)

- US v. Yunis (1988) 681 F. Supp (D.D.C) 909
- A.-G. Israel v. Eichmann, (1968) 36 ILR 5 (District Court, Jerusalem)
- In re Stupp 23 F.Cas.281 (C.C.S.D.N.Y.1873) (No.13562)
- In re Lo Dolce 106 F. Supp. 455 (W.D.N.Y. 1952)
- In re ryat, Unreported, QDB,1989
- R. V. Bow Street Metropolitan Stipendiary Magistrate exparte Pinochet Urgate (Amnesty International and others intervening) (No.3), 2 ENG. Rep 97,170 (H.L 1999) [1999] 2 W.L.R 827
- R. (on the application of Bermingham) v Director of the Serious Fraud Office and Bermingham and others v the Government of the United States of America and the Secretary of State for the Home Department [2006] E.W.H.C. 200 (Admin); [2007] Q.B. 727; [2007] 2 W.L.R. 635
- Abu Daud case, Judgement of Jan.11, 1977, Chambre d' Accusation De La CourD' appel Paris
- McKinnon v United States (2007) EWHC 762 (Admin); (2007) 157
 N.L.J. 554; McKinnon v Government of the USA, [2008] U.K.H.L. 59
- Strassheim v. Daily, 221 U.S. 280 (1911)
- Assarsson case, 635 F.2d 1237 (7th Cir 1979)
- Factor v. Laubenheimer 90 U.S. 276 (1933)
- US V. Khashoggi 717 F. Supp.1048 (1989)
- Steven Ivan Ross v. State of Israel (1973) (II) 27 P.D. 365
- Riley and Butler v. Commonwealth, 260 ALR 106 (Austrl. 1985)
- Canada v. Aronson [1989] 2 All E.R. 1025
- R. v. Parisien [1988] 1 S.C.R. 950
- Kim Dotcom, et al., v. United States of America Judgement of 29 May 2012 in the District Court at North Shore in the matter of a request by the Government of United States of America for the surrender of persons in New Zealand
- United States of America v. Kim Dotcom, et al., Criminal no. 1:12 CR
 3 US District Court Alexandra Virginia, Indictment 5 January, 2012
- Regina v. Bartle and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet & Regina v. Evans and Another and the Commissioner of Police for the Metropolis and Others Ex Parte Pinochet (On Appeal from a Divisional Court of the Queen's Bench Division)
- In re John Anderson, 20 U.C.Q.B.R. 124 (1860)
- Canada v. Schmidt [1987] 1 S.C.R 500 AT 501-502(CAN)
- Jeffrey Phillip Kamrin v. United States of America, 725 F.2d 1225,
 Decided by United States Court of Appeals Ninth Circuit on Feb 14,
 1984

- Judgment of Swiss Magistrate in SGS, Cotecna case http://www.assetrecovery.org/kc/node/2fb39f42-5114-11de-bacd-a7d8a60b2a36.8
- Pakistan v. Zardari et al, [2006] EWHC 2411 (Comm)
- Dr Mobashir Hassan etc v. Federation of Pakistan etc (PLD 2010 SC 265)
- Muhammad Azhar Siddique vs. Federation of Pakistan etc. Judgement of the Supreme Court of Pakistan dated 19th June, 2012 passed in Constitution Petition No. 40/2012
- In re Castioni [1891] 1 QB 149, UK Court of Appeal (England and Wales) 10 Nov, 1890
- US v. Usama Bin Laden S(2) 98 Cr.1023(LSB)(SDNY 4 Nov.1998)
- Swystun v. United States of America (1988) 40 C.C.C (3d) 222, 227-228 (Man. Q.B)
- U.S v. Noriega 746 F. Supp. 1541 (1990)
- R (Wellington) v. Secretary of State for the Home Department [2008] UKHL 72
- United States v. Burns, 2001 SCC 7, [2001] 1 SCR 283

TABLE OF TREATIES

International / Regional Conventions

- 1979 International Convention against the Taking of Hostages 1979;
 1316 UNTS 205/ [1990] ATS 17/ 18 ILM 1456(1979)
- 1979 Vienna Convention on the Physical protection of Nuclear Materials; 1456 UNTS 246/ 18 ILM 1419(1980)/ [1987] ATS 16
- 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; UN Doc. E/CONF.82/15(1988)/28 ILM 493(1989)
- 1997 International Convention for the Suppression of Terrorist Bombings; 2149 UNTS 256/ [2002] ATS 17/UN Doc. A/Res/52/164
- 1999 International Convention for the Suppression of the Financing of Terrorism; 2178 UNTS 197/39 ILM 270(2000)/ [2002] ATS 23
- 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime; 40 ILM 335(2001)/ UN Doc. A/55/383 (Annex II, p.53) / [2005] ATS 27
- 2000 United Nations Convention against Transnational Organised Crime (UNTOC) 40 ILM 335 (2001)/ UN Doc. A/55/383 at 25(2000)/ [2004] ATS 12
- 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime; 40 ILM 335(2001)/ [2202] ATNIF 7
- 2003 United Nations Convention against Corruption (UNCAC); UN Doc. A/58/422(2003)/ (2004) 43 ILM 37
- 2005 International Convention for the Suppression of Acts of Nuclear Terrorism: UN Doc. A/Res/59/290(2005)/[2005]ATNIF 20
- 2006 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime; 40 ILM 384(2001) / UN Doc. A55/383(Annex III P.62) / [2004] ATS 11
- 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, (Not yet in force)

- Charter of the United Nations Signed on 26 June 1945 at San Francisco
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984,1465 UNTS 85/[1989] ATS 21
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988; 1618 UNTS 201/ [1993] ATS 16/10 ILM 672(1988)
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, ICAO Doc. 8966/974 UNTS 177 / [1973] ATS 24 / 10 ILM 1151 (1971)
- Convention on the prevention and punishment of crimes against Internationally Protected Persons 1973; UNTS vol.1035 p.167
- European Convention on Human Rights (ECHR), signed at Rome on 4 November 1950
- Hague Convention / Hijacking Convention / Unlawful Seizure Convention, ICAO Doc. 8920/860 UNTS 105 / [1972] ATS 16 / 10 ILM 133 (1971)
- International Convention for the Suppression of Counterfeiting Currency, adopted in Geneva on 20 April 1929
- International Covenant on Civil and Political Rights (ICCPR), Adopted by the General Assembly of the United Nations with resolution 2200A (XXI) of 16 December 1966
- Rome Statute of the ICC 1998, 2187 UNTS 90/37 ILM 1002 (1998)/[2002] ATS
- Second Optional Protocol to the ICCPR, adopted by the General Assembly with resolution 44/128 of 15 December 1989

Extradition and Mutual Legal Assistance Treaties and Conventions

- Spain and Canada Treaty of Extradition. Signed at Madrid on 31 May 1989
- Treaty of Extradition Between the Government of India and the Government of Nepal signed at Kathmandu on 2 October 1953
- Agreement Between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Republic of Singapore for the Surrender of Fugitive offenders. Signed at Hong Kong 11 November 1997
- Extradition Treaty Between the Government of the United States and the Government of the Republic of South Africa, Signed at Washington on September 16,1999

- Extradition Treaty Between Australia and the Republic of India signed at Canberra on 23 June 2008
- France and Canada Extradition Treaty. Signed at Ottawa on 17 November 1988
- The European Convention on Extradition 1957. Signed at Paris on 13.XII.1957
- UN Model Treaty on Extradition 1990 G.A. Res 116, U.N. GAOR, 45th Sess., Annex, at 211-15, U.N. Doc. A/RES/45/116 (1990)
- Extradition Treaty Between Israel and France signed in 1958, ratified by France in 1971
- Extradition Treaty between the United States of America and France. Signed at Paris on April 23, 1996
- Treaty between Australia and Federal Republic of Germany Concerning Extradition. Signed on 1/04/1987
- Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America. Signed at Washington 31 March 2003
- Extradition Treaty between United States of America and India. Signed at Washington on June 25,1997
- Treaty between Australia and the Republic of Indonesia on Mutual Assistance in Criminal Matters. Signed at Jakarta on 7 October 1995
- United States of America and Italy Extradition Treaty. Signed at Rome on 13 October 1983
- Convention on Extradition between the Government of United States and the Government of the State of Israel. Signed at Washington on December 10, 1962
- Treaty on Extradition between Australia and United States of America.
 Signed at Washington on 14 May1974, entered into force 1976
- Treaty on Mutual Legal Assistance in Criminal Matters. Signed on 29 November 2004 in Kuala Lampur, Malaysia
- Treaty on Extradition between the United States of America and New Zealand. Signed at Washington on January 12, 1970
- Treaty on Extradition between the Republic of Korea and the People's Republic of China. Signed at Seoul October 18, 2000
- A treaty to settle and define the boundaries of the US and the possessions of Her Britannic Majesty in North America for final suppression of African slave trade and for giving up criminals, fugitives from justice in certain cases, Aug 9, 1842, US-UK, article X, 8 Stat.572,12 Bevans 82 [Webster Ashburton Treaty 1842]

- Extradition Treaty between the Government of United States of America and the Government of Swiss Confederation. Signed at Washington on November 14, 1990
- Agreement for the Surrender of Fugitive Offenders between the Government of Hong Kong and the Government of the Republic of India. Signed at Hong Kong on June 28, 1997
- Extradition Treaty between the United Kingdom of Great Britain and Northern Ireland and United Arab Emirates. Signed at London on 6 December 2006. Instruments of Ratification were exchanged on 3rd March 2008 and the Treaty entered into force on 2nd April 2008.
- Agreement for the Surrender of Accused and the Convicted Persons between the Government of Australia and the Government of Hong-Kong. Signed at Hong Kong on 15 November 1993.
- Treaty between the Kingdom of Thailand and People's Republic of China on Extradition. Signed at Beijing on 26 August 1993.
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime. Strasbourg, 8.XI.1990
- Mutual Legal Assistance Treaty Between the United States of America and France, Signed at Paris December 10, 1998
- Treaty on Mutual Legal Assistance in Criminal Matters between the United Kingdom of Great Britain and Northern Ireland and the Republic of the Philippines. Signed at London 18 September 2009
- UN Model Treaty on Mutual Legal Assistance in Criminal Matters 1990 G.A. Res. 117, 45th Sess., Annex, at 215-19, U.N. Doc. A/RES/117 (1990)

TABLE OF NATIONAL LEGISLATIONS

National laws on Terrorism, Organised Crime and Criminal procedure

Laws of Pakistan

- Pakistan Penal Code (PPC) 1860, Act XLV of 1860
- Control of Narcotics Substances Act (CNSA) 1997, Act No.XXV of 1997
- Anti-Terrorism Act (ATA), Act No. XXVII of 1997
- Anti-Money Laundering Act 2010, Act No. VII of 2010
- National Accountability Bureau (NAB) Ordinance 1999, Act XVIII of 1999 as modified on 26-03-2010
- The Constitution of Islamic Republic of Pakistan, 12th April 1973
- The National Reconciliation Ordinance (NRO), October 5 2007
- Code of Criminal Procedure, Act V of 1898 as amended by Act II of 1997

Laws of India

- Indian Penal Code (IPC) 1860, Act No.45 of 1860
- The Narcotics Drugs and Psychotropic Substances Act 1985, Act No.61 of 1985
- The Unlawful Activities (Prevention) Act 1967, Act No. 37 of 1967 as amended in 2008
- The Anti- Hijacking Act 1982, Act 65 of 1982
- Prevention of Corruption Act 1988, Act No.49 of 1988
- the Prevention of Money Laundering Act 2002, Act 15 of 2003

Laws of the US

- United States Code, Title 18 Crimes and Criminal Procedure Chapter 113B-Terrorism
- 18 USC Sc. 2332B, Acts of Terrorism Transcending National Borders
- 18 USC Sc. 2332-f (Bombing of places)
- 18 USC Sc. 2332-a use of radioactive dispersal devices
- 18 USC Sc. 2332-d financing of terrorism

- 18 U.S.C. Sc. 2339A, Providing Material Support to Terrorists
- 18 U.S.C. Sc. 2339B, Providing Material Support or Resources to Designated Foreign Terrorist Organizations
- 18 U.S.C. Sc. 1203, Hostage Taking
- 21 U.S.C. Ss.846 & 963, the Controlled Substances Act
- 18 USC S.1961-1968, RICO (Racketeer-Influenced and Corrupt Organizations) Act
- 18 U.S.C Chapter 46 Forfeiture Sc. 981(1991) Civil Forfeiture
- 31 U.S.C Ss.5316,5317 (1991) Search and Forfeiture of Monetary Instruments
- 21 USC S.881 (1991): Forfeitures
- 21 U.S.C Chapter 13 Sc.801 (The Controlled Substances Act)
- 18 U.S.C. 3286 (a) Extension of Statutes of Limitation for certain Terrorism Offences
- Restatement of the Law, Third, Foreign Relations Law of the United States 1987
- U.S.C 1782 Assistance to foreign and International Tribunals and to Litigants before such Tribunals
- U.S.C 1602 (1991) Seizure: Report to Customs officer

Laws of the UK

- Explosive Substances Act 1883; 46 Vict. Ch.13
- Terrorism Act 2000, 2000 Chapter 11
- Taking of Hostages Act 1982 s.1, 1982 Chapter 28
- Aviation Security Act 1982, 1982 Chapter 36
- Proceeds of Crime Act (POCA) 2002, 2002 Chapter 29
- The Bribery Act 2010, 2010 Chapter 23
- Criminal Justice Act of 1988, 1988 Chapter 33 Halsbury's Stat.1154, 1183 (1989 Reissue)
- Criminal Justice (International Cooperation Act) of 1990, 1990 Chapter 5
- Prevention of Terrorism (Temporary Provisions) Act of 1989 F1 (Repealed) 1989 Chapter 4
- The Drugs Act 2005, 2005 Chapter 17
- State Immunity Act 1978, 1978 Chapter 33
- Diplomatic Privileges Act 1964, 1964 Chapter 81
- Drug Trafficking Offences Act 1986, 1986 Chapter 32, 12 Halsbury's Stats 933 (1989 re-issue)

Laws of other states

- Strafgesetzbuch, StGB 1998 [German Criminal Code]
- Code Penal 1810 [French Penal Code]
- Terrorism Suppression Act 2002, Act No. 34 of 2002 [New Zealand's anti-terrorism law]
- Criminal Code of Canada, R.S.C 1985, cC-46
- Swiss Criminal Code of 21 December 1937, SR 311.0
- Criminal Code of the Azerbaijan Republic 2005
- Código Penal de Panamá, Ley No.14, of 18 May 2007

National laws on Extradition and Mutual Legal Assistance

- Singapore's Extradition Act, Chapter 103, Original Enactment: Act 14 of 1968, Revised Edition 2000
- Indian Extradition Act 1962, Act No.34 of 1962
- French Extradition Law of 10 March 1927
- 18 U.S.C. Chapter 209 Extradition, Ss. 3181 to3184
- Federal Act on International Mutual Assistance in Criminal Matters, Mutual Assistance Act, IMAC of 20 March 1981 [Swiss Law on Mutual Legal Assistance]
- L.S.I 144 Israel's Extradition Law of 1954
- Israel's Extradition Regulations 1970 (Law, Procedures and Rules of Evidence in Petitions) 5731
- Extradition Law of the People's Republic of China 2000 (Order of President No.42 of 2000)
- The Extradition Act, 1972 of Pakistan, Act No. XXI of 1972
- Extradition Act 2003 of UK, 2003 Chapter 41
- Bulgaria's Extradition and European Arrest Warrant Act 2005, in force since 01/07/2005
- Australian Extradition Act 1988, Act No.4 of 1988
- Extradition Law 5714-1954 and the Extradition Regulations of Israel (Law, Procedures and Rules of Evidence in Petitions) 5731-1970
- New Zealand's Extradition Act 1999 (1999 No. 55)
- Swedish Extradition For Criminal Offences Act (1957: 668)
- Australian Proceeds of Crimes Act 1987 (CWLTH), Act No.87 of 1978 as amended on 3 march 2005
- Australian Criminal Property Confiscation Act 2000, the Act as at 9 December 2005
- Canadian Mutual Assistance in Criminal Matters Act 1998, 36-37 Eliz II, Vol II

TABLE OF UNITED NATIONS RESOLUTIONS

- A/RES/60/288, resolution on Global Counterterrorism Strategy (2006), adopted by the General Assembly at its 60th session on 08 September 2006
- S/RES/1267 (1999), resolution on Al-Qaeda Sanctions Committee, adopted by the Security Council at its 4051st meeting on 15 October 1999
- S/RES/1373(2001), resolution on threats to international peace and security caused by terrorist acts, adopted by the Security Council at its 4385th meeting, on 28 September 2001
- S/RES/1456 (2003), resolution on combating terrorism adopted by the Security Council at its 4688th meeting, on 20 January 2003
- S/RES/1566 (2004), resolution concerning threats to international Peace and Security, adopted by the Security Council at its 5053 meeting, on 8 October 2004
- S/RES/1624 (2005), resolution on the incitement and glorification of terrorist acts, adopted by the Security Council at its 5261st meeting, on 14 September 2005
- S/RES/1817(2008), resolution on the Production and trafficking of drugs in Afghanistan, adopted by the Security Council at its 5907th meeting, on 11 June 2008
- U.N. GAOR, 51ST Sess., Supp. No.10 U.N. Doc. A/51/10(1996) Draft Code of Crimes against Peace and Security of Mankind 1996

ABBREVIATIONS

-/AC /-Adhoc Committee

-/Add.../-Addendum -/CN /-Commission -/CONF.../-Conference

-/CRP.../-Conference Room Paper

-/RES.../-Resolution -/Rev.../-Revision

-/SR.../-Summary Record of meeting

-/WP.../-Working Group

Grand Chamber of the European Court of [GC]

Human Rights

A.C. Appeals Cases

American Law Reports A.L.R

A/-Document Symbol for the UN General

Assembly

S/-Document Symbol for the United Nations

Security Council

AJIL American Journal of International Law

ALL ER All England Law Report ALR Australian Law Reports Asia News International ANI

Annex Annexure

Association of Student International Law **ASILS**

Societies

ATA Anti-Terrorism Act 1997

ATNIF Australian Treaties not yet in force

ATS Australian Treaty Series

BBC British Broadcasting Corporation Berkeley J. Int'l L Berkley Journal of International Law Brook J. Int'l L. Brooklyn Journal of International Law Brown J. World Aff. Brown Journal of World Affairs **BYBIL** British Yearbook of International Law Canadian Criminal Cases Canada

Cal W.Int'l.L.J California Western International Law Journal

CAN Canada

C.C.C

xxviii Abbreviations

CAT United Nations Convention against Torture

1984

CCE Continuing Criminal Enterprise

CCPR/C/ Document Symbol for UN Human Rights

Committee

CCSDNY Circuit Court of the United States for the

Southern District of New York

CIL Centre for International Law

Cir. Circuit Court

CNSA Control of Narcotics Substance Act 1997 of

Pakistan

COE Council of Europe

Colum. J. Trannsnat'l L Columbia Journal of Transnational Law Cornell Int'l L.J Cornell International Law Journal

Crim Law Forum Criminal Law Forum

CRS Congressional Research Service
CTC UN Counterterrorism Committee

CWLTH Commonwealth

Denv. J. Int'l L. & Poly Denver Journal of International Law and Policy

DePaul L. Rev Depaul Law Review

E/CN.4/ Document Symbol for UN Commission for

Human Rights

E/CONF Document symbol for the UN

Economic and Social Council

ECHR European Convention on Human Rights

ECR European Court Reports

ECtHR European Court of Human Rights

Edn Edition

EJIL European Journal of International Law

Eliz II Queen Elizabeth II

Emory Intl L. Review Emory International Law Review

Eng. Rep The English Reports

EWHC (Admin) High Court (Administrative Court)
EWHC (Comm) High Court (Commercial Division)
F.2d Federal Reporter, 2nd Series

F.Supp (DDC) Federal Supplement District of Columbia

Circuit

F.Supp., F.Supp.2d. Federal Supplement

F.Supp.2d Federal Supplement, 2nd Series FATF Financial Action Task Force

Fr. v. Turk. France v. Turkey

FRY Federal Republic of Yugoslavia

H.L House of Lords

Halsbury's Stat. Halsbury's Statutes of England and Wales

Harv.Int'l .LJ Harvard International Law Journal I.C.J International Court of Justice

ICAO International Civil Aviation Organization

ICC International Criminal Court

ICCPR International Covenant on Civil and Political

Rights

ICJ Reports

ICLQ International and Comparative Law Quarterly ICTY International Criminal Tribunal for the former

Yugoslavia

ILCInternational Law CommissionILMInternational Legal MaterialsILRInternational Legal Reports

IMAC Federal Act on International Mutual Assistance

in Criminal Matters 1981

Int'l. J. of Refugee law International Journal of Refugee Law Int'l Enforcement L. Rep. International Enforcement Law Report

IPC Indian Penal Code 1860
Isr. L. Rev Israel Law Review

J. Crim. L. & Criminology
J. Int'l L & Econ
Journal of Criminal Law and Criminology
Journal of International Law and Economics

L.S.I Laws of the state of Israel

Maastricht J. Eur. Maastricht Journal of European and

& Comp. L. Comparative Law

Man (QB) Court of Queen's Bench of

Manitoba

MLAT Mutual Legal Assistance Treaty

mtg. meeting

NAB Ordinance 1999 National Accountability Bureau Ordinance

1999

New Eng. L. Rev New England Law Review

NLJ New Law Journal

NRO National Reconciliation Ordinance 2007

NY Times New York Times

P.D. Decisions of Israeli Supreme Court (Piskei Din

shel Bet HaMishpat HaElyon LeYisrael)

Pace Y.B.Int'l L. Pace Yearbook of International Law

Para Paragraph

PCIJ Permanent Court of International Justice

PLD Pakistan Law Digest
POCA Proceeds of Crimes Act
PPC Pakistan Penal Code 1860
PTI Press Trust of India
QDB Queen's Bench Division

R.S.C The Revised Statutes of Canada

RICO Racketeer Influenced Corrupt Organisations Act S.D.N.Y US District Court for the Southern District of

New York

Sc. A section of a legal enactment SC. Supreme Court of Pakistan

SCR Supreme Court of Canada Reports

Sess. Session

Ss. Sections of a legal enactment

StGB Strafgesetzbuch- German Criminal Code

Supp. Supplementary

Syracuse J.Int'l L. & Comm Syracuse Journal of International Law and

Commerce

Transp. L.J. Transportation Law Journal

U.C.Q.B.R. Upper Canada Queen's Bench Reports

U.S. United States Reports
U.S.C United States Code

UCQB Upper Canada Queen's Bench Reports 1841-

1882

UKHL United Kingdom House of Lords

UNCAC UN Convention against Corruption 2003
UNGAOR United Nations General Assembly Official

Records

UNODC United Nations Office on Drugs and Crime UNTOC UN Convention on Transnational Organised

Crime 2000

UNTS United Nations Treaty Service
USCA United States Code Annotated
USCS United States Code Service

UST United States Treaties and other international

Agreements

W.D.N.Y Western District of New York

WLR Weekly Law Reports

Yale J. Int'l L. Yale Journal of International Law

YBILC Yearbook of International Law Commission