United Nations Nations Unies

Procurement Division
New York

REQUEST FOR INFORMATION (RFI)

Title of the RFI:
Design and development of the Treaty Information and Publication System using a modern web framework

Date of this RFI: 18 March 2020

Closing Date for Receipt of RFI at PD: 18 June 2020

RFI Number: RFIJK7278

Address RFI response by fax or e-mail to the Attention of: Joniolavi Kaerpijoki

Fax Number:

E-mail Address: joni.kaerpijoki@un.org

UNSPSC Code: 43232100,43232200,81111500,81111600,81111700,81111900,81112000,83121600

DESCRIPTION OF REQUIREMENTS

The purpose of this RFI is to provide the Treaty Section, OLA, United Nations with a list of vendors in the market with expertise for specialised services, solutions and potential vendors and their capabilities related to the topic above.

Currently, the Treaty Section carries out its programmatic activities and related operations based on a Documentum application (Annex B: Treaty Information and Publication System - TIPS).

Treaty Section intends to migrate its Documentum repository to SharePoint (to be hosted on the Microsoft Azure cloud infrastructure) and to develop an application that will provide all the custom functionality currently available in the Documentum-based application, as presented in the attached documents (Annex A: TIPS functionality, TIPS – Technical functional specification; Annex C: TIPS-Object Model - summary).

There are three distinct RFIs associated with this project (consult the website of the UN Procurement Division for the related RFIs):

1. Migration of data from the Documentum repository to SharePoint
2. Design and development of a new TIPS application using a modern web framework
3. Design and Development of an integrated publication module based on an Adobe InDesign solution. The module is intended for the generation of various publications produced by Treaty Section (UN Treaty Series volume, Multilateral treaties deposited with the Secretary-General-status updates, Circular (depositary) Notifications, Certificates of registration) .

This RFI refers to item 2 above, “Design and development of a new TIPS application using a modern web framework”.

The gathered information will be used to determine the feasibility, scope, timeframe and resources required

by the Treaty Section/OLA/UN to undertake this application development.

SPECIFIC REQUIREMENTS / INFORMATION (IF ANY)

The new TIPS application should preferably be built using Angular, the United Nation's current enterprise standard for javascript web frameworks. Alternative approaches can also be suggested. The application should be decoupled from the SharePoint backend, interacting through standard APIs. Data operations with other components such as document-based databases, message queues, distributed caches or cloud filesystems, should be expected and easily integrated into the application.

Application implementation should be object-oriented, separate data and controller layers and abide by software development best-practices with decoupled classes and leveraging design patterns where suitable.

User interface should be based on Material guidelines, responsive and abide by accessibility standards.

Data operations, especially the ones implemented by the publication module, should be implemented asynchronously through observable pooling or using pub-sub subscriptions for real-time data updates. The application should support client caching of data-retrieval calls.

All the system components should be delivered as containers and cloud-agnostic, deployed on Kubernetes clusters, with CI/CD pipelines and regression testing. Necessary batch jobs for data manipulation, publication or reporting, should use NodeJS jobs running as containers.

Functional requirements for the application frontend are described on the attached documents (Annex A: TIPS functionality and TIPS Technical functional specification).

Please describe the architecture of the proposed solution to address the requirements listed above.
If available, provide links to online videos and documentation.

For each project phase (analysis, development, testing, training, deployment, documentation) provide the following figures: hours required, level of skill of required resource, hourly rate.

Provide an estimate for the annual maintenance, over the next 10-15 years, for the solution. Maintenance work is comprised by minor and major upgrades to any of the components, security patching, bug fixes,

refactoring, and new functional and technical requirements. Introduction of new requirements should not exceed the yearly limit of 10% of the original complexity of the system.

NOTE

Information on tendering for the UN Procurement System is **available free of charge** at the following address: https://www.ungm.org/Public/Notice

Only the United Nations Global Marketplace (UNGM) has been authorised to collect a nominal fee from vendors that wish to receive automatically Procurement Notices or Requests for Expression Of Interest. Vendors interested in this Tender Alert Service are invited to subscribe on http://www.ungm.org

VENDOR RESPONSE FORM

TO: Joni Kaerpijoki **RFI Number:**

Email: joni.kaerpijoki@un.org

FAX:

FROM:

SUBJECT: Design and development of the Treaty Information and Publication System using a modern web framework

To be filled by the Vendor (All fields marked with an '' are mandatory)*

COMPANY INFORMATION	
UNGM Vendor ID Number*:	
Legal Company Name (Not trade name or DBA name) ***:**	
Company Contact *:	
Address *:	
City *:	**State:**
Country *:	
Telephone Number *:	
Fax Number *:	
Email Address:	
Company Website:	

We declare that our company fully meets the prerequisites A, B, C, D and E, for eligibility to register with the United Nations as outlined in the paragraph 1 of the RFI INSTRUCTIONS page.

Signature:_____ Date:_____

Name and Title:_____

***** If not already registered with UN Procurement Division, please use the following URL to register at United Nations Global Marketplace (UNGM): www.ungm.org.***

RFI INSTRUCTIONS

1) Registering as a Vendor with the United Nations

Vendors interested in fulfilling the requirement described above must be registered at the UN Global Marketplace (**www.ungm.org**) with the UN Secretariat in order to be eligible to participate in any solicitation. Information on the registration process can be found at **https://www.un.org/Depts/ptd/vendors**.

Prerequisites for Eligibility
In order to be eligible for UN registration, you must declare that:

A. Your company (as well as any parent, subsidiary or affiliate companies) is not listed in, or associated with a company or individual listed in:

   I. the Compendium of United Nations Security Council Sanctions Lists (**https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list**), or

   II. the IIC Oil for Food List website or, if listed on either, this has been disclosed to the United Nations Procurement Division in writing.

B. Your company (as well as any parent, subsidiary or affiliate companies) is not currently removed or suspended by the United Nations or any other UN organisation (including the World Bank);

C. Your company (as well as any parent, subsidiary of affiliate companies) is not under formal investigation, nor have been sanctioned within the preceding three (3) years, by any national authority of a United Nations Member State for engaging or having engaged in proscribed practices, including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice;

D. Your company has not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against your company that could impair your company's operations in the foreseeable future;

E. Your company does not employ, or anticipate employing, any person(s) who is, or has been a UN staff member within the last year, if said UN staff member has or had prior professional dealings with the Vendor in his/her capacity as UN staff member within the last three years of service with the UN (in accordance with UN post-employment restrictions published in ST/SGB/2006/15.

F. Your company undertakes not to engage in proscribed practices (including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice), with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN.

For Registered Vendors: Vendors already registered at the UN Global Marketplace with the UN Secretariat must ensure that the information and documentation (e.g. financial statements, address, contact name, etc.) provided in connection with their registration are up to date in UNGM. Please verify and ensure that your company is registered under its full legal name.

For Vendors Interested in Registration: Vendors not yet registered should apply for registration on the United Nations Global Marketplace (**http://www.ungm.org**); information on the registration process can be found at **https://www.un.org/Depts/ptd/vendors**.

IMPORTANT NOTICE: Any false, incomplete or defective vendor registration may result in the rejection of the application or cancellation of an already existing registration.

2) RFI Process

Vendors interested in responding should forward their information (as requested in the RFI) to the United Nations Procurement Division (UNPD) by the closing date set forth in this RFI. *Due to the high volume of communications, UNPD is not in a position to issue confirmation of receipt of RFIs.*

Please note that no further details of the planned solicitation can be made available to the vendors prior to issuance of the solicitation documents.
This RFI is issued subject to the conditions contained in the RFI introductory page available at **https://www.un.org/Depts/ptd/rfi**.

Technical and Functional Specifications

For

TSIPS

Version No.: (0.10)

Date of Release: 24-Sept-2018

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1.0 INTRODUCTION

1.1 Purpose

The Treaty Section, Office of Legal Affairs (UNOLA) is responsible for analyzing, registering, filing, recording and publishing treaties and international agreements.

In order to carry out its responsibilities, the section uses an electronic system, the Treaty Section Information and Publication System (TSIPS) for the archiving, sorting, processing retrieval and publication of treaty related information both in hard copy and electronic format for dissemination on the Internet. The main inputs to the system are the texts of treaties, agreements and related documents, such as letters, certificates of registration, depository notifications (CNs), etc. In addition, attributes of treaties and actions are entered in the system. The primary outputs of the system are the publications produced by the Treaty Section, such as the United Nations Treaty Series (volume series), the Multilateral Treaties Deposited with the Secretary-General (PDF format, published on website).

1.2 Scope

This is the Technical & Functional Specification document of Treaty Section Information and Publication System. This document describes the object model and overall architectural framework of the application, and also explains the object relationships, which play an important role in the functionality of the application.

1.3 Acronyms and Definitions

Sr No.	Acronyms	Definition
1.	UNOLA	United Nations, Office of Legal Affairs
2.	CN	Circular Notification
3.	XML	Extensible Markup Language
4.	JSP	Java Server Pages
5.	ICJ	International Court of Justice
6.	DFC	Documentum Foundation Classes
7.	UI	User Interface
8.	RDBMS	Relational Database Management System

9.	WDK	Web Development Kit
10.	BOF	Business Object Framework
11.	MTDSG	Multilateral Treaty Deposited with the Secretary General of United Nations
12.	UNTS	United Nations Treaty Series
13.	CI	Cumulative Index
14.		

1.4 Environment

Hardware

a. Web server with 8 GB RAM

b. Content Server with 8 GB RAM

c. TSIPS database server with 8 GB RAM.

d. TSIPS xPlore Index Server 1.3

Software: -

e. Documentum 7.2 content server

f. Documentum client Webtop 6.8

g. Net beans

h. Tomcat server

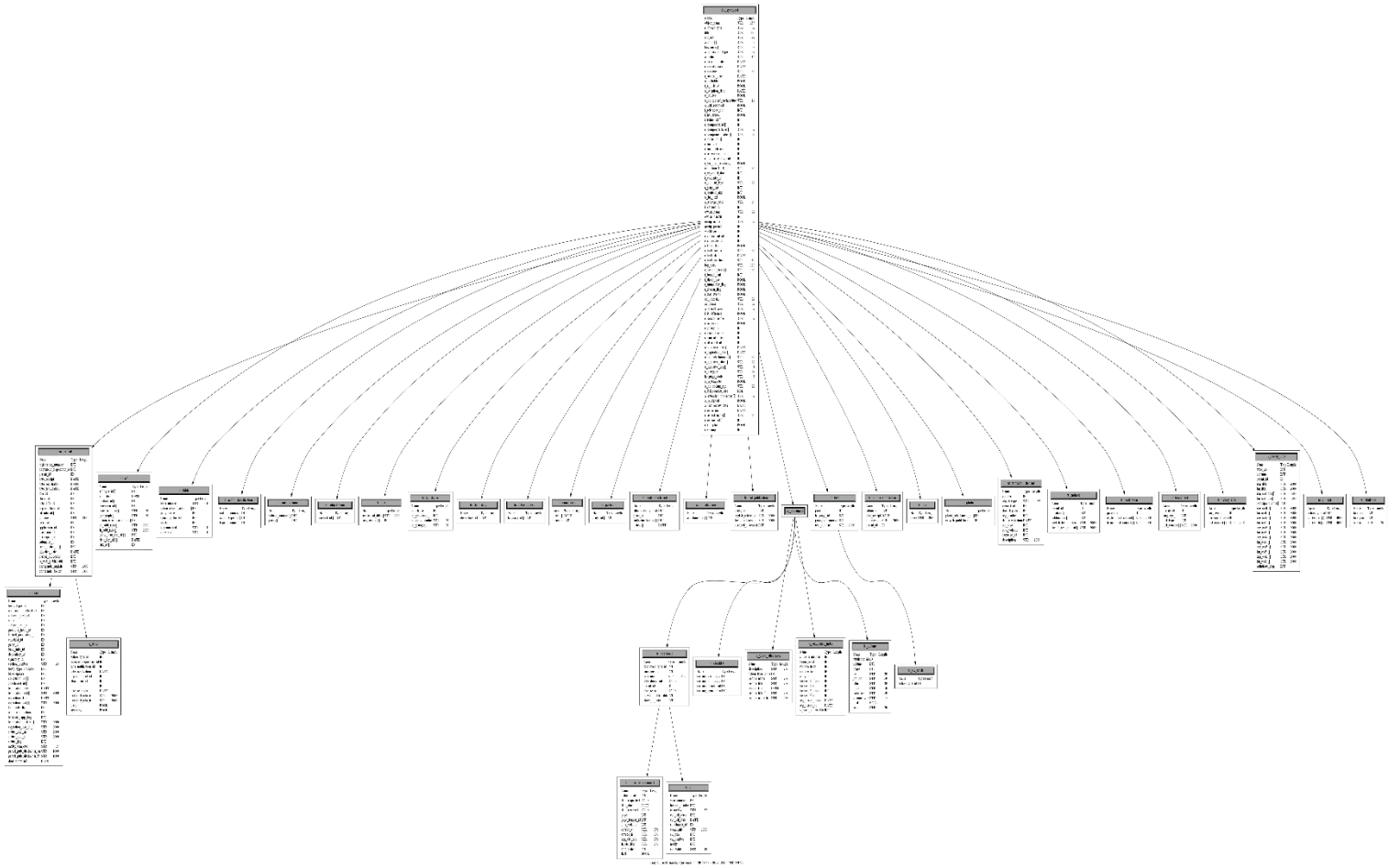
i. SQL server

1.5 Assumptions

It is assuming that the Intended audience of this document has some technical understanding of Documentum, Java, XML, etc.

1.0 OBJECT MODEL

3.1 Object Hierarchy Diagrams



3.2 Object Model

ts_instrument

- **Purpose**

This object is the parent of legal instrument objects (Treaty, Action) that are created in the DocBase. This object is holding some of the common attributes.

- **Inheritance**

This will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
registration_number	Registration Number	Integer		
document_disposition_id	Document Disposition	Integer		
parent_id	"r_object_id" of parent Treaty or Action	ID		
date_receipt	Date of receipt	Time/Date		
date_registration	Date of registration	Time/Date		
date_termination	Date of Termination	Time/Date		
status_id	Internal field used for marking the treaty	Integer		
title_id	"r_object_id" of "ts_title" object	ID		
unts_info_id	"r_object_id" of "ts_unts_volume" object	ID		
import_status_id	Status of treaty: imported, new, or has been corrected	Integer		
eif_info_id	"r_object_id" of "ts_eif" object	ID	Yes	
serial_id	Mainframe serial id	Integer		
comments	Comments	Char(2000)		
application_id	"r_object_id" of "ts_parties"	ID		
exclusion_id	"r_object_id" of "ts_parties"	ID		

Attribute Name	Description	Data Type	Repeating	Reference Table
participant_id	"r_object_id" of "ts_parties"	ID		
submitter_id	"r_object_id" of "ts_parties"	ID		
error_status_id	Type of errors encountered during import. Also used for hiding dates in the Bible.	Integer	Yes	
effective_date	Date of effect	Time/Date		
partial_publication	Partial Publication	Integer		
is_web_publishable	Web publishable flag. If this flag is 1, then only the treaty/action appears on the UNTC website, after it's transferred.	Integer		
corrigenda_english	Corrigenda information in english	Char(1000)		
corrigenda_french	Corrigenda information in french	Char(1000)		

ts_treaty

- **Purpose**

This object will represent a "Treaty" in the application.

- **Inheritance**

This object will inherit from "ts_instrument" object.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
treaty_type_id	Type of treaty	Integer		rt_type_treaty
conclusion_method_id	Method of conclusion	Integer		rt_conclusion_method
authentic_text_id	This attribute will store "r_object_id" of "ts_authentic_text" object	ID		
icj_id	This attribute will store "r_object_id" of "ts_icj" object	ID		
subject_term_id	This attribute will store "r_object_id" of "ts_subject_term"	ID		
previous_treaty_id	Previous Treaty. This attribute will store "r_object_id" of previous "ts_treaty" object.	ID		
limited_publication_id	Limited publication information. This attribute will store the "ts_limited_publication" object id.	ID		
checklist_id	Missing information for checklist. This attribute will store "r_object_id" of "ts_checklist" object	ID		
party_id	Parties to the treaty. This attribute will store "r_object_id" of "ts_party"	ID		

Attribute Name	Description	Data Type	Repeating	Reference Table
bible_info_id	This attribute stores "r_object_id" of "ts_bible" object.	ID		
depositary_id	This attribute stores "r_object_id" of "ts_depositary" object.	ID		
signatory_id	This attribute stores "r_object_id" of "ts_party" object.	ID		
section_number	Used in the Mainframe for classifying similar treaties	Char(30)		
treaty_type_indicator	Multilateral indicator, to know if a treaty is bilateral or multilateral	Integer		No reference to rt_treaty_type
bible_update	Bible Update	Integer		
conclusion_id	This attribute stores "r_object_id" of "ts_conclusion" object.	ID	Yes	
attachment_id	Attachments to the treaty. This attribute stores "r_object_id" of "ts_treaty_attachment" object	ID	Yes	
lon_treaty_flag		Integer		
number_of_actions	Stores the number of actions the treaty needs to enter into force	Integer		
territorial_app_flag		Integer		

Attribute Name	Description	Data Type	Repeating	Reference Table
termination_text	Stores the termination text that'll appear in MTDSG, if the treaty is terminted.	Char(2000)	Yes	
termination_text_fr	Same as above in French	Char(2000)	Yes	
expiration_text	Same as above in case of treaty expires	Char(2000)	Yes	
expiration_text_fr	Same as above in french	Char(2000)	Yes	
temination_date	Date of Termination	Time/Date		
expiration_date	Date of Expiration	Time/Date		
status_info_en	Stores MTDSG status English			
status_info_fr	Stores MTDSG status French			
status_flag	Stores 1 if the status info for this treaty is to be fetched from the above two columns	Integer		
mtdsg_template	Stores the MTDSG template to be used while generating the MTDSG for the treaty. The template is basically a sequence of the MTDSG sections.			
don’t_show_nif		Integer		
partial_pub_disclaimer_en		Char(1000)		

Attribute Name	Description	Data Type	Repeating	Reference Table
partial_pub_disclaimer_fr		Char(1000)		

ts_action

- **Purpose**

This object will store an action in the database

- **Inheritance**

This object will inherit from “ts_instrument”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
action_type_id	Type of action	Integer		rt_action_code
received_depositary_id	Depositary by which the action was received	Integer		rt_depositary
type_notification_id	Type of notification	Integer		rt_notification_type
date_notification	Date of the action	Time/Date		
import_object_id	Supposed to store the object id used for the import	Integer		
attachment_id	This attribute store “r_object_id” of “ts_action_attachment” object	ID		
photo_id	This attribute stores “r_object_id” of “ts_photo” object.	ID		

Attribute Name	Description	Data Type	Repeating	Reference Table
date_reminder	Stores a date on which the users get a reminder email about the action.	Time/Date		
teritorrial_info_en	Stores the custom Territorial Information in English to be shown in MTDSG	Char(2000)		
teritorrial_info_fr	Stores the custom Territorial Information in French to be shown in MTDSG	Char(2000)		
Party	Boolean value for the action participant is party	Integer		
Signatory	Boolean value for the action participant is signatory	Integer		

ts_eif

- **Purpose**

This will represent Entry Into Force entity in the system.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
eif_type_id	Type of entry into force	Integer	Yes	rt_eif_type
eif_date	Date of entry into force	Time/Date	Yes	
method_id	Method of entry into force	Integer	Yes	rt_eif_method
provision_id	Type of provision	Integer	Yes	rt_eif_provision
prov_number	Provision number	Char(30)	Yes	
paragraph	Provision paragraph (subdivision of the provision number)	Char(30)	Yes	
en_add_info	English additional information	Char(2000)	Yes	
fr_add_info	French additional information	Char(2000)	Yes	
action_classification_id	This attribute will store “r_object_id” of “ts_action_classification” object.	ID	Yes	
date_for_eif		Time/Date	Yes	
party_num_for_eif		Integer	Yes	
rule_id		ID	Yes	

ts_bible

- **Purpose**

This object will store the “bible” (MTDSG chapter) information

- **Inheritance**

This object will inherit from “dm_sysobject”

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
bible_number	Chapter number in the “bible” (MTDSG publication)	Char(64)		
action_ classification_id	Column layout in the bible. This attribute store “r_object_id” of “ts_action_classification”	ID	Yes	
party_for_eif	Number of parties needed for the treaty to enter into force	Integer		
signatory_for_eif		Integer		
model	Model used for the treaty’s CNs	Integer		rt_typeaction_specific
is_expired		Char(1)		
is_terminated		Char(1)		

ts_action_classification

- **Purpose**

Used to store information for column layout in the bible and for entry into force tables

- **Inheritance**

This object will inherit from “dm_sysobject”

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
column_number	The number of the column in the table	Integer		
action_type_id	The type of actions that can appear in the column	Integer	Yes	rt_action_code
type_column	1: count for signatories 2: count for parties	Integer	Yes	

ts_unts_volume

- **Purpose**

This object stores “volume” numbers in which the treaty or action is published in Treaty Series.

- **Inheritance**

This Object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
volume_number	Treaty series volume Numbers	Integer	Yes	
pages	Treaty series pages	Integer	Yes	

ts_subject_term

- **Purpose**

This object will store the "subject terms" for a Treaty.

- **Inheritance**

This Object will inherit from the "dm_sysobject".

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
subject_id	Subject Term	Integer	Yes	rt_subject_term

ts_title

- **Purpose**

This object will store the title for a Treaty Object.

- **Inheritance**

This object will inherit from "dm_sysobject"

- **Attributes**

Attribute Name	Description	Data Type	Rep	Reference Table
instrument_title	Title of treaty or action	Char(2000)	Yes	
language_id	Language Code	Integer	Yes	rt_language

ts_icj_clause

- **Purpose**

This Object will store the ICJ clause information.

- **Inheritance**

This object will inherit from "dm_sysobject".

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
icj_clause_id	ICJ clause	Integer		rt_icj_clause
icj_provision_id	ICJ type of provision	Integer		rt_eif_provision
icj_prov_number	ICJ provision number	Char(20)		
icj_paragraph	ICJ paragraph (subdivision of the provision number)	Char(20)		

ts_depositary

- **Purpose**

This object stores the depositaries of an instrument.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Rep	Reference Table
depositary_id	Depositary Name	Integer	Yes	rt_depositary

ts_authentic_text

- **Purpose**

This object stores authentic text for an instrument.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
language_id	Language Code	Integer	Yes	rt_language

ts_conclusion

- **Purpose**

This object stores conclusion information of the treaty object.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
dates	Date of conclusion	Time/Date	Yes	
place_id	Place of conclusion for the given dates	Integer		rt_place_of_conclusion

ts_parties

- **Purpose**

This object stores parties, signatories and submitters information for an instrument.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
party_id	Code of participant / submitter.	Integer	Yes	rt_participant_definition

ts_treaty_attachment

- **Purpose**

This object stores attachment information for an instrument.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
attachment_type_id	Type of attachment	Integer		rt_treaty_attachment
place_id	Place of conclusion for attachments	Integer		rt_palce_of_conclusion
authentic_text_id	Authentic texts of the attachment (if different from those of the treaty)	Integer	Yes	rt_language
dates	Dates of conclusion of the attachment (if different from those of the treaty)	Time/Date	Yes	

ts_action_attachment

- **Purpose**

This object stores the code of treaty attachment.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
attachment_id	Type of attachment	Integer	Yes	rt_action_attachment

ts_limited_publication

- **Purpose**

This object stores the limited publication information for a treaty.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Name	Description	Data Type	Repeating	Reference Table
category_id	Limited publication category	Integer		rt_limited_publication
english_reference	English reference on where to find the text of the treaty	Char(2000)		
french reference	French reference	Char(2000)		
certified_statement	Certified Statement	Integer		

ts_document

- **Purpose**

This object stores documents, such as letters. Also this object is the parent of attachments that are added into the system.

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data type	Repeating	Reference Table
document_type_id	*Type of document*	Integer		rt_document_type
language_id	Language of the document	Integer		rt_language
reference	A reference that can be used for a given type of document	Char(512)		
date_document	A date that can be assigned to the document, such as the date of receipt	Time/Date		
parent_id	The ID of the object to which this document applies (treaty, action, etc). Optional.	ID		
date_release	Date of Release	Time/Date		
is_web_publishable	Web publishable flag. If this flag is 1, then the document appears on the website, after it is transferred.			
show_in_unts	Stores 1 if this document is to be fetched in the UNTS generated for the parent treaty/action.	Integer		

ts_published_document

- **Purpose**

Used to store documents that will be published in the Treaty Series.

- **Inheritance**

This object will inherit from “ts_document”.

- **Attributes**

Attribute Name	Description	Data type	Repeating	Reference Table
authentic_id	Whether the document is in an authentic text (1), a translation (0) or a courtesy translation (2)	Integer		
date_requested	For translation	Time/Date		
date_due	For translation	Time/Date		
date_received	For translation	Time/Date		
pages	Number of pages (used for tabulation)	Integer		
page_format_id	The page format if the document is an image	Integer		rt_page_format
unts_volume	The volume in which the document is published. A treaty can have several volume numbers	Integer		
source_en	The source of the translation in English	Char(256)		
source_fr	The source of the translation in French	Char(256)		
eng_ctc_title		Char(256)		
fr_ctc_title		Char(256)		
final		Boolean		
sort_order	For storing sort order	Integer		

ts_checklist

- **Purpose**

This will store the checklist of for an instrument.

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
missing_cert_copy	Missing Certificate	Integer		
missing_add_copy	Missing additional copies	Integer		
missing_attachment	Missing attachments	Integer		
missing_signatories	Missing signatories	Integer		

ts_text

- **Purpose**

Used to store short and simple text items (can be made of several paragraphs), and to attach this information to another object.

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
parent_id	The object to which this information is attached (ts_treaty, etc.)	ID		
lanuage_id	The language of the text	Integer		rt_language
paragraph_number	An attribute that can be used if the text is made of several paragraphs	Integer		
text_content	The actual content of the stored text	Char(2000)		

ts_cn_article

- **Purpose**

Used to store CN articles in English and in French.

- **Inheritance**

This object will inherit from “ts_text”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
action_type_id	The type of action to which the cn article applies to	*Integer*		rt_action_code

ts_cn

- **Purpose**

This object will store the CN.

- **Inheritance**

This object will inherit from “ts_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
year_number	The year number used in the CN reference – No longer used..	Integer		
treaties_number	The treaties number used in the CN reference – no longer used	Integer		
clearedby	The person initials who approved the CN	Char(32)		
cut_off_date	The date before which a country can object on the CN	Time/Date		
cut_off_days	Number of days before which a country can object on CN	Integer		
attachment_id	This attribute will store the “r_object_id” of the “ts_cn_attachment” object.	ID		
cn_number	The CN Number used to refer to the CN.	Integer		
cn_year	The Year in which CN was generated.	Integer		

Attribute Name	Description	Data Type	Repeating	Reference Table
	The cn_number & cn_year can be used to uniquely identify a CN			
notify	Stores 1 if the CN notification mail is to be sent after this CN is modified & transferred to the website	Integer		
comments		Char(1000)		
cn_status		Char(20)		

ts_photo

- **Purpose**

This object will store the object pointer to a photo attachment object.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
photo_attachment_id	This attribute will store “r_object_id” of “ts_photo_attachment” object	ID	Yes	
is_web_publishable		Integer		

ts_photo_attachment

- **Purpose**

This object will store the photos that were taken during signature events.

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
people_name	Name of the people signing the action	*Char(256)*		
people_name_fr		*Char(256)*		
people_title	Designation of the people signing the action	Char(256)		
people_title_fr		Char(256)		
photo_date	The date on which the photo was taken	Time/Date		
action_type_code		Integer		
description		Char(256)		

ts_rule

- Purpose

This object will store the query which will help in determining the events related to treaty eif.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
query	*This attribute will store the query which will help in determining the events related to treaty eif*	Char(2000)		

ts_cn_attachment

- **Purpose**

Not used anymore

This object will store the attachments of CN.

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
language_id	This attribute will store the code of Language.	Number		rt_language

ts_double_submission

- **Purpose**

This object used to store information on double submissions of a treaty of an action.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
submitter_id	Submittor of the new submission	*Integer*		rt_participant_definition
date_receipt	The date of receipt of the new submission	Time/Date		
comments	Comments	Char(2000)		
parent_id	The treaty or action that is submitted again. This attribute store the	ID		

Attribute Name	Description	Data Type	Repeating	Reference Table
	"r_object_id" of the treaty object.			

ts_endnote

- **Purpose**

This object is used to store the endnote details which appear in the MTDSG

- **Inheritance**

This object will inherit from "dm_sysobject".

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
parent_id	r_object_id of the parent treaty	*ID*		
location	index of the particular section in which this endnote appears	Integer	Yes	
sublocation	This could be a sequence number/ participant code based on the location. The location & sublocation uniquely identifies an endnote in MTDSG	Integer	Yes	
english_text_content	The English text of the endnote	Char(2000)	Yes	
French_text_content	The French text of the endnote	Char(2000)	Yes	

Attribute Name	Description	Data Type	Repeating	Reference Table

ts_declaration

- **Purpose**

This object is used to store the participant declaration details which appear in the MTDSG

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
parent_id	r_object_id of the parent action under which the ts_declaration object is attached.	*ID*		
english_text_content	The English text of the declaration	Char(2000)	Yes	
French_text_content	The French text of the declaration	Char(2000)	Yes	

ts_treaty_text

- **Purpose**

This object is used to store the TEXT value which appears in the MTDSG header. It's either TEXT or NOTE.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
parent_id	r_object_id of the parent treaty under which the ts_treaty_text object is attached.	*ID*		
language_id	25 for English & 30 for French	Integer		
text_type	Stores 0 for TEXT & 1 for NOTE	Integer		
text_content	Stores the actual text content	Char(2000)	Yes	

ts_history_info

- **Purpose**

This object is used to store the history information that appears in the beginning of the MTDSG

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
language_id	25 for English & 30 for French	Integer		

Attribute Name	Description	Data Type	Repeating	Reference Table
participant_code	Participant code	Integer		rt_participant_definitio n
text_content	Actual text content	Char(2000)	Yes	

ts_cumulative_index

- **Purpose**

This object is used to store the metadata for the Cumulative Index documents

- **Inheritance**

This object will inherit from “dm_document”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
ci_issue_number	Cumulative Index issue number	Integer		
language_id	25 for English & 30 for French	Integer		
volume_from	Volume range - from	Integer		
volume_to	Volume range – To	Integer		
ci_type	Stores 1 if Chronological & 2 if Alphabetical	Integer		
treaties_1_from	Treaties range 1 From	Integer		
treaties_1_to	Treaties range 1 To	Integer		
treaties_2_from	Treaties range 2 From	Integer		
treaties_2_to	Treaties range 2 To	Integer		
reg_period_from	Registration Period - From	Time/Date		

Attribute Name	Description	Data Type	Repeating	Reference Table
reg_period_to	Registration Period – To	Time/Date		
is_web_publishable	Web publishable flag – Shown on website only if this is set to 1	Integer		

ts_mtdsg_table

- **Purpose**

This object is used to store the tabular data that appears in MTDSG for some treaties. This is free flowing static data and needs to be entered by the user.

- **Inheritance**

This object will inherit from "dm_sysobject".

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
table_no	Table sequence number	integer		
columns	Number of columns	integer		
parent_id	Parent Treaty object ID	ID		
eng_title	Table title in English	char(2000)		
frn_title	Table title in French	char(2000)		
eng_col_title	Column titles in English	Char(100)	Yes	
frn_col_title	Column titles in French	Char(100)	Yes	
participant_code	Participant code	integer	Yes	
eng_col1	Col1 value English	Char(20)	Yes	
frn_col1	Col1 value French	Char(20)	Yes	

Attribute Name	Description	Data Type	Repeating	Reference Table
eng_col2	Col2value English	Char(20)	Yes	
frn_col2	Col2value French	Char(20)	Yes	
eng_col3	Col3value English	Char(20)	Yes	
frn_col3	Col3 value French	Char(20)	Yes	
eng_col4	Col4 value English	Char(20)	Yes	
frn_col4	Col4 value French	Char(20)	Yes	
eng_col5	Col5 value English	Char(20)	Yes	
frn_col5	Col5 value French	Char(20)	Yes	
eng_col6	Col6 value English	Char(20)	Yes	
frn_col6	Col6 value French	Char(20)	Yes	
withdrawl_flag	Stores 1 if participant has withdrawn. The values should be shown in square bracket in that case	integer		

ts_cn_text

- **Purpose**

This object is used to store some specific text which needs to appear in all CNs generated for a specific type of action.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attributes**

Attribute Name	Description	Data Type	Repeating	Reference Table
action_type_id	Type of action	Integer		rt_action_code
cn_text_en	Text in english	Char(4000)	Yes	rt_participant_definition
cn_text_fr	Text in French	Char(4000)	Yes	

ts_volume

- **Purpose**

This object is used to store metadata details of volume.

- **Inheritance**

This object will inherit from “dm_sysobject”.

- **Attribute**

Attribute Name	Description	Data Type	Repeating	Reference Table
eisbn		Char(20)		
final		Boolean		
isbn		Char(20)		
issn		Char(20)		
job_no		Char(50)		
pages		Integer		
price		Char(10)		
sales_no		Char(50)		
tabulation_id		ID		
volume	Volume number	Integer		
volume_type		Char(15)		

ts_tabulation

- **Purpose**
  This obect is used to store tabulation details.

- **Inheritance**
  This object will inherit from “dm_sysobject”.

- **Attribute**

Attribute Name	Description	Data Type	Repeating	Reference Table
status		Char(20)		
tab_month	Month value	Integer		
tab_year	Year value	Integer		

3.3 Registered Tables

rt_action_attachment

It is used to store different types of attachments to actions. It generally contains the names in singular and plural.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(255)	
french_name	French name	Char(255)	
cn_sort_order	The number used to sort the attachements which appear in CN	Integer	

rt_action_code

It is used to store different types of actions and information needed to process the action of a given type.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(255)	
french_name	French name	Char(255)	
short_code	Short code used in tables with several types of action in one column	Char(2)	
registerability	Whether the type of action is registerable or not	Integer	1 if action of this type is registerable 0 if not
context	In which case the type of action can be used	Char(16)	Null if applies to all treaties Object id of the treaty if applies to a specific treaty only "F" if type of action is a formality
default_behavior	General behavior of type of action on list of parties and signatories	Integer	0 if neutral 1 if binding 2 if unbinding 3 if similar to a signature
type_notification	Links to table with specific processing information for certain types of action	Integer	rt_typeaction_specific
category_code		Integer	

rt_depositary

This table stores the list of depositaries.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(255)	

french_name	French name	Char(255)	
related	Related depositary. Should be replaced by a real link table	Integer	
english_article	Article of the english name	Char(4)	“the” or nothing
french_article	Article of the french name	Char(4)	Le, la, l’, les or nothing
conjonction	Unused	Char(5)	

rt_doc_disposition

This table stores the list of document disposition value.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Short name for treaties	Char(3)	I, II, etc.
english_name	Complete English name	Char(25)	
french_name	Complete French name	Char(25)	
action_name	Short name for actions	Char(3)	A, B, etc.

rt_document_type

This table stores the list of document types for “ts_document” and “ts_published_document” objects.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(100)	
french_name	French name	Char(100)	
location		Char(100)	

rt_eif_method

This table stores the list of methods of entry into force.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(100)	
french_name	French name	Char(100)	

rt_eif_provision

This table stores list of provisions (for entry into force and ICJ clause).

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(64)	
french_article	Article of the French name	Char(4)	Le, la, les, l' or nothing
french_name	French name	Char(64)	

rt_eif_type

This table stores list of types of entry into force.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Short name	String(32)	
english_name	Complete English name	Char(50)	
french_name	Complete French name	Char(50)	
english_header	Unused	Char(255)	
french_header	Unused	Char(255)	

rt_icj_clause

This table stores the list of ICJ clauses.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Short name	Char(25)	
english_name	Complete English name	Char(255)	

french_name	Complete French name	Char(255)	

rt_language

This table stores the list of languages.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	Complete English name	Char(100)	
french_name	Complete French name	Char(100)	
read_order	Order in which the language is read	Integer	1 for left to right (English) 2 for right to left (Arabic)

rt_limited_publication

This table stores the list of limited publication categories.

Column Name	Description	Data Type	Values
code	Code	Integer	
category	Category letter	Char(2)	a, b, etc.
category_descr	Category description	Char(255)	
division	Division inside the category	Char(64)	
subdivision	Sub-division inside the division	Char(64)	
eng_def_ref	English default reference	Char(128)	
fr_def_ref	French default reference	Char(128)	

rt_notification_type

This table stores the list of types of notification to describe the “date of notification” of actions.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(100)	
french_name	French name	Char(100)	

cn_english_sentence	Unused	Char(255)	
cn_french_sentence	Unused	Char(255)	
conjonction		Char(5)	

rt_page_format

This table stores the list of possible page formats for images.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Name of the format	Char(32)	

rt_participant_definition

This table stores the list of participant names, including all countries, international organizations and territories. This table is to use together with the rt_participant_history table

Column Name	Description	Data Type	Values
Code	Code	Integer	
english_name	English name	Char(255)	
french_name	French name	Char(255)	
geo_info	Geographical information for searching (unused)	Integer	Regions of the world
language_id	Default language used to write to the mission	Integer	English or French codes in the rt_language table
french_article	Article of the French name	Char(4)	
english_article	Article of the English name	Char(4)	
current_code	Code of the current participant (for name changes)	Integer	rt_participant_definition
show_in_untc	Flag to show in untc	Integer	
show_in_tips	Flag to show in untc	Integer	
parent_code		Integer	

Column Name	Description	Data Type	Values
show_in_registration	Flag to show UNTC Advanced Search if participant has treaty or action	Integer	
show_in_depository	Flag to show in UNTC advanced search if participant has any action against the MTDSG treaty	Integer	

rt_participant_history

Used to store information on the history of a participant, and is used together with the rt_participant_definition table.

A row describes the history of the participant between a first date and a last date. If there is no first date, it is assumed that the participant always existed, or that the date is not important. If there is no last date, it means that the participants still exists or that the date is not important.

A country who has changed type (or some other information in the table) keeping the same name will have several rows in this table.

Column Name	Description	Data Type	Values
code	Code, used only so that the table can be modified through the interface	Integer	
participant_code	Participant code	Integer	rt_participant_definition
participant_type	Participant type	Integer	rt_participant_type
date_beginning	The date of beginning for the information stored in the row	Time/Date	
date_end	The end date	Time/Date	
trustee_code	The code of the trustee for territories	Integer	rt_participant_definition
next_name	The code of the next name of the participant (unused)	Integer	rt_participant_definition

current_code	The current code of the participant (unused)	Integer	rt_participant_definition
rules	A rule that applies for the participant in the given date range	Integer	10 if the no date should appear in the bible
reference_code	Code of the first name of the participant (see current_code in rt_participant_definition)	Integer	rt_participant_definition

rt_participant_type

This table stores the list of participant types.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Name of the type	Char(25)	

rt_place_of_conclusion

This table stores the list of places of conclusion.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(128)	
french_name	French name	Char(128)	
datetime_beginning	Date on which the name started to exist (unused)	Time/Date	
datetime_end	Date on which the name ceased to exist (unused)	Time/Date	
previous_name	Previous name of the place, for seach purposes (unused)	Integer	rt_place_of_conclusion
corrected_name	unused	Integer	rt_place_of_conclusion

rt_popular_name

Linking registration numbers with subject terms (some subject terms correspond to popular names of agreements, such as “Vienna Convention”).

This table is still unused and will have to be corrected, as a subject term cannot be linked to more than one registration number (code must be unique for use with the registered table interface).

Column Name	Description	Data Type	Values
code	Code	Integer	rt_subject_term
reg_number	Registration number	Integer	ts_treaty reg_number attribute
doc_disposition	Document disposition	Integer	ts_treaty doc_disposition attribute

rt_status

This table stores the list of possible status for treaties and actions.

Name	Description	Data Type	Values
code	Code	Integer	
name	Name	Char(25)	

rt_subject_term

This table stores the list of subject terms. Subject terms also include popular names of treaties, such as “Vienna Convention”. See rt_popular_name table.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(100)	
french_name	French name	Char(100)	
subject_type	Type of subject term	Char(3)	PN for popular name Nothing for regular subject term

rt_subject_term_reference

This table used to establish links between subject terms. This is used for generating the “see also” references in the Cumulative Index.

Column Name	Description	Data Type	Values

code	Subject term code	Integer	rt_subject_term
reference_code	Code of the subject term to which a reference must be made	Integer	rt_subject_term

rt_treaty_attachment

This table stores the list of attachments to treaties.

Column Name	Description	Data Type	Values
code	Code	Integer	
english_name	English name	Char(255)	
french_name	French name	Char(255)	

rt_type_treaty

This table stores the list of treaty types.

Column Name	Description	Data Type	Values
code	Code	Integer	
french_article	Article of the French name	Char(4)	
english_name	English name	Char(64)	
french_name	French name	Char(64)	

rt_typeaction_specific

Used to store processing information used for a certain actions or certain treaties, such as for CNs.

Column Name	Description	Data Type	Values
code	Code	Integer	
name	Name of the processing rule	Char(32)	
datetime_display	The name to give to the date_notification field in the action screen	Char(32)	

Column Name	Description	Data Type	Values
effect_info_en	Additional information to add to the date of effect text in the English CN	Char(255)	
effect_info_fr	Same as above for the French CN	Char(255)	
main_template_en	Treaty template for the English CN	Char(64)	Name of the template in the Corel templates directory
main_template_fr	Same as above for the French CN	Char(64)	Same as above
action_template_en	Action template for the English CN	Char(64)	Same as above
action_template_fr	Same as above for the French CN	Char(64)	Same as above

mtdsg_job

This table is continuously pinged by the MTDSG Job program which runs continuously along with the tomcat web server. Whenever there's a change to any MTDSG related object such as a treaty/action/declaration/endnote etc., the treaty is queued for MTDSG generation and a row is inserted in this table. This table is not registered in the Documentum content server.

Column Name	Description	Data Type	Values
treaty_id	r_object_id of the treaty	nchar(16)	r_object_id
bible_number	MTDSG number of the treaty	varchar(20)	bible_number in ts_bible
status	Stores either queued/processing.	varchar(20)	
modified_object	Type of the object modified	varchar(20)	
modified_by	Name of the person who modified the object	varchar(30)	

Column Name	Description	Data Type	Values
participant	Name of the participant if the modified object is an Action or a declaration	varchar(100)	

mtdsg_job_history

This table is used to store the history of MTDSG generations carried out by the MTDSG Job. This table is not registered with the Documentum content server.

Column Name	Description	Data Type	Values
bible_number	MTDSG number of the treaty	varchar(20)	bible_number in ts_bible
status	Stores either queued/processing.	varchar(20)	
modified_object	Type of the object modified	varchar(20)	
modified_by	Name of the person who modified the object	varchar(30)	
modified_date	Time at which the MTDSG generation started	datetime	
status	SUCCESS/FAILED	varchar(20)	
error	Error message if any	varchar(1000)	
processed_at	Not significant	datetime	
participant	Name of the participant if the modified object is an Action or a declaration	varchar(100)	

rt_search_object

This table is used to store the primary objects used in the complex search screen.

Column Name	Description	Data Type	Values
name	Name of the object	Char(32)	ts_treaty, ts_action, ts_document, ts_published_document, ts_cn, ts_double_submission
display_name	Display name of the attribute	Char(128)	Treaty, Action, Document, Published Document, CN, Double Submission

rt_search_attribute

Used to store the attributes information & queries of various objects used in the complex search screen,

Column Name	Description	Data Type	Values
name	Name of the object	Char(64)	Refers to name in rt_search_object ts_treaty, ts_action, ts_document, ts_published_document, ts_cn
attribute_name	column name of the attribute	Char(64)	
display_name	Display name of the attribute	Char(128)	
attribute_type	Type of attribute	Char(32)	string, integer, time, boolean
isrepeating	Whether the attribute is repeating or not	Char(32)	Y, Null
query	The query which will be appended to the main SQL statement.	Char(1024)	e.g. action_type_code ?, effective_date ? etc..

Column Name	Description	Data Type	Values
			The question mark is replaced with the operator & the value entered/selected by the user to generate the final query statement.
list_table	Name of the master table used by the attribute. If this is selected, the values from this table are populated at runtime for the attribute.	Char(64)	Any registered table. Must be preceded by dm_dbo. E.g. dm_dbo.rt_action_code

rt_search_condition

This table is used to store the primary objects used in the complex search screen.

Column Name	Description	Data Type	Values
attribuite_type	Data Type of the attribute	Char(32)	string, integer, time, boolean
name	Name of the object	Char(32)	ts_treaty, ts_action, ts_document, ts_published_document, ts_cn
query	The query operator to be used to generate the final statement.	Char(32)	e.g. < ?, > ?, = ? The question mark is replaced by the actual value entered/selected by the user to generate the final statement.

rt_folder_structure

This table is used to store VDM object names used in the import of other documents related to treaty/action screen.

Column Name	Description	Data Type	Values
code	index number	integer	
sys_object_name	Name of the VDM object to be created	Char(128)	UNTC, CTC, Archive Files Letters ,Maps LON - MTDSG XML Data, Publication/UNTS, Instrument files
add_year	Whether to create a VDM object for Year or not.	integer	1 if Yes 0 if No.

rt_treaty_endnote_location

This table is used to store the sections in the MTDSG document which can have endnotes.

Column Name	Description	Data Type	Values
code	sequence number	integer	
location	Various sections found in MTDSG which can have endnotes	Char(128)	CHAPTER NUMBER, CHAPTER TITLE, TITLE OF AGREEMENT, PLACE OF CONCLUSION, ENTRY INTO FORCE, REGISTRATION, STATUS , TEXT, NOTE, LON, PARTICIPANT TABLE, DECLARATIONS ,

Column Name	Description	Data Type	Values
			OBJECTIONS , DECLARATIONS UNDER ARTICLE, NOTIFICATIONS , TERRITORIAL APPLICATIONS , SPECIAL TABLE

rt_chapter_subchapter

This table is used to store the MTDSG chapter, subchapter and treaty details. The rows with treaty number as 0 indicate chapter names. To assign a new MTDSG number to a treaty, a row must be created in this table first.

Column Name	Description	Data Type	Values
chapter	Numerical chapter number	integer	
roman_representation	Chapter number in Roman	Char(32)	I, II, XIV, XXIX etc..
subchapter	Subchapter. (Not mandatory)	Char(32)	A,B,C,D,E,F. Subchapters are present only in Chapter XI
treaty_number	Sequential treaty number	Integer	
treaty_ammendments	Amendment number if any.	Char(32)	a,b, 2a etc…
english_name	English name of the treaty/chapter/subchapter.	Char(1024)	
french_name	French name of the treaty/chapter/subchapter.	Char(1024)	
record_indicator		integer	
registration_number	Registration number of the treaty	integer	

Column Name	Description	Data Type	Values
last_update	Timestamp of the last MTDSG generation for the treaty	Time/Date	
bible_number		Char(64)	

rt_scs_log

This table is used to store the history of the SCS program running cycles. Every cycle checks the timestamp of the last cyle and then fetches the files modified after that.

Column Name	Description	Data Type	Values
publication_folder	Name of the publication folder on which SCS was run	Char(32)	/Publication, /Treaties etc…
last_run	Time when SCS was last run on the above publication folder	Time/Date	
successful	whether the cycle was successfully run or not	Char(1)	Y/N

rt_scs_failed_objects

This table is used to store the objects which are failed during the SCS file transfer program execution. The SCS program keeps on trying to transfer these objects in the subsequent runs.

Column Name	Description	Data Type	Values
r_object_id	r_object_id of the failed object	Char(16)	
object_name	Name of the failed objects	Char(255)	
reason	Reason of failure.	Char(500)	Generally an exception thrown
publication_folder	Name of the publication folder	Char(32)	Refers to the publication_folder in the rt_scs_log

rt_delete_log

This table is used to store the details of the files deleted from the TSIPS application

Column Name	Description	Data Type	Values
r_object_id	r_object_id of the failed object	Char(16)	
object_name	Name of the failed objects	Char(255)	
user_name	Reason of failure.	Char(64)	Generally an exception thrown
date_delete	Name of the publication folder	Time/Date	Refers to the publication_folder in the rt_scs_log
deleted_from	Menu from which the file was deleted	Char(255)	File -> Delete,

rt_cn_numbers

This table is used to store the CN numbers which become available due to the deletion of CNs.

Column Name	Description	Data Type	Values
Code	sequence number	integer	

Column Name	Description	Data Type	Values
cn_year	CN Year	integer	
cn_number	CN number	integer	
is_available	char(1)	char(1)	Y,N

rt_treaty_type

This table is used to store different types treaties based on the participants. It is used only in Complex Query and **NOT referred in any object**.

Column Name	Description	Data Type	Values
Code	Code	Integer	sequence number
english_name	English name	Char(64)	Bilateral Open Multilateral Closed Multilateral Multilateral (Deposited with SG) Multilateral (Not Deposited with SG)
french_name	French name	Char(64)	

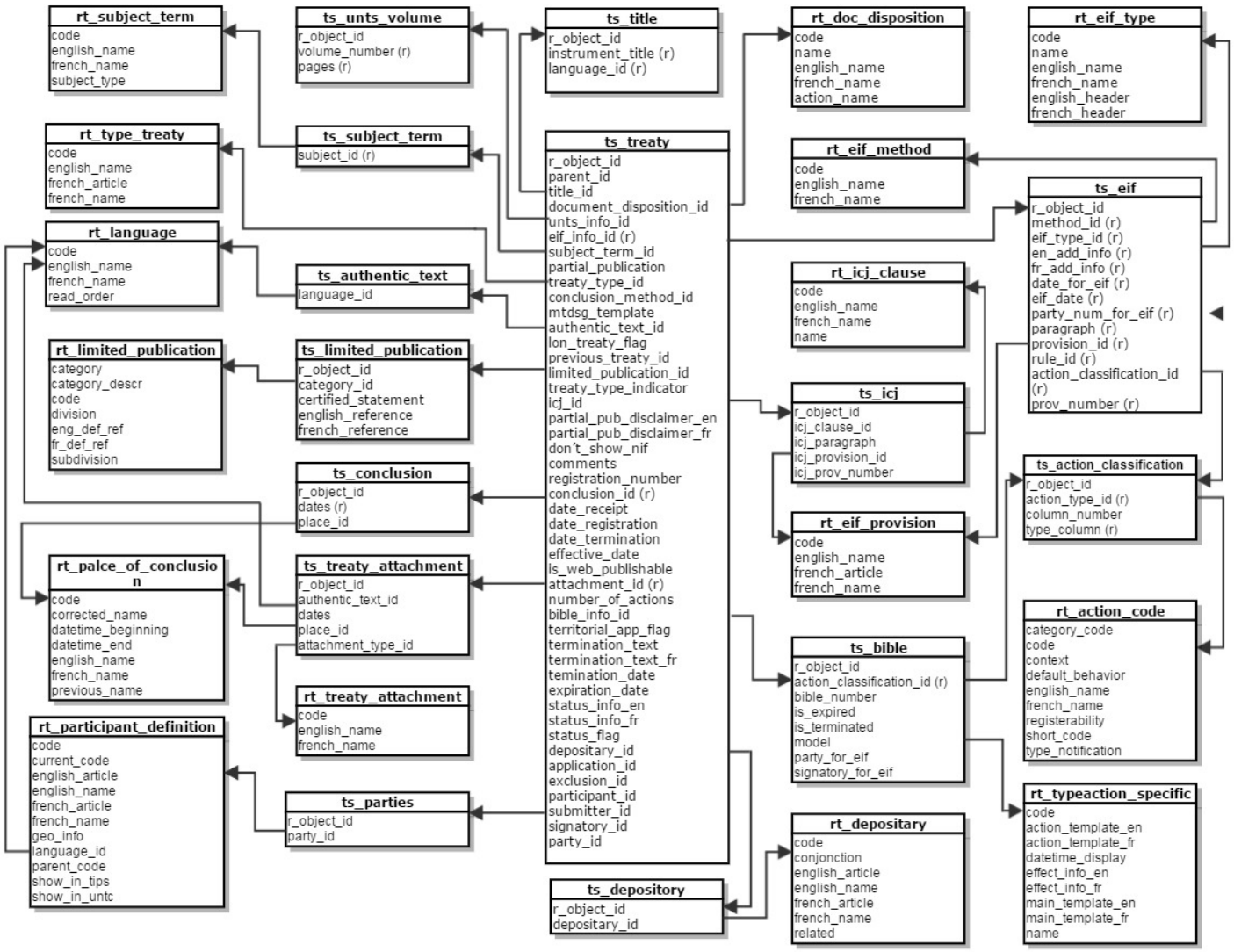
4.0 FUNCTIONAL AND TECHNICAL DESCRIPTION

4.1 TREATY

The following object relationship diagram of treaty defines the object relationships between the treaty and other objects of the application.

For business rules of Treaty please check the user manual section 5.

- **Object Relationship Diagram**



- **Following are the queries to retrieve the data using the above diagram.**

  - **To retrieve the treaty data using r_object_id of Treaty**

    Select * from ts_treaty where r_object_id = '08000002803e9162'

    We can retrieve all the data of treaty by changing the r_object_id to other attributes which are id's to some other tables like parent_id, title_id, unts_info_id if we know the id's else we have to use the joins.

  - **To retrieve the treaty data using registration number**

    Select * from ts_treaty where registration_number = 10041

  - **To retrieve the treaty data using the registration date**

select r_object_id, object_name, r_modify_date, date_registration from ts_treaty where date_registration = DATE('15/02/2016','dd/mm/yyyy')

* **To retrieve treaty data between range of dates**

select * from ts_treaty where datefloor(day,date_registration) > DATE('01/01/2016','dd/mm/yyyy')

And datefloor(day,date_registration) < DATE('01/05/2016','dd/mm/yyyy')

* **To retrieve the treaty data by Volume number**

select * from ts_treaty t, ts_unts_volume v where t.unts_info_id = v.r_object_id and any volume_number = 2000

* **To retrieve the treaty data by conclusion date**

select * from ts_treaty where **any** conclusion_id in (select r_object_id from **dbo.ts_conclusion_r** where datefloor(day,dates) = DATE('01/04/2016','dd/mm/yyyy'))

* **To retrieve the conclusion details of particular treaty**

select t.r_object_id, t.registration_number, cr.r_object_id, cr.i_position, cs.place_id, pc.english_name

from ts_treaty t, dbo.ts_conclusion_r cr, dbo.ts_conclusion_s cs ,dbo.rt_place_of_conclusion pc

where any t.conclusion_id = cr.r_object_id and cs.r_object_id = cr.r_object_id and cr.dates is not nulldate and t.r_object_id = '0800000280150e61' and cs.place_id = pc.code

* **To retrieve the treaty data by volume number**

select distinct v.* from ts_treaty t, ts_unts_volume v where t.unts_info_id = v.r_object_id and any volume_number = 2000

* **Chapter Number**

For chapter name we can refer to the following query:

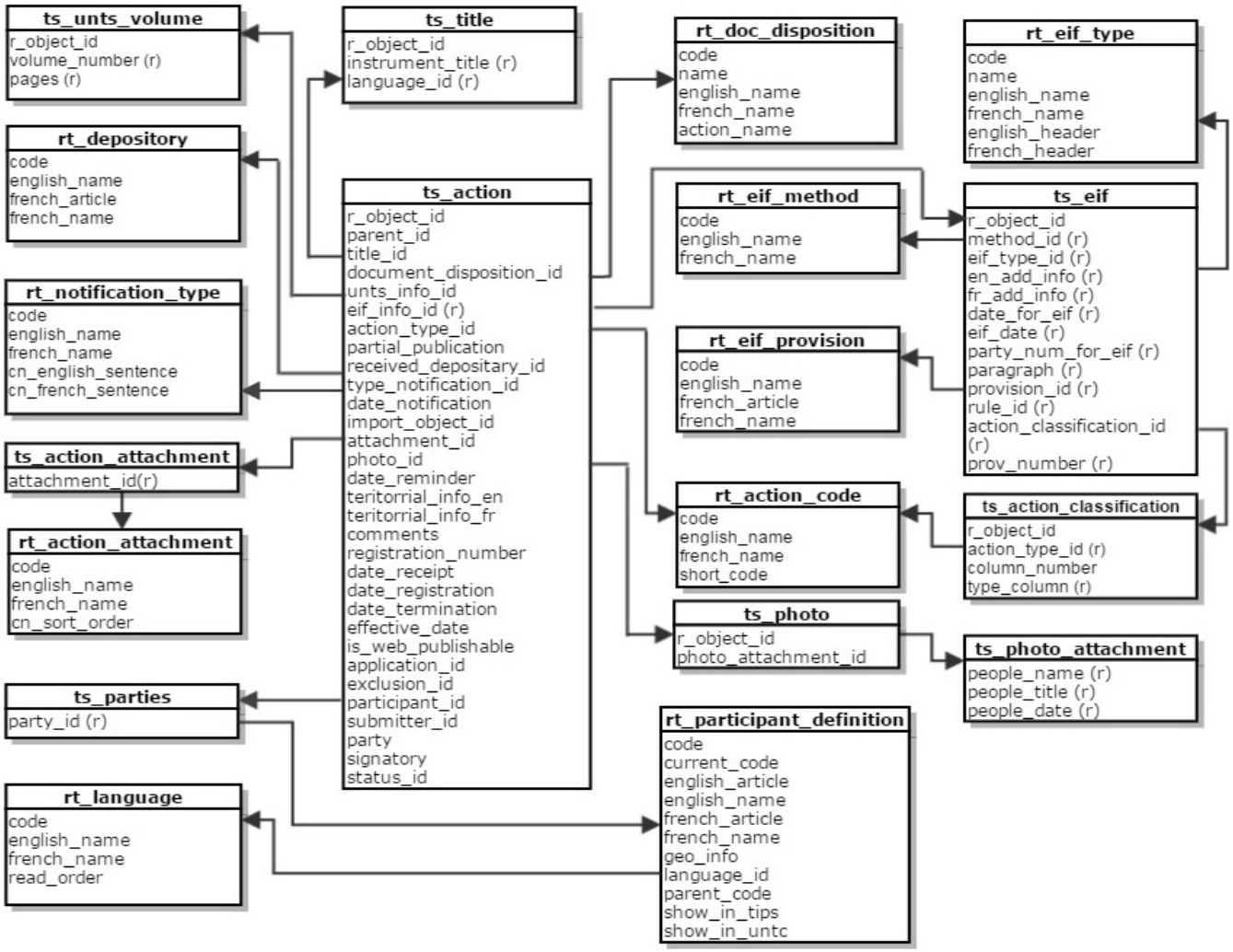
select english_name from dm_dbo.rt_chapter_subchapter where bible_number in (select tb.bible_number from ts_treaty tt,ts_bible tb where tt.bible_info_id=tb.r_object_id and r_object_id= '080000028002c211 ')

* **For treaty Title refer to the following query:**

select instrument_title from ts_title where r_object_id in (select title_id from ts_treaty where r_object_id= ‘0800000280004bf5’)

4.2 Action

Following object relationship diagram of the action defines the object relationships between the action & all other objects of the application.



5.0 RULES

This section contains the business rules, which are applicable to the whole application system and for some particular use cases.

5.1 Monthly Statement

It will consider all the agreements & actions registered under a particular month.

Part I:

No. 45400. **Multilateral**

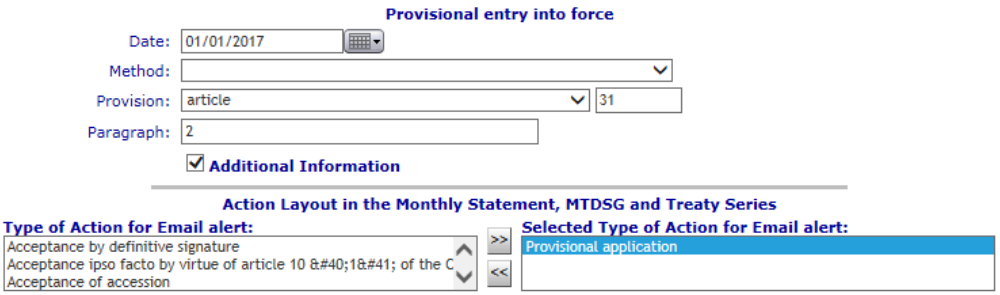
Agreement on the conservation of gorillas and their habitats (Gorilla Agreement) (with annex). Paris, 26 October 2007

Entry into force: 1 June 2008, in accordance with article XIV

Participant	Accession (a) and Definitive signature (s)		
Central African Republic .	26 Oct	2007	s
Congo .	26 Oct	2007	s
Democratic Republic of the Congo .	25 Apr	2008	s
Nigeria .	5 Mar	2008	s
Rwanda .	25 Apr	2008	s

Authentic texts: English and French
Registration with the Secretariat of the United Nations: Secretariat of the Convention on the conservation of migratory species of wild animals, 10 October 2008
Note: See also annex A, No. 45400

- Part I contains MTDSG treaties with Date, registration no, type, Entry into force date, and authentic text of treaty.
- It contains EIF table.
- To display Actions into EIF table, the following conditions should be met:
  - Action's Date of Effect is equal to treaty's EIF date.
  - In Treaty Input screen's EIF tab, Type of Action for Email alert dropdown value and Action type taken by participant should be same.
- To display Action into Provisional entry into force, the following conditions should be met:
  - Treaty Input screen's EIF tab Under the Provisional entry into force Section, Type of Action for Email alert dropdown value and Action type taken by participant should be same.



No. 54201. **Multilateral**

International Agreement on Olive Oil and Table Olives, 2015. Geneva, 9 October 2015

Entry into force: provisionally on 1 January 2017, in accordance with article 31(2)

Participant	Provisional application
Algeria .	5 Dec 2016
European Union .	1 Dec 2016
Morocco .	23 Dec 2016

Authentic texts: Arabic, English, French and Spanish
Registration with the Secretariat of the United Nations: ex officio, 1 January 2017

Part II:

- Part II contains file and recorded treaties.
- For e.g. Refer Monthly statement June 2007.

No. 1303. **Austria and Italy**

Agreement concerning the maintenance of frontier markers at the Austrian-Italian frontier. Vienna, 22 February 1929

Entry into force: 22 February 1929 by signature, in accordance with article 6

Authentic texts: German and Italian
Filing and recording with the Secretariat of the United Nations: Austria, 1 June 2007

Annex A:

- Annex A contains MTDSG subsequent Treaty & MTDSG subsequent Actions which are not responsible for the treaty to enter into force.
- It includes the registration no, Action type of participant, Participant name, Date of Effect, Authentic text and Registration date.
- Actions of the MTDSG Treaty which are not responsible for the Treaty to enter into force:

No. 45400. **Multilateral**

Agreement on the conservation of gorillas and their habitats (Gorilla Agreement). Paris, 26 October 2007

Accession

Gabon
Deposit of instrument with the Secretariat of the Convention on the conservation of migratory species of wild animals: 15 July 2008
Date of effect: 1 October 2008
Registration with the Secretariat of the United Nations: Secretariat of the Convention on the conservation of migratory species of wild animals, 10 October 2008
Note: See also part I, No. 45400

Subsequent Treaty

No. 14668. **Multilateral**

International Covenant on Civil and Political Rights. New York, 16 December 1966

Notification under article 4 (3)

Turkey
Notification deposited with the Secretary-General of the United Nations: 9 January 2017
Authentic text: English
Registration with the Secretariat of the United Nations: ex officio, 9 January 2017

Ratification

Sao Tome and Principe
Deposit of instrument with the Secretary-General of the United Nations: 10 January 2017
Date of effect: 10 April 2017
Registration with the Secretariat of the United Nations: ex officio, 10 January 2017

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. New York, 15 December 1989

Ratification

Sao Tome and Principe
Deposit of instrument with the Secretary-General of the United Nations: 10 January 2017
Date of effect: 10 April 2017
Registration with the Secretariat of the United Nations: ex officio, 10 January 2017

Annex B:

- Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements filed and recorded with the Secretariat.
- It contains subsequent agreements of filed and recorded treaties.
- Territorial application is displayed under annex B. For reference see the monthly statement of Feb 2007.

No. 1295. **Argentina and Chile**

Border Treaty between the Argentine Republic and the Republic of Chile. Buenos Aires, 23 July 1881

Additional Protocol to the Border Treaty of 23 July 1881 between the Argentine Republic and the Republic of Chile. Santiago, 1 May 1893

Entry into force: 21 December 1893, in accordance with article 11

Authentic text: Spanish
Registration with the Secretariat of the United Nations: Argentina, 5 February 2007

Annex C:

- Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements registered with the Secretariat of the League of Nations
- For e.g. Refer Monthly statement Feb 2007.
- Treaty's actions registered with the League of Nations are displyed under Annex C.
  For e.g. See No. 2623, Slovenia

No. 2623. **Multilateral**

International Convention for the Suppression of Counterfeiting Currency. Geneva, 20 April 1929

Notification of a designated central office pursuant to articles 12 to 15 of the Convention

Slovenia

Notification deposited with the Secretary-General of the United Nations: 2 February 2007

Registration with the Secretariat of the United Nations: ex officio, 2 February 2007

Corrigenda:

Perform corrections, input the corrigenda information to the treaty/action and mark as corrigenda. This changes are display in the corrigenda section of the monthly statement.

Addenda:

Add new subsequent information to the treaty and mark as addenda. Generate the monthly statement. This change is display in addenda section of the monthly statement.

The treaties or actions that are marked for addenda are displayed in the corrigenda section of the Monthly Statement of the followinf month.

Actions shown under the Monthly statement, if they met the following conditions:

1. Action's Date of Effect should be same as treaty's EIF date.

2. Only those participants will be shown under EIF tab which have taken type of action same as type of action selected for email alert under treaty's EIF tab

3. Main treaty will be shown in Part 1.

6. Subsequent treaty will display in Annex.

7. Subsequent action will also display in the Annex.

8.Actions which are not part of the selected actions for email alert under treaty's EIF tab will be shown in Annex.

9. The actions which have the same action type as selected for email alert under treaty's EIF tab but EIF date of action is not same as treaty those actions will also be part of Annex.

5.2 UNTS Volume

For generation, it will consider all the treaties, international agreements and subsequent agreements under a particular volume number:

Part I:

No. 42062

France
and
Viet Nam

Agreement between the Government of the French Republic and the Government of the Socialist Repnblic of Viet Nam relating to the reciprocal waiver of short-stay visas for holders of a diplomatic passport. Hanoi, 6 October 2004

Entry into force: *1 July 2005 by notification, in accordance with article 8*

Anthentic texts: *French and Vietnamese*

Registration with the Secretariat of the United Nations: *France, 14 November 2005*

France
et
Viet Nam

Accord entre le Gonvernement de la Répnbliqne française et le Gonvernement de la Répnbliqne socialiste dn VietNam snr l'exemption réciproque de visas de conrt séjour ponr les titulaires d'nn passeport diplomatiqne. Hanoi, 6 octobre 2004

Entrée en vignenr : *1er juillet 2005 par notification, conformément à l'article 8*

Textes authentiqnes : *français et vietnamien*

Enregistrement anprès dn Secrétariat des Nations Unies : *France, 14 novembre 2005*

1. Part I contains: treaties with entry into force date not null, authentic texts, submittor and registration date.
2. Text of agreement or Attached documents of the treaty will come under part I only if user checked the ‘show in unts’ checkbox for that document.
3. Text of agreement of the treaty will be in the given authentic text.
4. Compulsory Text of agreement should be in English as well as in French; if any of these languages is missing, then the document will have to be translated into the missing language.

Part II:

Part II contains filed and recorded treaties, same rules as for Part I.

No. 1284

Colombia and Ecnador

Treaty between Colombia and Ecnador on private international law. Qnito, 18 Jnne 1903

Entry into force: *31 July 1907 by the exchange of instruments of ratification, in accordance with article LVI*

Authentic text: *Spanish*

Filing and recording with the Secretariat of the United Nations: *Colombia, 8 November 2005*

Colombie et Éqnatenr

Traité entre la Colombie et l'Eqnatenr relatif au droit international privé. Quito, 18 jnin 1903

Entrée en vigueur : *31 juillet 1907 par échange des instruments de ratification, conformément à l'article LVI*

Texte authentique : *espagnol*

Classement et inscription an répertoire anprès dn Secrétariat des Nations Unies : *Colombie, 8 novembre 2005*

Annex A:

It contains subsequent agreements and subsequent actions under a particular volume number:

Volume 2346, A-1021

No. 1021. Multilateral

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE. NEW YORK, 9 DECEMBER 1948[1]

ACCESSION (WITH RESERVATION)

United Arab Emirates

Deposit of instrument with the Secretary-General of the United Nations: 11 November 2005

Date of effect: 9 February 2006

Registration with the Secretariat of the United Nations: ex officio, 11 November 2005

No. 1021. Multilatéral

CONVENTION POUR LA PRÉVENTION ET LA RÉPRESSION DU CRIME DE GÉNOCIDE. NEW YORK, 9 DÉCEMBRE 1948[1]

ADHÉSION (AVEC RÉSERVE)

Émirats arabes nnis

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 11 novembre 2005

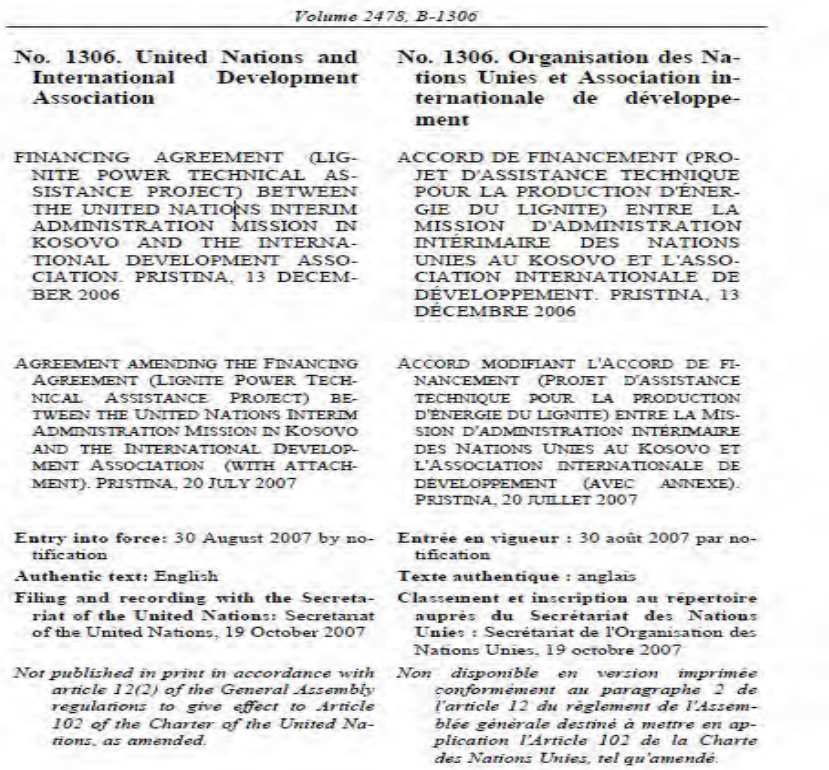
Date de prise d'effet : 9 février 2006

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 11 novembre 2005

Annex B:

Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements filed and recorded with the Secretariat.

It contains subsequent agreements of filed and recorded treaties.



Volume 2478, B-1306

No. 1306. United Nations and International Development Association

FINANCING AGREEMENT (LIGNITE POWER TECHNICAL ASSISTANCE PROJECT) BETWEEN THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO AND THE INTERNATIONAL DEVELOPMENT ASSOCIATION. PRISTINA, 13 DECEMBER 2006

AGREEMENT AMENDING THE FINANCING AGREEMENT (LIGNITE POWER TECHNICAL ASSISTANCE PROJECT) BETWEEN THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO AND THE INTERNATIONAL DEVELOPMENT ASSOCIATION (WITH ATTACHMENT). PRISTINA, 20 JULY 2007

Entry into force: 30 August 2007 by notification

Authentic text: English

Filing and recording with the Secretariat of the United Nations: Secretariat of the United Nations, 19 October 2007

Not published in print in accordance with article 12(2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended.

No. 1306. Organisation des Nations Unies et Association internationale de développement

ACCORD DE FINANCEMENT (PROJET D'ASSISTANCE TECHNIQUE POUR LA PRODUCTION D'ÉNERGIE DU LIGNITE) ENTRE LA MISSION D'ADMINISTRATION INTÉRIMAIRE DES NATIONS UNIES AU KOSOVO ET L'ASSOCIATION INTERNATIONALE DE DÉVELOPPEMENT. PRISTINA, 13 DÉCEMBRE 2006

ACCORD MODIFIANT L'ACCORD DE FINANCEMENT (PROJET D'ASSISTANCE TECHNIQUE POUR LA PRODUCTION D'ÉNERGIE DU LIGNITE) ENTRE LA MISSION D'ADMINISTRATION INTÉRIMAIRE DES NATIONS UNIES AU KOSOVO ET L'ASSOCIATION INTERNATIONALE DE DÉVELOPPEMENT (AVEC ANNEXE). PRISTINA, 20 JUILLET 2007

Entrée en vigueur : 30 août 2007 par notification

Texte authentique : anglais

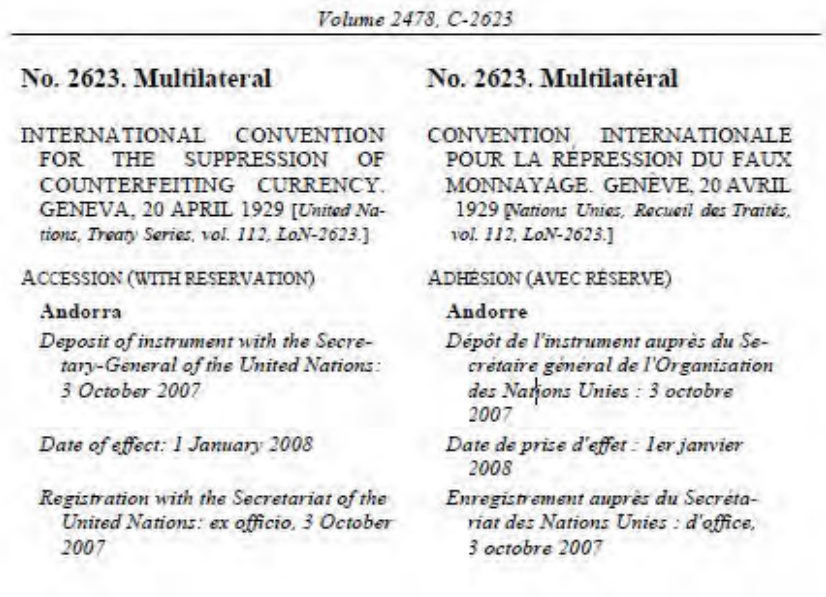
Classement et inscription au répertoire auprès du Secrétariat des Nations Unies : Secrétariat de l'Organisation des Nations Unies, 19 octobre 2007

Non disponible en version imprimée conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé.

Annex C:

Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements registered with the Secretariat of the League of Nations.

The actions under LON treaties, under a particular volume number, are displyed under Annex C.



Volume 2478, C-2623

No. 2623. Multilateral

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY. GENEVA, 20 APRIL 1929 [*United Nations, Treaty Series, vol. 112, LoN-2623.*]

ACCESSION (WITH RESERVATION)

Andorra

Deposit of instrument with the Secretary-General of the United Nations: 3 October 2007

Date of effect: 1 January 2008

Registration with the Secretariat of the United Nations: ex officio, 3 October 2007

No. 2623. Multilatéral

CONVENTION INTERNATIONALE POUR LA RÉPRESSION DU FAUX MONNAYAGE. GENÈVE, 20 AVRIL 1929 [*Nations Unies, Recueil des Traités, vol. 112, LoN-2623.*]

ADHÉSION (AVEC RÉSERVE)

Andorre

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 3 octobre 2007

Date de prise d'effet : 1er janvier 2008

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 3 octobre 2007

Disclaimers:

Disclaimers are explained in the TSIPS user manual under **section 6.2.12.** All Disclaimer texts and conditions can be found under the folder: tips/custom/xml/**unts.body.xsl**

5.3 CN

1. We should generate a CN only for the actions which have been taken under an MTDSG treaty.
2. Check Web publish field for CN notifications.
3. If we check the 'do not send e-mail notification' field, then the CN notification will not be sent.

5.4 MTDSG

Party count and Signatory count in MTDSG generation conditions:

1. Party column of action should be true for Party count and Signatory column of action should be true for Signatory count.
2. Action should be of 'consent to be bound' type.
3. Action should be web published.
4. Action document disposition is not (Pending or Not received or For information).
5. Action.participant_id = Parties. r_object_id

   Parties. party_id = participant_definition.code
6. (participant current_code != 0 or participant history end_date is null)

   participant current_code != 0 means participant's name has been changed.

The Territorial application table is generated through the tips application in MTDSG documents & on UNTC website its getting generated using the mtdsg xml. We can add the territorial information for treaty at Other

/Territory Info tab by selecting Application and Exclusion. But if we want to show that information in MTDSG documents, then we have to click Show Territorial application in MTDSG check box.

Special Table:
Query to get the List of treaties which have a special table:
select r_object_id, object_name from ts_treaty where r_object_id in (select parent_id from ts_mtdsg_table)

5.5 Journal

1. Object name of the journal will be *current_date*.doc .
2. Journal documents will get generated inside Publication→*Current_year* folder
3. If we generate a journal twice for a same date, then new versions will be generated.

5.6 UNTS Report

The report tries to find out missing information for every single treatie, Subsequent treaty and action, according to the documents attached to them.

Report displays the 'Web publishing' status of the documents.

1. Authentic languages of the treaty
2. The report displays information about missing authentic documents of the treaty after all the attachments details. Every authentic document in a language other than English/French must be translated to English & French. If there is a missing translation for a treaty, it displays one of the following messages: "MISSING English Translation" or "MISSING French translation".
3. Texts in Authentic Languages are not reported as Missing Translations into those languages (Example: Authentic English cannot have Missing English Translation in the report). Courtesy Translations, if present, is displayed.
4. If more than one attachment is present for same language, then "More than one Attachment for one Language: <language name>" message should be displayed.
5. If any attachment language is not present in treaty language attribute, then the following message should be displayed:

   "Mismatch (language name) not present in treaty language attribute"
6. IF type of document attached is incorrect then following mismatch message will be displayed:

   "Mismatch <language name> attachment present but type should be authentic not translation"

   For Actions, the system scans all the attachments and shows the details just like treaty documents.
7. The Partial Publication Record does not have a text attached. In the UNTS report, for such missing text, the following message is displayed: "Missing Authentic Text- Partial Publication".
8. The number of elements in the Language attributes of the Treaty/Action should correspond to the number of files and corresponding language attributes under Treaty/Action Attachments.

9. When the record is identified in the report as Limited Publication with the tag – Limited Publication: Yes, Text Not Required, the following tags should not be displayed:
    - Mismatch – NUMBER of Files / Languages:
    - No of Treaty Languages 1, Attachments Present are 0
    - MISSING Authentic Text: English
    - MISSING Translation: French
10. In the totals section at the end of the report, regarding missing documents for the limited publication treaties, they are not added to the following totals:
    - Total missing treaty authentic documents
    - Total missing treaty translations
11. Limited publication treaties should not be added to the above two missing treaty totals; they have a different total (at the end, last group of totals):
    - Total treaty(s) with limited publication
12. Status of "Show in UNTS" checkbox associated with each treaty/action attachment is displayed in the UNTS report.
13. The "Final for Web" flag is added to the report, for each attached file. A total for items marked and not marked as Final for web is added.

5.7 Translation Report

1. For estimating translations from English to French page numbers, we use the following formula:

   French page numbers = English page numbers * 1.5.

   For estimating translations from French to English page numbers = French page numbers / 1.5.

2. For % Tiff out of Total

   Total Tiff Authentic Count * 100 / Total Authentic Count

3. If English & French authentic document is not present for any treaty/action, we will show any language from the following list:

   i. Spanish
   ii. Russian
   iii. Arabic
   iv. Chinese

   Example: A treaty has 3 languages Authentic count:

   Chinese - 10
   Portuguese - 12
   German – 11

Then we should select the Chinese – 10 documents count to estimate as
Eng = 10 & Fr = 15 translation count.

4. If we don't have any of the above languages, then any language with the highest page count will be selected.

   If any 2 languages are present.
   Latvian – 10
   Finnish – 15
   Calculate the average: 10+15 = 12.5
   Estimate Eng, Fre: Eng = 12.5, Fr = 18.75

5.8 Historical Information

The MTDSG publication has a section in the beginning after the introduction titled, named Historical Information. The entire History Information is maintained in the repository at: /Publication/MTDSG/Historical Information.

The Historical Information section displays the participant name and the notes for that participant. Suppose the name of any participant is changed to new name. In this case we add historical information about the old participant name.

If the historical information is left blank, the corresponding participant will be removed. There will be a warning message which will be always displayed on Historical information screen.

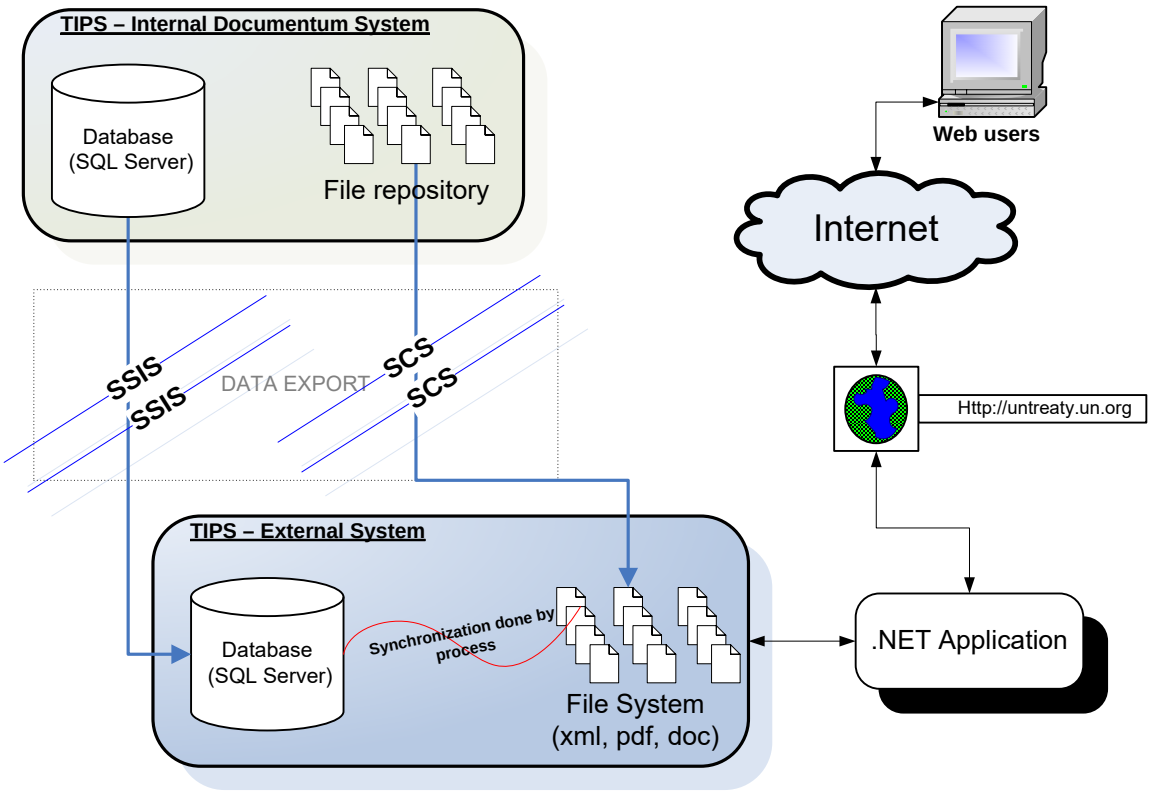
5.9 Text Of Agreement:

1. For the text of an agreement we can import only files with extension: tif, tiff, doc or docx file.
2. If we try to import any other format then a warning message will be displayed on screen as "**Please select only a tif, tiff, doc or docx file**"
3. If we are importing tiff or tiff file, then that file should have **DPI 300** and **Group 4 or Group 3 compression.**
4. If we import tiff file less than 300 dpi, then a warning message will be displayed as **"Please select an image with at least 300 DPI".**
5. If we import tiff file other than Group 4 or Group 3 compression, then a warning message will be displayed as **"Please select an image with Group 3 or Group 4 compression only".**
6. We can convert the word file to Tiff file. For this Go to Input→ Convert Word to Tiff sub menu. Convert Word to Tiff sub menu will be visible only for the text of an agreement and action attachment in Word format.

5.12 status_id

1. When we mark any action for corrigenda it sets the status_id as 8 and if marked for addenda then status_id will be 9**; if status_id changes then it will no longer be marked for addenda or corrigenda.**
2. if action/treaty is marked for addenda & corrigenda & later we registered them, then status id will be reset to 4.
3. If we are generating CN or reissuing CN for any action, then its status_id will change to 7.
4. If we mark any action for journal, then its status_id will change to 5.
5. If we clean any action for journal, then its status_id will change to 6.

5.13 SSIS/SCS Webpublishing Process



SSIS Web published criteria:

1. In SSIS, first query is to get last run timestamp from ssis_log according to object_type of the object of which the package is executing.

2. In SSIS will fetch i_chronicle_id, i_ancestor_id and r_object_id columns based on the latest modify_date, since the last run timestamp for all the below listed objects:
   ts_cumulative_index, ts_action_classification, ts_action_ts_treaty, ts_document, ts_published_document, ts_photo, ts_photo_attachment, ts_bible, ts_cn, ts_title, ts_unts_volume, ts_parties, ts_conclusion, ts_icj_clause, ts_treaty_attachment, ts_action_attachment, ts_eif,ts_depositary, dm_folder, ts_subject_term, ts_authentic_text, ts_published_document

3. It will delete all the data of dm_sysobject and its respective child objects _s and _r tables from UNTC Database whose modify date is greater than last run timestamp.

   _s: single value attribute

   _r: repeating value attribute

   For example: ts_treaty

   Data will be deleted from ts_treaty_r, ts_treaty_s, ts_instrument_r, ts_sysobject_r whose modify date is greater than last run timestamp and disposition id should not be "**for information", "pending", "not received" (values: 7,8,9).**

4. After deletion of old data from UNTC Database, new data from TSIPS DB will get transferred to UNTC database.

5. At the time of transferring data from TSIPS database to UNTC database, the Treaty and Action disposition id should not be **for information, pending, not received**.
   For example: ts_treaty

   - ts_treaty_s data will be transferred to ts_treaty_s
   - ts_treaty_r data will be transferred to ts_treaty_r, ts_instrument_r, dm_sysobject _r

SCS Web publisheing criteria:

There are two publishing sources - folders: Publication and Treaties

1. In SCS we will fetch last current date from the rt_scs_log.
2. We will insert new current date and publish source folder path into rt_scs_log.
3. We will run a query which has modified date> last current date and fetch a record from rt_scs_log table; this query will also consider the object which has the status as failed.
4. We will process a file only if the flag for web publishing is true.
5. If object_type is ts_photo_attachment It will directly transfer without checking the web published flag; if its modify date is greater than the current date, it will be fetched from rt_scs_log.
6. If any of the above condition is not met, then that document/object will be marked for deletion.

7. Even if a CN file is marked for deletion, then those CN files will not get deleted.
8. Old CNs are going to be displayed on the website as previous issues in case of Reissued/Cancelled CNs.
9. Other than CNs which are marked for deletion, all other objects will be deleted.
10. The PDF file will get optimized by using the Aspose library.

5.14 UNTS Documents & UNTS Volume Parts stored in TIPS

Following is the explanation of how documents are generated in tips & stored in tips application.

Whenever a UNTS document is imported under a treaty the document will get imported at one location but is linked at two or more locations, as follows:

1. It will first gets attached to the Folder of Treaties cabinet in which the other document of the treaty was getting stored
2. It will get linked to the new Folder (folder will be the current date) under Treaties cabinet
3. It will be linked to the respective Volume under the Publication folder, if a treaty is assigned to any volume
4. Lastly, the file is getting linked to UNTS Virtual Document created under Treaty/Publication Virtual document.

Whenever we generate the volume & its volume parts from the tips application:

The volume documnet or volume part will be first linked to the respective Volume under the Publication folder.

It will also be linked to the new Folder (folder will be the current date folder) under Treaties cabinet

If the volume files are generated from the tips application, they will be pointing to the Publication folder & if imported into the application using Import Other document menu item, it will be pointing to the Treaties folder.

In a similar manner, the CTC (certified true copy) is also linked to 3 folders & one virtual Document folder.

OFFICE OF LEGAL AFFAIRS

TREATY SECTION INFORMATION & PUBLICATION SYSTEM

Date: March 12, 2020

Table of Contents

1 Introduction

The Treaty Section (UN/OLA/TS) uses the Treaty Information and Publication System (TIPS) for storing, archiving, processing, retrieving and publishing the Treaty related information in both the hard and the electronic format for dissemination over the Internet.
The main inputs to the system are **Treaties** and **Actions**. The primary outputs of the system are generated and published by the Treaty Section and include the Monthly Statement, the Treaty Series volumes, Circular Notifications (CN), the Journal, and Multilateral Treaties Deposited with Secretary General (MTDSG) . The publications/outputs are published in English, French and/or in other language.

TIPS application consists of nine (9) modules. They are as follows:

- **File:** This module allows you to create new cabinets.
- **Edit:** This module allows you to view and add documents to clipboard.
- **View:** This module allows you to view treaties, its properties, location, and so on.
- **Tools:** This module is mostly useful for administrator.
- **Input:** This module allows the user to enter data for creating, modifying treaties, subsequent treaties, actions and subsequent actions.
- **Output**: This module allows you to generate monthly statements, index, UNTS report and so on.
- **Search:** This module enables you to search for the appropriate data
- **Registration:** This module allows the user to register the treaties and generate certificate, letter, and checklist.
- **Depositary:** This module allows you to generate Depository related publication documents such as CN, journal, and MTDSG.
- **Admin:** This module allows you to enter data regarding the records, participants and send mail to subscribers

2 General Information

2.1 Organization of manual

This manual is organized as follows:

- **Introduction:** A brief description of the Treaty Information and Publication System (TIPS).
- **General Information:** Consist of the navigational layout, icons and buttons used in TIPSTIPS.
    - **System Summary:** System Requirement for client machine.
    - **Getting Started:** How to login on to TIPSTIPS.
    - **Input Module:** How a Treaty and Actions are created.
    - **Search Module:** How to search treaties, actions, and documents.

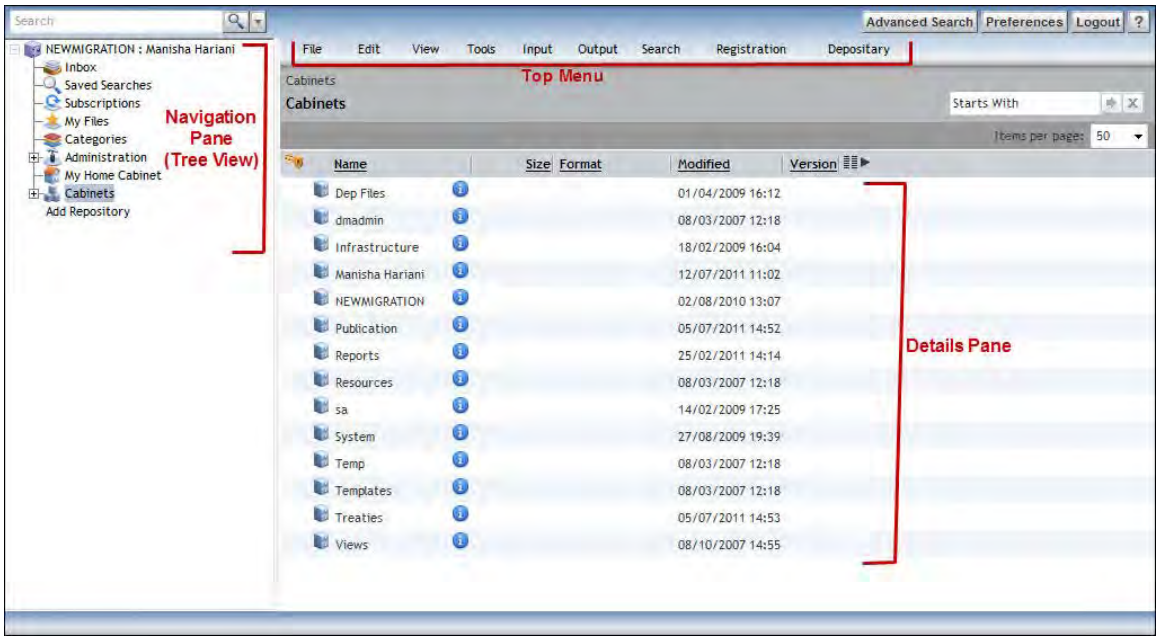
- **Registration Module**: How to register treaties.
- **Depositary Module**: How to create minor publications like CN, Journal.
- **Admin Module**: How manage the records and participants

- **Additional Views:** Executing Pre-defined queries.
- **Tools:** Administrative purpose.
- **Glossary:** Terms.

2.2 User Interface

The main application UI consists of the following:

- Top Menu
- Navigation Pane
- Details Pane



2.2.1 Top Menu

The top menu has been customized and contains the the following options:

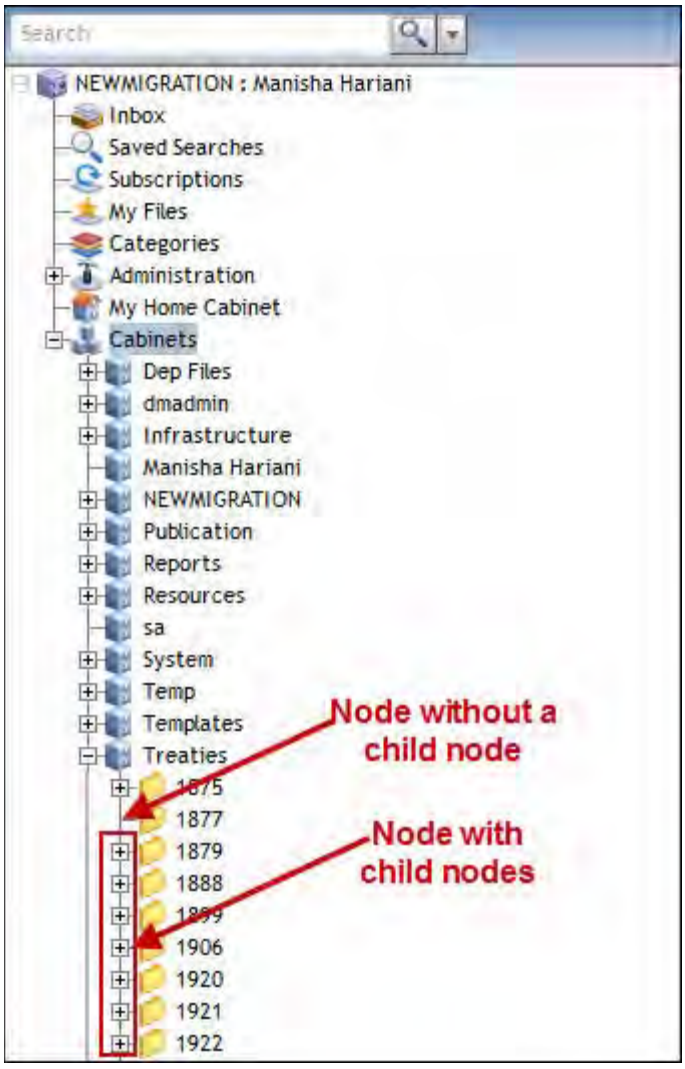
- Files
- Edit
- View
- Tools

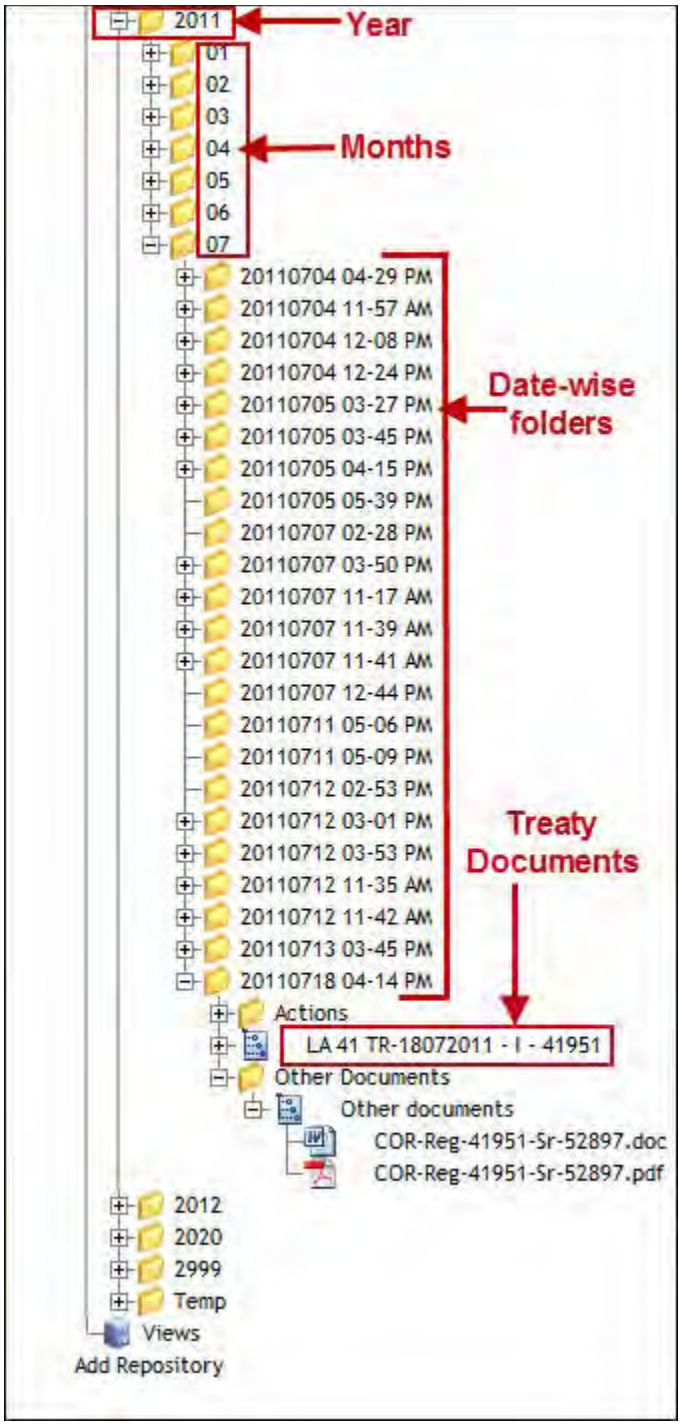
- Input
- Search
- Output
- Registration
- Depositary
- Admin

2.2.2 Navigation Pane

The Navigation pane on the left side of the screen consists of nodes that can expand and collapse. The various “Docbase Cabinet Structures” are displayed on these nodes.

Plus (+) indicates that the node contains child node. Click (+) to expand the nodes. Click (–) to collapse the nodes.





2.2.3 Cabinet structure

In Docbase Cabinet Structure is used to store the Treaty related documents and are called “Treaties” Cabinet. The cabinet structure follows the hierarchy Year/ Month / Date. . Under the Date folders,

the various objects like actions, treaties, texts of agreement documents, other documents, etc. are stored.

> **Note:** The folders in the Cabinet structure are displayed as per the rights assigned to the user.

In the Docbase there are a number of cabinets used by the application for storing documents intented for publications' generation and other internal processing files. The following cabinets are used by the application and should not be renamed/modified (these cabinets are marked as immutable) :

- Depositary Files
- Infrastructure
- Publication
- Resources
- Reports
- System
- Temp
- Templates
- Treaties
- Views

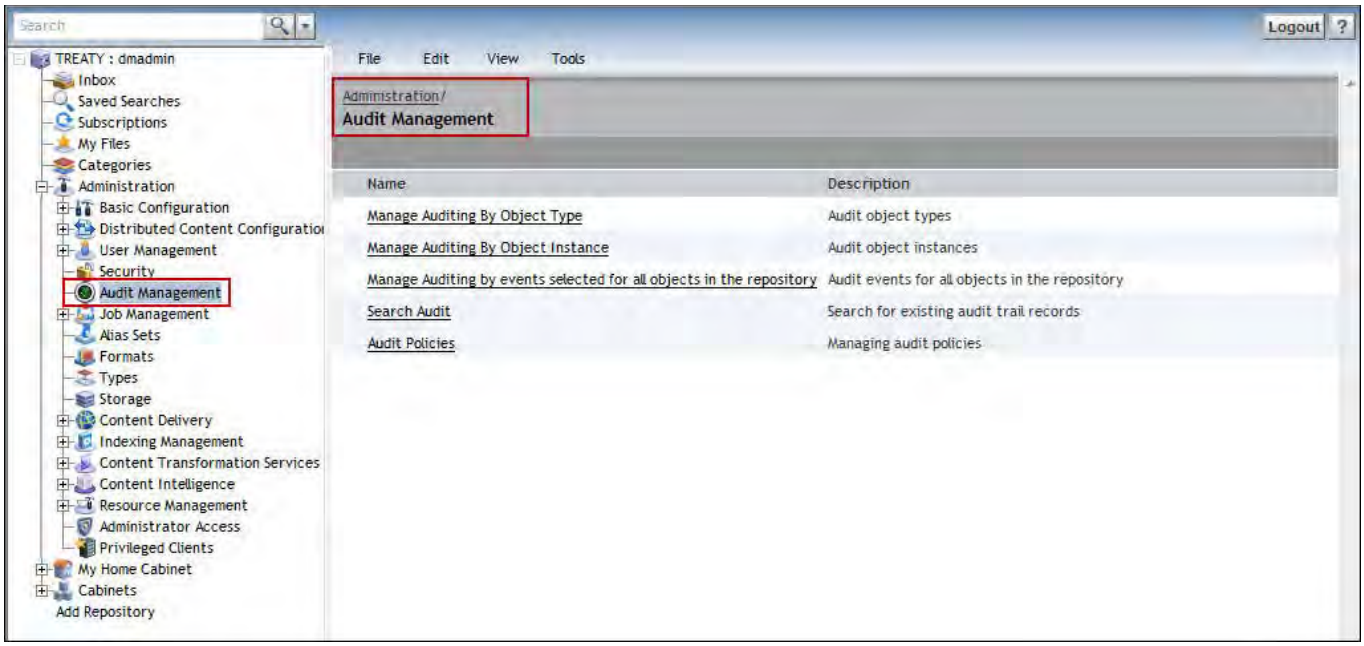
2.2.4 Audit Management

The Documentum Administrator can view the history of the operations performed on the treaties and actions by various users over a period of time. This feature enables you to track the changes to any object at the attribute level.

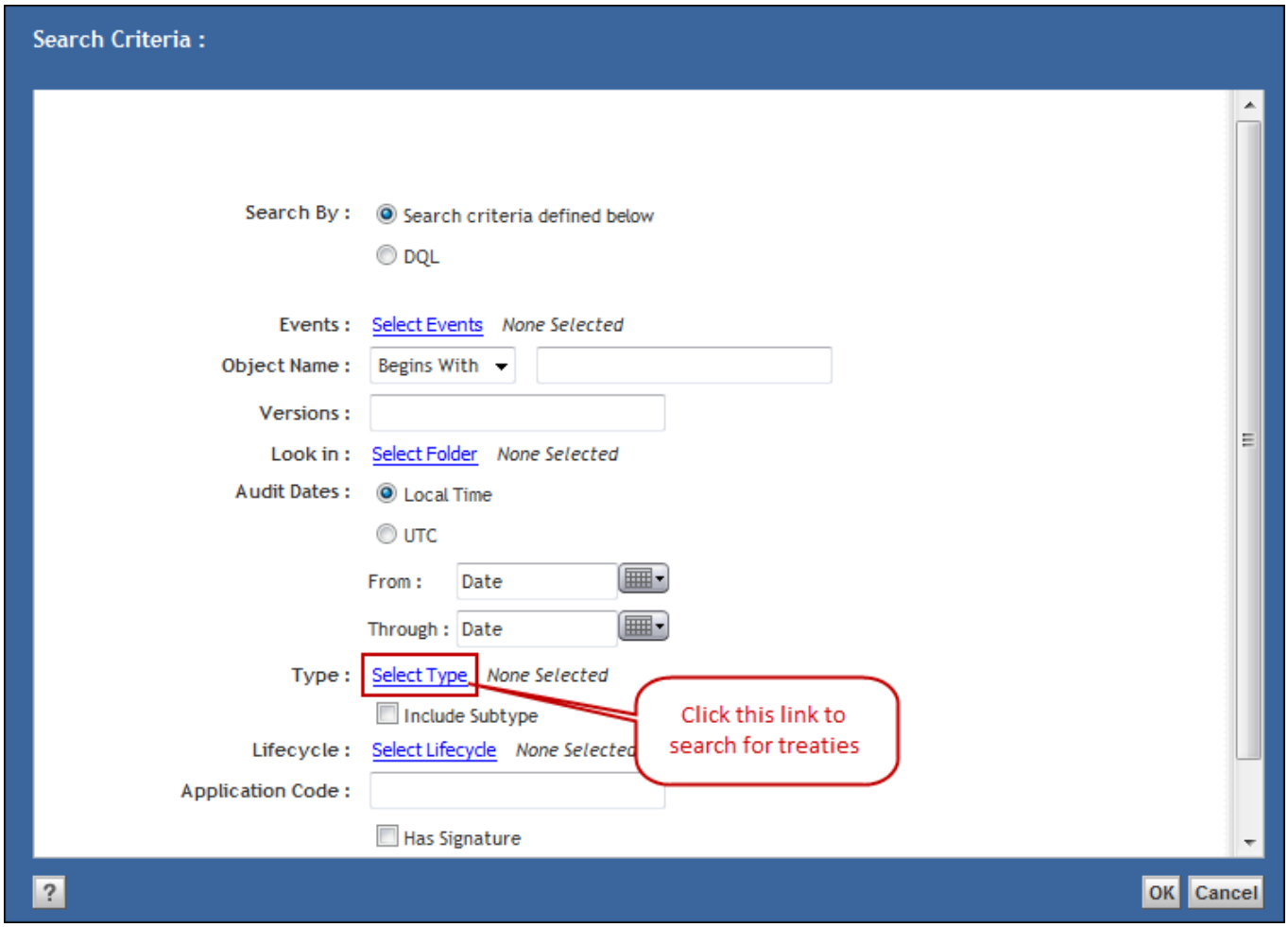
> **Note:** By default, Documentum provides the history of the documents, folder, and events such as the Save, Delete, Create, etc., but you need to configure the system for viewing the actions performed on the treaties and actions. In TIPS, the ts_treaty object has enabled the auditing features for the following events: dm_save and dm_destroy.

To view the history:

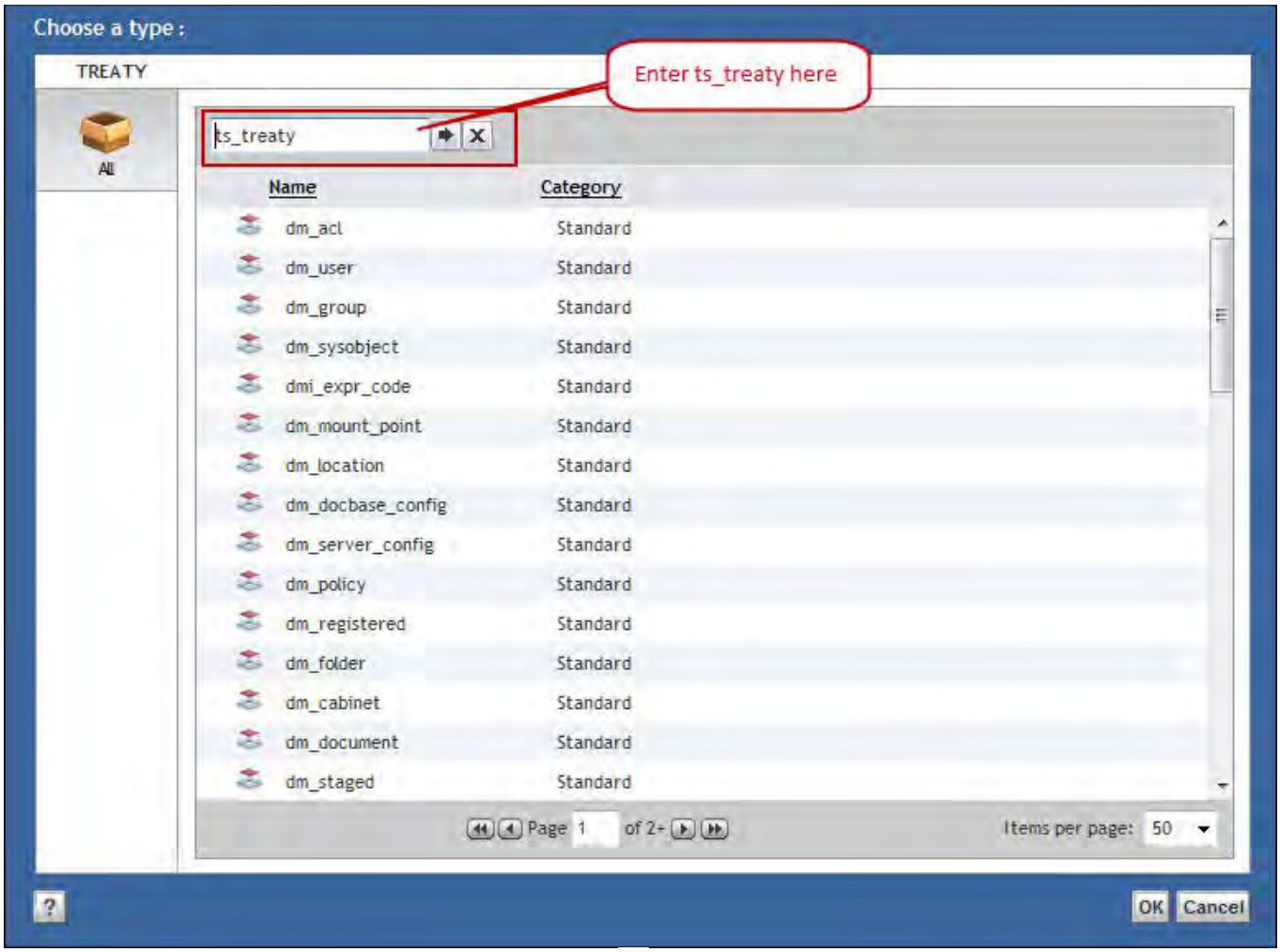
1. Log on to the application with the Documentum Administrator's credentials.
2. In the left navigation pane, click Administrator > Audit Management. The Audit Management screen is displayed.



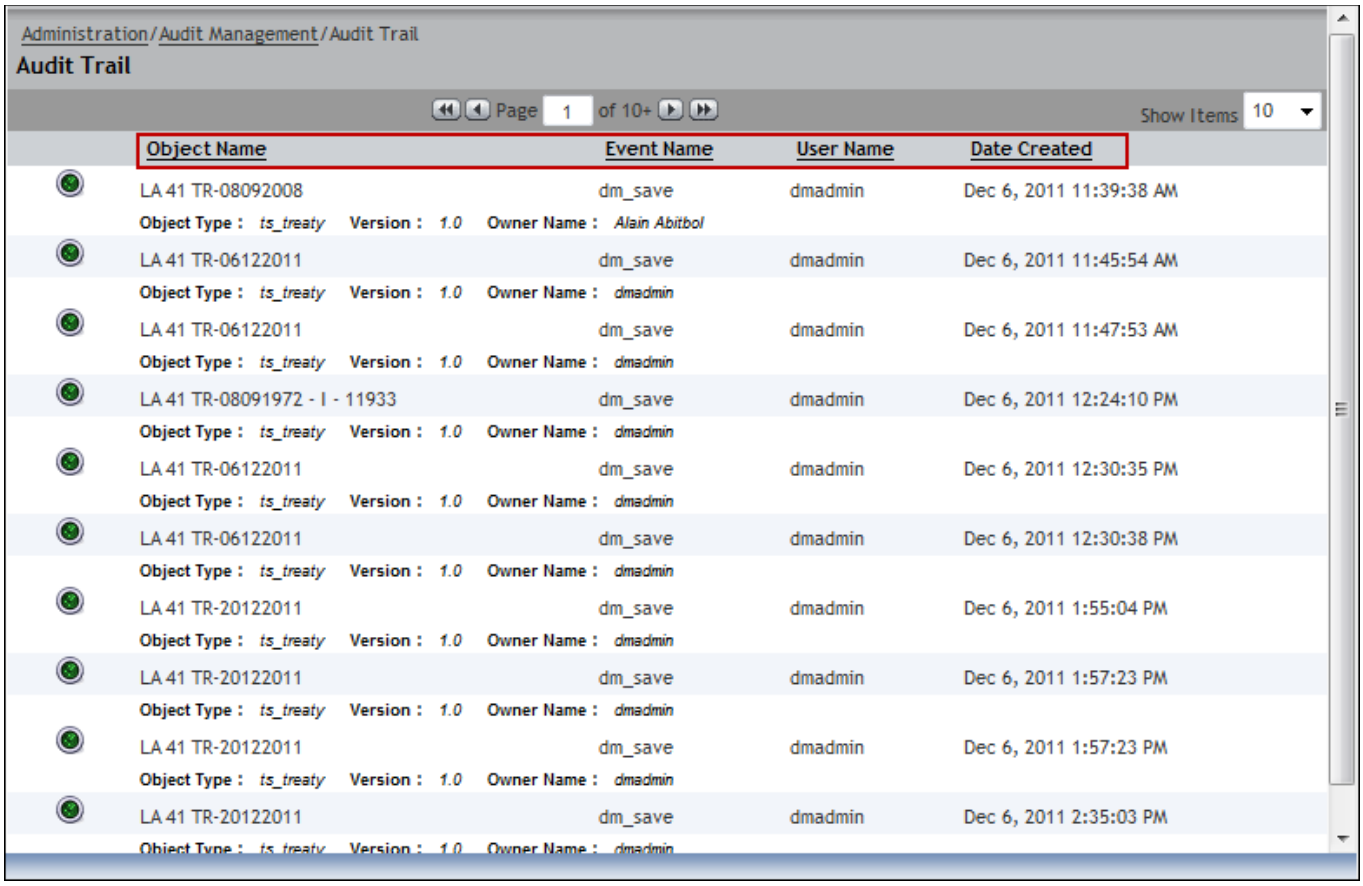
3. Click the 'Search Audit' link to search for treaty or action.



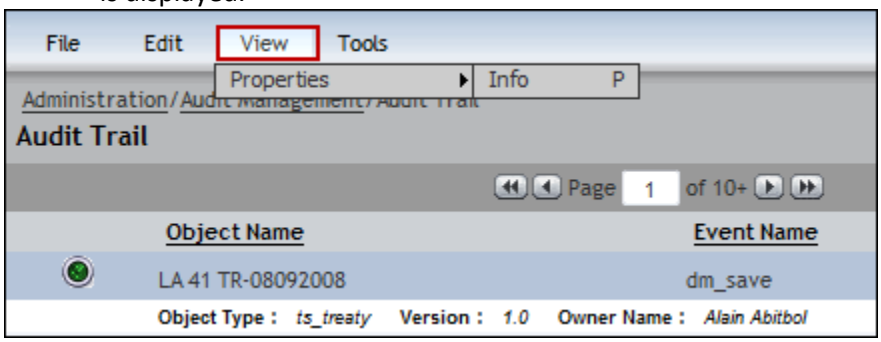
4. Click the 'Select Type' link to search for treaties.



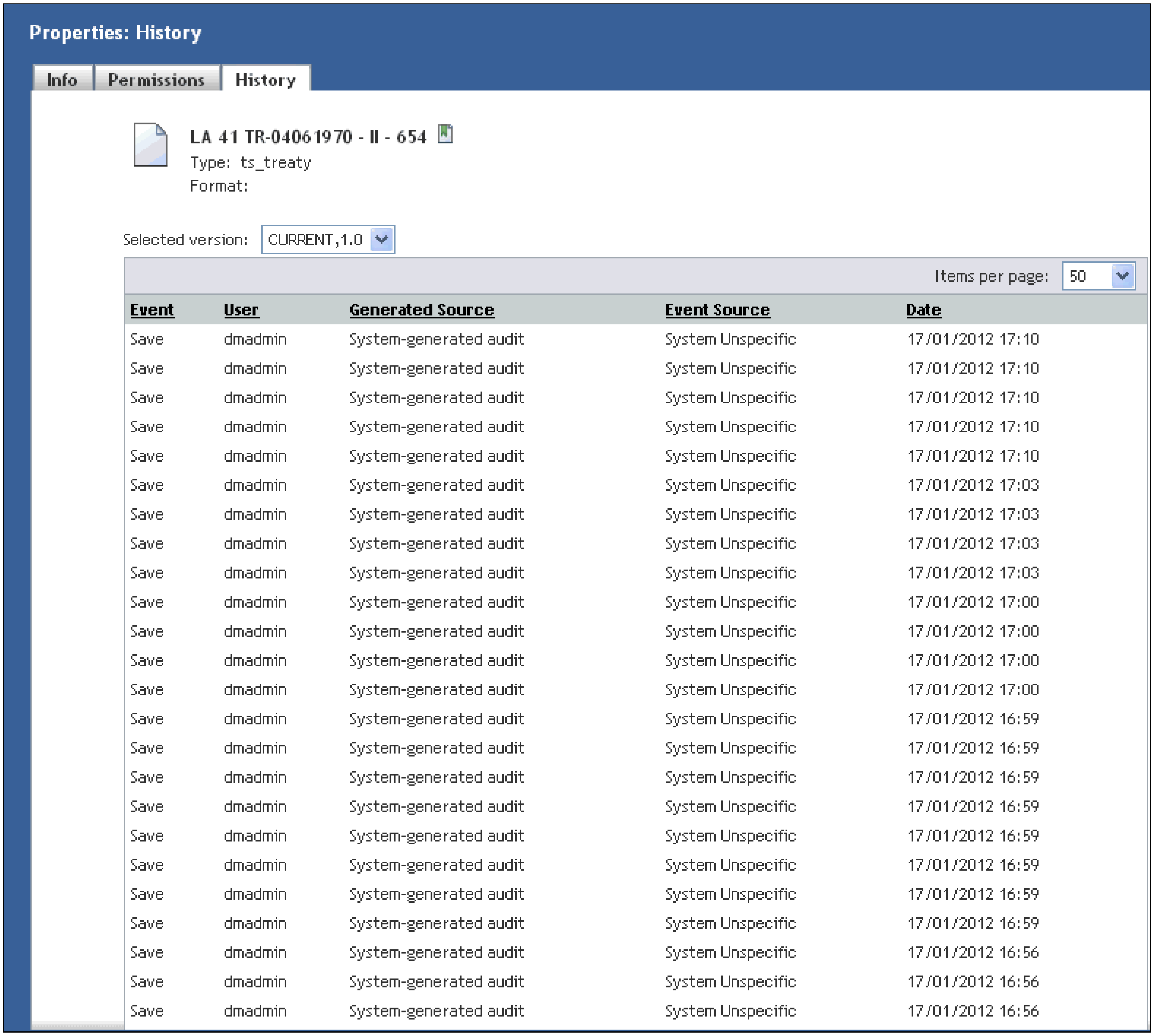
5. Enter ts_treaty in the search text box and click . The 'Choose a type' page is displayed.
6. Select a treaty type and click 'OK'. The 'Search Criteria' page is displayed.
7. Click 'OK'. The 'Audit Trail' page is displayed. This page displays the Object Name, Event Name, User Name, and the Date Created.



8. Select a treaty object, click View > Properties > Info. The information about the treaty object is displayed.



9. The 'Properties: History' page is displayed when you click 'Info'.



Properties: History

Info | Permissions | History

LA 41 TR-04061970 - II - 654
Type: ts_treaty
Format:

Selected version: CURRENT,1.0

Items per page: 50

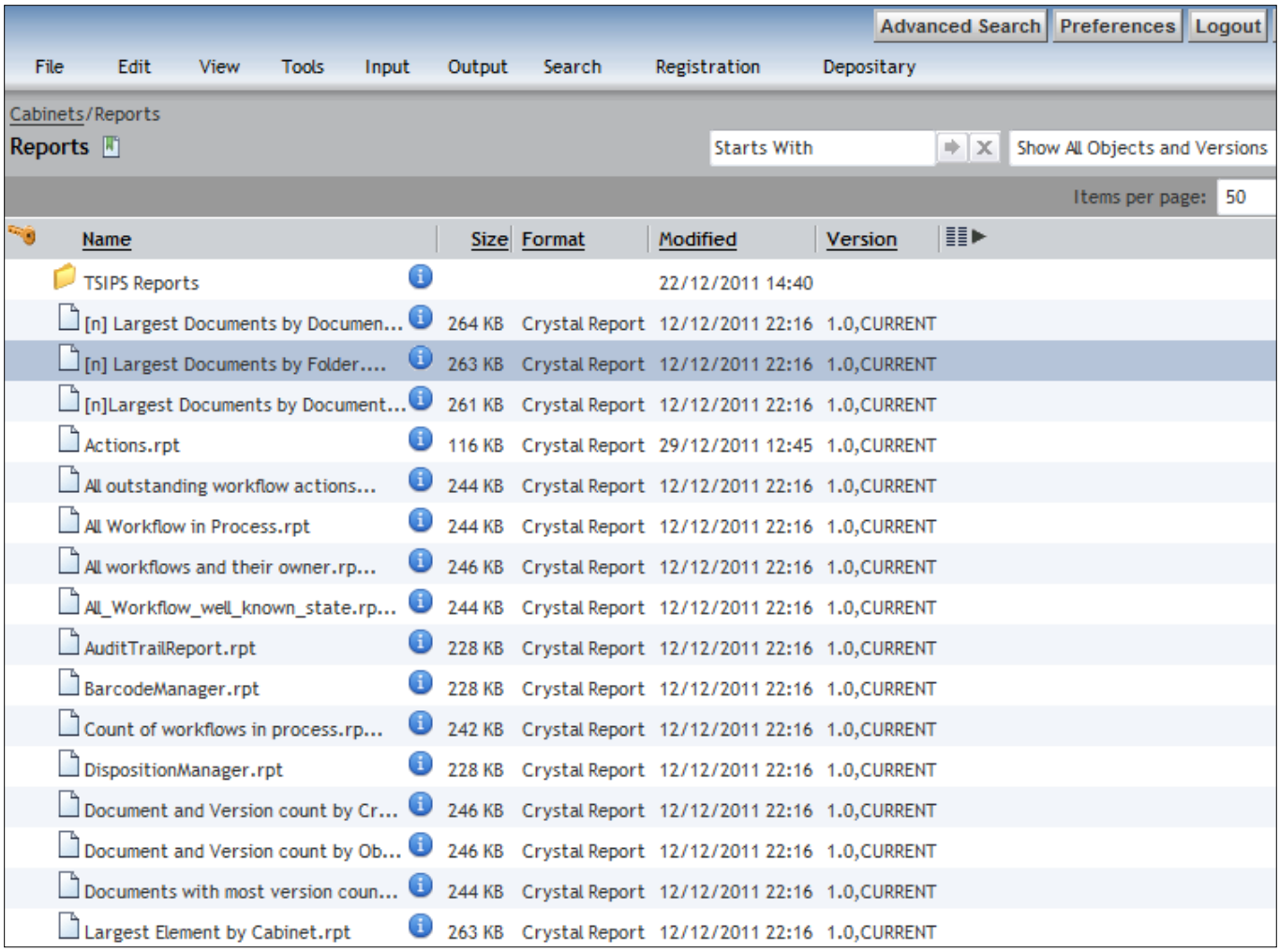
Event	User	Generated Source	Event Source	Date
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:10
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:10
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:10
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:10
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:10
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:03
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:03
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:03
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:03
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:00
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:00
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:00
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 17:00
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:59
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:56
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:56
Save	dmadmin	System-generated audit	System Unspecific	17/01/2012 16:56

2.2.5 Reports

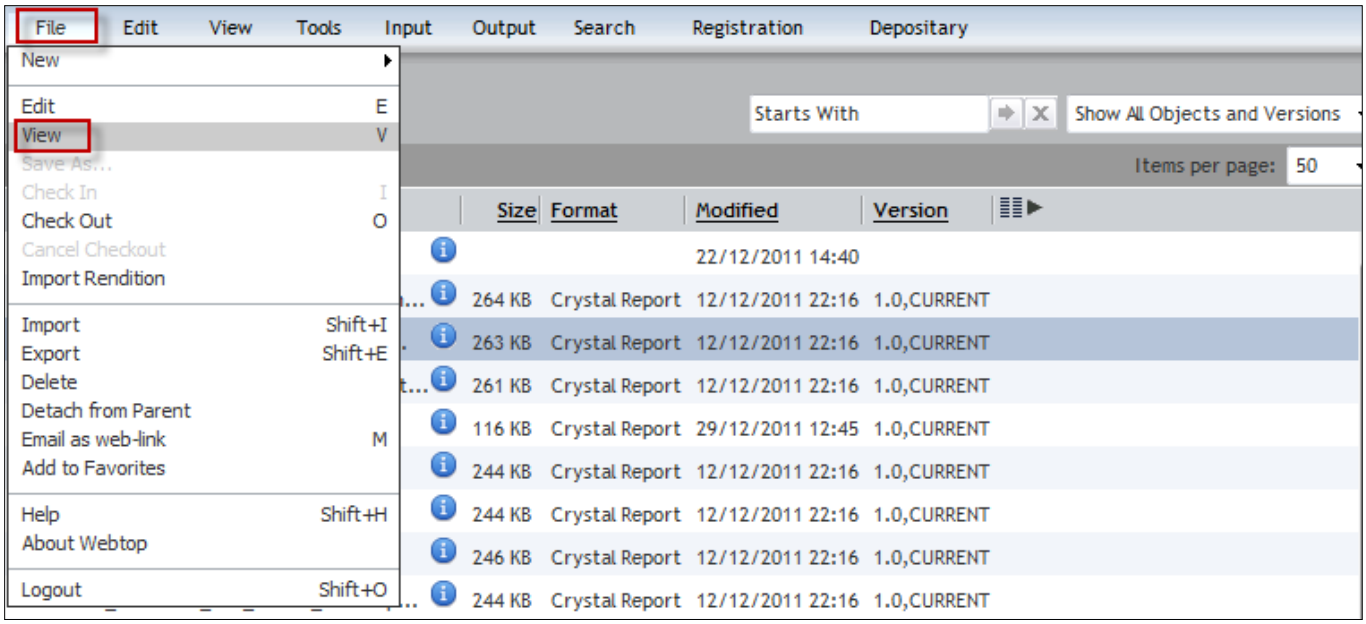
The Reports folder stores the TIPS Reports folder which contains the DRS reports (Crystal Reports for Documentum). The user can import or view the reports through the ‘File’ menu.

To view the TIPS report:

1. In the left navigation pane, click the ‘Reports’ folder and then select TIPS folder. The list of reports is displayed.

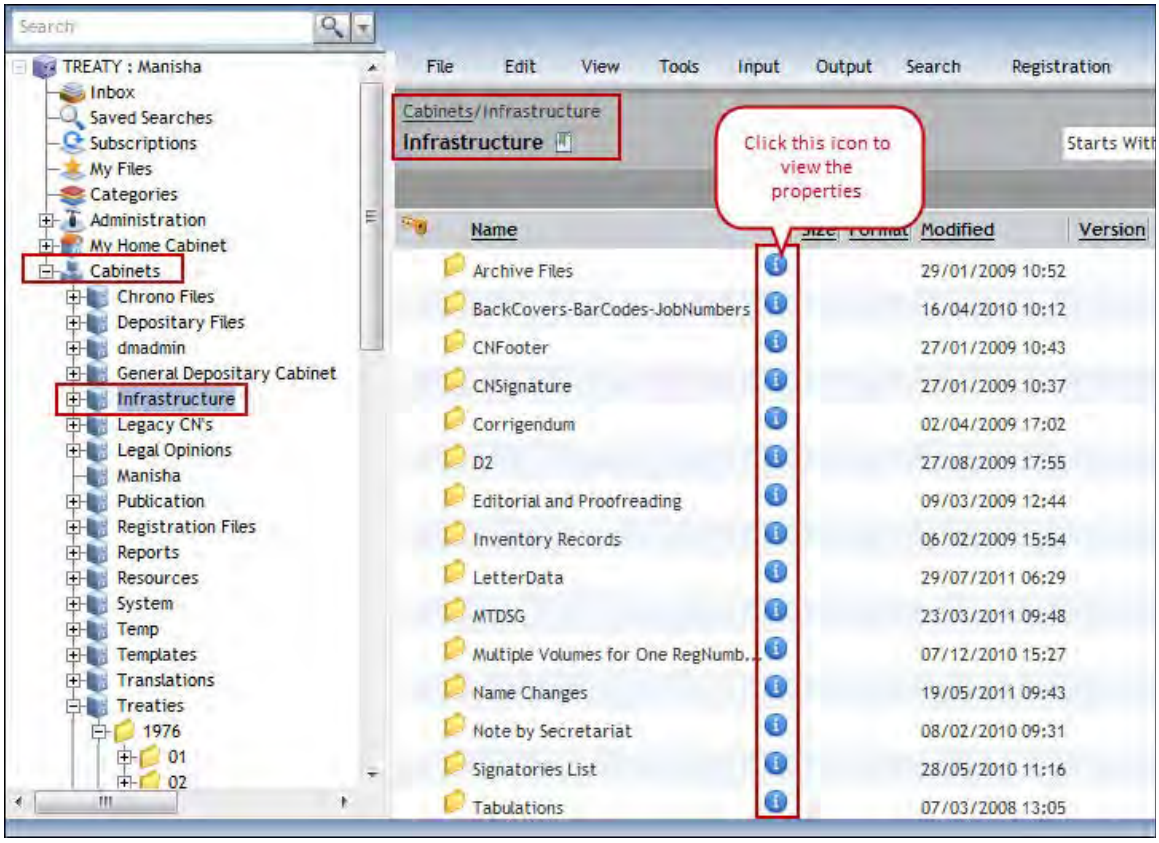


2. Select a report that you want to view.
3. On the File menu, select the 'View' option. The report is displayed in a new window.


File
Edit
View
Tools
Input
Output
Search
Registration
Depositary
New
Edit E
View V
Save As...
Check In I
Check Out O
Cancel Checkout
Import Rendition
Import Shift+I
Export Shift+E
Delete
Detach from Parent
Email as web-link M
Add to Favorites
Help Shift+H
About Webtop
Logout Shift+O
Starts With
Show All Objects and Versions
Items per page: 50
Size
Format
Modified
Version
22/12/2011 14:40
264 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
263 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
261 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
116 KB Crystal Report 29/12/2011 12:45 1.0,CURRENT
244 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
244 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
246 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT
244 KB Crystal Report 12/12/2011 22:16 1.0,CURRENT

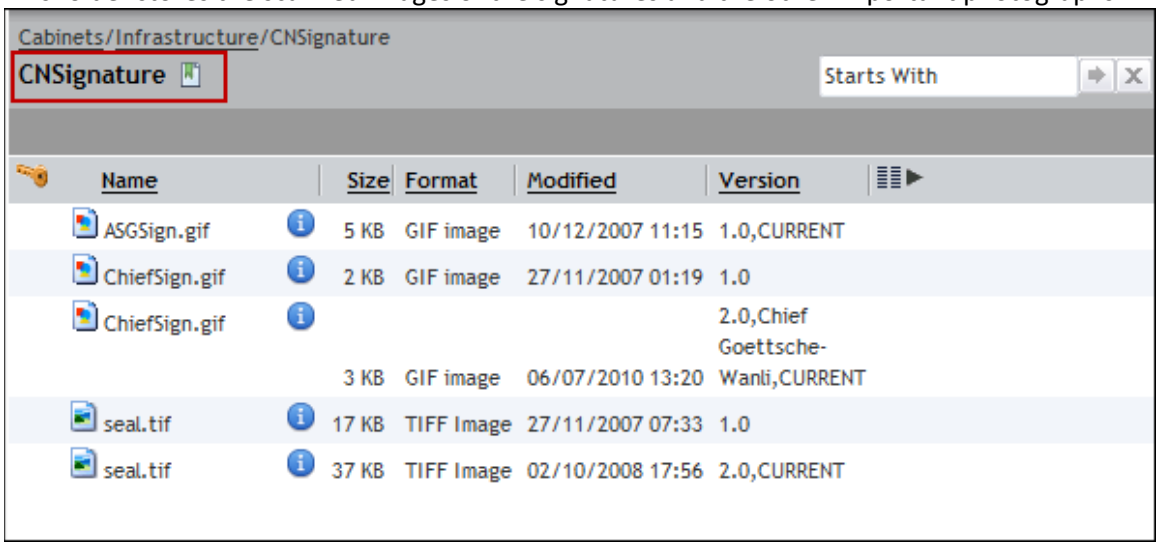
2.2.6 Infrastructure Folder

The values, parameters which are common across the application are saved in the Infrastructure folder. The Infrastructure folder contains various folders.



CNSignature Folder

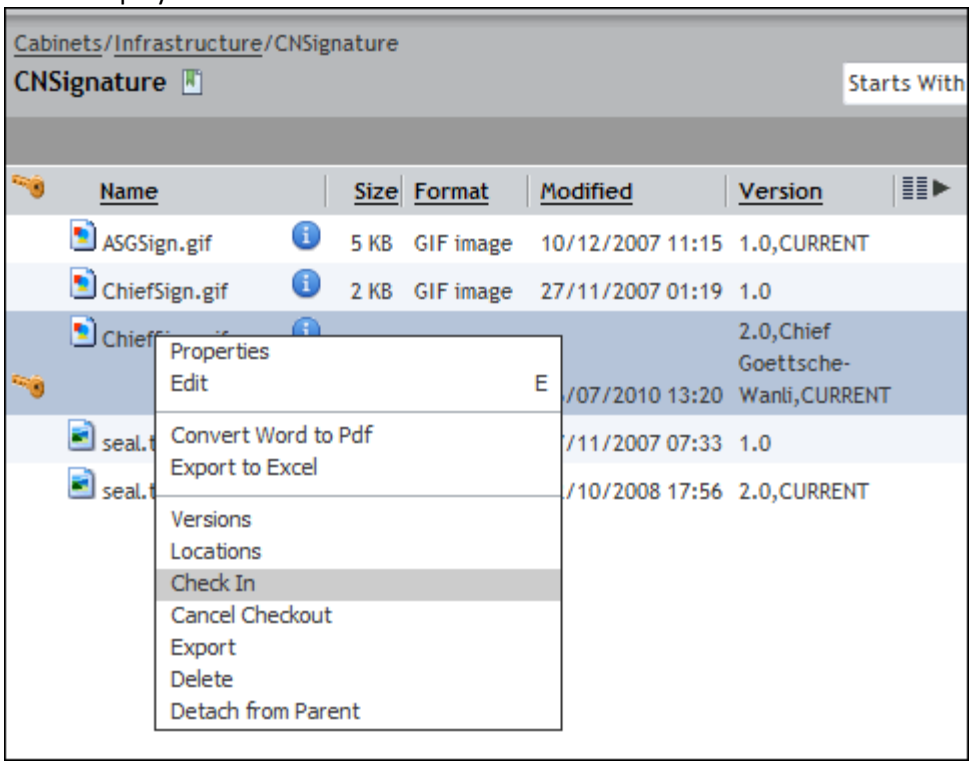
This folder stores the scanned images of the signatures and the other important photographs.



Double-click the image to view the signature.

To change the signature image:

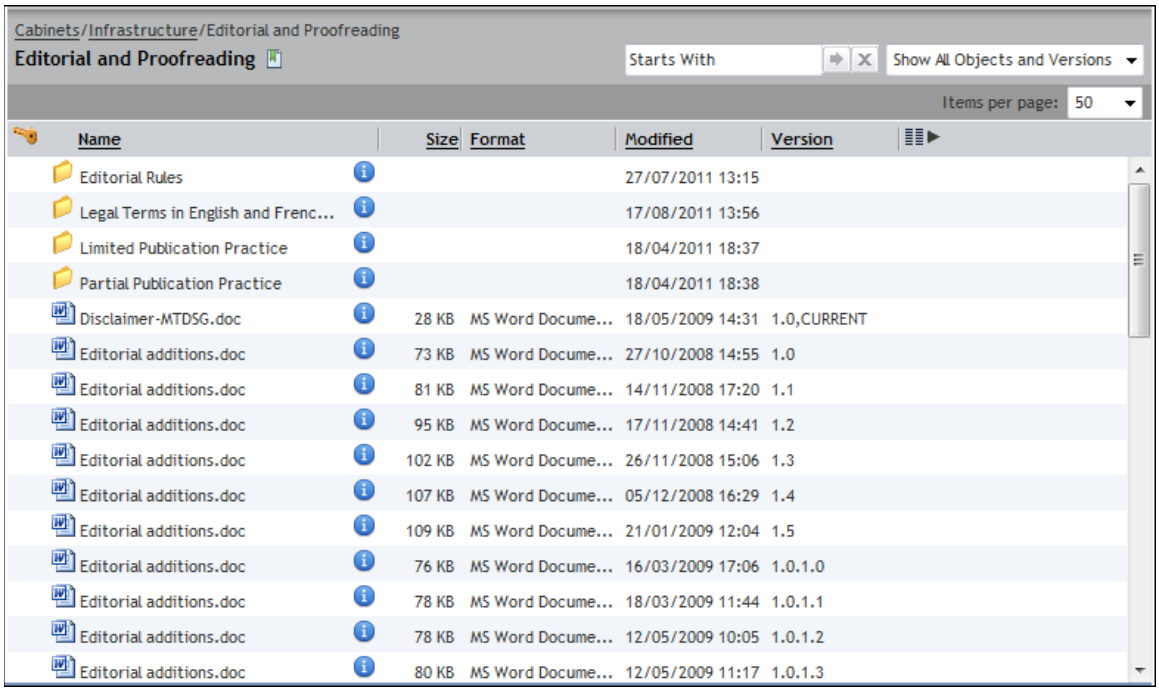
1. Right-click the image and select 'Check Out'. A confirmation message is displayed and a icon is displayed.



2. Right-click the image again and select 'Check In' to check in a new image.
3. Click 'Browse'. The 'Choose File to Upload' dialog box opens. Select an image and click 'Open'.
4. Click 'OK'. A confirmation message is displayed.

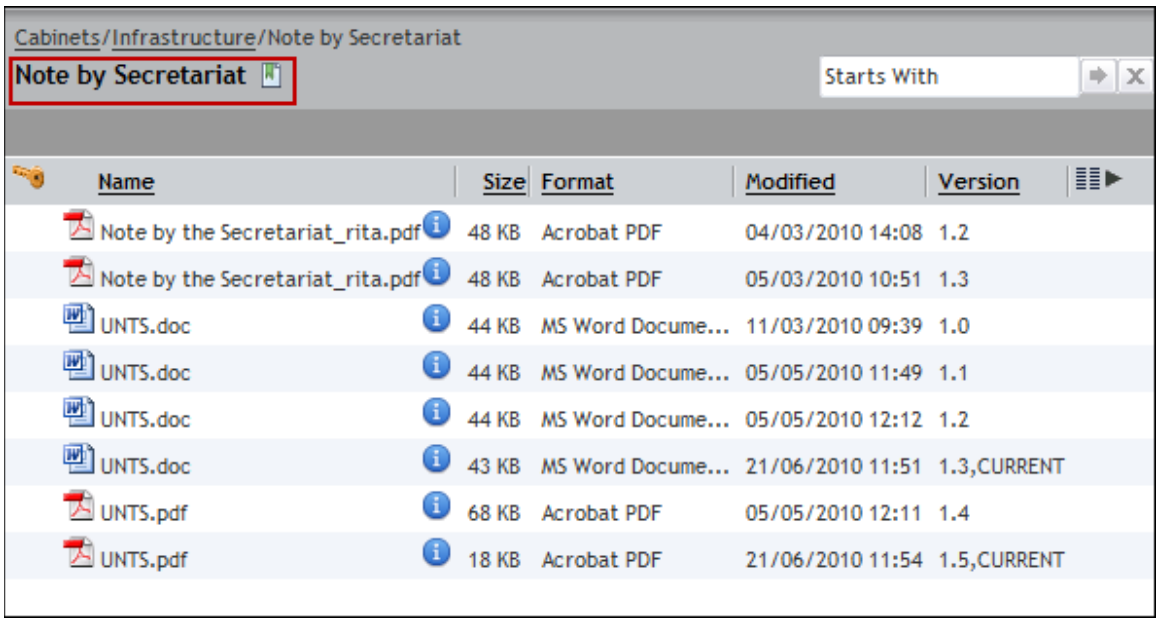
Editorial and Proofreading

This folder contains the editorial rules, editorial additions, etc.



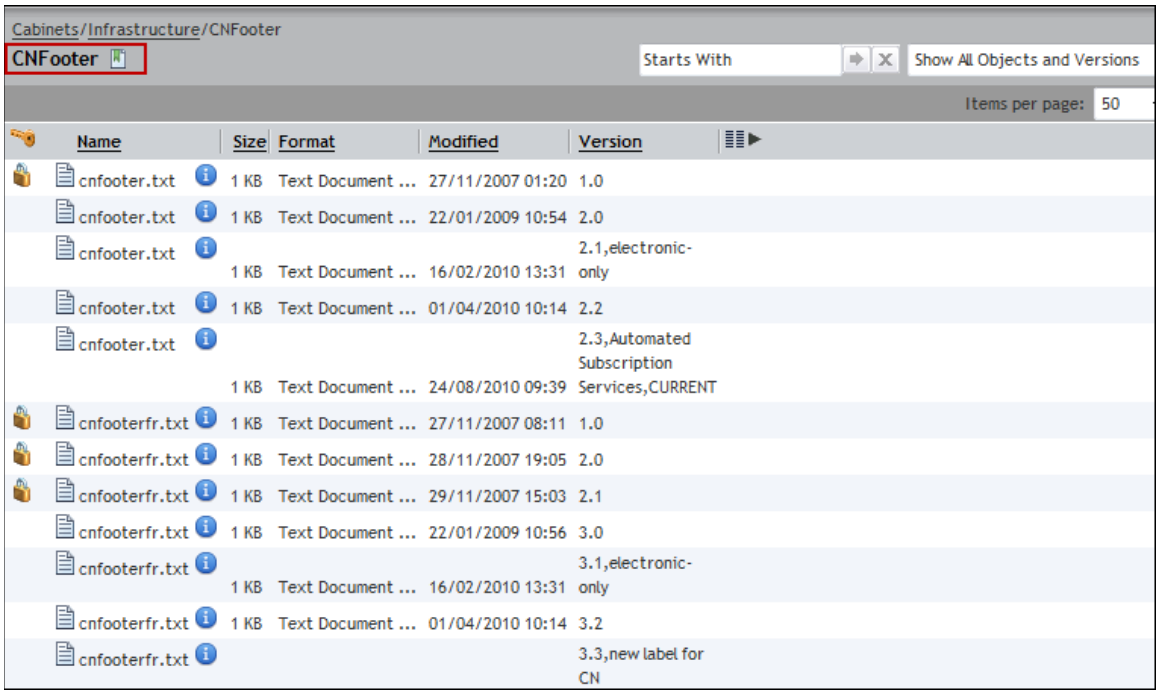
Note by Secretariat

The note by the secretariat is saved in this folder. This note is attached with all the documents that are created in TIPS.



CN Footer

This folder contains the CN footer text files.



2.2.7 Details Pane

Click a particular node in the Navigation pane. The content details are displayed in the Details pane. The names of all the nodes you have drilled down are displayed in the Details pane. You can view object details like name, size, modified date, last modifier, etc.

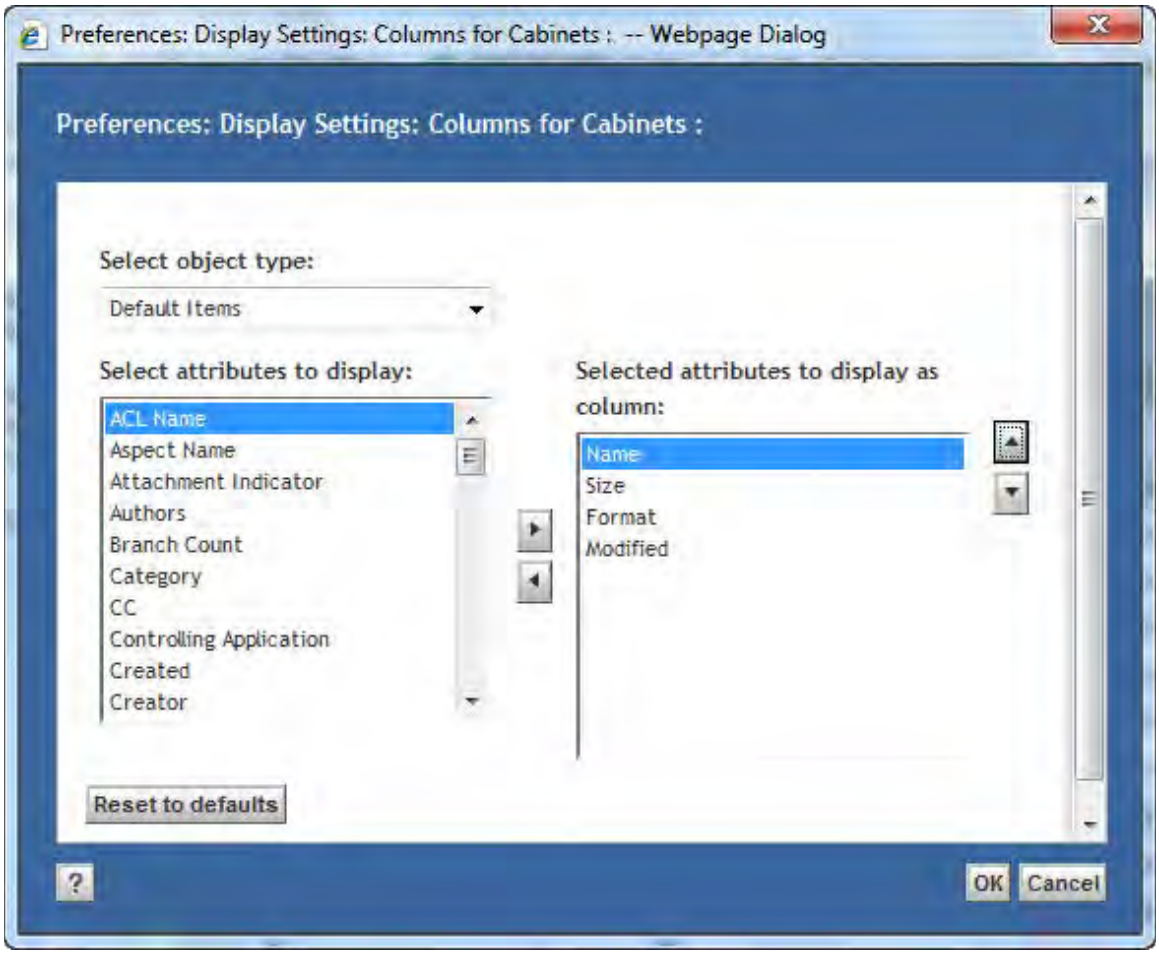
Note: You can increase or decrease the size of the columns by dragging them.

2.2.7.1.1 Column Preferences

You can select the attributes of an object that may be displayed as columns. You can decide the attributes for the document, folder, treaty, and action that can be displayed.

To decide the attributes to display as columns:

1. On the Details pane, click  to select the number of columns that must be displayed. The 'Preferences' dialog box opens.



2. Select an object from the 'Select object type' drop-down list.
3. Select an attribute from the 'Select attributes to display' list and click  to move it to the 'Select attributes to display as column' list.
4. Click 'OK'.

2.3 Application Conventions

The following conventions are used throughout the TIPS system. These are listed below:

Buttons and Icons

Image	Description
Finish	This is a button.

	Denotes Calendar Control. Enables the user to enter the date with this control.
	Denotes a virtual document.
	Denotes mandatory field
	Check out symbol
	Detail properties
	Denotes it's an administration section
	Denotes it's a group of Cabinets Structures
	Denotes it's a Cabinet Structure.
	View treaty/action
	Edit treaty/action

2.4 Definitions, Acronyms, and Abbreviations

Acronym	Description
UN	United Nations
UN/OLA/TS	United Nations/Office of Legal Affairs/Treaty Section
SG	Secretary General
TIPS	Treaty Information and Publication System
MTDSG	Multilateral Treaties Deposited Secretary General . This is updated, published on internet on a daily basis and printed for distribution yearly.
Monthly statement	Published on internet and printed Monthly.
Treaty Series	Published on internet and printed for distribution.
CI	Cumulative Index, and is generated from Treaty Series, to facilitate search on treaties/actions.
CN	Circular Notification.
Journal	Is generated edited and published in electronic (intranet/email) and printed for distribution on daily basis.
CR	Certificate of Registration
Legal Assistant	The general service staff members in Registration, Depositary or Publication.
ICJ	International Court of Justice
EIF	Entry into force

3 Getting Started

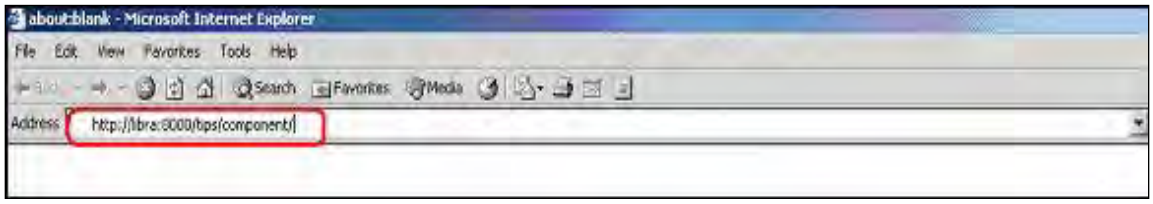
3.1 Accessing the TIPS Application

The Treaty Section Information & Publication System (TIPS) is web-based application that supports Internet Explorer 6.0 or above.

To access the TIPS application:

1. Open the 'Internet Explorer'.
2. Enter the URL in the Address bar, and then press ENTER.

Note: The Administrator provides the URL.



3.2 Logging on to the TIPS System

This option enables you to log on to the Treaty Section Information & Publication System (TIPS). The login screen is displayed.

An 'Administrator' provides the necessary information such as the User Name, Password, Docbase and Domain Name to the users. The user can make a maximum of three attempts to log on to the system. On successful login, the TIPS main application screen is displayed. In case of login failures appropriate error message is displayed.

To log on to the application:

1. Enter the 'User Name' and the 'Password' in the respective fields.
2. Select 'Docbase' from the drop-down list. 'Docbase' a central repository to store documents in a specific directory.
3. Enter a 'Domain'.
4. Click 'Connect' to connect to the TIPS main application screen.

4 Input Module

The 'Input' menu enables the users to create treaties. The user can enter details related to treaty, subsequent treaty, action, subsequent action and attaching associated documents.

4.1 Treaty

A treaty is concluded between two or more participants. A participant can be a state or an international organization. A state can be the United Nation Member State (the majority) or a non-member state.

A treaty can be of the following types:

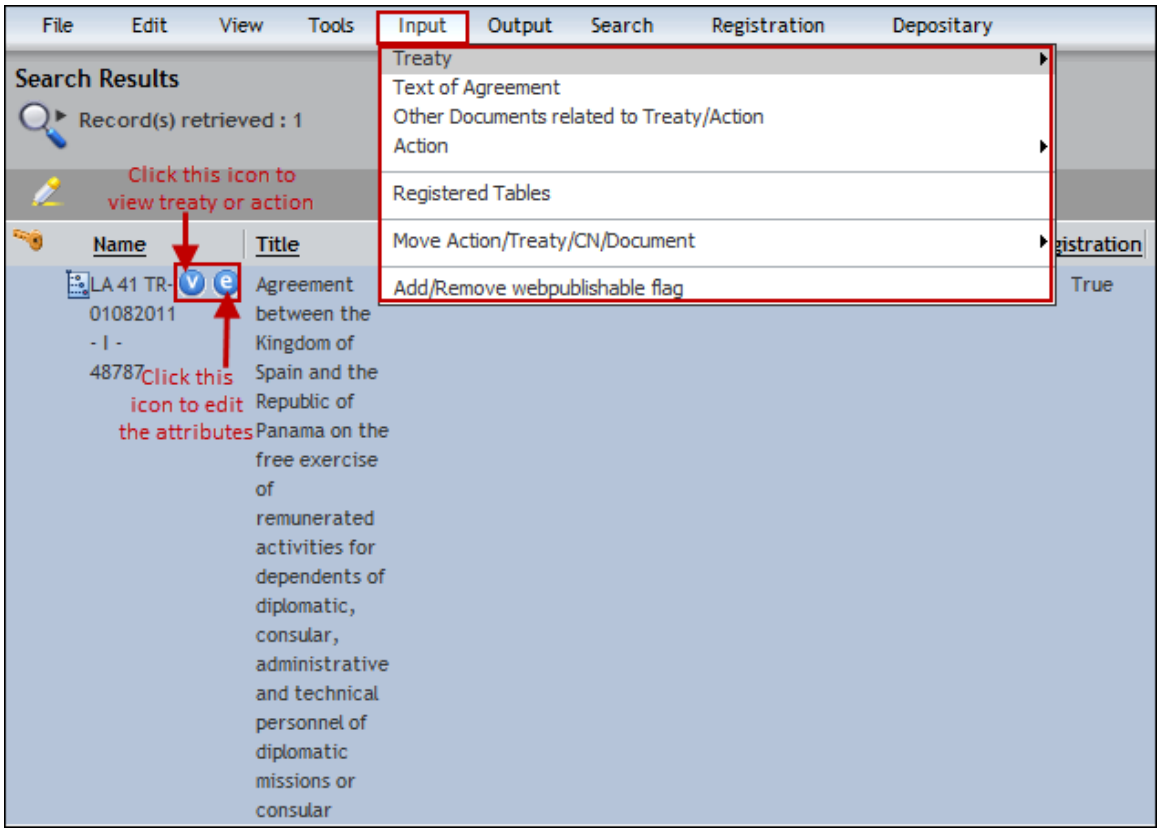
- **Bilateral** – It involves two participants.
- **Multilateral** – It involves more than two participants.
    - **Open Multilateral** – The Open Multilateral treaty does not have a fixed group of participants and is open to all states and international organizations.
    - **Closed Multilateral** – The Closed Multilateral treaty concerns a fixed group of participants.

Note: A treaty is saved as ts_treaty object. ts_treaty is a child of ts_instrument object.

The date & place of conclusion information is saved to ts_conclusion object. The r_object_id of ts_conclusion object is stored into conclusion_id attribute of ts_treaty. Multiple place and dates can be saved for a treaty.

All the menus are context sensitive. Menu options are enabled depending on the object selected.

The 'Input' menu screen displays the following options.



Note: Under the Input menu option, some of the treaty options might be disabled. To enable these options select appropriate objects.

4.1.1 New Treaty

This function enables you to create a new treaty by entering details under the following tab sections:

- **Treaty tab**
- **Type of Agreement/ICJ Clause tab**
- **EIF tab**
- **Attachment tab**
- **Other Territory/ Info tab**
- **Translation /Limitation Publication tab**

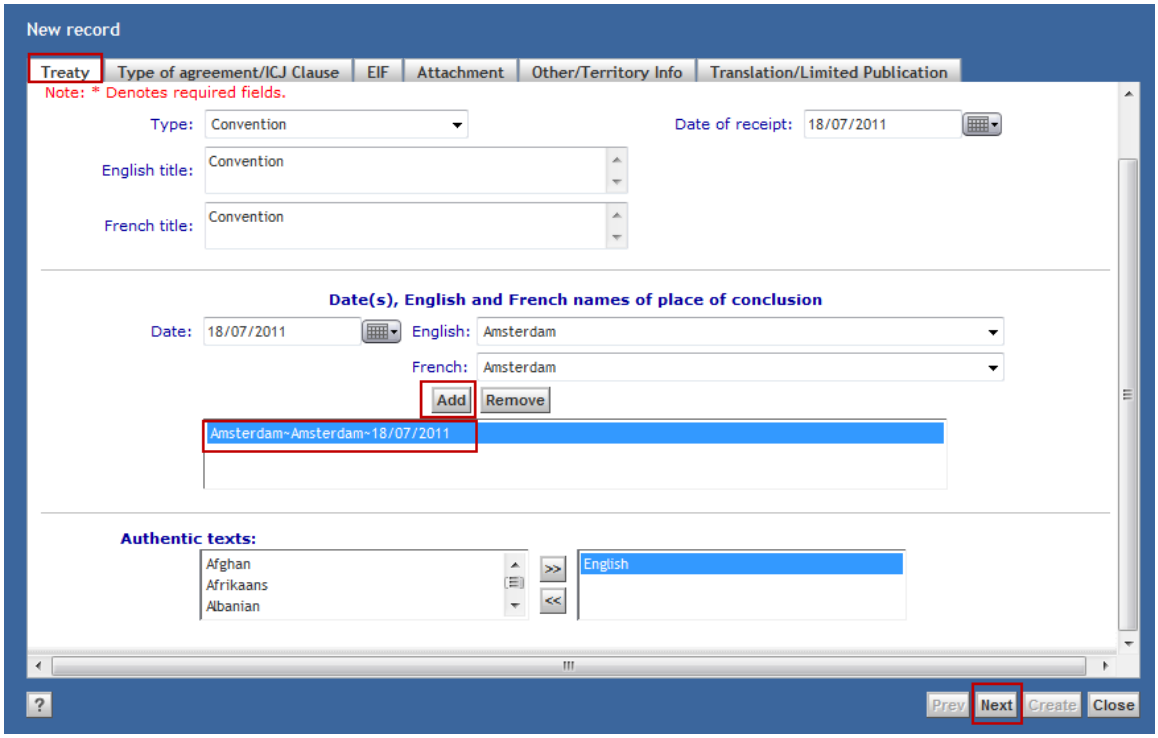
To create a new treaty:

1. On the Input menu, select Treaty > New.

Note: The 'Treaty' tab is selected by default when you create a new treaty.

4.1.1.1 Treaty tab

This section enables you to enter the treaty details.



- **Type:** Select a 'Type of treaty' or an 'Agreement' from the drop down list.
- **Date of receipt:** Click the icon and select a 'Date of receipt'. The date is in the DD/MM/YYYY format. This date is the date the treaty has been received at the United Nations.
- **English Title:** Treaty Title in English.
- **French Title:** Treaty Title in French.

Note : Date of conclusion is mandatory; the 'place of conclusion' can be left blank.

Date (s), English and French names of place of conclusion

- **Date:** Click the icon and select 'Date of conclusion'. The treaty was concluded on this date.
- **English:** Select the place of conclusion in English. A treaty maybe concluded in one or more locations.
- **French:** Select the place of conclusion in French.
- **Add Button:** Click 'Add' after selecting a place of conclusion from the English or French drop-down list to add the place of conclusion.

- **Remove Button:** Select the added place of conclusion and click Remove to remove the place of conclusion value.

Authentic Texts

A treaty maybe concluded in one or more languages.

- **Authentic texts:** Select 'Authentic texts' language and click  to associate the authentic text language with the treaty.

Note: To remove the authentic text value, select the associated authentic text and click  to remove authentic text.

- **Next Button:** Click 'Next' to go to the next tab .

Note: The Date of Conclusion, Place of Conclusion, and Authentic texts fields are mandatory fields.

4.1.1.2 Type of Agreement/ICJ Clause tab

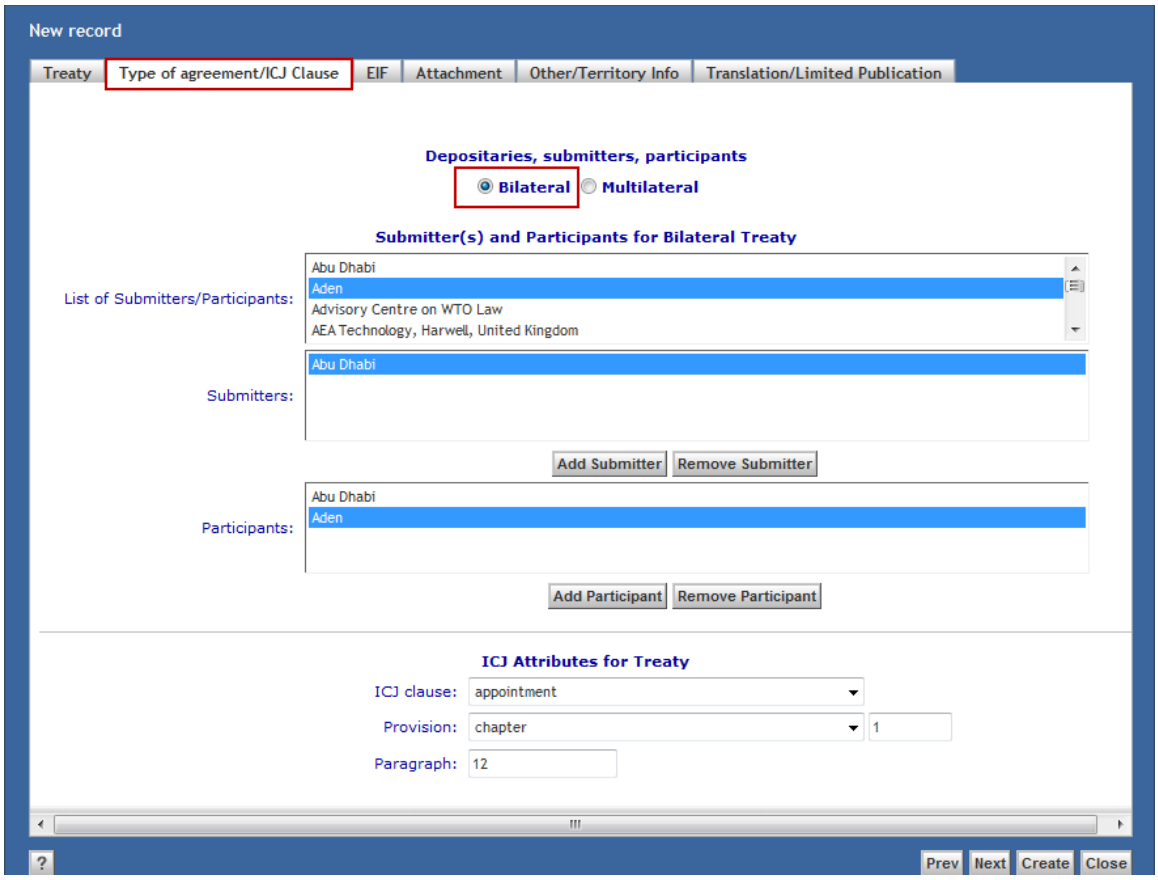
A treaty can have a clause referring to the International Court of Justice (ICJ), for jurisdiction or appointment of arbitrators.

This tab allows you to enter the type of agreement and ICJ clause details for bilateral or multilateral treaties . There are two types of treaties:

- **Bilateral**
- **Multilateral**

Bilateral Treaty

This option enables you to enter details for bilateral treaty. A bilateral treaty concerns two participants. This option is selected by default.



List of Submitters/ Participants for Bilateral Treaty

- Displays list of 'Submitters / Participants'.

Submitters

- Select 'Submitters' from 'list of Submitters /Participants'. Click the 'Add Submitter' button to add the submitter. The submitter is a state, or an international organization that concludes an international agreement.
- To remove submitter, select the added submitter and click 'Remove Submitter'.

Participants

- Select 'Participants' from 'list of Submitters /Participants' and click the 'Add Participant' button to add participant. A bilateral treaty will have a maximum of two participants. If you try to add another participant, the system will display an appropriate error message:

You cannot specify more than 2 participants

- To remove a participant, select the participant and click 'Remove Participant'.

Note: Participants for bilateral treaties is a mandatory field.

ICJ Attributes for Treaty

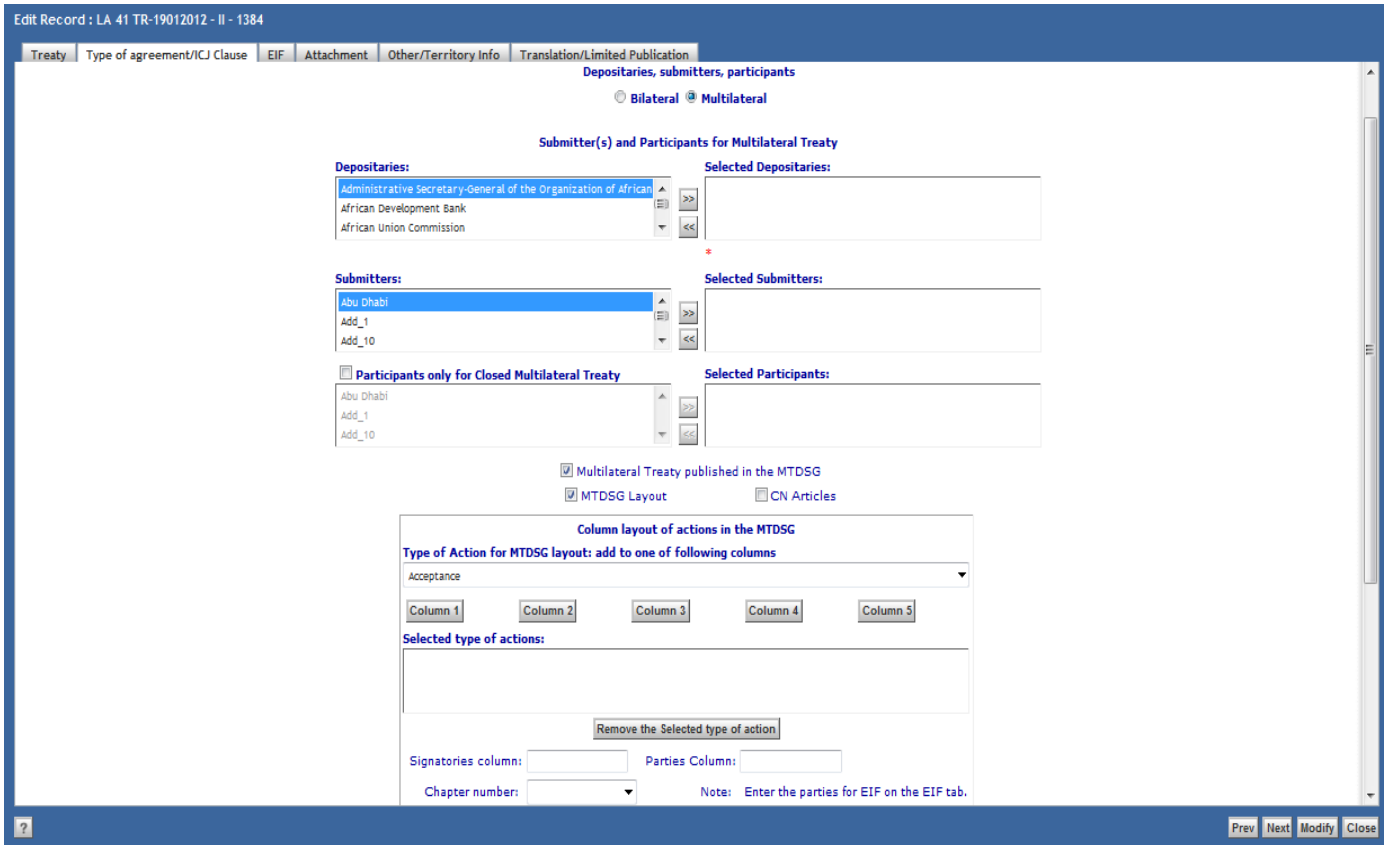
- **ICJ Clause**: Select an 'ICJ clause' from the drop-down list. A treaty may have a clause referring to the ICJ, for jurisdiction or appointment of arbitrators.
- **Provision:** Select a provision from the 'Provision' drop-down list. Provision is the article that contains the ICJ clause.
- **Paragraph:** Enter a paragraph number in the 'Paragraph' field.

Note: The ICJ information is stored to ts_icj_clause object which is referred as icj_id in ts_treaty.

Multilateral

This option enables you to enter details for a multilateral treaty. A Multilateral treaty can be a 'closed' or an 'open' multilateral treaty.

Note: Multilateral treaties are submitted to the Secretary General and are generically names as 'Multilateral Treaties Deposited with the Secretary-General' (MTDSG).



Depositaries

A multilateral treaty generally has a depository. For example, the Secretary – General of the United Nations, or a government . The role of the depositary is to receive all actions made by the participants to the treaty and to communicate this information to all the participants.

- Select 'Depositaries' and click  to move the depositories to the 'Selected Depositaries' section.
- To remove depositaries, select a depository from the 'Selected Depositaries' section and click  to remove depositaries.

Note: Depository for Multilateral treaty is a mandatory field.

Submitters

- Select 'Submitters' and click  to move the selected submitters to the 'Selected Submitters' section.
- To remove submitters, select a submitter from the 'Selected Submitters' section and click  to remove submitters.

Participants for Closed Multilateral Treaty

- Select the 'Participants only for Closed Multilateral Treaty' check box to enable the list of participants for a closed multilateral treaty.
- Select 'Participants' and click  to move the participants to the 'Selected Participants' section for a closed multilateral treaty.
- To remove participants, select 'Selected Participants' and click  to remove participants.
- Select the 'Multilateral Treaty published in the MTDSG' checkbox to enable the MTDSG Layout check box.
- Select 'MTDSG Layout' checkbox the following screen is displayed.

MTDSG Layout

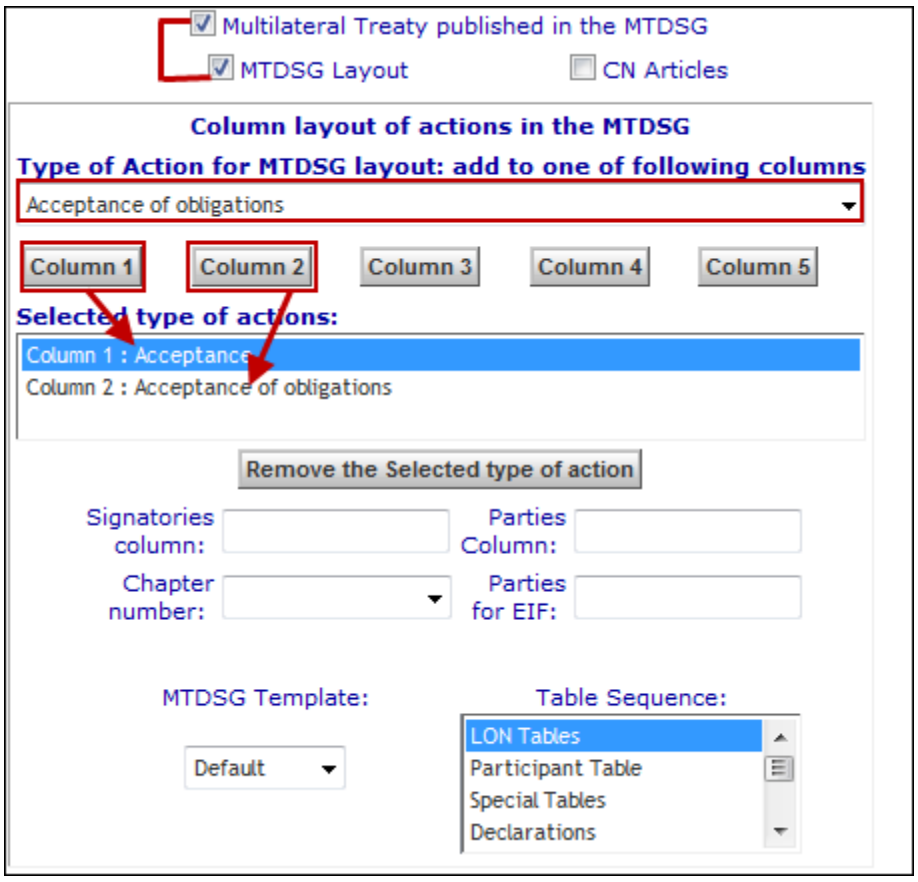
MTDSG layout sets the publication layout for this type of treaty. In the case of an MTDSG treaty, the MTDSG layout must be defined by selecting the 'MTDSG Layout' checkbox. The layout represents which types of actions that are shown in corresponding columns. Based on the layout, the participant table is generated in the MTDSG document.
An MTDSG treaty must be identified with a unique MTDSG number. The number comprises of chapter number, sub-chapter (if any), Treaty number, and amendment number (if any) separated by hyphens.

The MTDSG document layout can be different for each treaty. It has various sections such as participant tables, special tables, declaration tables and so on. The sequence of these sections can be changed for a particular treaty using various MTDSG templates.

Note: If there are two actions of same type and same participant, then the system ignores the duplicate action, and display only one action in the MTDSG document.

Select the MTDSG check box to publish all multilateral conventions deposited with the secretary general in the MTDSG layout that is available both in English and French version.

Note: The MTDSG layout is saved as ts_action_classification object.



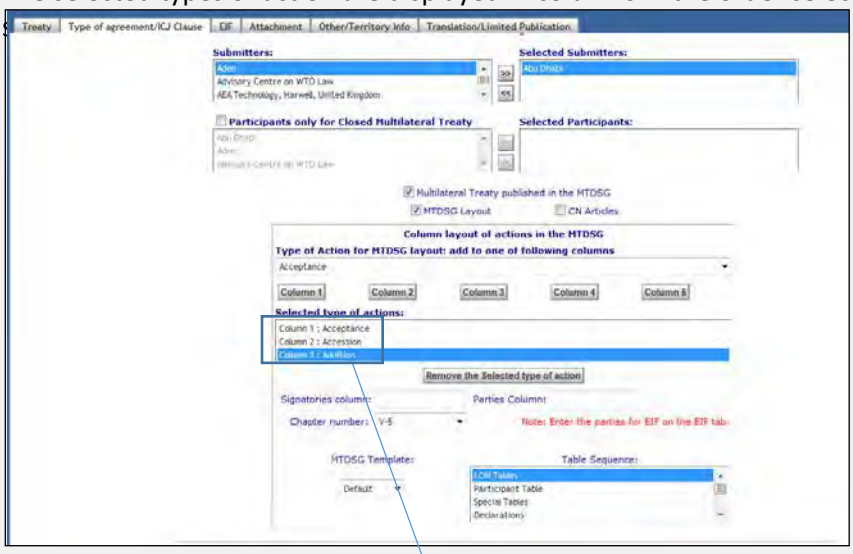
- Select a type of action from the 'Type of Actions for MTDSG Layout' from the drop-down list and click the 'Column 1' button to associate the action type with the selected column button. Actions can be added for up to 5 columns .

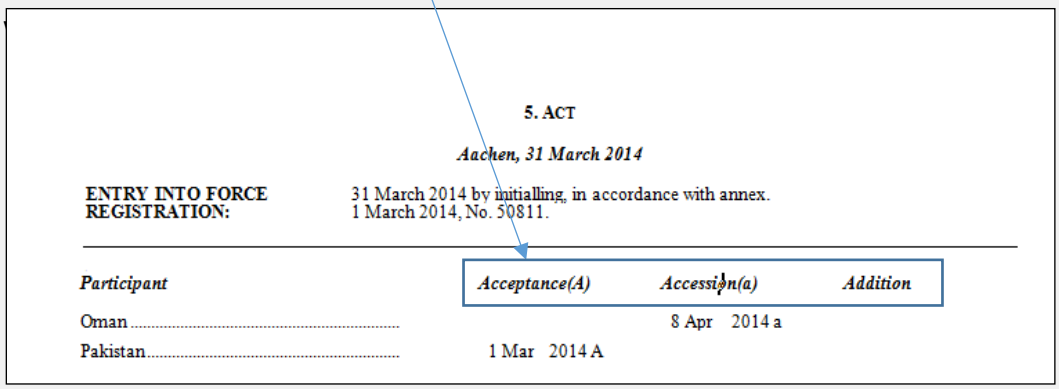
Note: If there are two actions of same type and same participant, then the system ignores the duplicate action, and display only one action in the MTDSG document.

- Select from 'Selected type of actions' and click the 'Remove the Selected Type of Action' button to remove selected action.
- Enter 'Signatories Column', 'Parties Column', 'Chapter Number' and 'Parties for EIF' in the respective fields. The Chapter Number is appended to the object name of treaty.

Note: The signatory column & party column are for information only, and do not have any role in the application.

Note: When creating a new MTDSG treaty, a record needs to be created in the Chapter Subchapter registered table using the Input -> Registered Tables screen to add a new MTDSG chapter number. For more information, see Registered Tables chapter in this document.
The selected types of action are displayed in columns in the order selected by the user.





5. ACT

Aachen, 31 March 2014

ENTRY INTO FORCE 31 March 2014 by initialling, in accordance with annex.
REGISTRATION: 1 March 2014, No. 50811.

Participant	*Acceptance(A)*	*Accession(a)*	*Addition*
Oman		8 Apr 2014 a	
Pakistan	1 Mar 2014 A		

CN (Circular Notification) Articles

Each treaty may contain a specific text ('article') which appears inside a **CN** associated with an action under a treaty. Such text can be configured using the 'CN article' field on this screen. The text can be specific for each associated type of action.

Note: The content added as articles appear in any CN generated for an action under this treaty, of the specific action type.

To Add Type of Action:

- Enter 'English article for CN'.
- Enter 'French article for CN'
- Select 'Type of Action' from the drop- down list and click the 'Add type of Action' button to add action.

To Remove Type of Action:

- Select 'Action' and click the 'Remove type of Action' button to remove the action.

To Modify CN Articles:

- Modify 'English article for CN' and click the 'Modify CN articles' button to modify the article.
- Modify 'French article for CN' and click the 'Modify CN articles' button to modify the article.

4.1.1.3 EIF Tab

Entry into Force (EIF) is a process by which a treaty legally comes into effect. This process may have a dependency on the number of countries that participate, before the treaty could enter into force. A treaty enters into force on a given date by different methods, in accordance with a specific article (called the 'provision of entry into force'). The method can be simple ("by signature", the treaty enters into force on the date it is signed) or a complex set of conditions (such as : 'the treaty enters into force 3 months after 60 states have ratified it').

EIF Email alert

When a treaty is about to enter into force, an e-mail notification is sent to the EIF group, notifying that the treaty will enter into force soon. This is done by setting the number of

participants/actions and their specific type. For example, a treaty might enter into force with a total of 20 actions with any of the specified types, such as ratification or accession. As a result, the user should select these two action types and enter 20 as the number of actions required for the notification.

The actions which are web-published and with a Document Disposition having the status different from 'Pending'/'Not received'/'For information', are considered when sending the email notification.

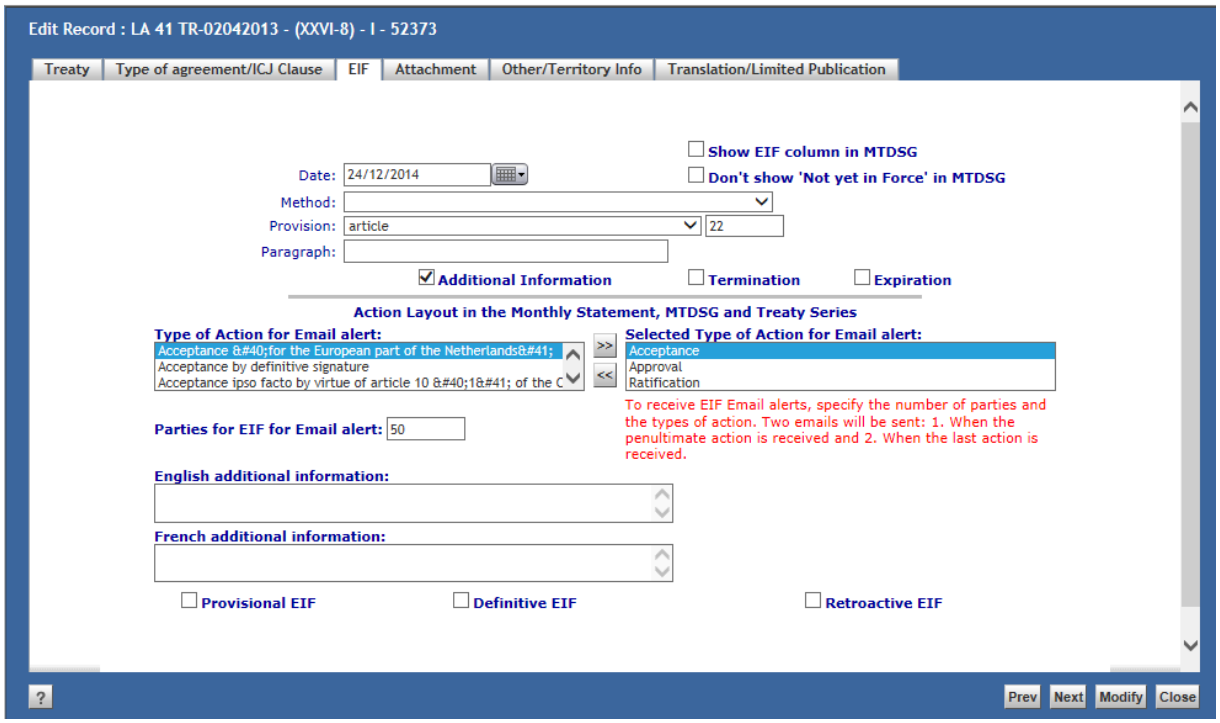
The EIF alert checking is performed in the following events:

- Action creation/modification
- Add/Remove web published flag

There are four types of EIF:

- Standard EIF
- Provisional EIF
- Definitive EIF
- Retroactive EIF

Note: In most case, the standard EIF is used to enter only the date of entry into force. In a few cases, the Provisional or Definitive entry into force is used. The Retroactive entry into force is used when the treaty comes into effect prior to the date of conclusion.



EIF

- **Date:** Click the icon to select a date. This is the date the treaty entered into force.
- **“Show EIF column in MTDSG”:** This checkbox won't be checked off by default. When this check box is checked, Date of Effect column will get added in the participant table of the MTDSG document for the treaty.
- "**Don't show Not in Force":** This checkbox won't be checked off by default.
  When it's checked, the MTDSG document for the treaty should NOT show "Not yet in Force".
- **Method**: Select a method from the ‘Method’ drop-down list. A treaty enters into force by different methods.
- **Provision:** Select a provision from the ‘Provision’ drop-down list. A treaty enters into force in accordance with a specific article called the ‘provision of entry into force’.
- **Paragraph:** Enter the paragraph details in the ‘Paragraph’ field.
- Select the ‘Additional Information’ check box to enter action layout details for the Monthly Statement report.

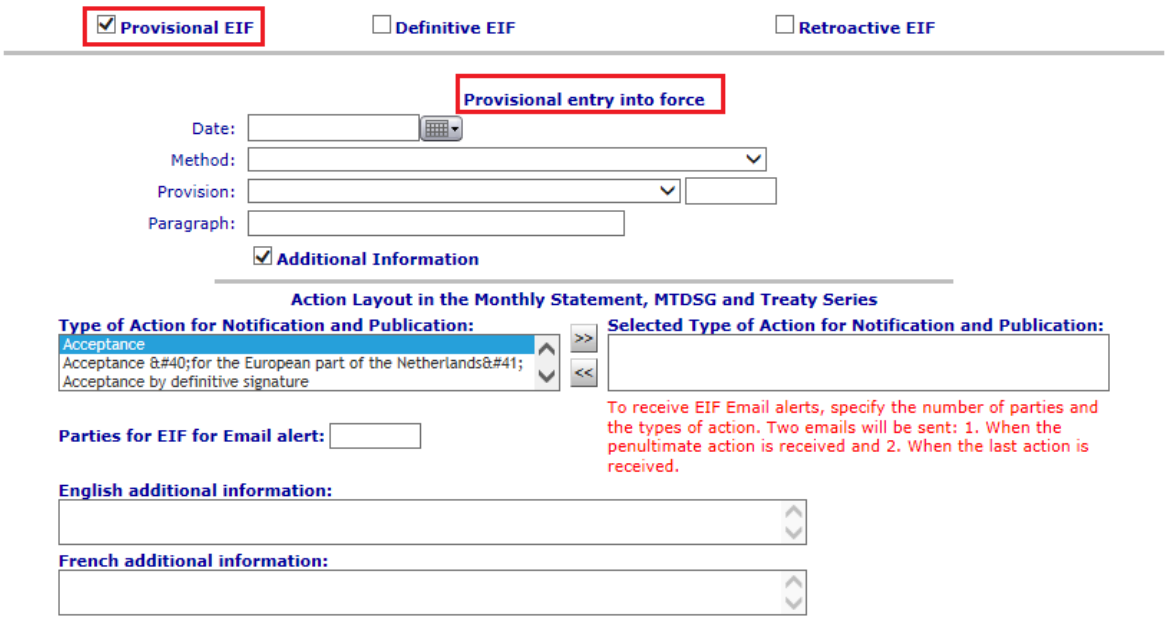
Additional Information

- **Type of Action for Column Layout:** Select a ‘Type of Action for Notification and Publication: ' from the list and click to move the type of action to the ‘Selected Type of Action for Notification and Publication’ section.
- **Number of Actions:** Enter the number of actions in the ‘Parties for EIF for Email alert textbox’.
- **English Additional**: Enter ‘English Additional’ Information.

- **French Additional**: Enter 'French Additional' Information.

Select an action from 'Selected Type of Action for Column Layout' list and click on  button to remove the action.

Provisional EIF



- **Date:** Click the  icon to select a date. This is the provisional EIF date.
- **Method:** Select a 'Method' from the dropdown list. A treaty enters into force by different methods.
- **Provision:** Select a 'Provision' from drop-down list. A treaty enters into force in accordance with a specific article called 'provision of entry into force'.
- **Paragraph:** Enter specific 'Paragraph' number.
- Select the 'Additional Information' check box to enter action layout details for the Monthly Statement report.

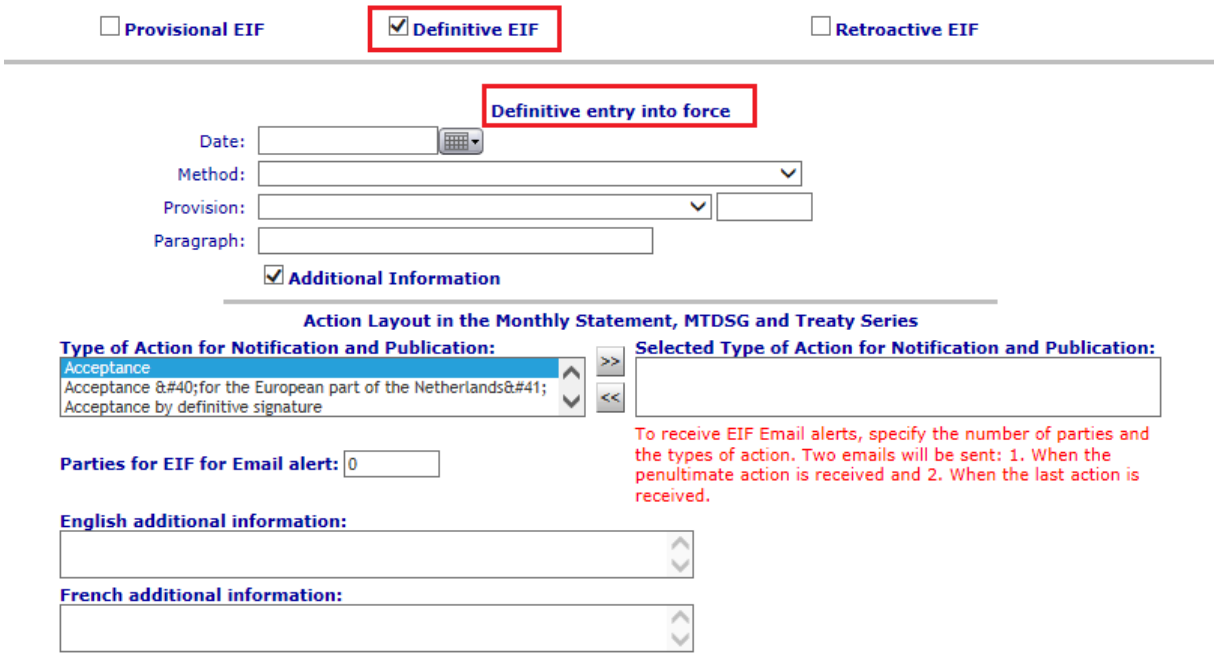
Additional Information

- **Type of Action for Column Layout:** Select a 'Type of Action for Notification and Publication: ' from the list and click  to move the type of action to the 'Selected Type of Action for Notification and Publication' section.
- **Number of Actions:** Enter the number of actions in the 'Parties for EIF for Email alert textbox'.
- **English Additional**: Enter 'English Additional' Information.
- **French Additional**: Enter 'French Additional' Information.

  Select an action from 'Selected Type of Action for Column Layout' list and click on  button to remove the action.

Definitive EIF

Typically, the provisions of the treaty determine the date on which the treaty enters into force. Where the treaty does not specify a date, there is a presumption that the treaty is intended to come into force as soon as all the negotiating states have consented to be bound by the treaty.



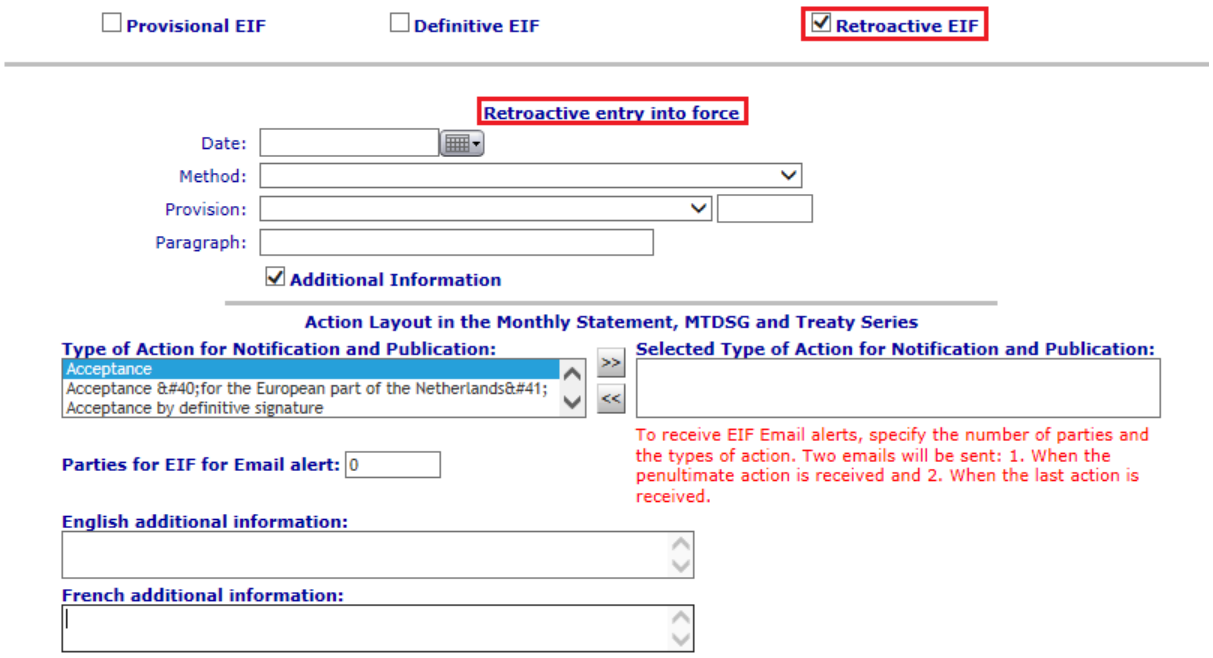
- **Date:** Click the icon to select a date. This is the definitive EIF date.
- **Method:** Select a 'Method' from the drop-down list. A treaty enters into force by different methods.
- **Provision:** Select a 'Provision' from the drop-down list. A treaty enters into force in accordance with specific article called the provision of entry into force.
- **Paragraph:** Enter the paragraph details in the 'Paragraph' field.
- Select the 'Additional Information' check box to enter action layout details for monthly statements.

Additional Information

- **Type of Action for Column Layout:** Select a 'Type of Action for Notification and Publication: ' from the list and click >> to move the type of action to the 'Selected Type of Action for Notification and Publication' section.
- **Number of Actions:** Enter the number of actions in the 'Parties for EIF for Email alert textbox'.
- **English Additional**: Enter 'English Additional' Information.
- **French Additional**: Enter 'French Additional' Information.

Select an action from 'Selected Type of Action for Column Layout' list and click on  button to remove the action.

Retroactive EIF



- **Date:** Click  to select a date when the treaty came into force. Date of retroactive effect, when the treaty has effect from a date prior to the date(s) of conclusion.
- **Method:** Select a 'Method' from the drop-down list. A treaty enters into force by different methods.
- **Provision:** Select a 'Provision' from the drop-down list. A treaty enters into force in accordance with specific article called the provision of entry into force.
- **Paragraph:** Enter the paragraph details in the 'Paragraph' field.
- Select the 'Additional Information' check box to enter action layout details for monthly statements.

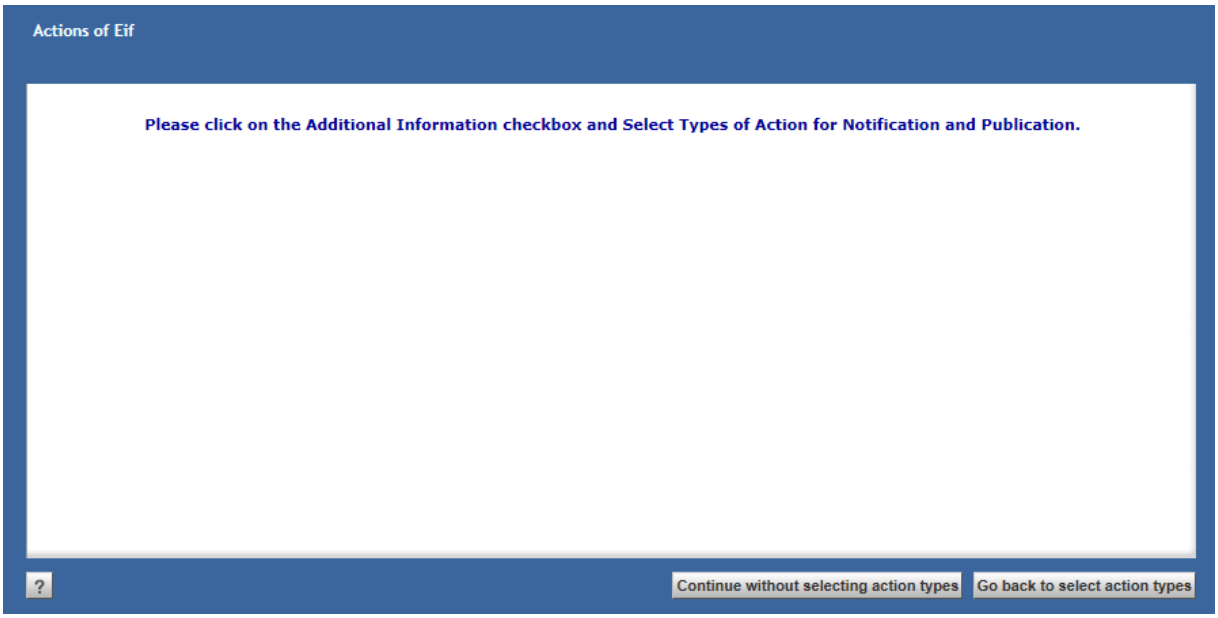
Additional Information

- **Type of Action for Column Layout:** Select a 'Type of Action for Notification and Publication: ' from the list and click  to move the type of action to the 'Selected Type of Action for Notification and Publication' section.
- **Number of Actions:** Enter the number of actions in the 'Parties for EIF for Email alert textbox'.
- **English Additional**: Enter 'English Additional' Information.

- **French Additional**: Enter 'French Additional' Information.
  Select an action from 'Selected Type of Action for Column Layout' list and click on  button to remove the action.

Validation for Additional Information

A warning message will be shown if the user does not select the Addition Information checkbox & select the Action type under 'Selected Type of Action for Notification and Publication' for regular EIF .



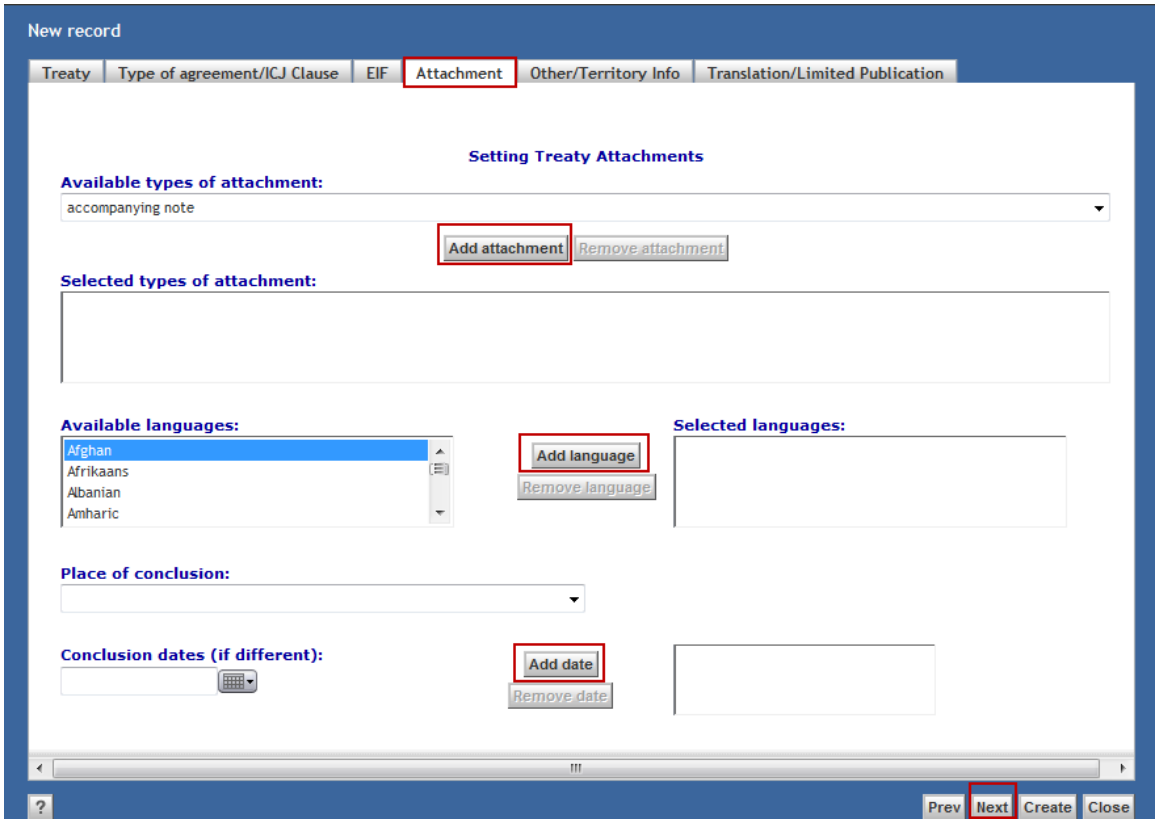
If user click on Continue without selecting action type then the treaty will be saved without Additional information; if the user clicks on the 'Go back' button to select an action type, then it will go back to the EIF tab of the Edit Treaty screen.

4.1.1.4 Attachment tab

A treaty can have multiple treaty attachments, such as annexes or protocols. An attachment can be drafted in multiple languages, have one or more places and dates of conclusion.

The functionality in the Attachment tab allows the user to upload treaty attachments.

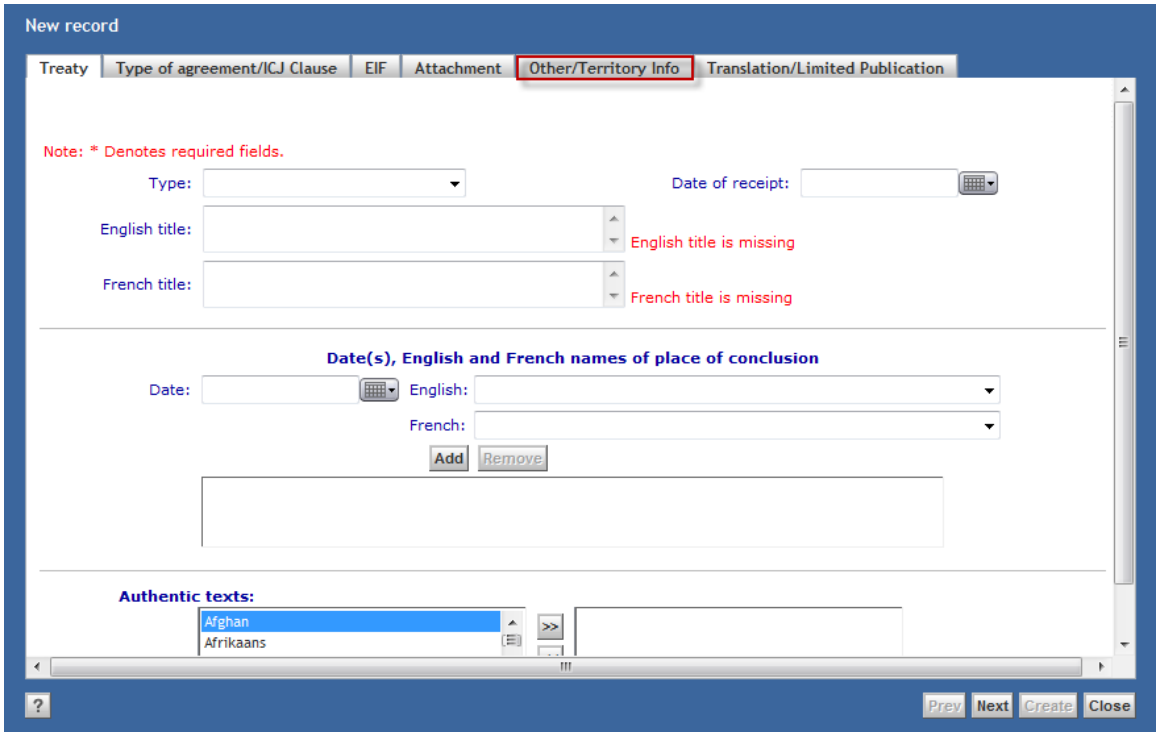
Note: An attachment is stored into ts_treaty_attachment object which is referred in attachment_id attribute of ts_treaty. A treaty can store multiple references to attachments.



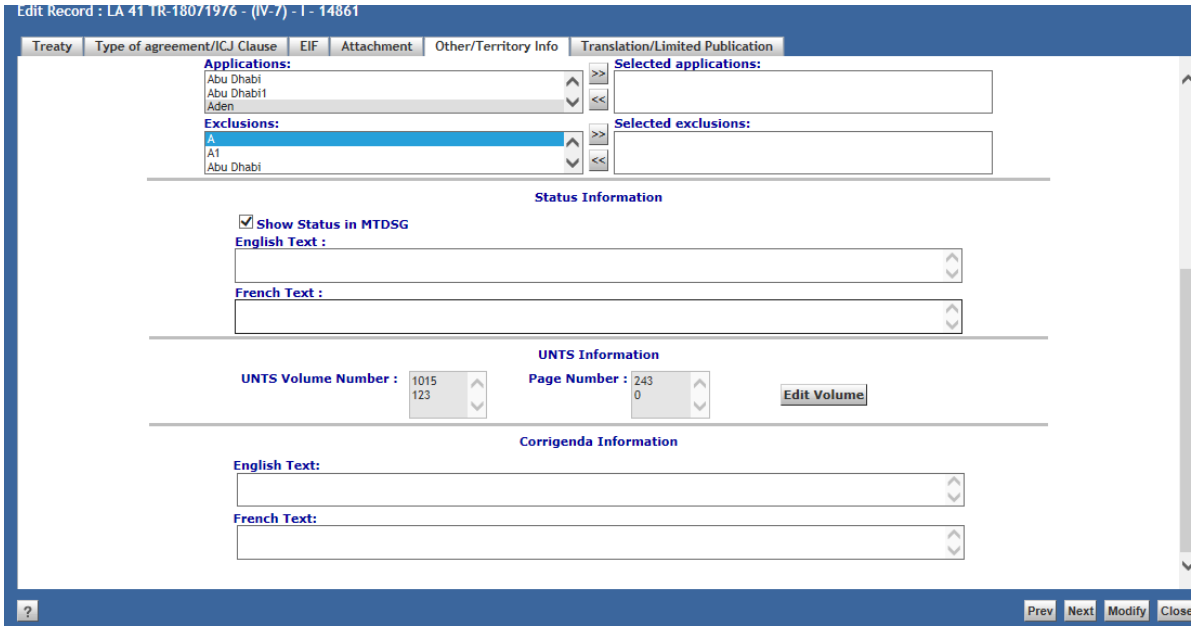
- **Available Types of Attachment:** Select an attachment from the 'Available types of attachment' drop-down list and click 'Add attachment' to set treaty attachments and to add the attachment in the 'Selected types of attachment' section
- **Selected Types of Attachment**: Select an attachment from the 'Selected Types of Attachment' section and click 'Remove Attachment' to remove the treaty attachments.
- **Available Languages**: Select a language from the 'Available languages' list and click 'Add language' to add language.
- **Selected Languages:** Select a language from the 'Selected Languages' list and click 'Remove Language' to remove the language.
- **Place of Conclusion**: Select a 'Place of conclusion' from the drop-down list. A treaty was concluded at the selected place.
- **Date of Conclusion**: Select a 'Date of conclusion' from the calendar control. The date is entered in the DD/MM/YYYY format. The date of conclusion refers to the date of attachment.
- Click 'Prev' to move to the previous tab.
- Click 'Next' to move to the next tab.
- Click 'Close' to close the current screen.

4.1.1.5 Other /Territory Info tab

The Other/Territory Info tab allows the user to set some additional treaty attributes such as Document Disposition, Subject Term, User Comments, etc.



Note: 'Page number' field is **not** mandatory and the UNTS volume number and page number will be disabled for a new treaty.



Additional treaty Attributes

- **Document Disposition**: Displays the 'Document Disposition'.
- **Change To**: Select an appropriate option from the drop-down list.

> **Note:** This drop-down list is enabled only if the treaty is not registered. The users cannot change the document disposition of a treaty/action to "Registered" / "Filed & Recorded" / "League of Nations" on the Treaty/Action screens manually. These options are not available to the user.

- **Available Subject Term:** Select a subject from the 'Available Subject Term' list and click  to add a subject term.
- **Selected Subject Term**: Select a subject from the 'Selected Subject Term' list and click  to remove subject term.
- **Comments:** Enter your comments in the 'Comments' field if required.

Territory Information

The 'Territorial Applications' or 'Exclusions' are a list of participants or parties which are displayed in one of the sections in MTDSG. The "Show Status in MTDSG" check box is used to show or hide this section from the MTDSG document produced for the treaty.

- Select the 'Show territorial application in MTDSG' check box to view the territorial application in MTDSG.
- **Application**: Select a territorial 'Application' and click  to add the application.
- **Selected Application:** Select an application from the 'Selected Application' list and click  to remove an application.

- **Exclusions**: Select territorial 'Exclusions' and click >> to add exclusions.
- **Selected Exclusions**: Select exclusion from the 'Selected Exclusions' list and click << to remove exclusions.
- Click 'Prev' to move to the previous tab.
- Click 'Next' to move to the next tab.
- Click 'Close' to close the current screen.

Note: The 'territory information' is stored into ts_parties objects and referred in application_id & exclusion_id attributes of ts_treaty respectively.

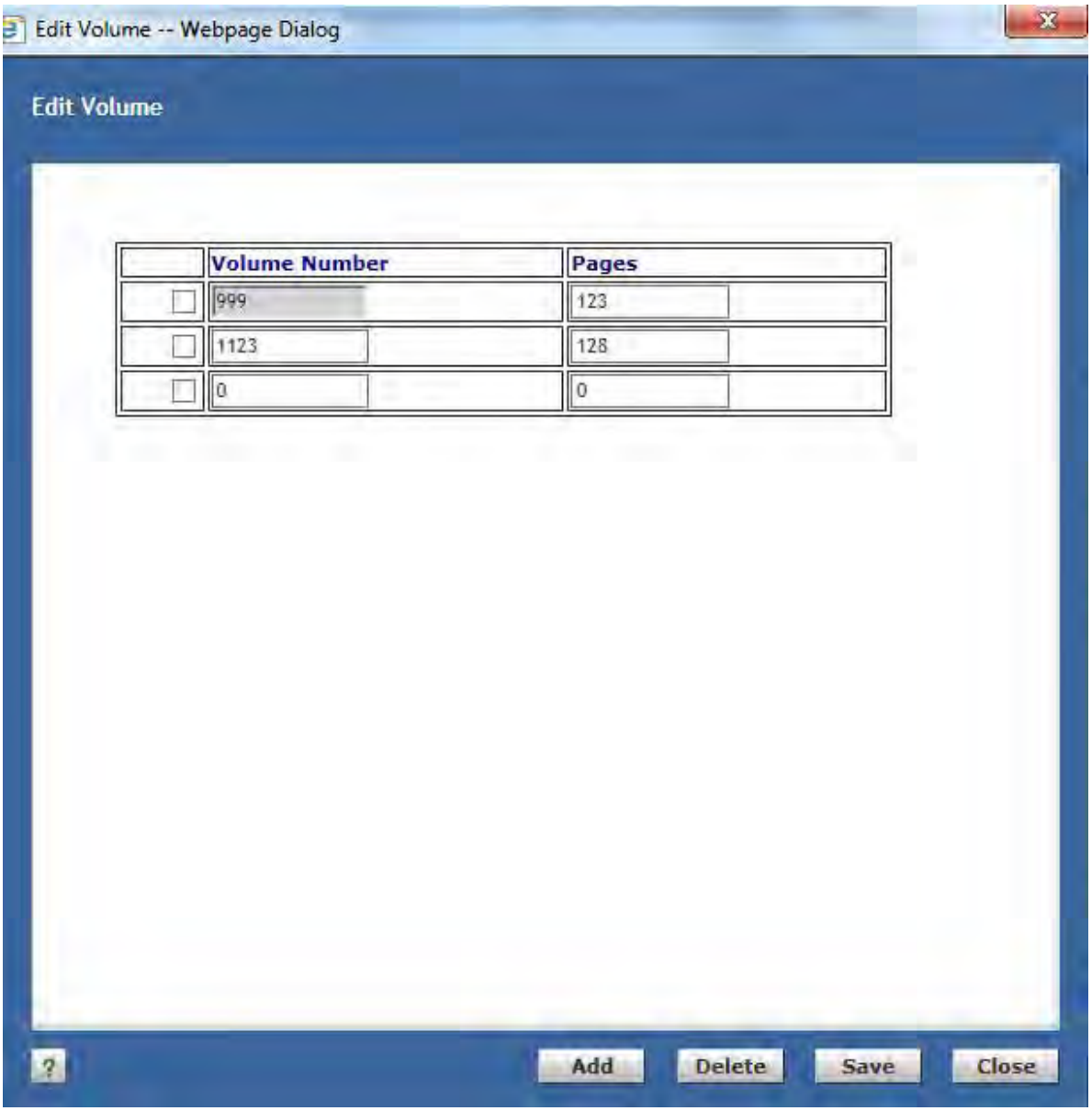
Status Information

- The MTDSG Status that appears below Registration in the header shows the number of parties and signatories. You can manually override the information present in this section. If there is text entered in both English & French textboxes, it is displayed instead of the number of parties/signatories.
- Select the 'Show Status in MTDSG' check box to view the status of the document in MTDSG.
- **English Text:** Enter the English text in the 'English Text' field.
- **French Text:** Enter the French text in the 'French Text' field.

Note: You can also enter text in both 'English' and 'French' languages instead of number of parties and signatories.

UNTS Information

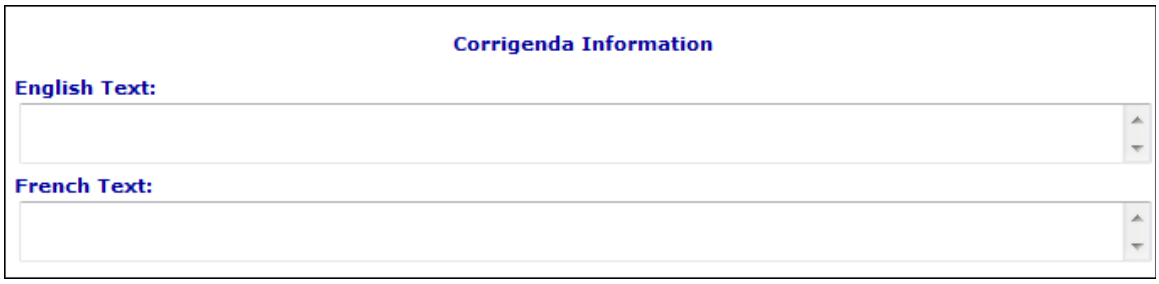
- **UNTS volume Number:** The UNTS volume number drop-down list is disabled.
- The 'Edit Volume' button will open a new pop-up window, as shown below.



- On this screen you can add and delete the volume number as well as pages
- Click on close button to close the pop-up window.

Corrigenda

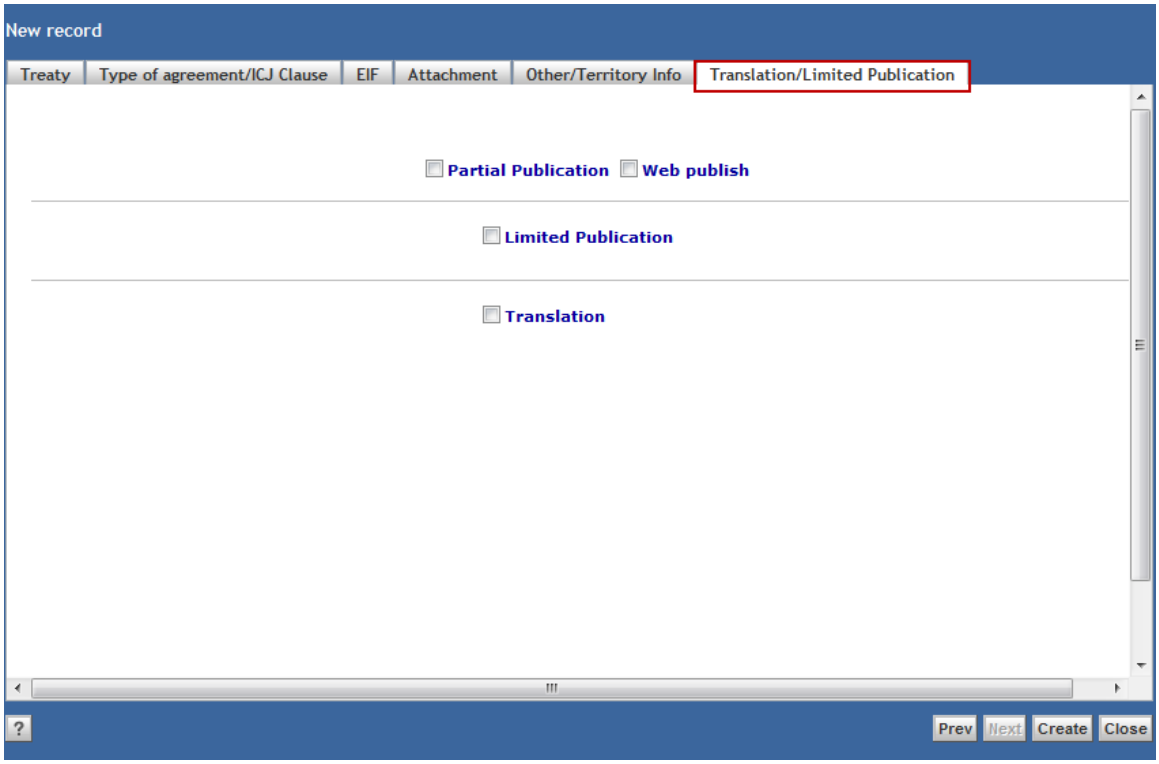
Corrigenda is a list of printing errors in a book along with their corrections.



- **English Text:** Enter the English text in the 'English Text' field.
- **French Text:** Enter the French text in the 'French Text' field.

4.1.1.6 Translation/ Limited Publication tab

This section is dedicated to publication and translation attributes. Publication can be partial or limited. Selecting the 'Web publish' check box allows the treaty to be published on the treaties.un.org website ('UNTC Website'). If you select the 'Limited Publication' check box, then the treaty text is not published in the UNTS documents generated for that particular treaty.



Partial Publication

- Select the 'Partial Publication' check box to partially publish a treaty. The following disclaimer appears in case the Partial Publication check box is selected. The disclaimer is displayed at the same location as that of the Limited Publication disclaimer.

- English:
  The text(s) of the [annexes, this part to be updated manually by the user] [is/are] not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat. The Text(s) reproduced below is/are the authentic text(s) of the agreement/action attachment as submitted for registration and publication to the Secretariat. Translations, if attached, are not final and are provided for information only.

  French:
  Les textes des [annexes] ne [est/sont] pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.Les textes réproduits ci-dessous est/sont les texte(s) authentique(s) de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.

Web Publication

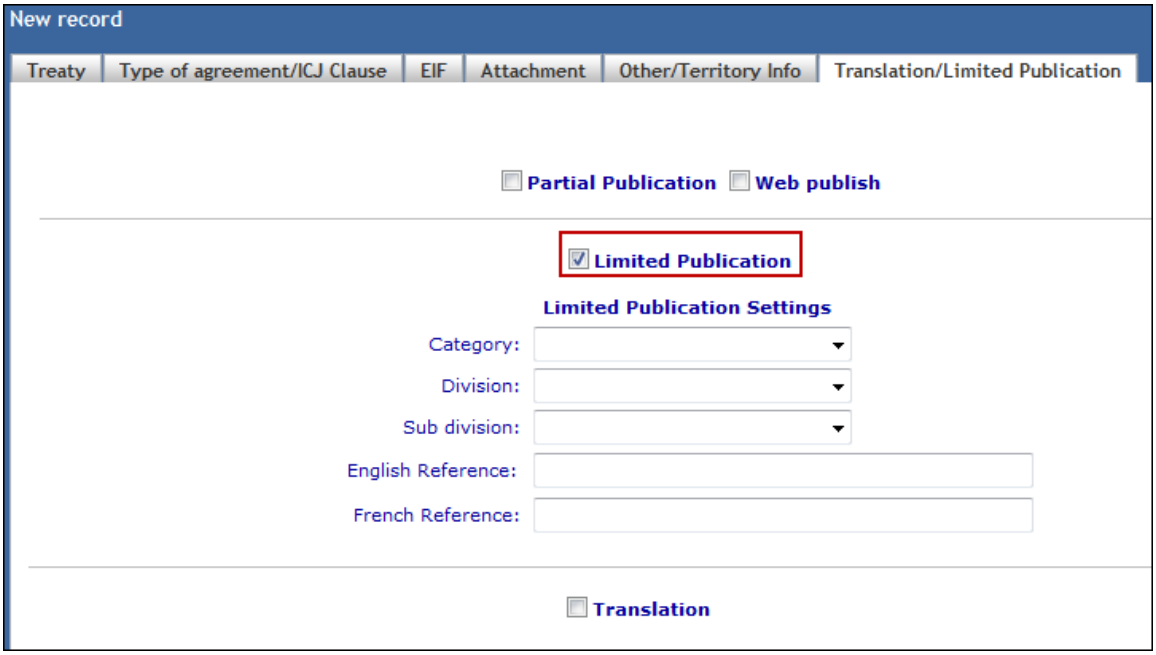
- Select the 'Web Publication' check box to publish the treaty on the UNTC website.

Limited Publication

Some treaties are not published because they have been published elsewhere or they meet certain administrative criteria. This is called 'limited publication'. In this case, only metadata about the treaty is published.

Note: When the 'Partial Publication' check box is selected, the Limited Publication check box is grayed–out, and vice versa. We cannot select both check boxes at the same time. Hence, when the Limited Publication check box is selected, the Partial Publication option is not available.

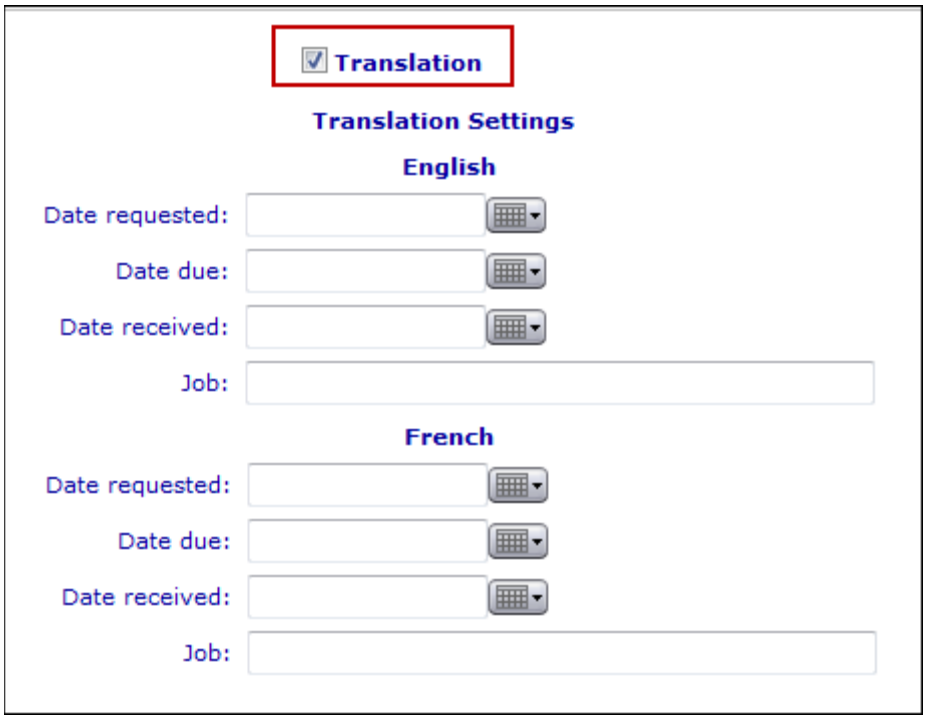
Note: The text of agreement is not published.



- Select the 'Limited Publication' checkbox for limited publication.
- **Category:** Select a 'Category' from the drop-down list.
- **Division**: Select a 'Division' from the drop-down list.
- **Sub Division**: Select a 'Sub Division' from the drop-down list.
- **English Reference**: Enter an 'English Reference' in the respective field. (2000 characters Max)
- **French Reference**: Enter a 'French Reference' in the respective field. (2000 characters Max)

Translation

- Select the 'Translation' checkbox to enter translation details.



English

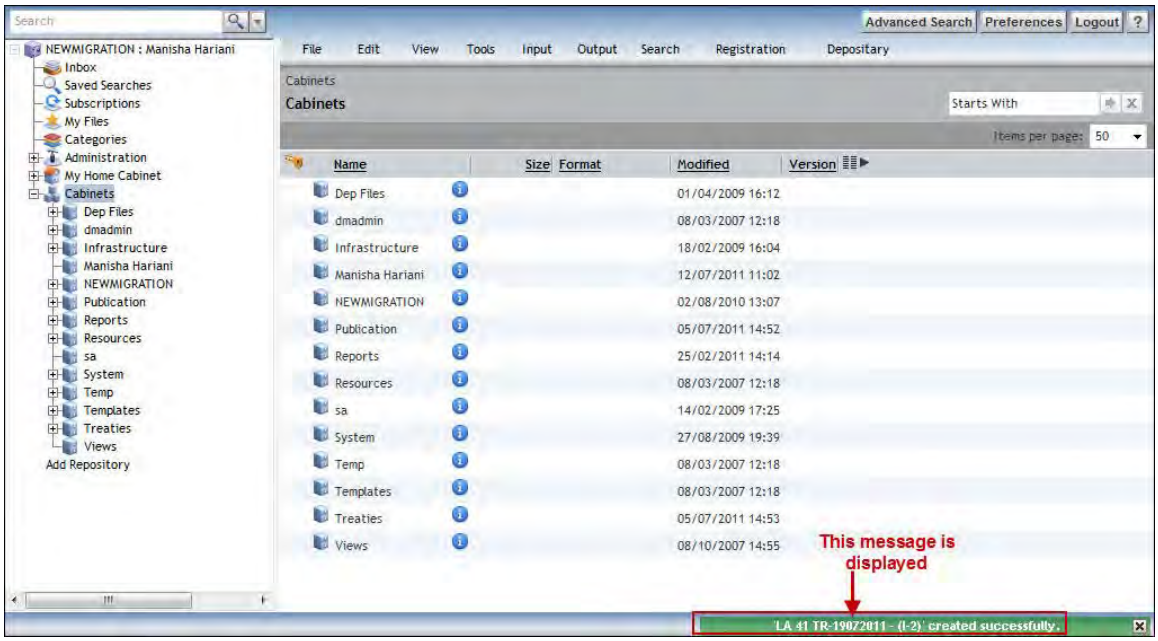
- **Requested Date**: Click and select a 'Requested Date'. This is the date on which the request was received. The date is in the DD/MM/YYYY format.
- **Due Date**: Click and select the 'Due Date'.
- **Received Date**: Click and select the 'Received Date'.
- **Job:** Enter 'Job' number.
- Click 'Prev' to move to the previous tab.
- Click 'Close' to close the current screen.
- Click 'Create' to create a new treaty.

French

- **Requested Date**: Click and select a 'Requested Date'. This is the date on which the request was received. The date is in the DD/MM/YYYY format.
- **Due Date**: Click and select a 'Due Date'.
- **Received Date**: Click and select a 'Received Date'.
- **Job:** Enter 'Job' number.
- Click 'Prev' to move to the previous tab.
- Click 'Close' to close the current screen.
- Click 'Create' to create a new treaty.

Create Treaty Button

Click 'Create' to create a treaty and save it into the repository. A message is displayed at the bottom of the screen confirming that the treaty has been created successfully.



Note: Click to close the message.

4.1.2 Double submitted treaties

In rare cases there can be several submitters for the same treaty. Generally, if a treaty is submitted twice, it is an unintented action, and it is called a '**double submission'.** In this case, only the first submission is considered valid.

When such a scenario occurs, the system prompts the user about matching existing records. The user has a choice to either continue the input ignoring the prompt, or create a double submission object. In case of the double submission, the treaty/action is not created. Instead, a double submission object is created. The submitter and the date of receipt are recorded. A letter to the submitter can also be generated.

For bilateral treaties, the system checks the existence of a treaty based on following parameters:

- Any date of conclusion entered. Place of conclusion must not be included in query, even if entered.
- Participants.

The system checks the following parameters for multilateral treaties:

- Any date of conclusion entered. Place should not be included in query, even if entered.
- Depositary (not the Submitter)

Note: The above mentioned fields are mandatory in the TREATY screen so that Double submission can be properly identified.

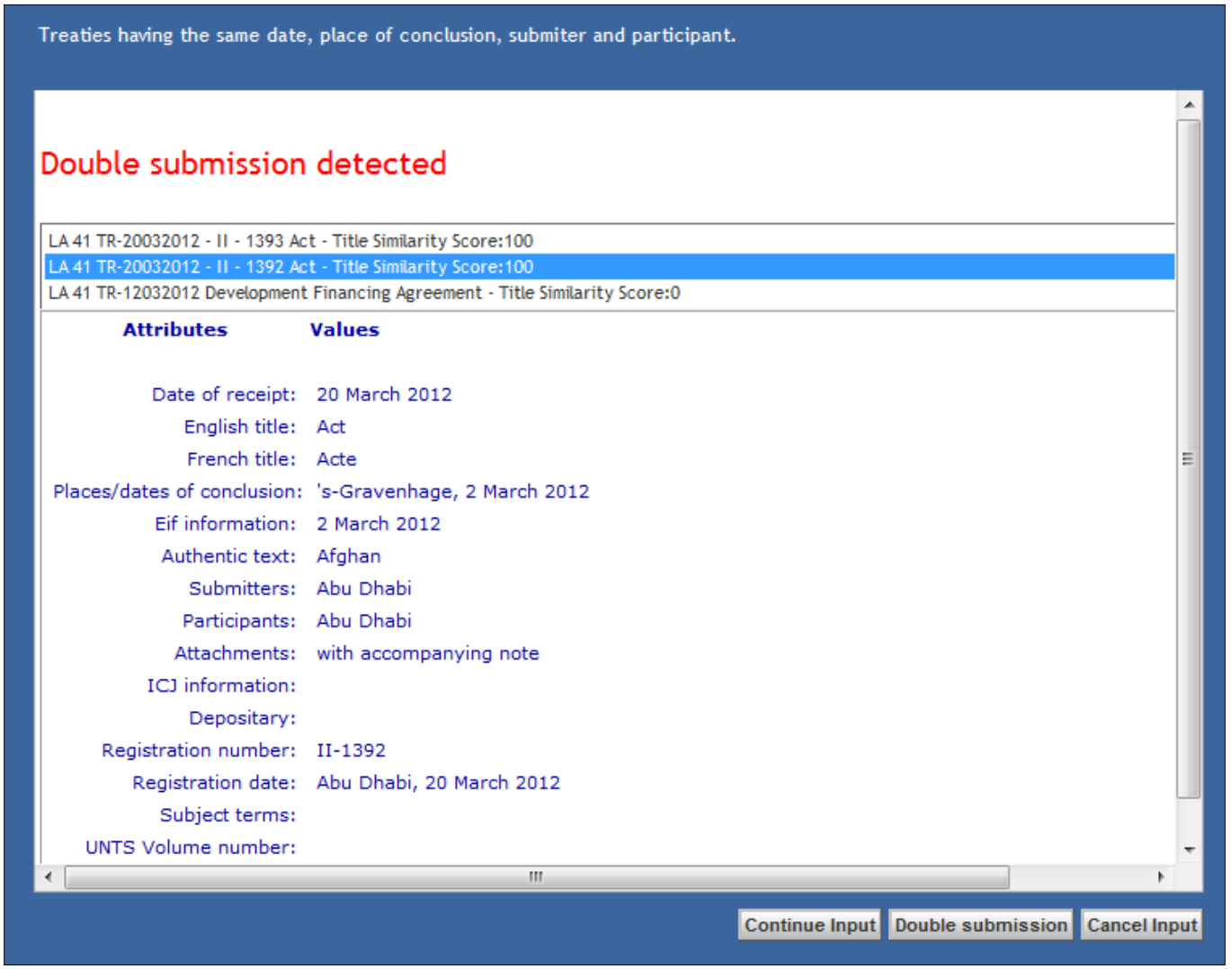
For the conclusion info, a date must be added while clicking on the Add button. The place of conclusion can be left blank.

Date of EIF & Authentic text criteria is not checked, even if present.

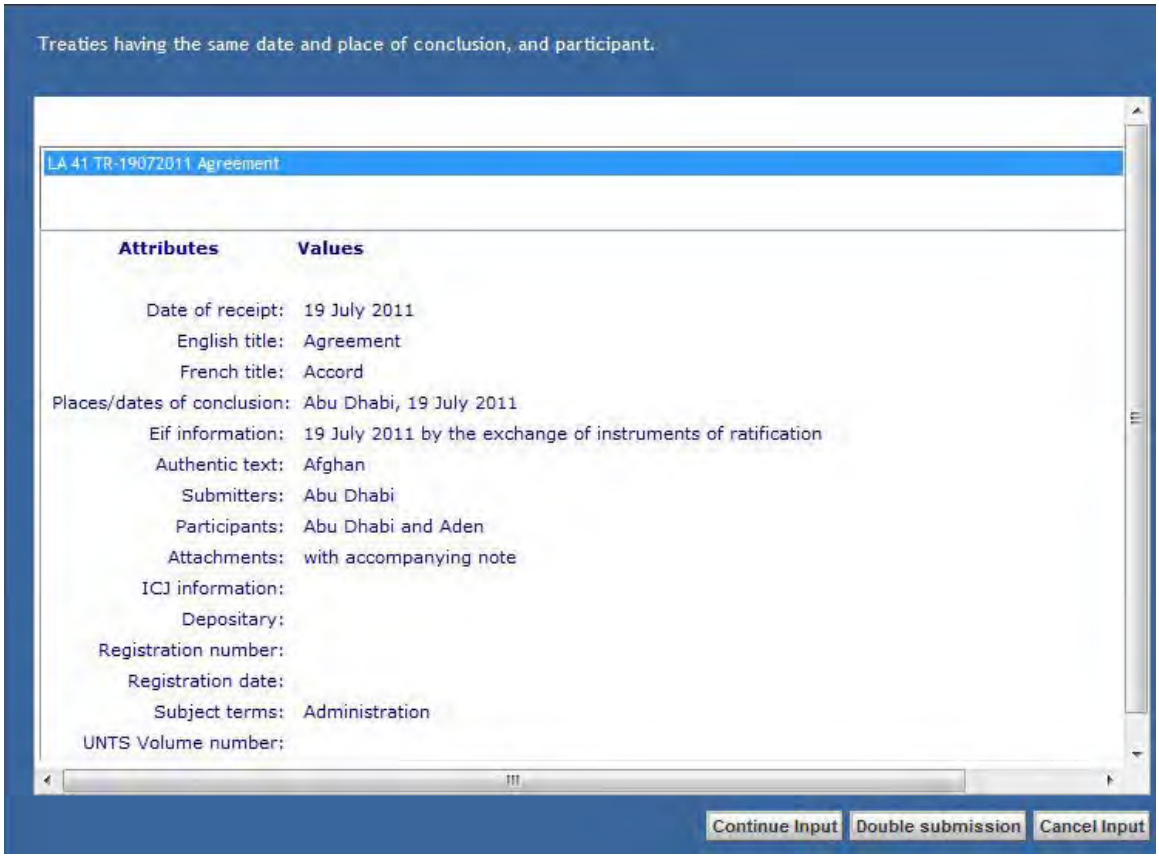
Double Submission is not checked in Treaty EDIT mode.

Submitter

For checking a double submission of an action, system checks whether an action exists with same action type and same participant for the same treaty. If such action exists, then the current action is considered a double submission.



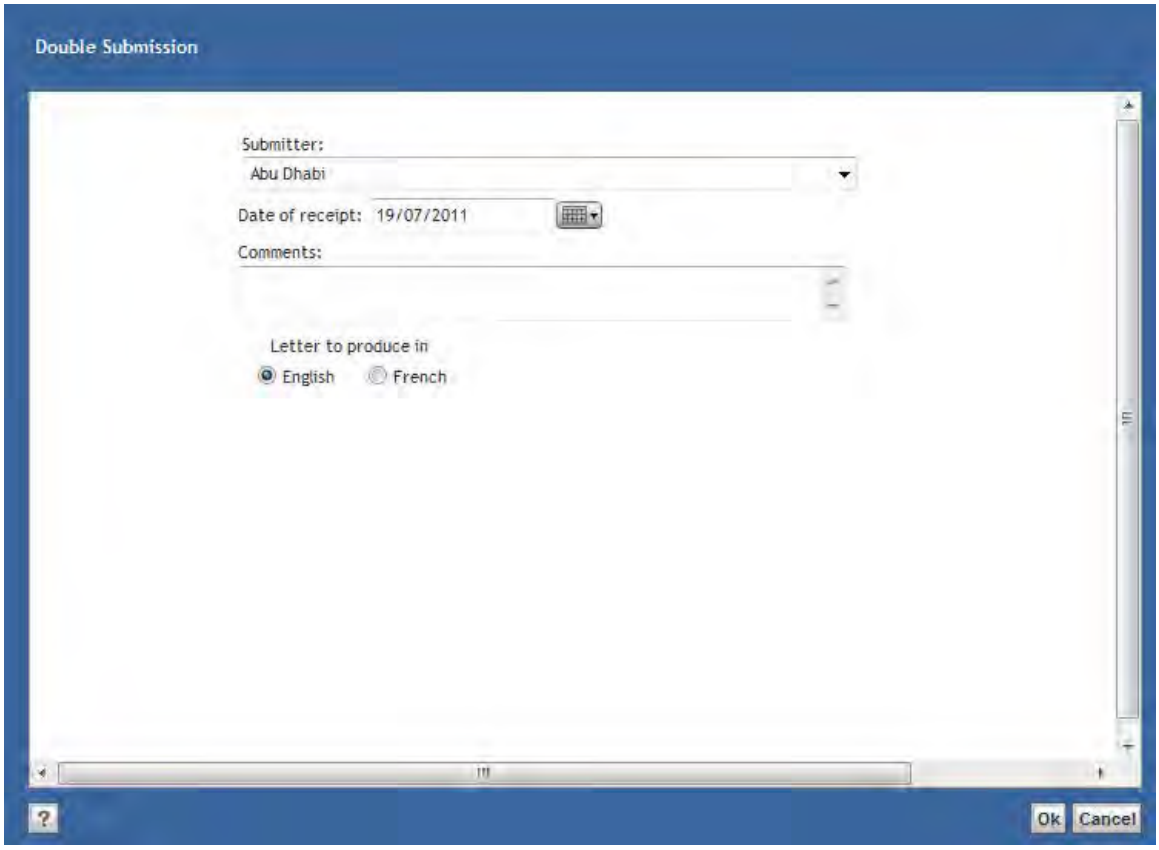
Note: The double submission is created as a ts_double_submission object.



- Click 'Continue Input' to enter the Translation/Limited Publication tab details.
- Click 'Double Submission'. The following screen is displayed, see below next section. Enter details for double submission.

Double Submission Details

It creates a 'double submission' object and attached it to the treaty. Users are allowed to change the date of receipt and submitter.



- **Submitter:** Select a 'Submitter' from the drop-down list.
- **Date of Receipt:** Click  to select a 'Date of receipt'. This is the date on which the submission has been received at the United Nations.
- **Comments**: Enter your comments in the 'Comments' field.
- **Letter to be Produced**: Select from the following language options: 'English' or 'French'.
- Click 'Ok' to save the data.
- Click 'Cancel' to close the screen.

Note: If multiple place and date of conclusion is present in the treaty then the system will check all the data while checking for double submission.

4.1.3 Create Subsequent Treaty

The 'Subsequent' option enables the user to create a subsequent treaty for the selected treaty. A treaty can be subsequent to another treaty. The original agreement is the first treaty, and a subsequent agreement is attached to an original agreement or to another subsequent agreement. The created subsequent treaty is attached under the parent treaty (selected treaty), under an object called 'Subsequent Agreements'.

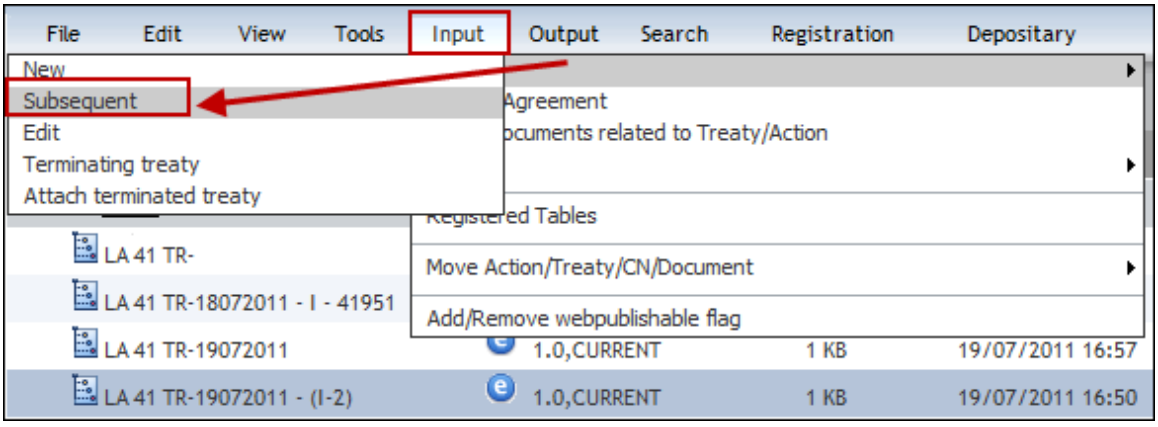
Note: A subsequent treaty is a part of the main treaty and has the same registration number that the main treaty has.

To create a subsequent treaty:

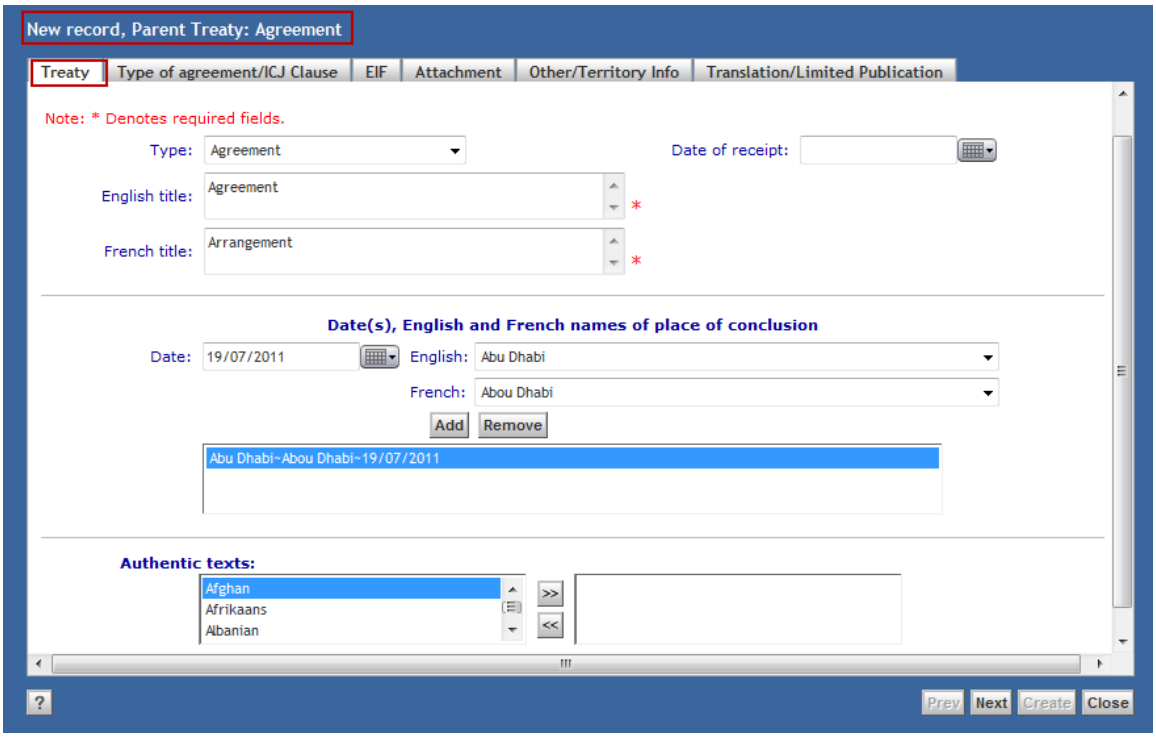
1. Select a treaty.

Note: The 'Subsequent' command is enabled only when you select a treaty.

2. On the Input menu, select Treaty > Subsequent.

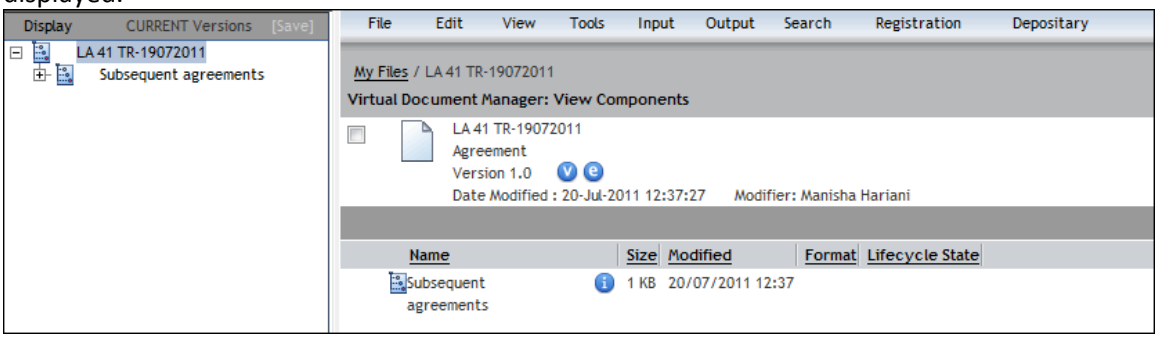


The Subsequent treaty screen is displayed.



Note: Follow the same steps mentioned in the 'Create Treaty' section of this document for creating a subsequent treaty.

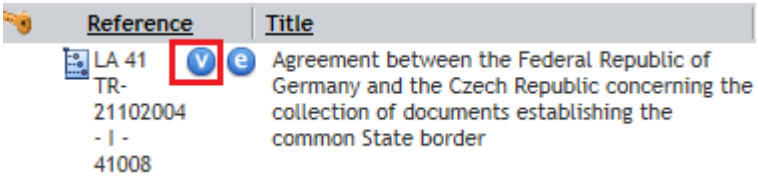
3. Double-click a treaty to view a subsequent treaty. The Virtual Document Manager screen is displayed.



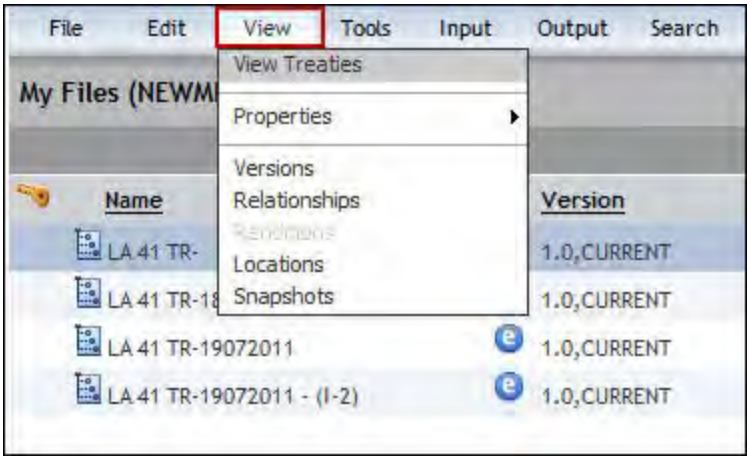
4.1.4 View Treaty

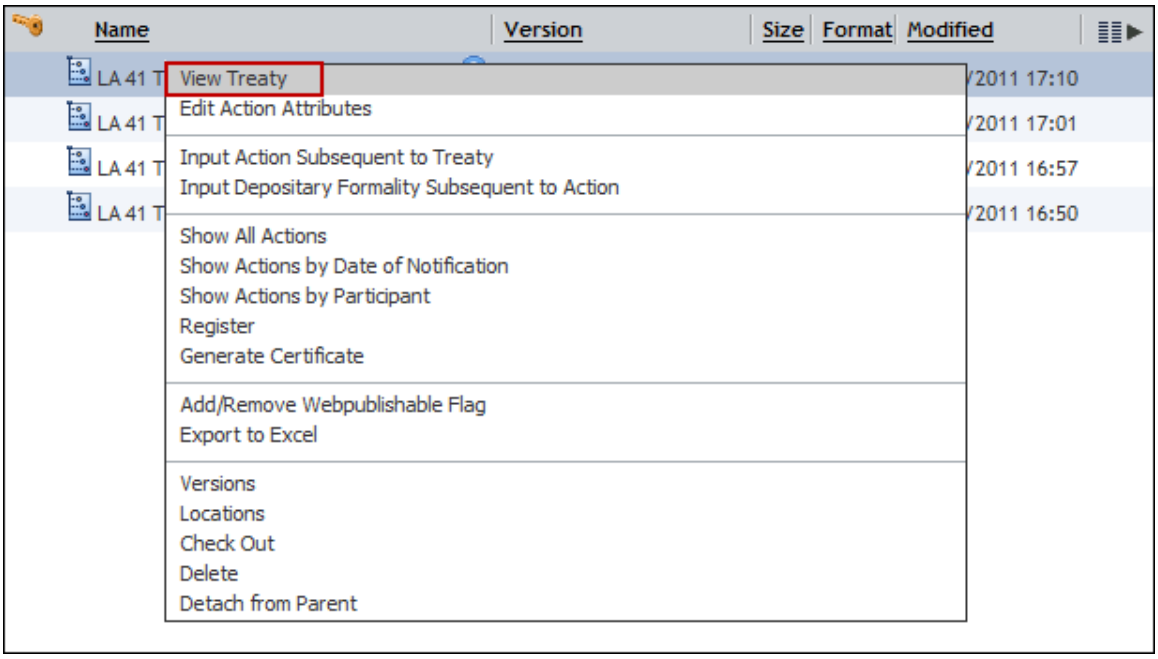
To view treaty details:

1. Select a treaty.

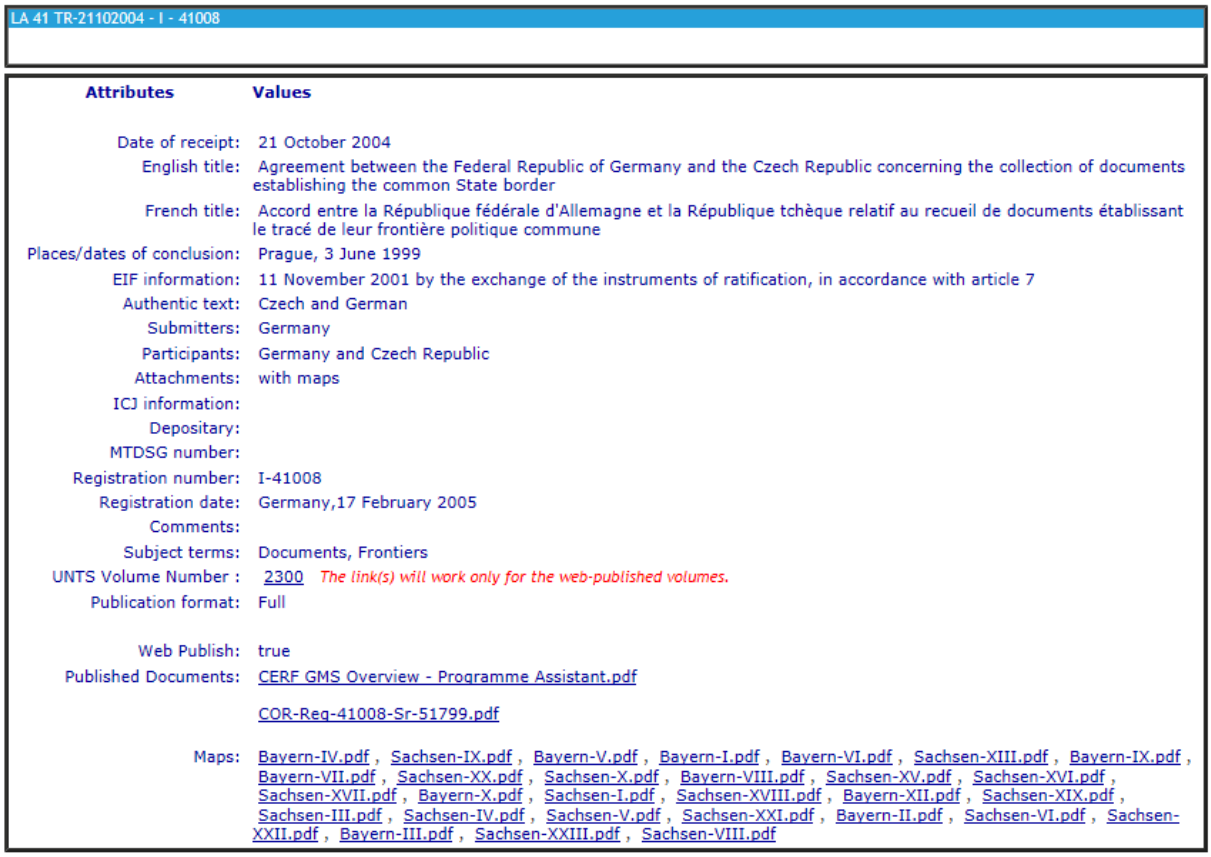


2. From the **View** menu, select View Treaty. You can also click the icon to view treaty details.
   Or
   Right-click a treaty and select View Treaty.





Then, the following screen is displayed:



LA 41 TR-21102004 - I - 41008

Attributes	Values
Date of receipt:	21 October 2004
English title:	Agreement between the Federal Republic of Germany and the Czech Republic concerning the collection of documents establishing the common State border
French title:	Accord entre la République fédérale d'Allemagne et la République tchèque relatif au recueil de documents établissant le tracé de leur frontière politique commune
Places/dates of conclusion:	Prague, 3 June 1999
EIF information:	11 November 2001 by the exchange of the instruments of ratification, in accordance with article 7
Authentic text:	Czech and German
Submitters:	Germany
Participants:	Germany and Czech Republic
Attachments:	with maps
ICJ information:	
Depositary:	
MTDSG number:	
Registration number:	I-41008
Registration date:	Germany,17 February 2005
Comments:	
Subject terms:	Documents, Frontiers
UNTS Volume Number :	2300 *The link(s) will work only for the web-published volumes.*
Publication format:	Full
Web Publish:	true
Published Documents:	CERF GMS Overview - Programme Assistant.pdf COR-Reg-41008-Sr-51799.pdf
Maps:	Bayern-IV.pdf , Sachsen-IX.pdf , Bayern-V.pdf , Bayern-I.pdf , Bayern-VI.pdf , Sachsen-XIII.pdf , Bayern-IX.pdf , Bayern-VII.pdf , Sachsen-XX.pdf , Sachsen-X.pdf , Bayern-VIII.pdf , Sachsen-XV.pdf , Sachsen-XVI.pdf , Sachsen-XVII.pdf , Bayern-X.pdf , Sachsen-I.pdf , Sachsen-XVIII.pdf , Bayern-XII.pdf , Sachsen-XIX.pdf , Sachsen-III.pdf , Sachsen-IV.pdf , Sachsen-V.pdf , Sachsen-XXI.pdf , Bayern-II.pdf , Sachsen-VI.pdf , Sachsen-XXII.pdf , Bayern-III.pdf , Sachsen-XXIII.pdf , Sachsen-VIII.pdf

3. Places/ dates of conclusions:

   In the case of multiple places and dates of conclusion, the following steps are required:

   a. If there are multiple dates with the same place of conclusion then there is no comma before the “and” word.
      Example: New York, 8 May 2008 and 22 May 2008
   b. If there are two dates as well as places of conclusion then they are separated by a comma before the “and” word.
      Example: Tallinn, 10 March 2008, and Ankara, 11 March 2008
   c. If there are more than two dates as well as places of conclusion then the comma separation practice is required.

The same is applicable for French. (In the case of French, “And” is replaced by “Et”).

Example is shown below (for the Monthly Statement report):

No. 14531. **Multilateral**

International Covenant on Economic, Social and Cultural Rights. New York, 16 December 1966, Aarhus, 3 June 2014, and Ajman, 1 May 2013

Registration with the Secretariat of the United Nations: ex officio, 3 January 1976

No. 14531. **Multilatéral**

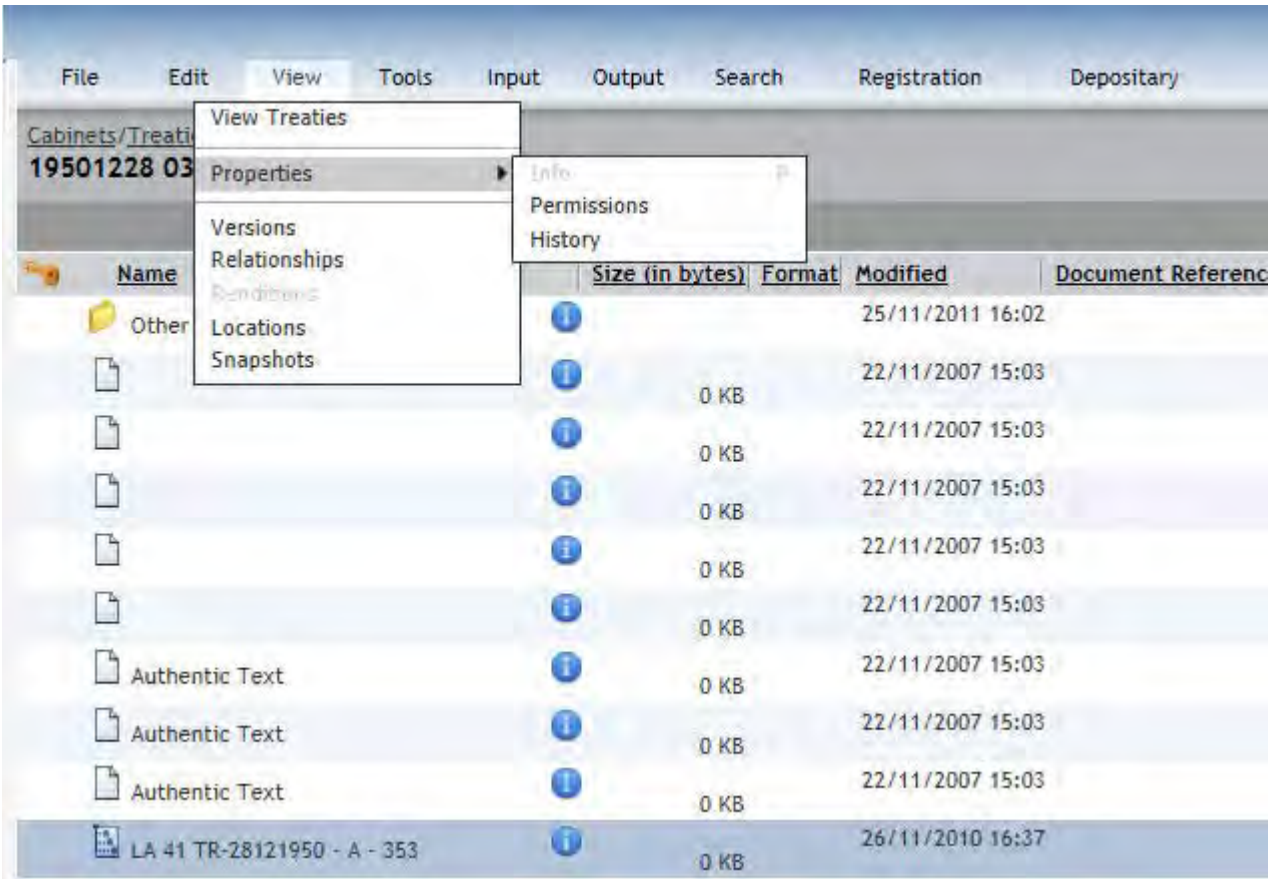
Pacte international relatif aux droits économiques, sociaux et culturels. New York, 16 décembre 1966, Aarhus, 3 juin 2014, et Adjman, 1er mai 2013

Enregistrement auprès du Secrétariat des Nations Unies : d'office, 3 janvier 1976

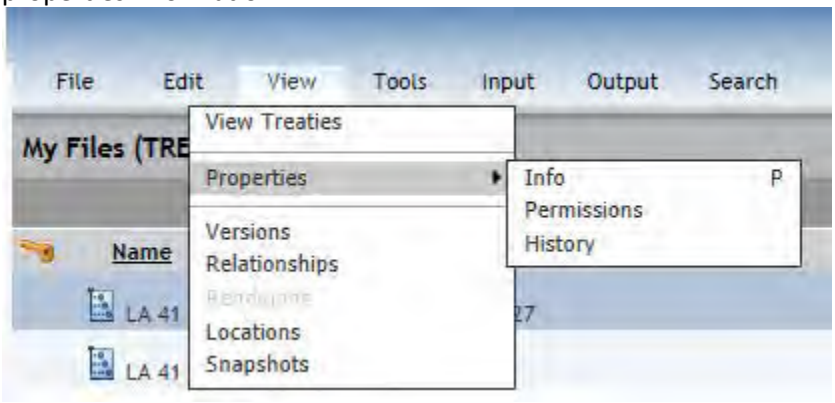
4. MTDSG number: MTDSG number is displayed if the treaty is a multilateral treaty deposited with secretary general
5. UNTS Volume Number/LNTS Volume Number: UNTS Volume Number/ LNTS Volume Number with a link is displayed if a volume is assigned. Clicking this link will open the full UNTS volume /LNTC volume if it is published on the Treaties website. If a treaty is registered before the 18/04/1946 then the Label will be "LNTS Volume number" and the link to volume number will point to LON volumes, otherwise the label will be “UNTS Volume number”.
6. Published Documents: Published Document displays links to the web published documents under the Publication, CTC virtual document containers, web published documents of type ‘map’ and Certificat of Registration documents.
7. Click ‘Print’ to print treaty details.
8. Click ‘Locate’ to locate the treaty in the TIPS system.
9. Click ‘Close’ to close the screen.

Note: For a subsequent treaty which is not registered, View Page on the treaty does not display the registration number of the Parent treaty. The selected record displays its registration number only if it’s registered.

The Properties Information is not available to Non-Admin users for ts_treaty, ts_action and ts_cn. For Admin users, it is available for all objects.



The Info submenu is enabled only for administrator users. Click **View** > **Properties** > **Info** to view the properties information.



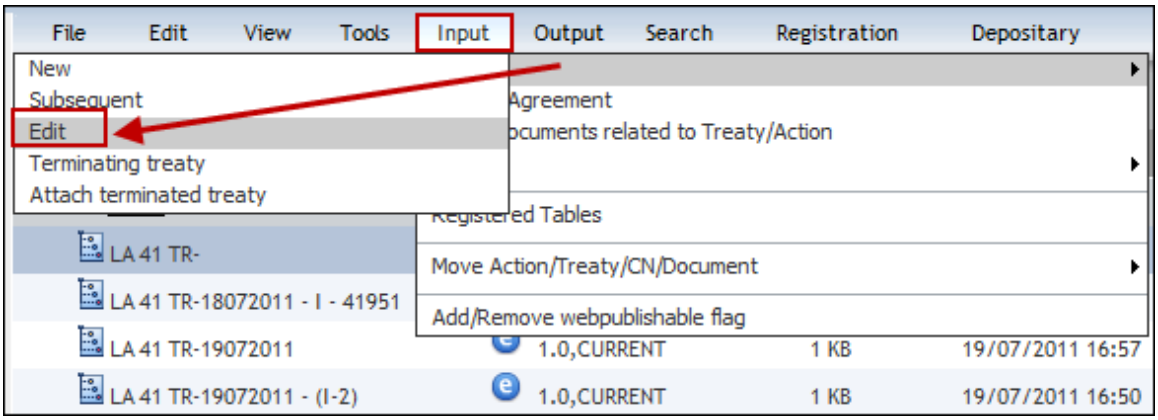
4.1.5 Edit Treaty

User can make changes to the treaty record and save the modifications.

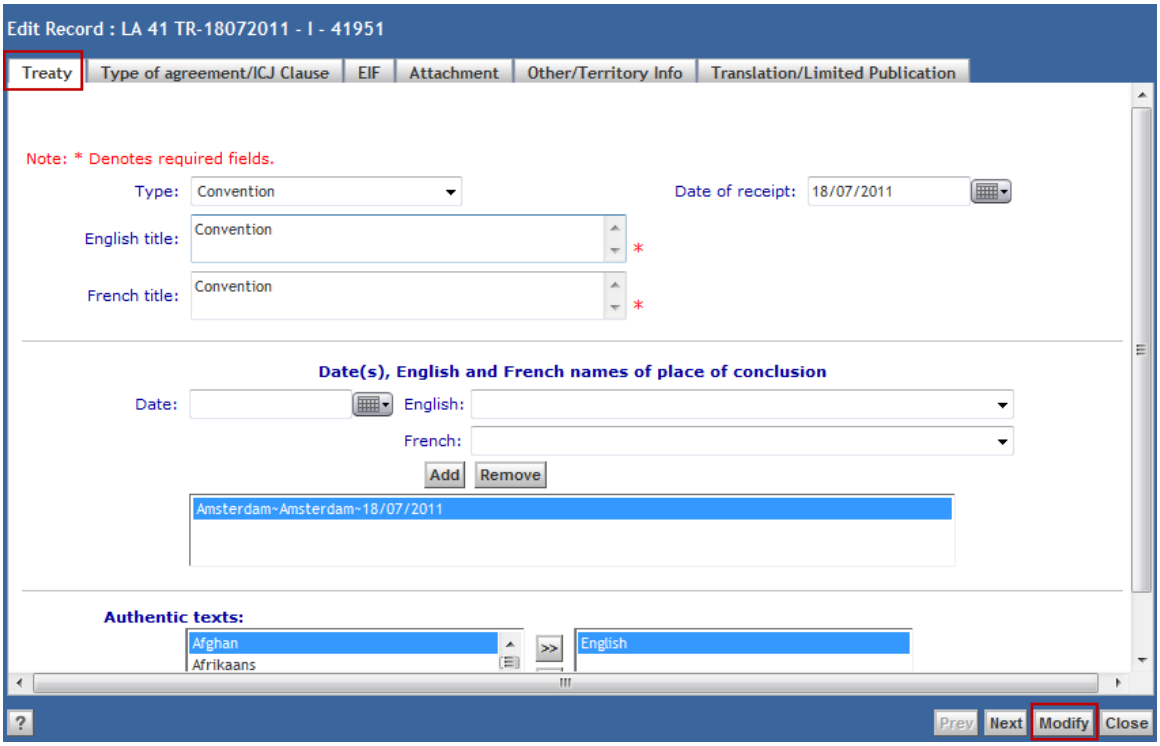
To edit the treaty:

1. Select a treaty.

2. From the Input menu, select Treaty > Edit. You can also click to edit the treaty details.
   Or
   Right-click the treaty and select 'Edit Action Attributes' to modify the treaty details.



This option enables you to modify the previously entered details for all tabs. Refer to the screen below.



Note: The user is unable to remove any attributes of a treaty in the Edit mode that are needed for registration, if the treaty has been already registered. A warning message is displayed if the user attempts to edit the record.

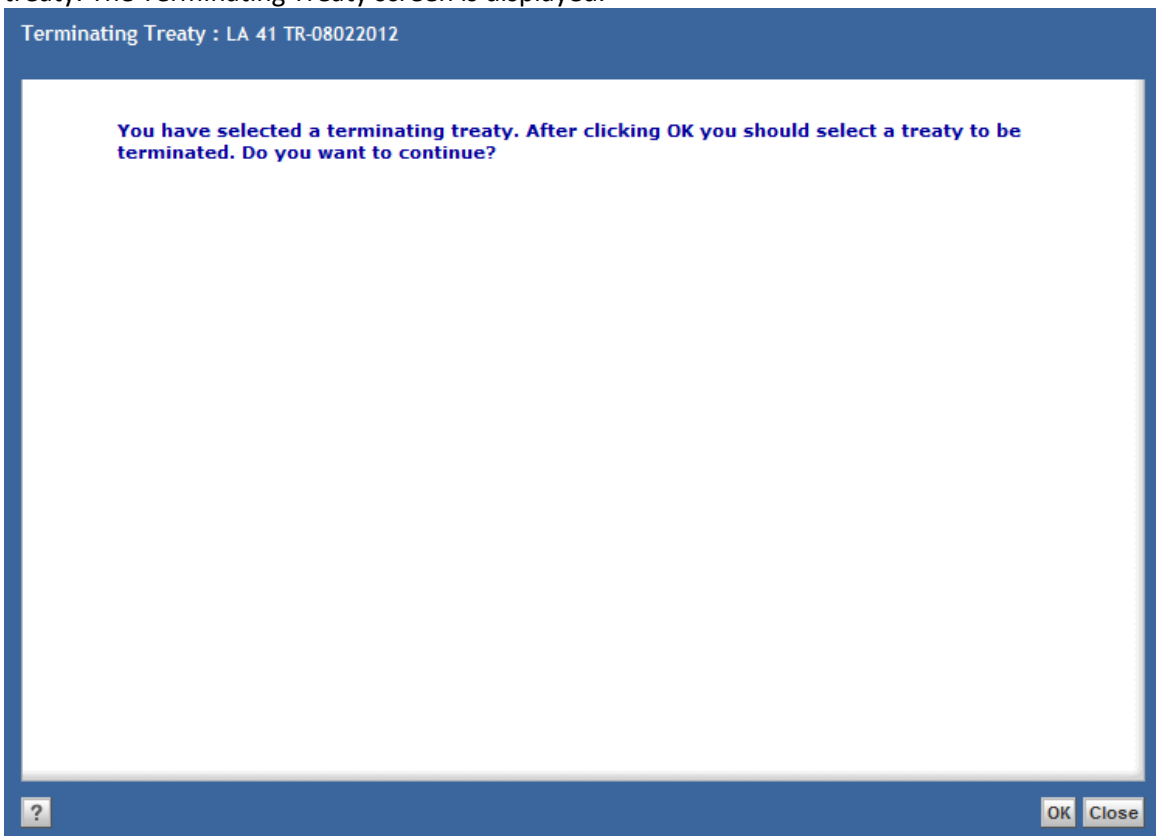
4.1.6 Terminating Treaty

This option enables the user to terminate a treaty.

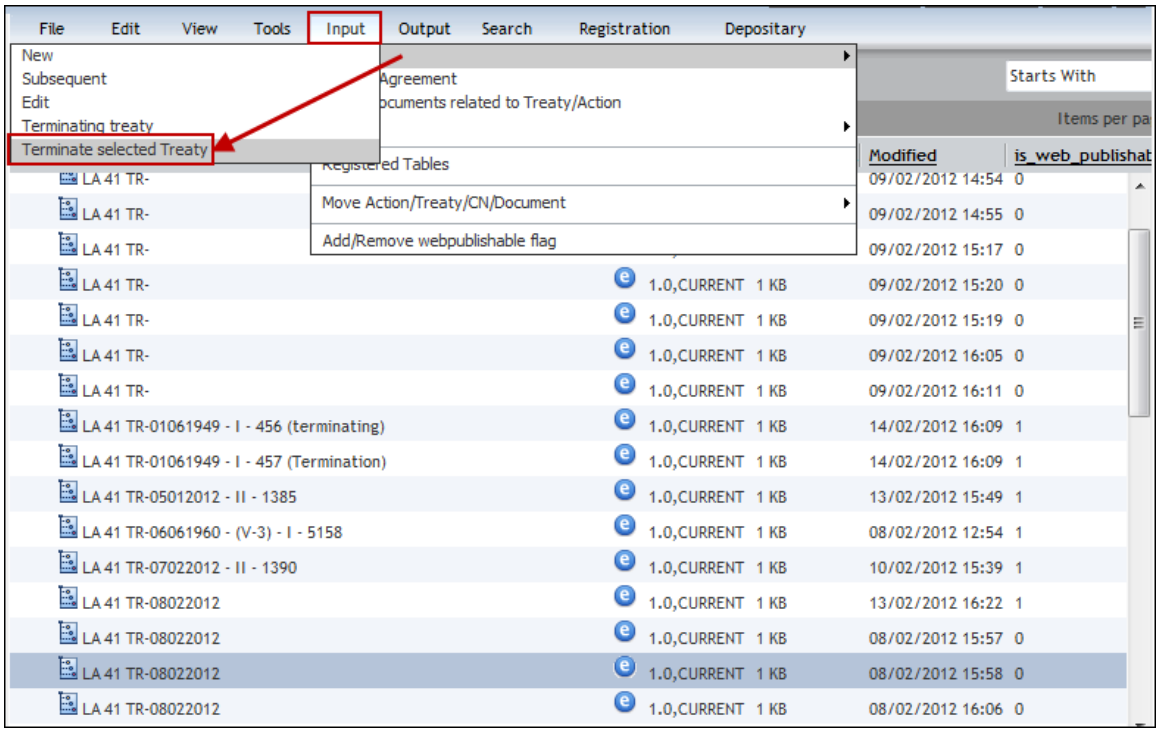
> **Note:** Select the latest treaty, in accordance with which, an older treaty is to be terminated.

To terminate a treaty:

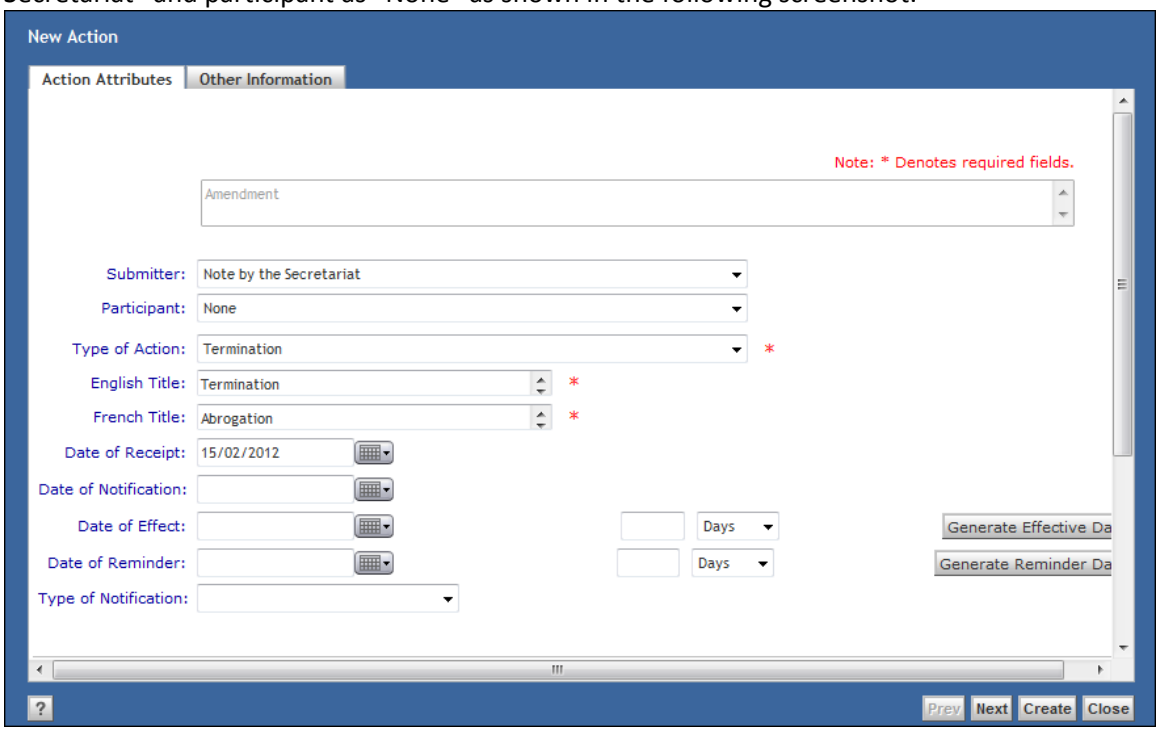
1. Select a treaty which will be terminated. On the 'Input' menu, select Treaty > Terminating treaty. The Terminating Treaty screen is displayed.



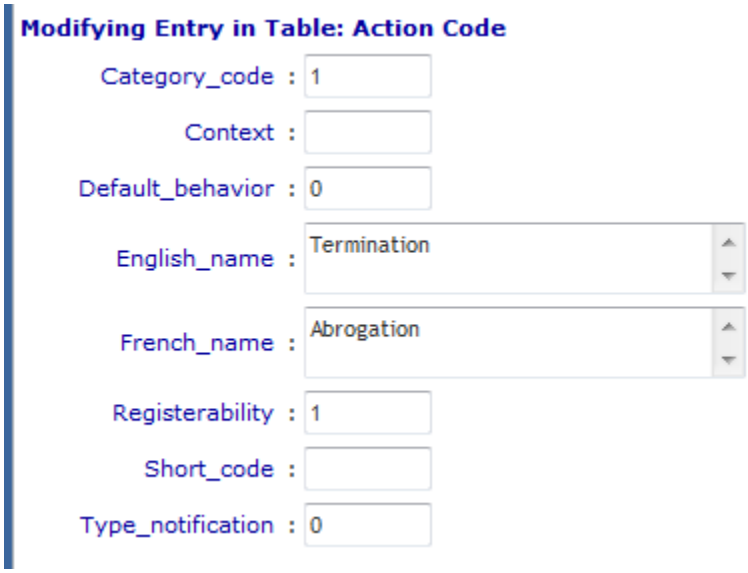
2. Click OK.



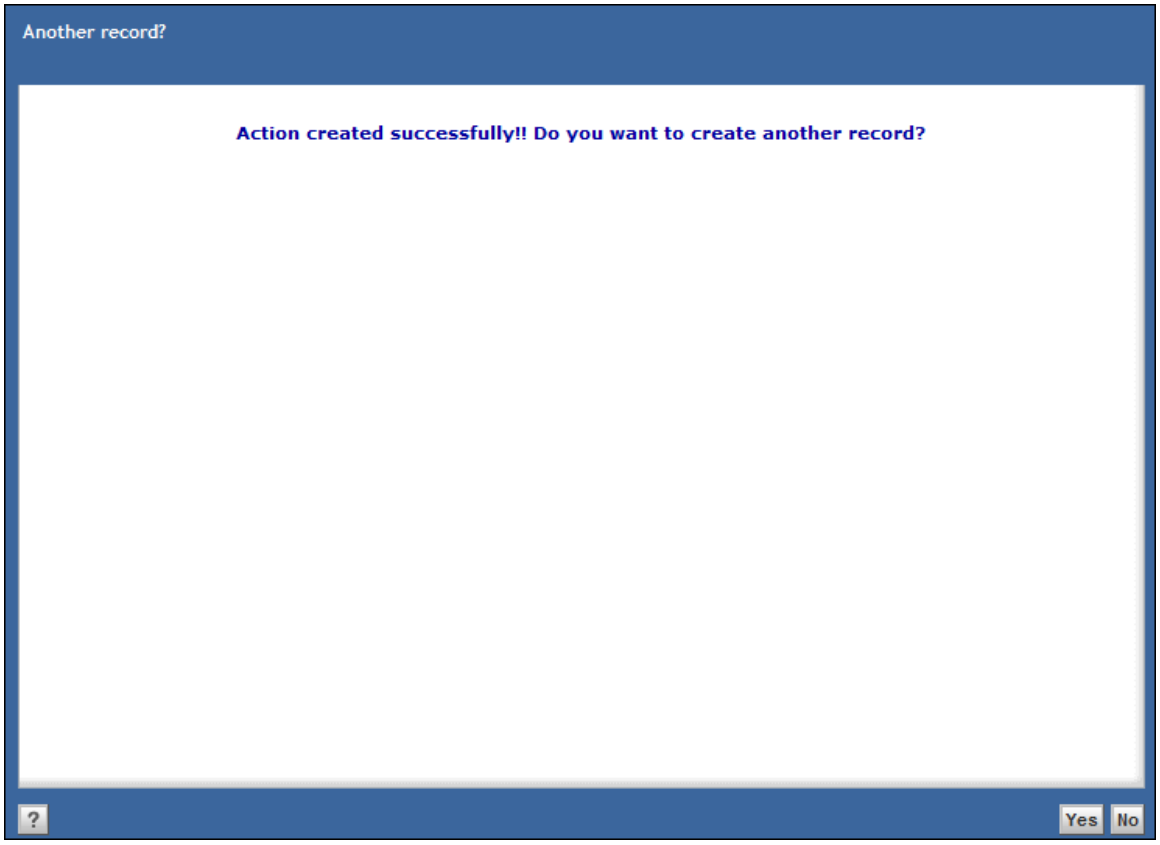
3. Select the treaty which is to be terminated and on the Input menu, select Treaty > Terminate selected treaty. The 'New Action' screen opens. Set the Submitter as "Note by the Secretariat" and participant as "None" as shown in the following screenshot.



4. The type of action shows only termination action types. This list can be updated by configuring the category code = 1 in the Action Code table in Admin -> Registered Tables screen as shown below.

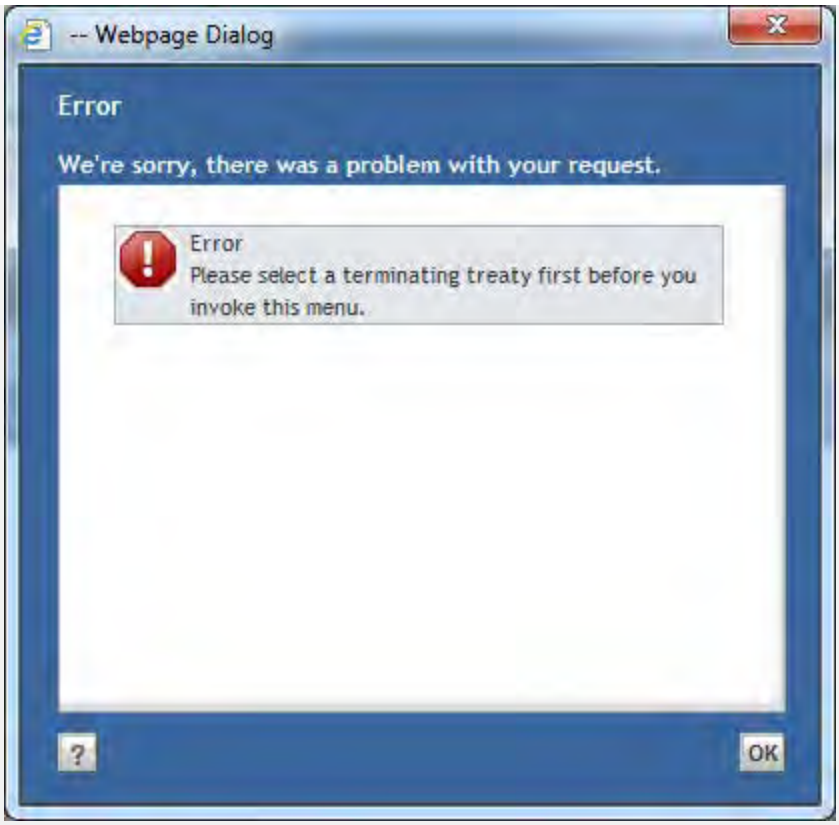


5. Click Create. The system creates a termination action below the terminated treaty. Click NO on the next screen.



6. When the termination action is registered, the terminating treaty is appended with the word "terminating" and the terminated treaty is appended with the type of termination action. The terminating treaty is attached under the termination action created under the terminated treaty as shown below. (As seen in the following example, treaty no. 20171 has been terminated by 48971.)

Note: If you select 'Terminate Selected Treaty' without selecting termination treaty, an error message is displayed as shown in the screenshot below.



Note: It is possible that a treaty is terminated by multiple treaties. This situation arises when the original treaty is created by a country along with its territories but later the territories become independent states, and no longer want to be a part of the treaty. In this case, multiple termination actions are created. The monthly statement / UNTS volume, shows all the terminating treaties grouped together under the terminated treaty.

4.2 Text of Agreement

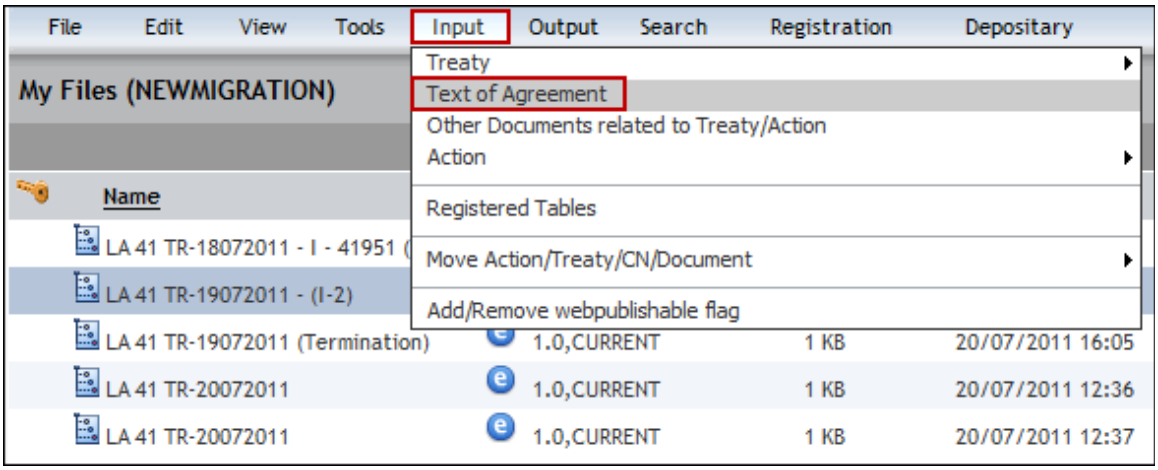
The agreements are submitted to the UN along with clauses, terms and conditions, as MS Word documents. Some agreements are submitted on paper in the language of the participant countries, such as Arabic, Chinese, French and so forth. Such documents are scanned as TIFF images.

The 'Text of Agreement' option allows the user to attach a Text of Agreement to a treaty. If the Text of Agreement is received in paper format, it is scanned, or the electronic file is attached (in MS Word format). The content of these documents is published in the UNTS volume.

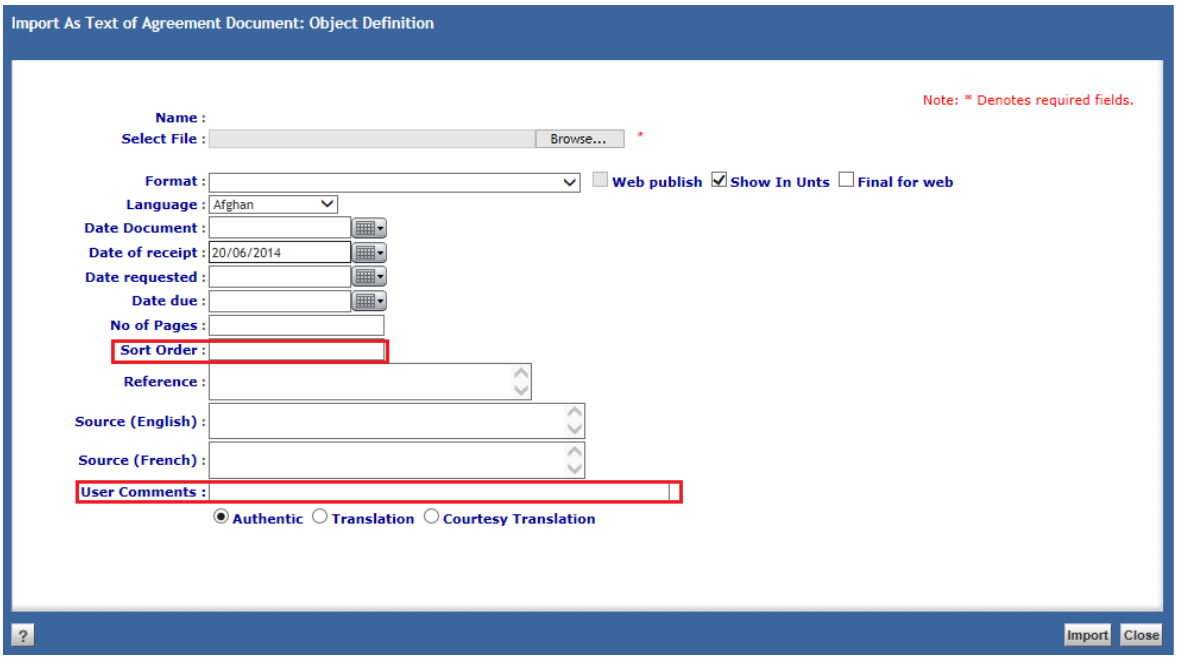
Note: A text of agreement that appears in the UNTS can also be in the form of TIFF images. It allows Group 3 and Group 4 compression files. The DPI of the image imported should be minimum 300. In case the user tries to import a file which does not satisfy these criteria, an alert is displayed, not allowing the user to proceed.

To attach Text of Agreement:

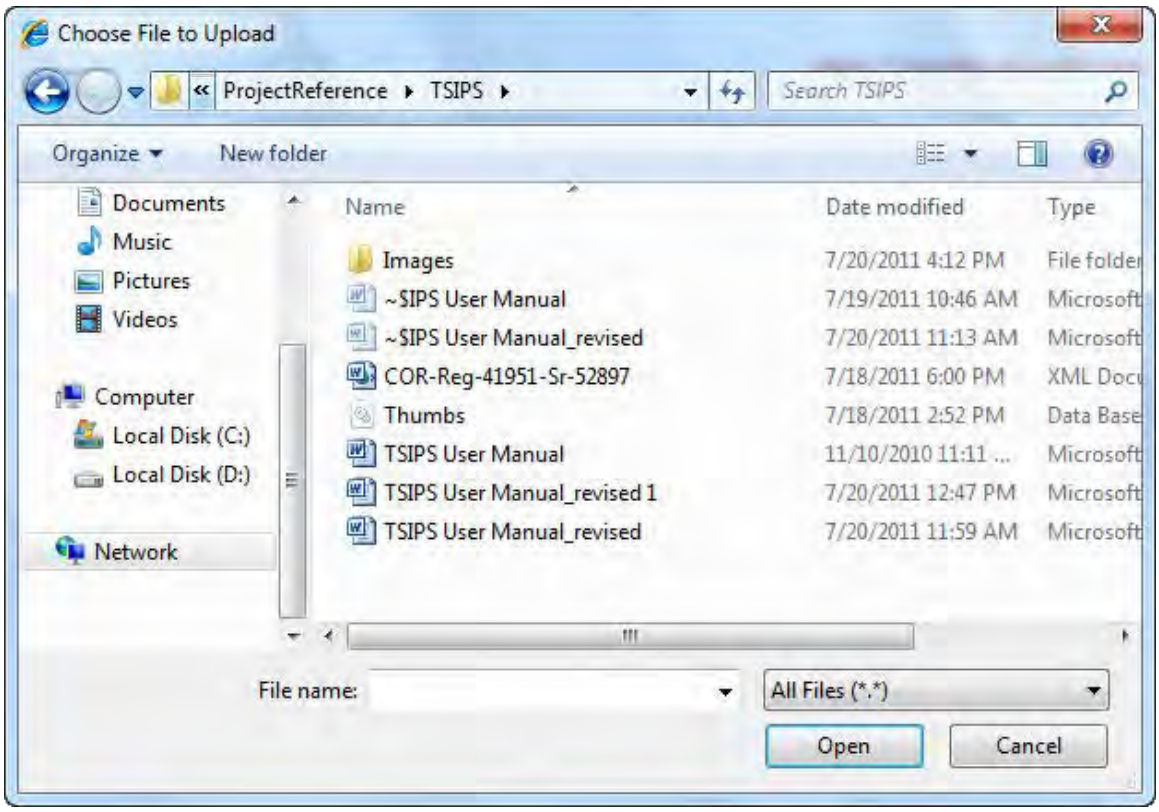
1. Select a treaty.



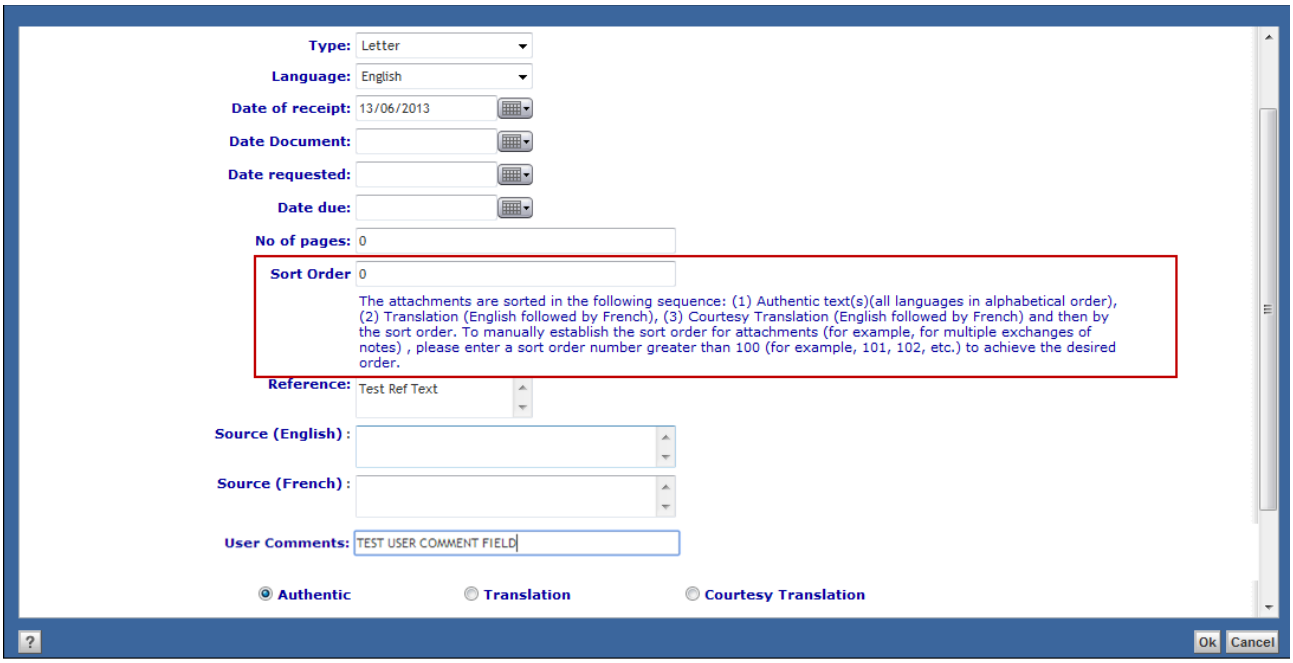
2. From the Input menu, select Text of Agreement. The 'Import As Text of Agreement Document' screen is displayed.



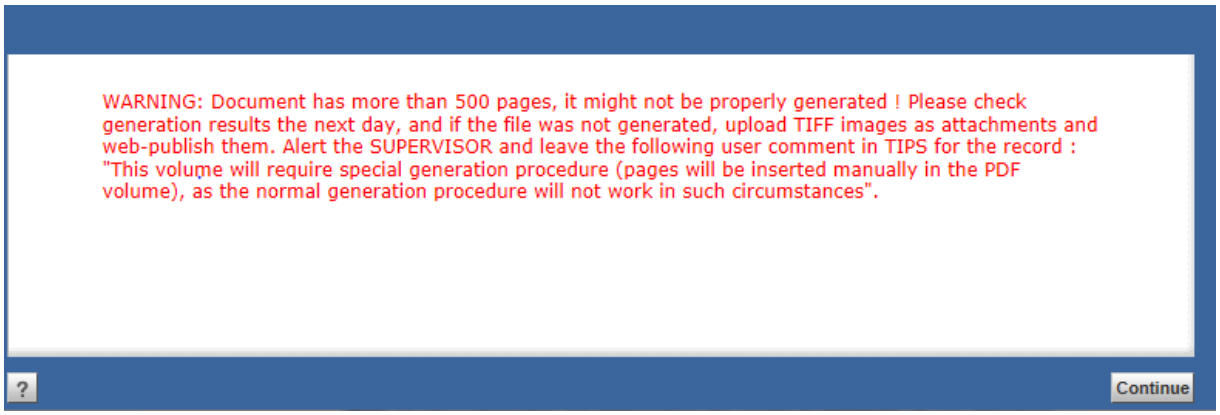
3. Click 'Browse' to navigate to the folder. The 'Choose File to Upload' dialog box is displayed.



4. Select a file and click ‘Open’. The file is displayed in the ‘Select File’ field. The format of the document and date of receipts is auto populated respectively in the ‘Format’ and ‘Date of Receipt’ fields.
5. web-published flag will be false by default for the text of agreement files.
6. Select the ‘Show in UNTS’ check box for document to be displayed in UNTS volume. The system will not check the “web-publishing” flag of the Text of agreements during the UNTS volume generation. They are incorporated in the UNTS volume only if the “Show in UNTS” box is checked.
7. The Published Document Edit screen should disable the Web-Published checkbox if the document type is “Treaty” or “Attachment for action”.
8. Select the ‘Final’ attribute to consider the document attachment for preliminary generation of the UNTS volume part, which means, that for a treaty having no volume number, the generated UNTS volume part contains only those documents where both the "Show in UNTS" and the "Final" check boxes are selected.



9. Select a language from the 'Language' drop-down list.
10. Click  to select and enter a date in the 'Date Document' field. It is the date when the document has been created. This date is used for sorting the documents in UNTS volume.
11. Click  to select and enter a date in the 'Requested Date' field.
12. Click  and select a 'Due Date'
13. The number of pages of the selected document is automatically populated for .TIF, .DOC, .DOCX files, however, the user can modify the number of pages. If Number of Pages is greater than 500 and file extension is 'tif' or 'tiff' then following screen will get displayed with the warning message:

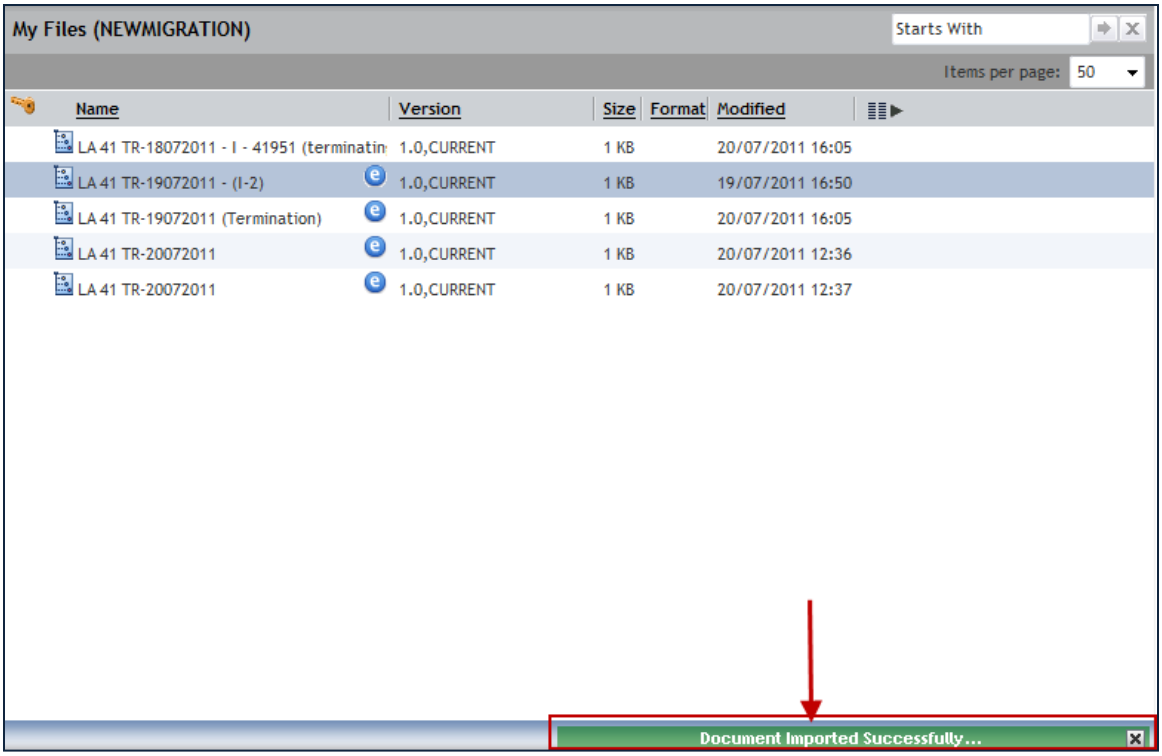


14. Enter sort order. The sort order is set to '0' by default.

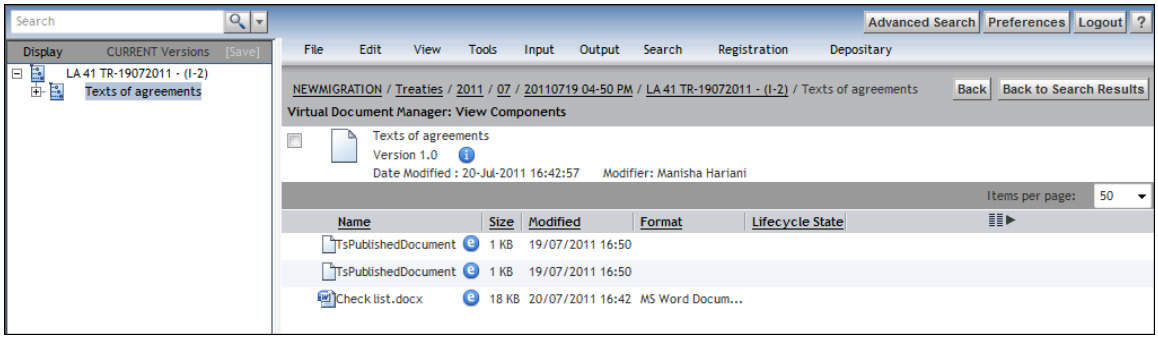
Note: In UNTS volume, the attachments are sorted by authentic_id first (Authentic texts, then translations, followed by courtesy translations), followed by language and then, by the sort order column. Hence, the sort order is used only when there are multiple documents of the same type & language.)
The attachments are sorted in the following sequence: (1) Authentic text(s)(all languages in alphabetical order), (2) Translation (English followed by French), (3) Courtesy Translation (English followed by French) and then, (4) by the sort order. To manually establish the order for attachments (for example, for multiple exchanges of notes), enter a "sort order" number greater than 100 (for example, 101, 102, etc.) to achieve the desired order. (See the above screenshot).

15. Enter references in the 'Reference' field.
16. The 'Source (English)' and 'Source (French)' fields are used to enter the information about who provided the courtesy translation of the document (in case the document is drafted in an unofficial language).
17. Enter user comments, if any, in the 'User Comments' field.
18. Select from the following document options: 'Authentic', 'Translation' or 'Courtesy Translation'. If you select the 'Courtesy Translation' check box, and English or French source are specified for the document, then the courtesy translation information appears in the UNTS volume, along with the total number of pages, as a footnote.
19. Click 'Import' to import the document. A confirmation message is displayed.

Note: The user is allowed to attach .doc, .docx, .tif or .tiff files only to a treaty using the Input → Texts of agreement menu. In case of any other file format, the user will not be able to continue.

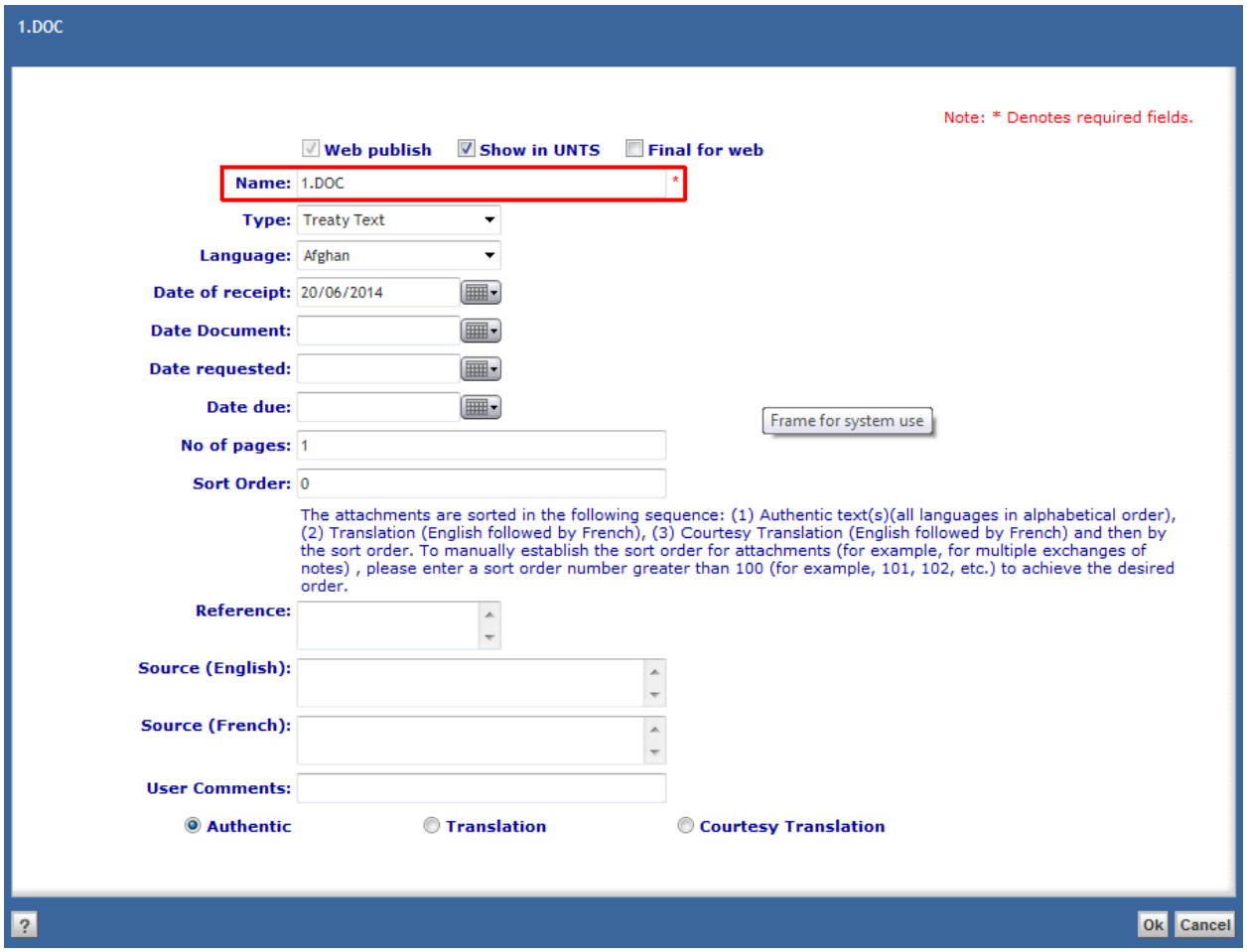


Double-click the treaty to view the Text of Agreement.

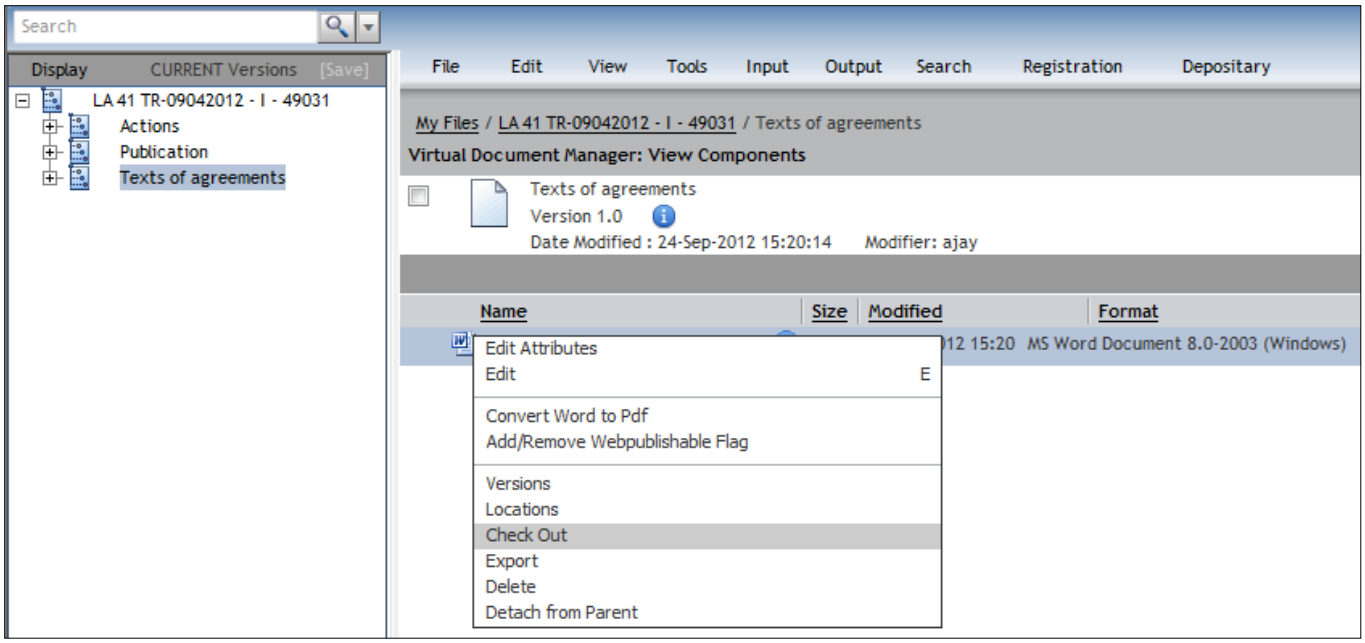


Note: The file from the local machine is attached with the specified format. If the 'Web Publish' option is selected for the treaty, then the document is displayed on the UNTC website. The language of the document is translated to either English or French language. The date of creation of the document is the date of receipt.

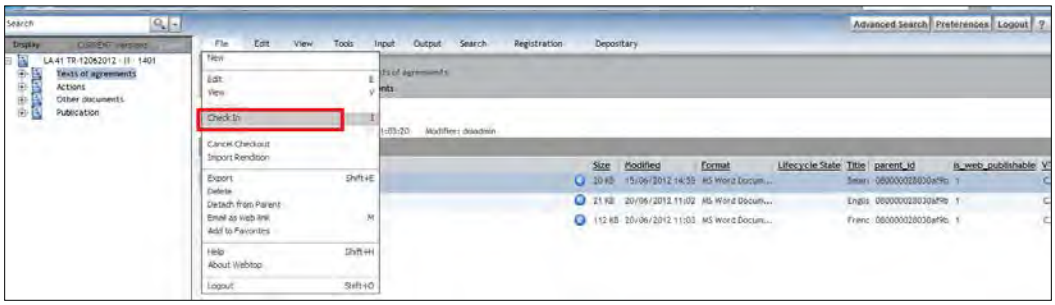
The document attributes can be edited by clicking on the icon next to the document. The Edit screen allows the user to update all the attributes, including the document name.

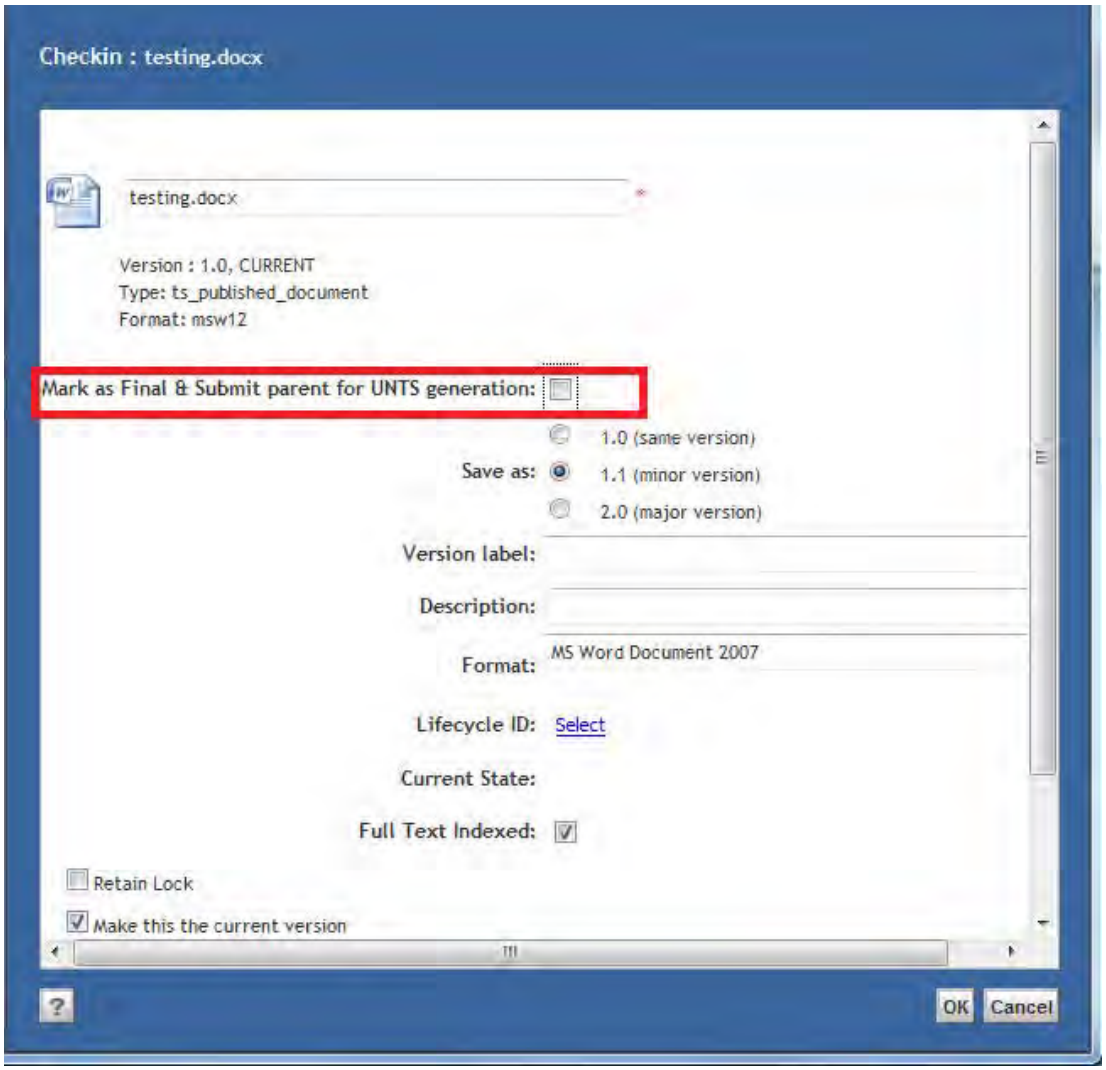


You can check out the document by right-clicking it and selecting ‘Check Out’.



When you check out a document, then the "Check In" option becomes visible. Select the document, and then click File > Check In to check in the document.





Select the 'Mark as Final & Submit parent for UNTS generation' check box to mark the document as final. During the checkin process, the 'number of pages' attribute is updated based on the document number of pages.

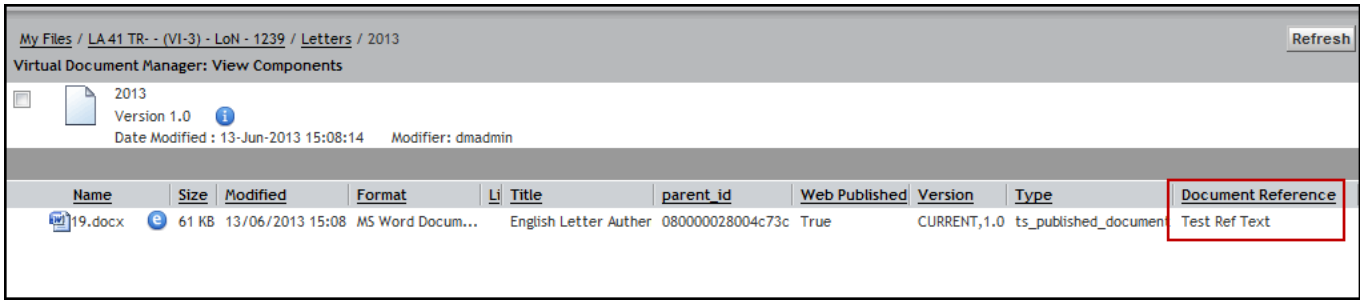
Note: In case of the following languages the TIFF image is reversed.

Persian, Dari, Urdu Arabic, Hebrew, Japanese and Farsi

4.3 Other Documents Related to Treaty

This option enables the user to attach various types of documents under treaties/actions, such as CTC, Letters, Maps,etc. that are related to the treaty. The 'VDM' created is based on selected attachment type, under a treaty, and it is used to attach the other documents attached or generated in the system for reference. This option allows you to attach multiple files at a time. The **Reference** field displays the

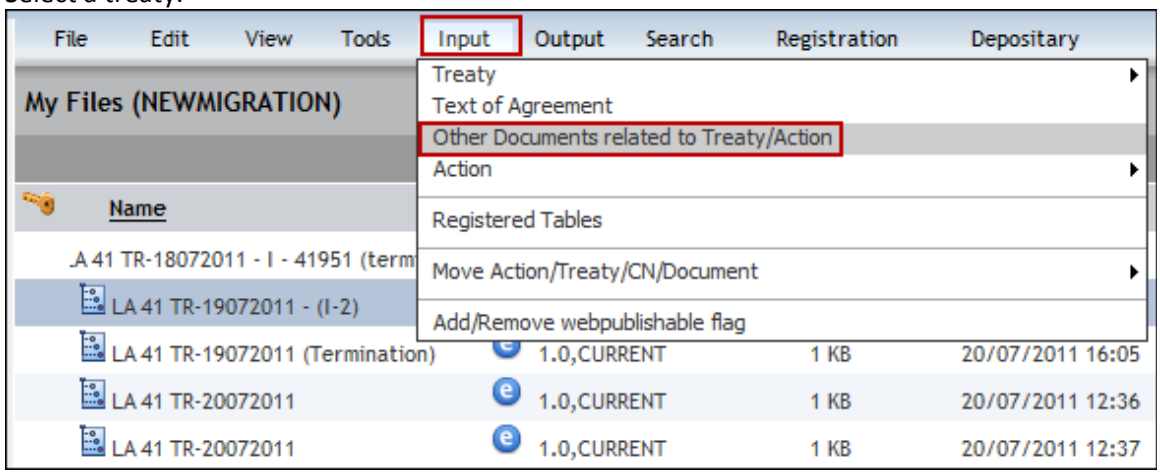
comments or remarks. A new field **Document Reference** displays the remarks entered in the **Reference** field.



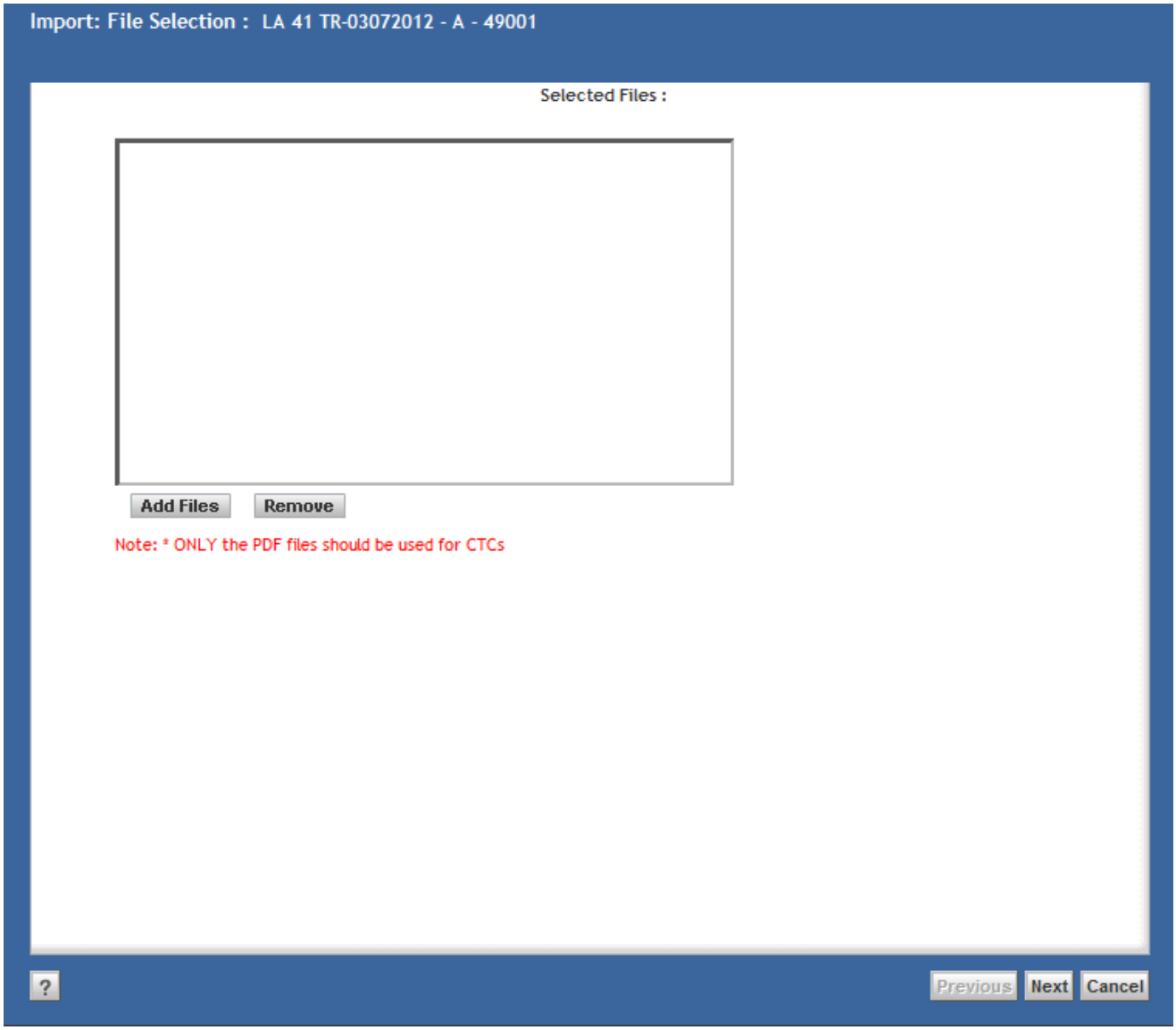
Note: You can add multiple CTCs (Certified True Copies) for a treaty.

To add other documents:

1. Select a treaty.

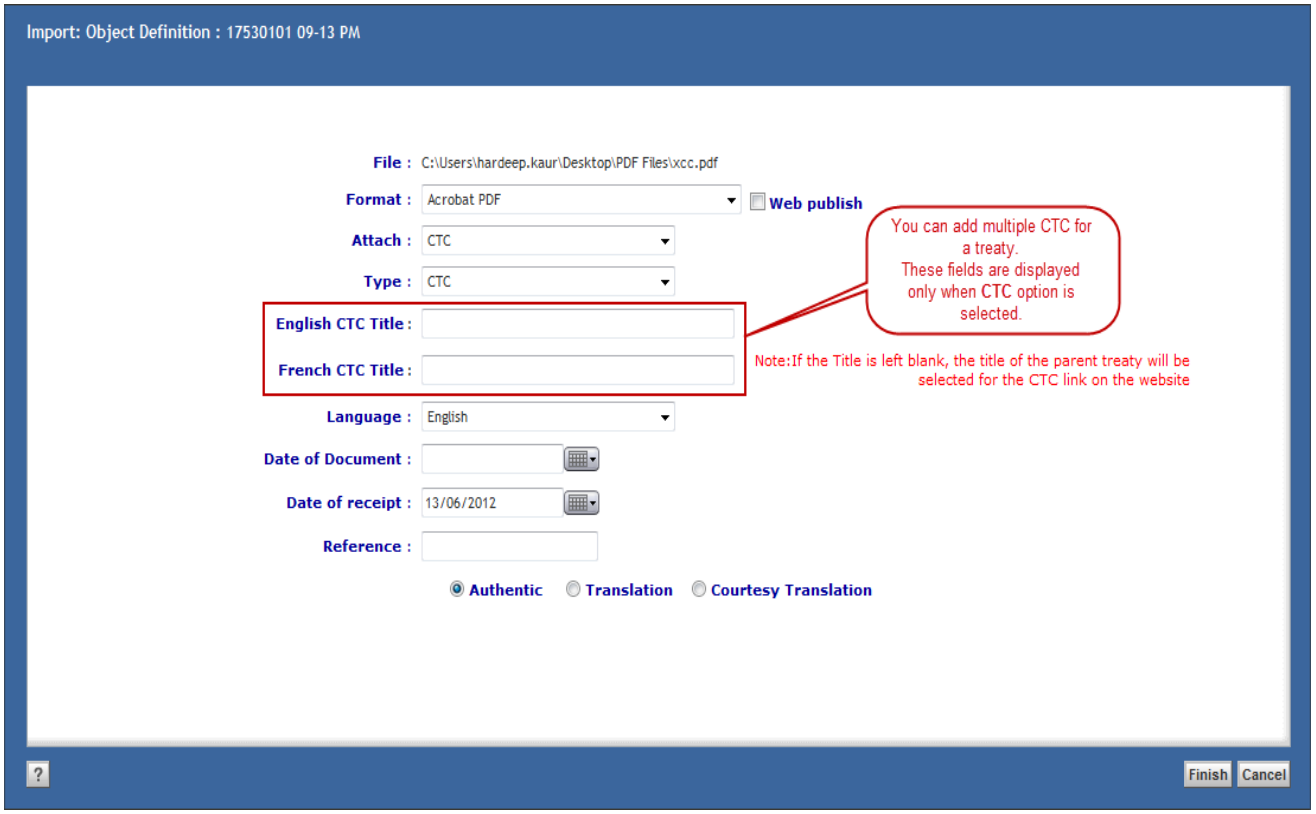


2. On the Input menu, select 'Other Documents Related to Treaty/Action'.



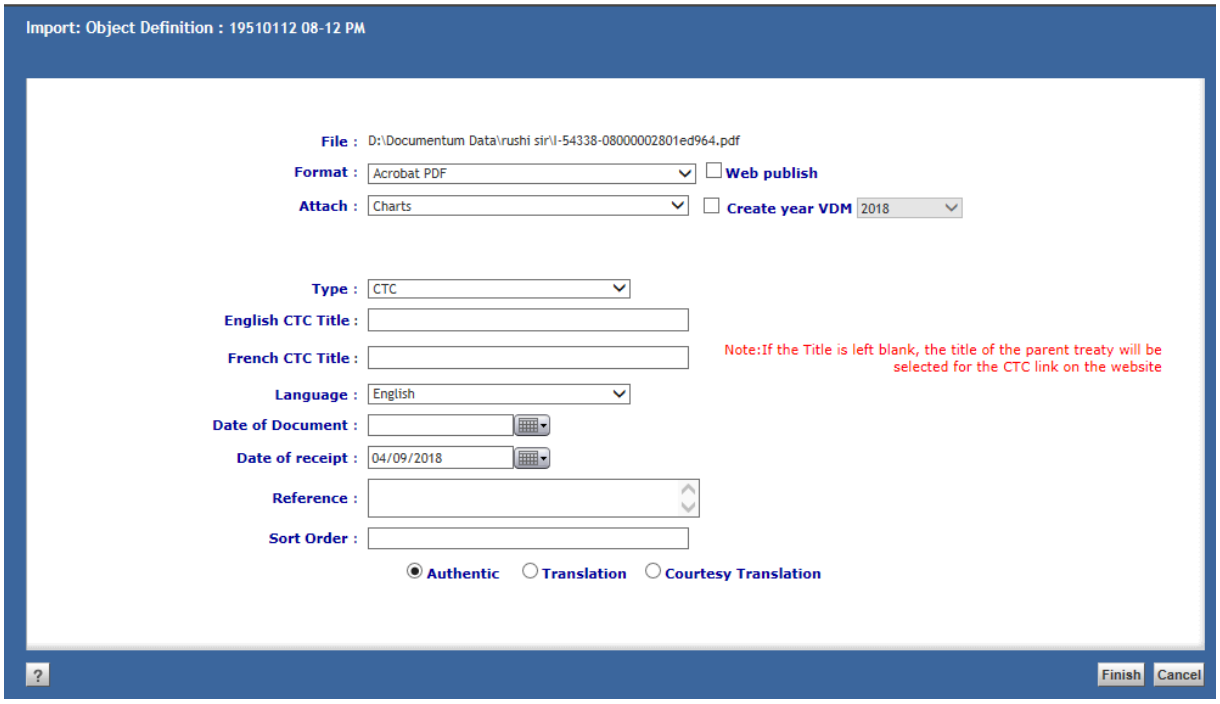
3. Click ‘Add Files’. The Select file dialog box is displayed. Select a file from the folder and click OK.
4. Click ‘Next’. The following screen is displayed.

If we select attach type CTC, LON-MTDSG XML Data, Maps, Publication/UNTS or UNTS then we will not able to see 'Create year VDM' check box.



If we select attachment type as 'Archive Files', then we will able to see the 'Create year VDM' check box .

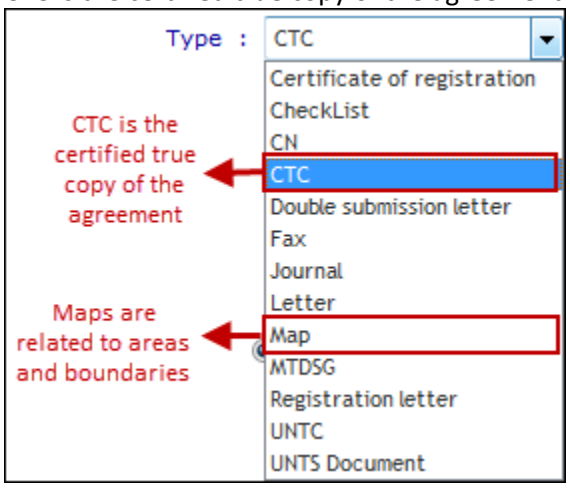
If we select an attachment type other than CTC, LON-MTDSG XML Data, Maps, Publication/UNTS, UNTS then we will able to see Create year VDM check box as given below screen shot.



The screen displays selected file details as follows:

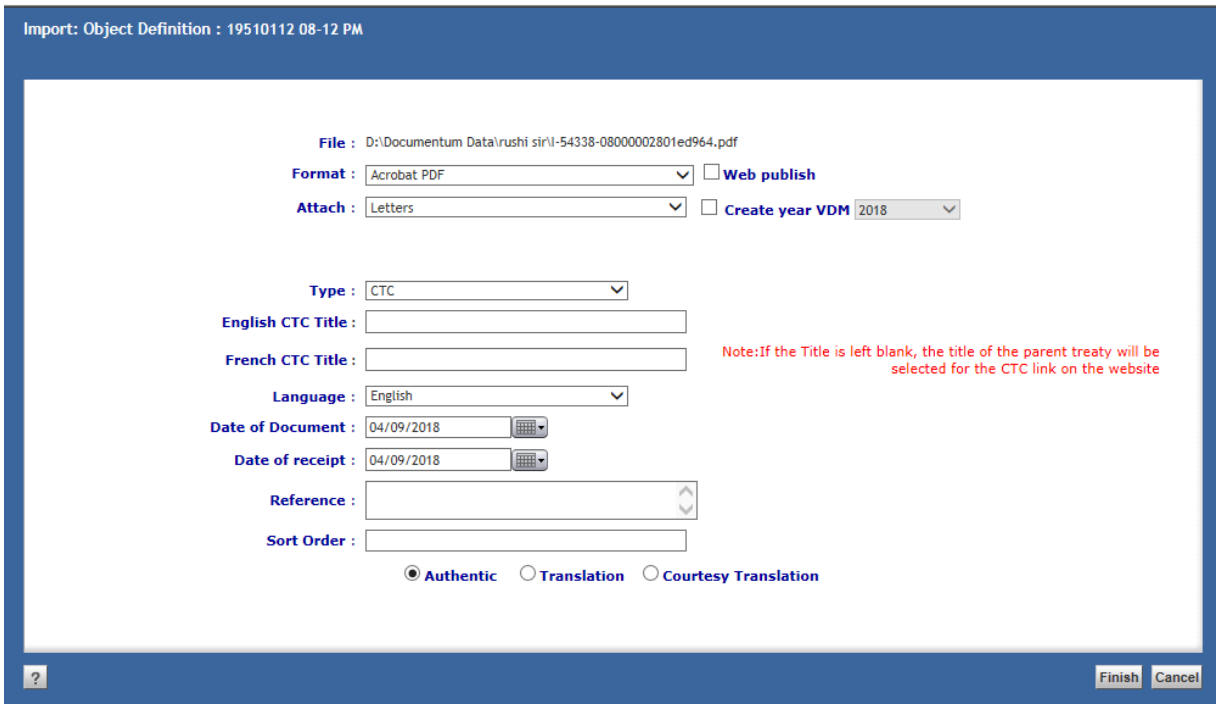
- **File:** Displays the 'File Name' along with the path from where it is imported.
- **Format:** Displays the format of the file. You can only attach a PDF file for CTC.
- **Attach:** Select any of the 'Attachment Type' like CTC, Letters, Maps or UNTC files. On selection, a folder is created with the same name under Treaty/Year folder. Example: In this case, the folder created will be in Treaty Name (LTR…)/ Year (2006) / CTC. However, for the attachment type 'Maps', the 'UNTC' folder will be created directly under the treaty folder.

- **Type:** Select 'Document Type' from the drop-down list. By default, CTC option is selected. CTC is the certified true copy of the agreement.



Note: When the **Type** is selected as **CTC**, the options of the **Attach** drop-down list are corresponding to the CTC type.

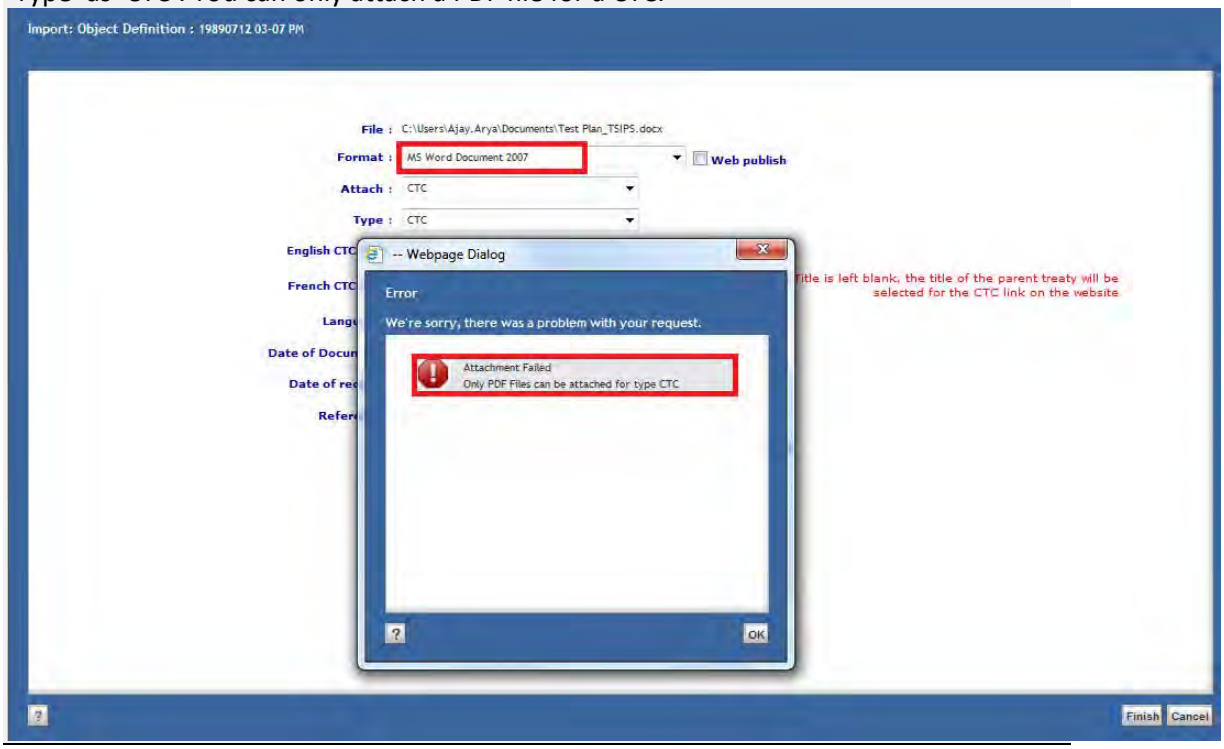
- **Language:** Select a 'Language' from the drop-down list.
- **Date of Document:** Click and select a 'Date of Document'.
  If we select 'attach type' as Letter, then Date of document will be the same as the date of receipt.
  If we try to save the file without a 'date of document' value, then we will get the validation message : "Please select Date of Document."



- **Date of receipt**: Click  and select a 'Date of receipt'. Date of submission to the United Nations.
- **Reference**: Enter references in the 'Reference' field.
- **English CTC Title**: Enter the English title of CTC.
- **French CTC Title**: Enter the French title of CTC.

Note: The fields, **English CTC Title** and **French CTC Title** are displayed only when the option from the **Type** drop-down list is selected as CTC. If the **Title** is left blank, the title of the parent treaty will be selected for the CTC link on the website. The system does not allow the user to proceed if the user attempts to add a non–PDF document and selects

'Type' as 'CTC'. You can only attach a PDF file for a CTC.

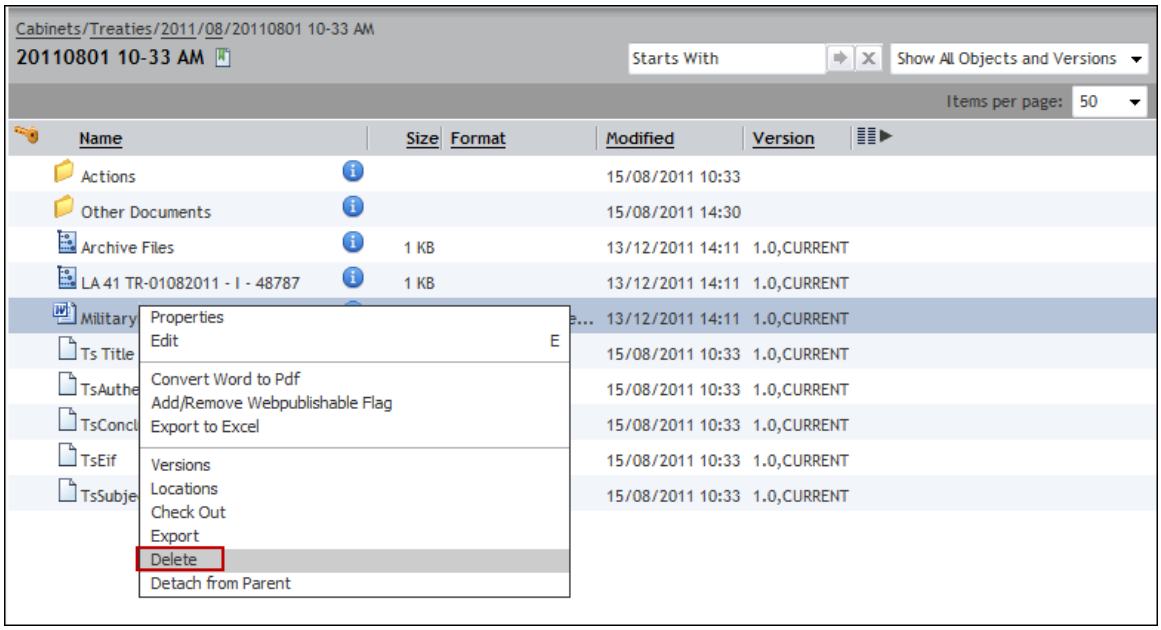


5. Select the 'Web Publish' check box if you want to publish the document on the website.
6. Select from the following document options: 'Authentic', 'Translation' or 'Courtesy Translation'.
7. Click 'Finish' to import the document. The 'Import Successful' message is displayed.
8. Click 'Cancel' to close the screen.

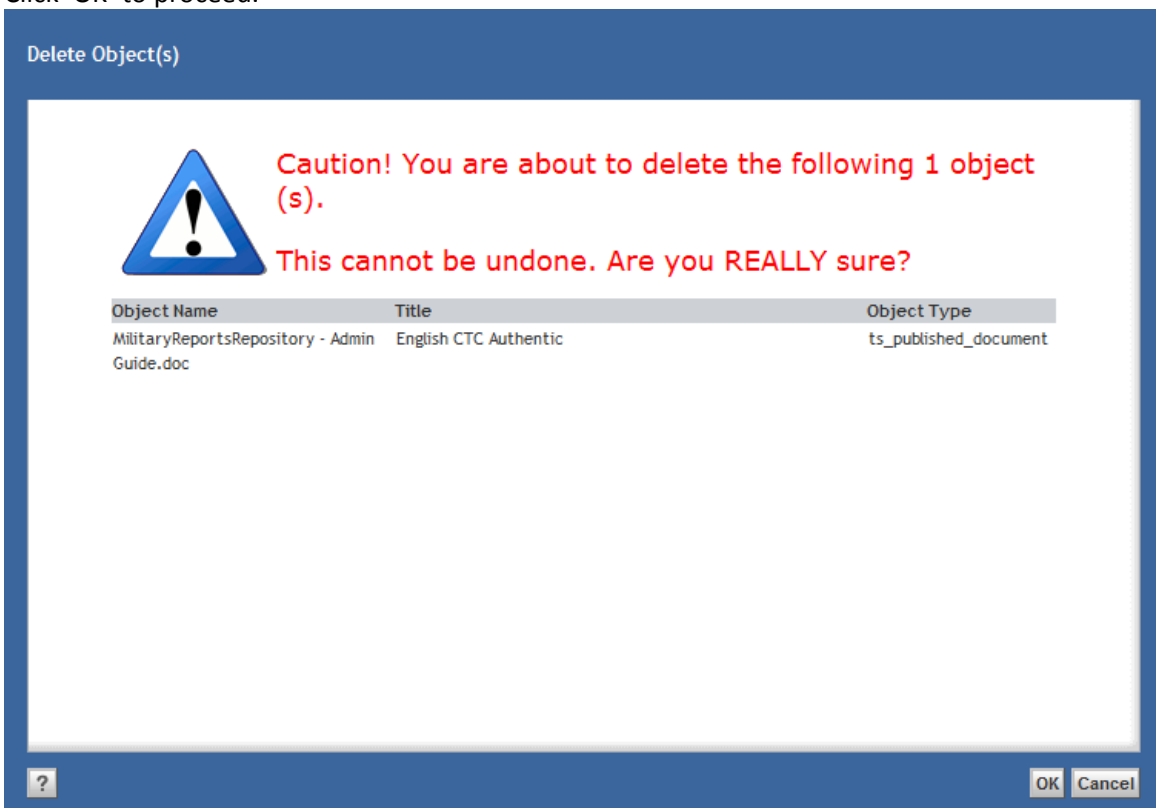
Delete Documents

To delete documents:

- Right-click a document and select 'Delete'. The 'Delete Object(s)' page is displayed.

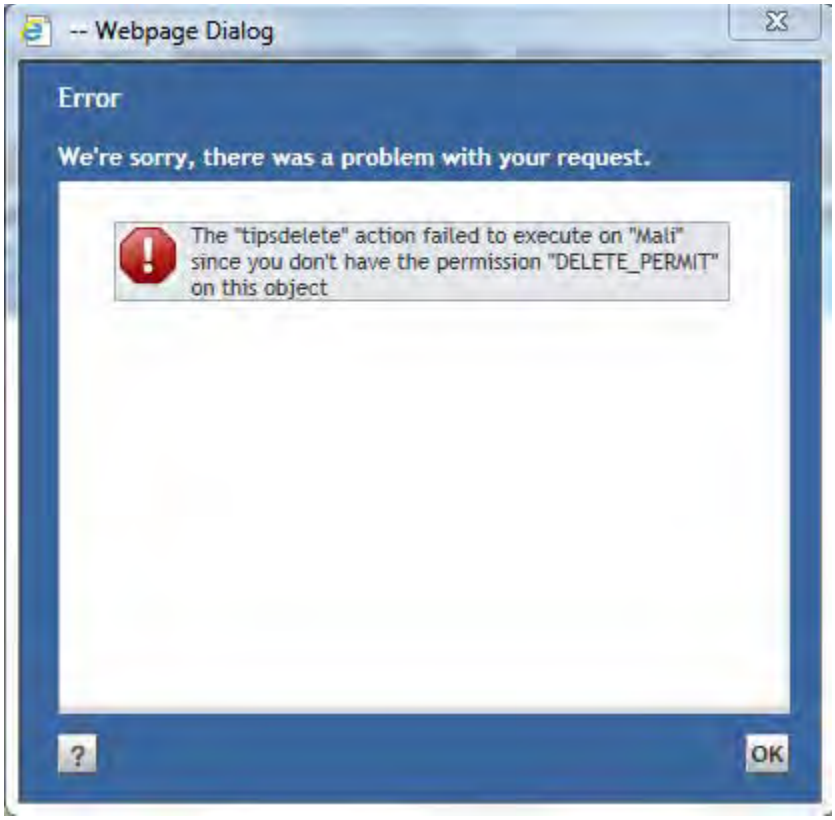


- Click 'OK' to proceed.



- Only the role 'attachment_delete', will allow the user to delete the following repository objects: dm_document,ts_document,ts_published_document,ts_photo_attachment;

- If a user who is assigned the 'attachment_delete' role tries to delete a ts_treaty, ts_action or ts_cn object type from the repository, the following error message will be displayed:

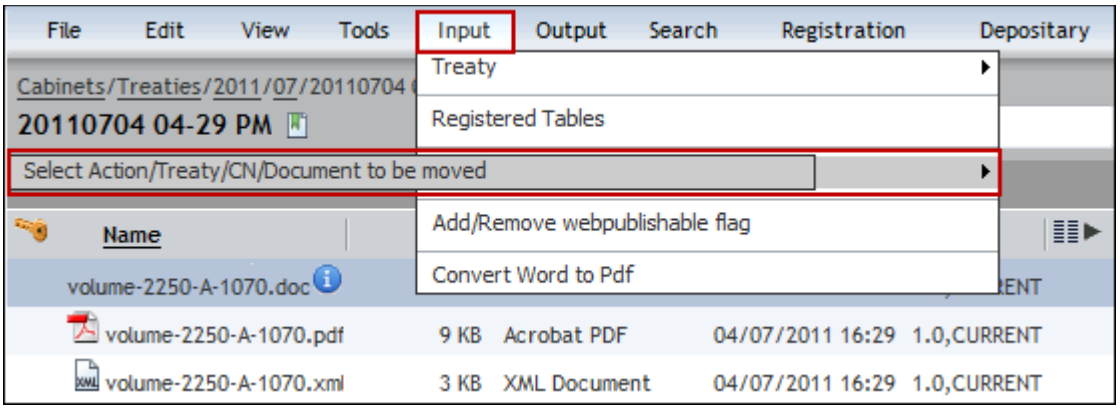


4.4 Moving Objects

This functionality can be used to move treaties/actions/documents from one location to another. First, the user has to select the treaty, action or document to be moved. Next, the user has to search for the target object and invoke Input -> Move Action/Treaty/CN/Document -> Attach to Action/Treaty.

To move an object:

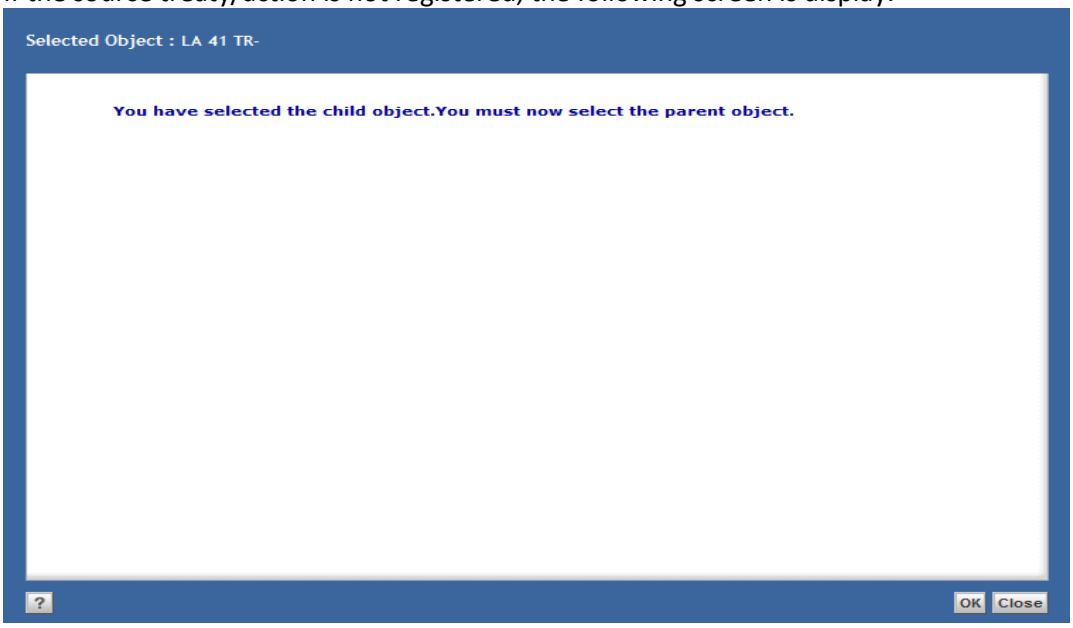
1. Select a treaty which you want to move.



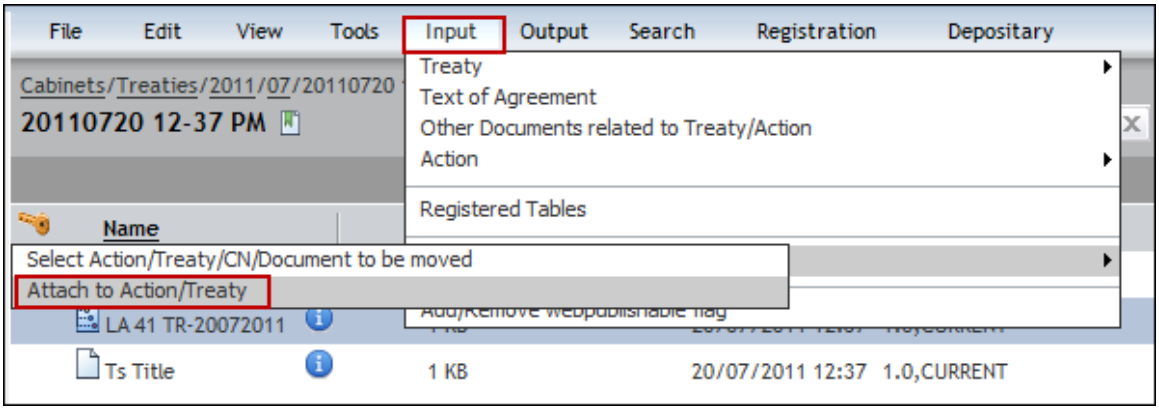
2. From the Input menu, select Move Action/Treaty/CN/Document > Select Action/Treaty/CN/Document to be moved. The following screen is displayed.

   If the source treaty/action is registered, the following screen is display.

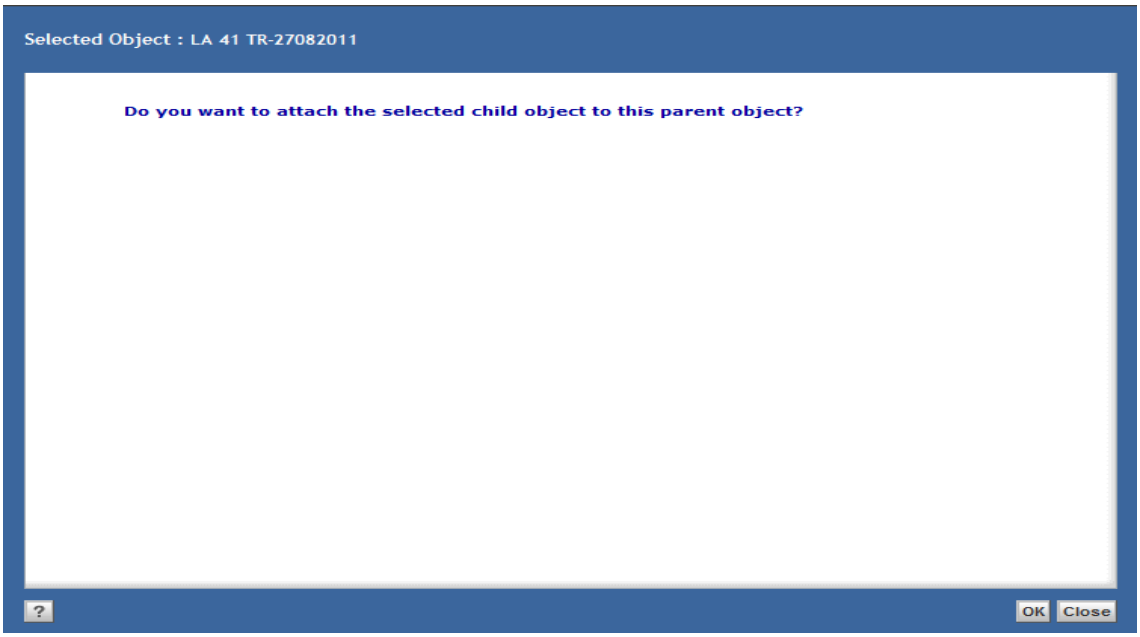
If the source treaty/action is not registered, the following screen is display.



3. Click OK and select the object that you want to move under the selected source treaty.
4. From the Input menu, select Move Action/Treaty/CN/Document > Attach to Action/Treaty.



5. The following message is displayed. Click OK to move the object.



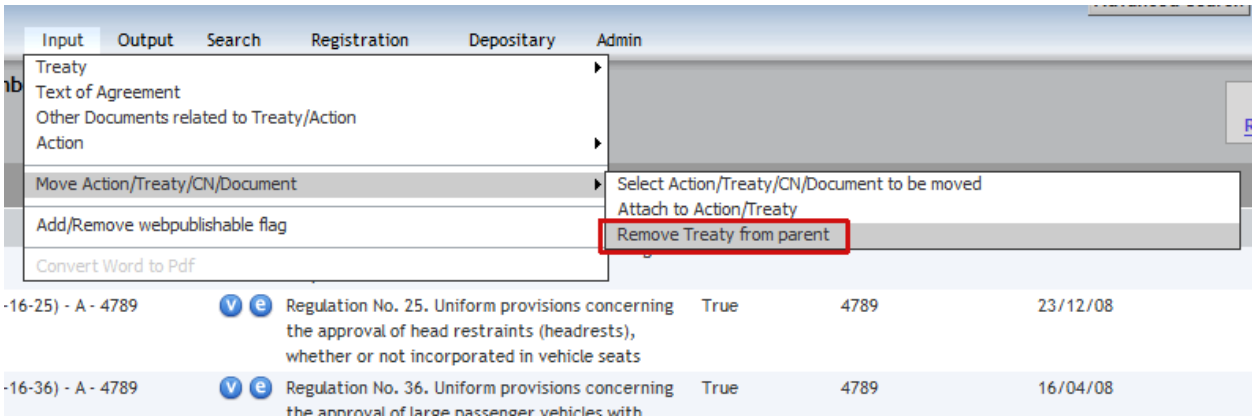
6. A confirmation message is displayed that the object has been successfully moved.

4.4.1 Detach Treaty from Parent

This option enables the user to detach subsequent treaties from the parent. Only users assigned the role 'Detach Treaty' may access the function 'Input>Move Action/Treaty/CN/Document'.

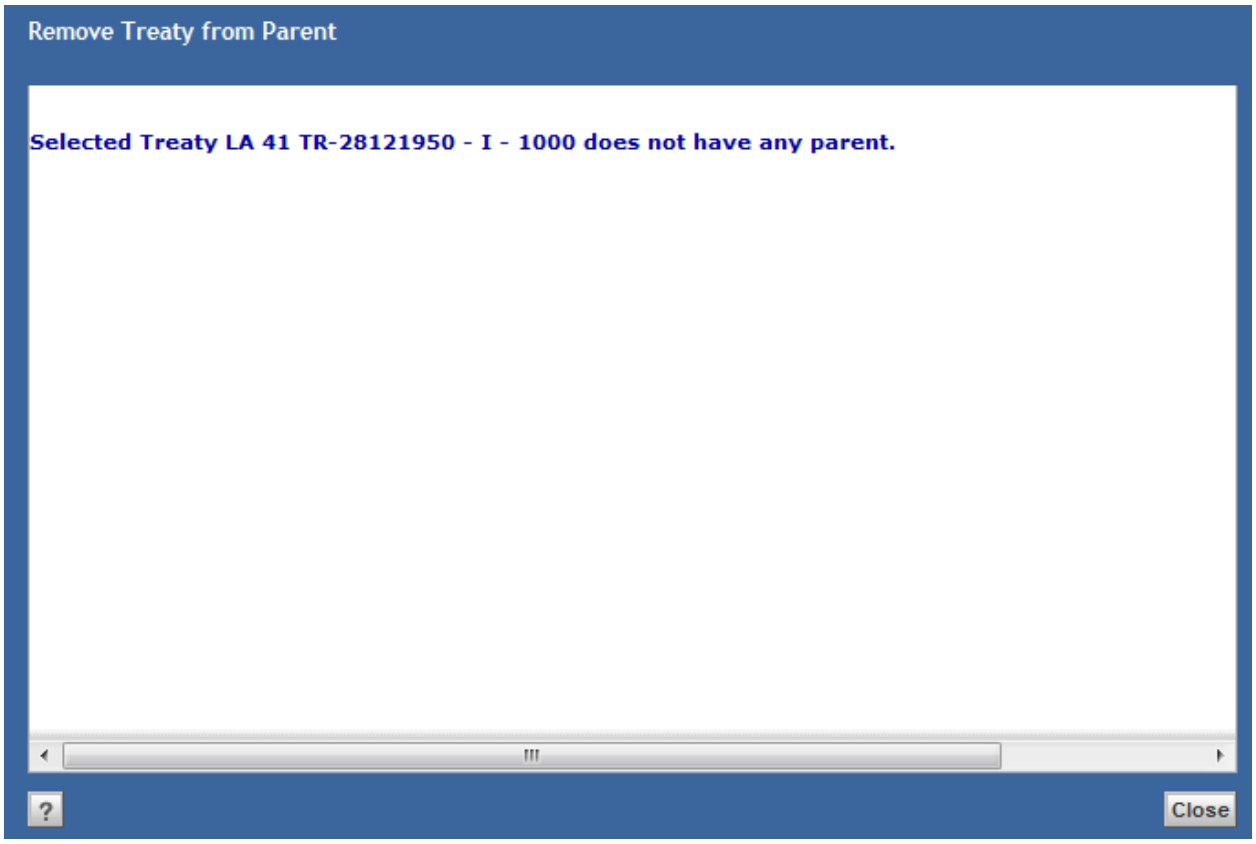
To detach a treaty:

1. From the Input menu, select Move Action/Treaty/CN/Document > Select Remove Treaty from Parent.



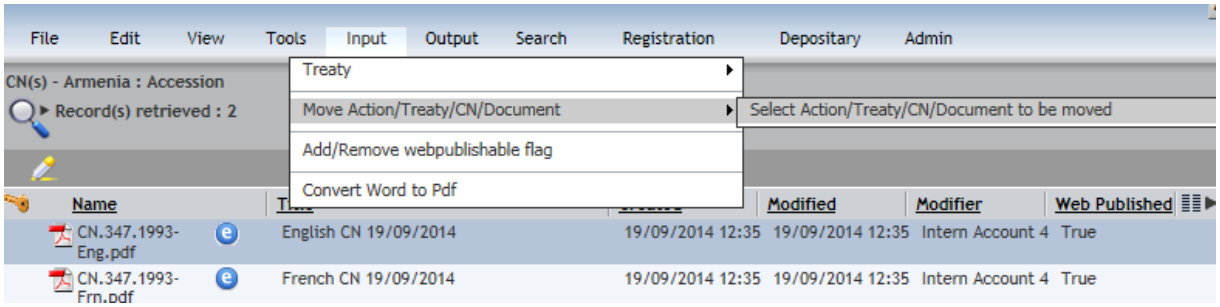
2. The following screen is displayed if the selected treaty has a parent. Click ‘OK’ to detach the treaty

3. If the selected treaty does not have a parent, a message is displayed stating that the ‘Selected treaty does not have a parent’ as shown below:

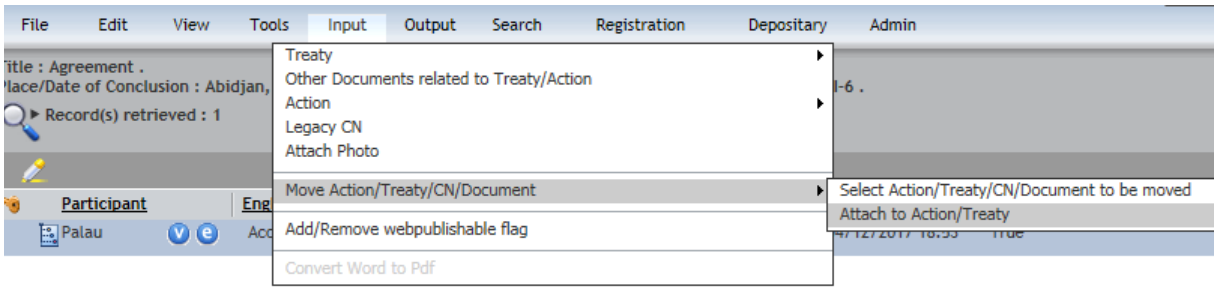


4.4.2 To Move CN

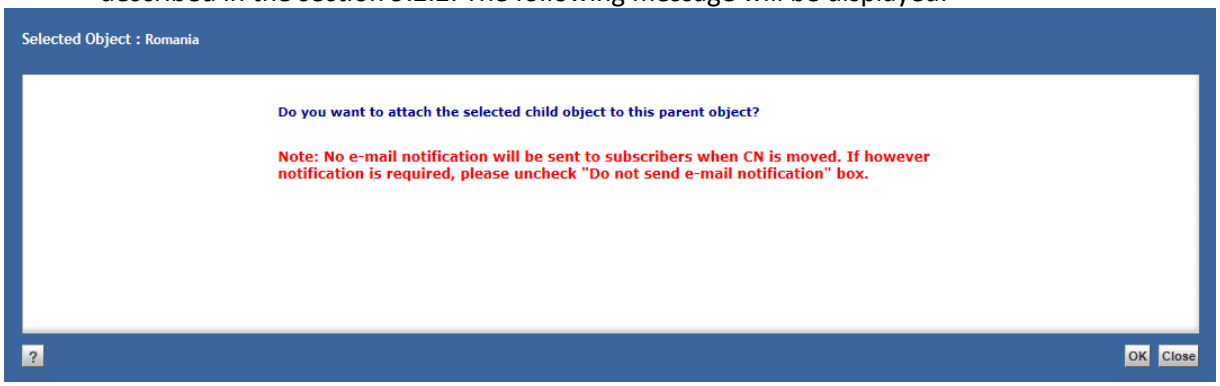
1. From the Input menu, select Move Action/Treaty/CN/Document > Select Action/Treaty/CN/Document to be moved



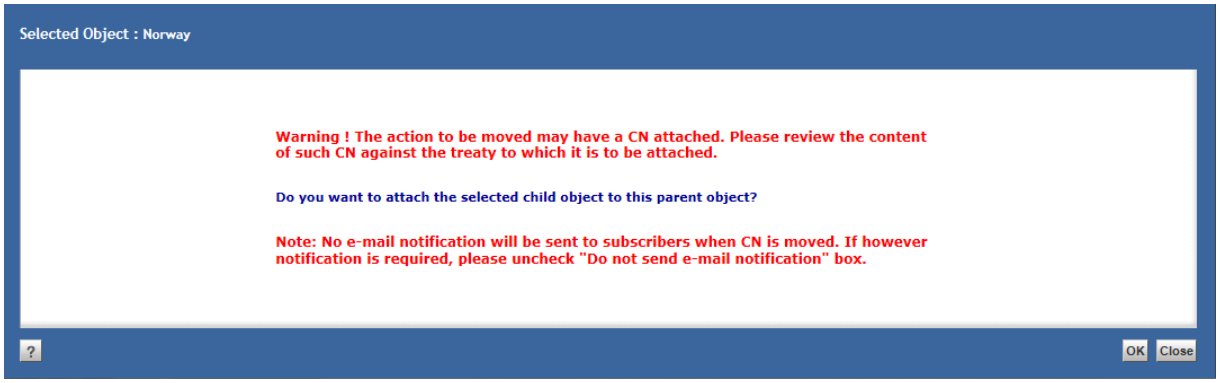
2. Navigate & Select the parent action to which we want to move the CN to.
3. From the Input menu, select Move Action/Treaty/CN/Document > Attach to Action/Treaty



4. When we move a CN from any action to any other action, the 'Do not send email notification' flag is set to true. If the user wishes to send an email notification, then the user should uncheck the 'Do not send e-mail notification' checkbox in the edit CN screen as described in the section 9.2.2. The following message will be displayed:



5. If the parent actions already hav CN's generated for it, then the following warning message will be displayed:



6. If a user clicks on Ok then all the documents related to the selected CN will be moved to the selected parent action.

4.5 Add/Remove Web Publishing Flag

The Treaty, Action, Document, and CN objects have a flag know as web publishing flag. This flag determines whether a particular object should be displayed on the UNTC website or not. This option lets the user change the value of this flag for the selected objects and their descendants.

If some changes are not supposed to be published, then the utility that transfers the data from the repository to the website, checks for the web publishing flag. If the web publishing flag is selected, only then the data is transferred from the repository to the website. If the flag is not set, then no data is transferred to the website.
The following actions are available:

- **Add web publishable flag** - Sets the value of the web publishable to True, for the selected object.

- **Add web publishable flag for current object and all descendants** - Sets the value of the web publishable to True, for the selected object and all the objects attached below it in the Virtual Document hierarchy. If you select this option, then only the data related to the current object and its descendants is transferred to the website.

- **Remove web publishable flag** - Sets the value of the web publishable to False, for the selected object. If you select this option, no data is transferred to the website.

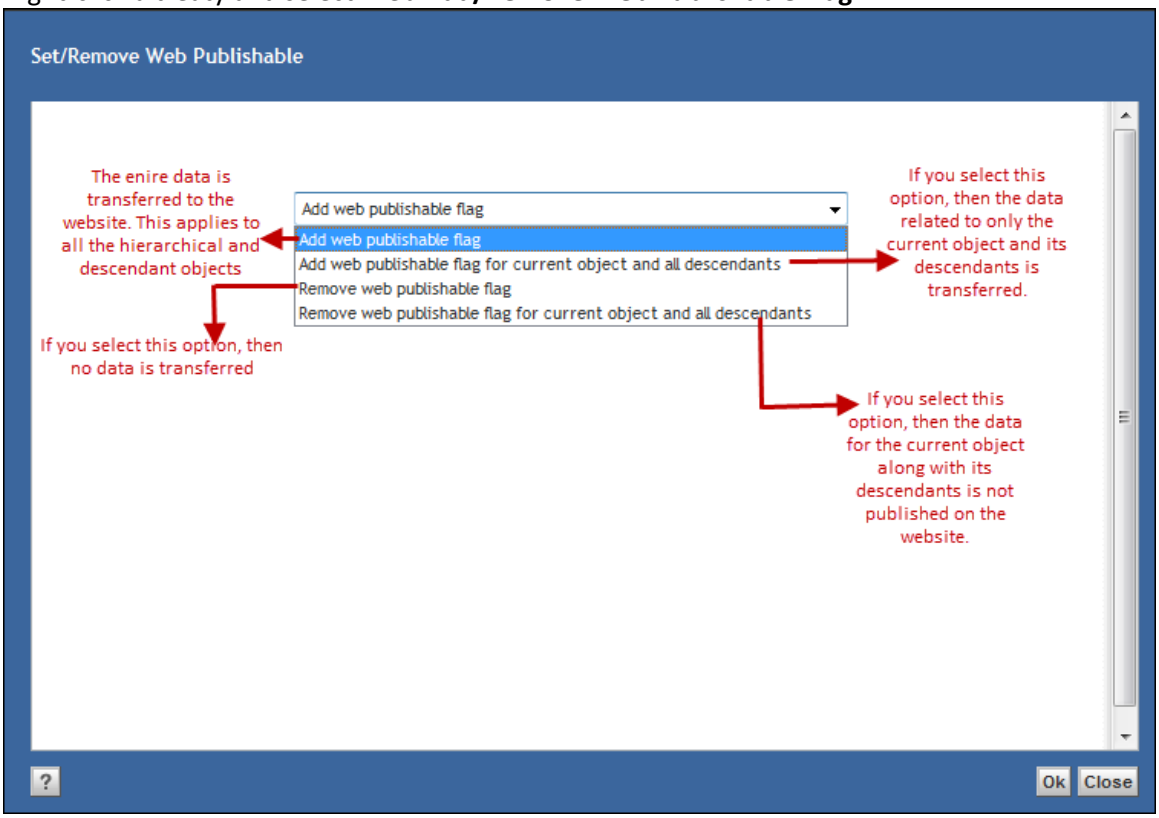
- **Remove web publishable flag for current object and all descendants** - Sets the value of the web publishable to False, for the selected object and all its descentent objects attached in the Virtual Document hierarchy. If you select this option, then the data for the current object along with its descendants is not transferred to the website.

The modified objects are transferred to the UNTC website after the next run of the Site Caching Services (SCS) job.

To add/remove the web publishable flag:

1. Select a treaty.

2. From the Input menu, select **Add/Remove Web Publishable Flag**. The **Set/Remove Web Publishable** dialog box is displayed.
   Or
   Right-click a treaty and select Web **Add/Remove Web Publishable Flag.**



3. Select an appropriate option from the drop-down list.
4. Click 'Ok' to perform the task; or click 'Close' to close the dialog box.

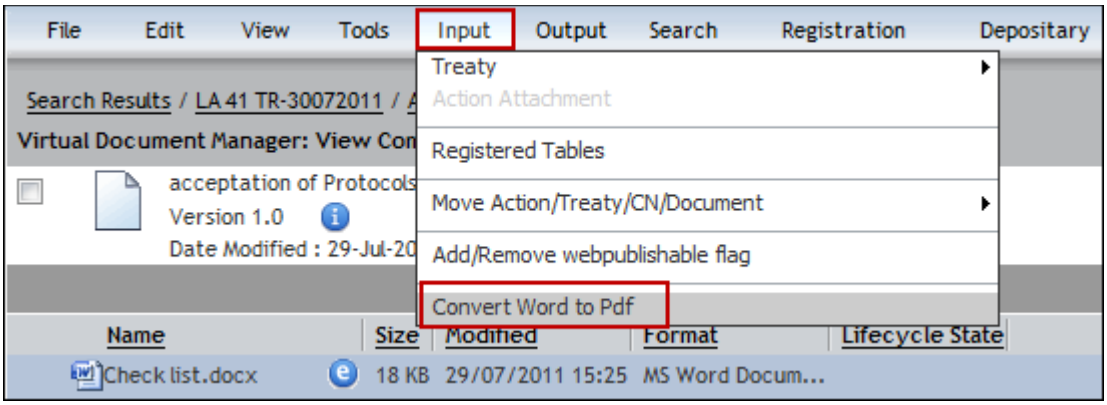
4.6 Convert Word to PDF

This option allows the users to convert a word document into a file in PDF format. The Convert word to PDF option is displayed only for those documents of type: ts_document and ts_CN. For the rest of the document types, Convert Word to PDF option is not available.

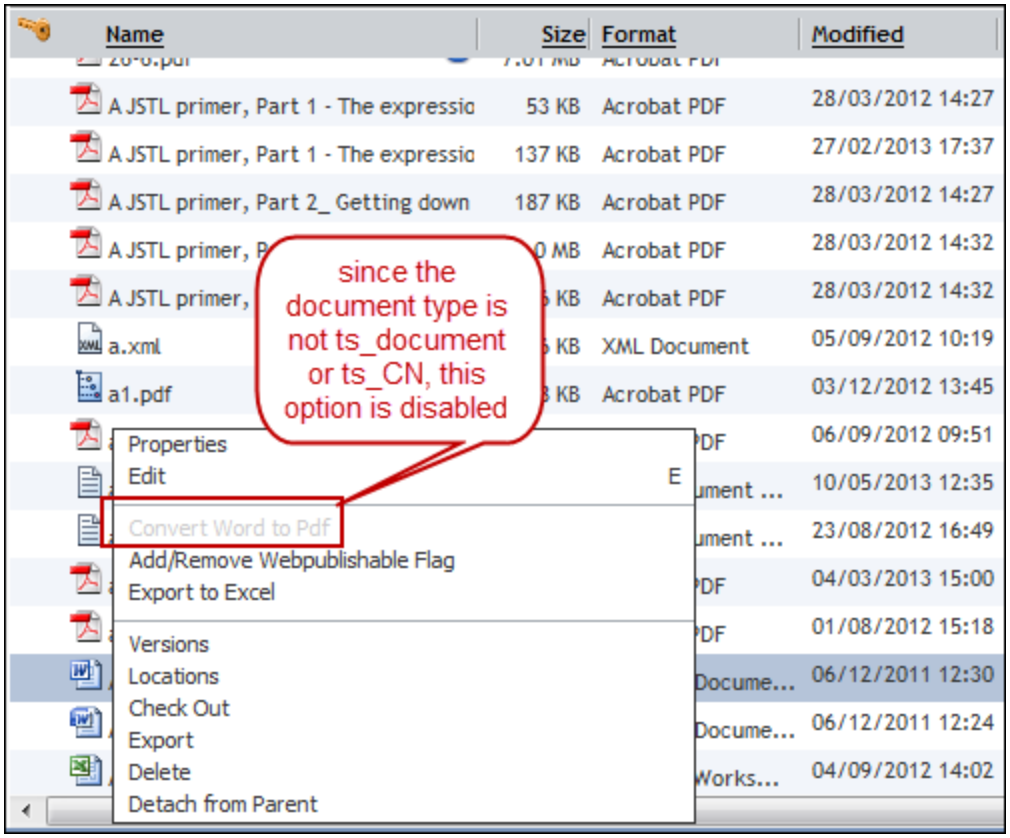
Note: Aspose libraries are used to generate all the PDF documents.

To convert Word to Pdf:

1. Select a Word document.



2. Click **Input** > **Convert Word to PDF**. Alternatively, you can right-click the document and select **Convert Word to PDF.**



3. A Confirmation message is received that the file has been converted to PDF.

4.7 Actions

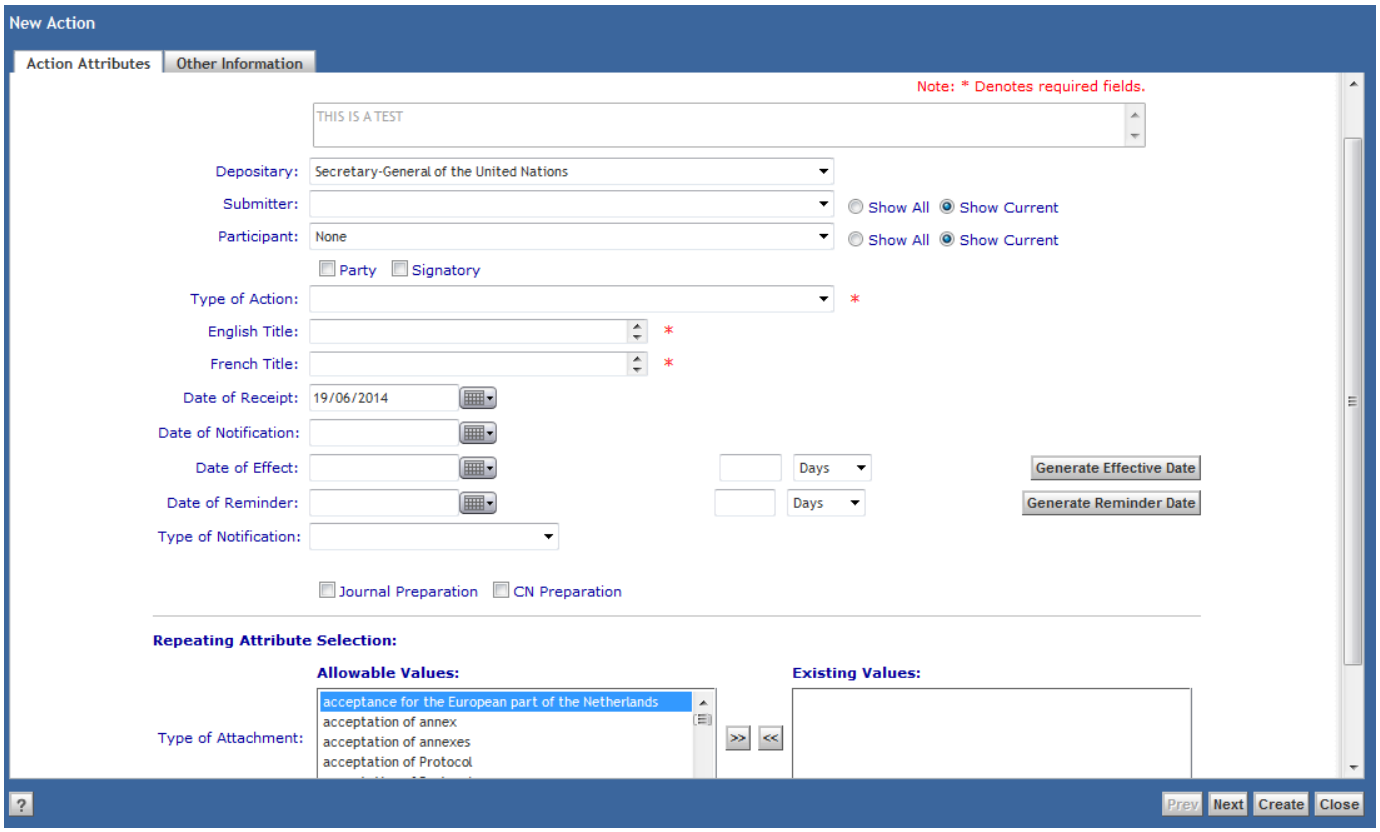
An action is created when a state takes a legal action in relation to a treaty. Types of actions could be: Accession, Acceptance, Objection, etc. An action is an object associate to a participant. It can be a series of events or activity performed by the participants on the treaty. It can be registered separately from the treaty.

4.7.1 Subsequent To Treaty

The 'Subsequent to Treaty' option enables you to create an action for a subsequent treaty.

To create an action to subsequent treaty:

1. Select subsequent treaty to create an action.
2. From the Input menu, select Action > Subsequent to Treaty.

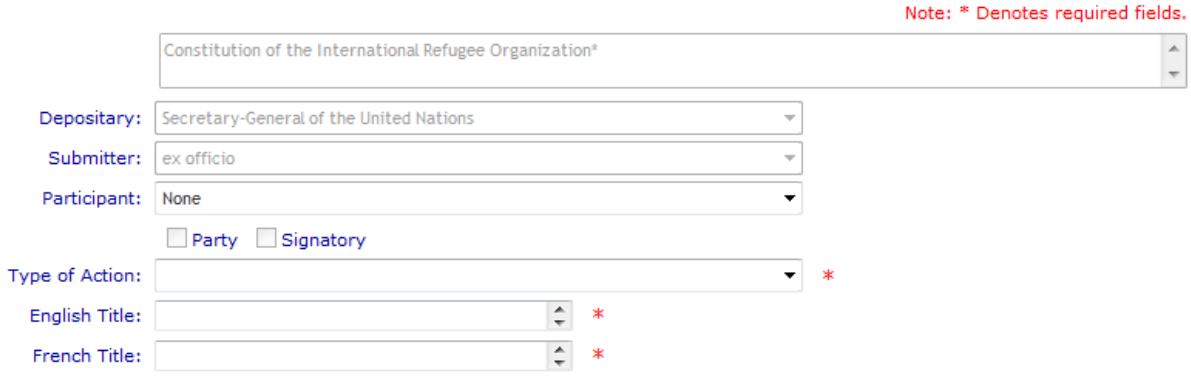


Action Attributes tab

Enter details for the following action attributes.

- **Depositary:** The depositary is available only for MTDSG treaties. A depositary is an entity with who accepts and keeps track of the treaties registered and publishes them. The MTDSG treaties are always deposited with the secretary general of the United Nations. So Depositary is disabled and set to secretary general of the United Nations for MTDSG actions.
- **Submitter:** Select 'Submitter' from the drop-down list. A submitter is a state or an international organization concludes an international agreement, as well as related actions and sends all the necessary information to the UN. Submitter is disabled and set to ex-officio for an MTDSG action.

- **Participant:** Select a 'Participant' from the drop-down list. The participant is the country or international organization that takes the action. Some actions may have no participants. These are called Formalities. When creating an action for an MTDSG treaty, a non admin user can select only the current participants. The historical values can be selected only by an Admin user.
- **Show All / Show Current:** These buttons appear only for Admin role. They can be used to load the Participant/Submitter dropdowns with Current / Historical Participant values.
- **Party/Signatory Checkboxes:** These checkboxes are available for MTDSG treaties only. These checkboxes are checked by the system by default based on the selected type of action. This is governed by the rt_action_code registered table's default_behavior column. The party checkbox is checked if the default behavior value is set to 1 and signatory is checked if the value is set to 3. The Party/Signatory count on the UNTC website for the MTDSG treaty is affected with these checkboxes. Multiple actions with the same participant (even with a different name) are not counted twice. These checkboxes can be edited only by an user having Admin role.
    - **Note:** The data for these attributes was earlier stored to the Treaty object in the party_id and signatory_id repeating attributes. This behavior is changed as of Release 7 in June 2014. These values are now stored in Action object as party & signatory Boolean values.



Type of action: Select an action from the 'type of action' drop-down list. The option varies depending on the type of action. The other type of action includes signature, binding actions (ratification, accession, succession,), communication, declaration, objection, Unbinding actions (withdrawal, denunciation) and so on. Type of action is mandatory.

- **English Title**: The option selected in the 'Type of Action' drop down-list is auto-populated in the 'English Title' field in the English script.
- **French Title**: The option selected in the 'Type of Action' drop down-list is auto-populated in the 'French Title' field translated into the French script.
- **Date of Receipt**: Click the icon and select a 'Date of Receipt'. This is the submission date of the treaty to the United Nations.
- **Date of Notification**: Click the icon and select a 'Date of Notification'.
- **Date of effect**: this is the date when the treaty 'Enters into Force', for the participants. Click the icon and select a 'Date of effect' or select a period after which you want to set the date of effect. Enter the number of days or months to select a period of time and click

'Generate effective Date'. The date of effect is calculated starting from the Date of Receipt and displayed in the 'Date of Effect' field.

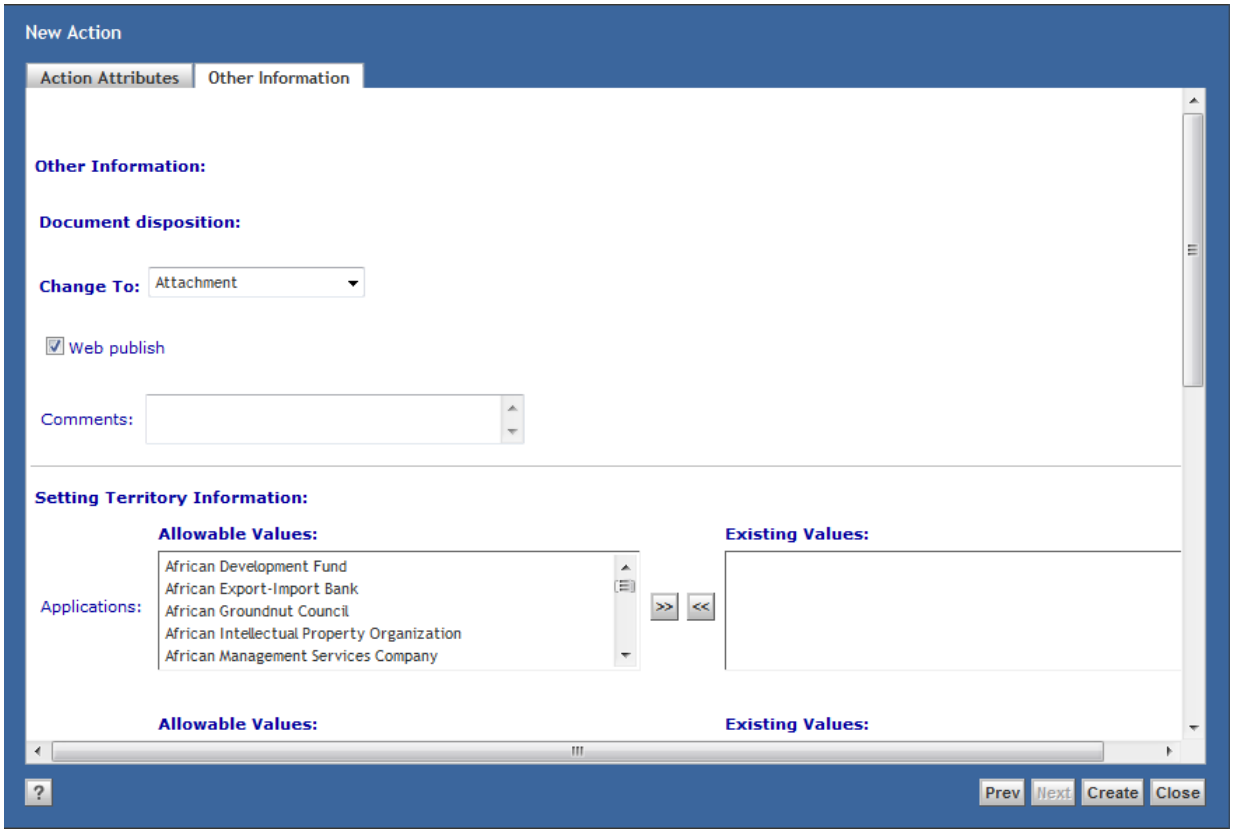
- **Date of Reminder**: The date of reminder can be set if the user wants to work on this action later and wants the system to remind about it. Click the  icon to select a "Date of Reminder' or select a period after which you want to set a reminder date. Enter the number of days or months to select a period of time and click 'Generate effective Date'. The reminder date is calculated starting from the Date of Receipt and displayed in the 'Date of Reminder' field. When the reminder date is set, an e-mail notification is sent to the pre-configured e-mail addresses.
- **Type of Notification**: Select a 'Type of Notification' from the drop down list.

Repeating Attribute Selection section:

- **Type of Attachment**: Select a 'Type of Attachment' from the "Allow Valuable' list and click  to move it to the Existing Values list. A file is displayed under the subsequent treaty.
- To remove type of attachment, select the type of attachment from the 'Existing Values' list click the  icon.
- Click 'Prev' to move to the previous screen.
- Click 'Create' to attach the new treaty with the old treaty.
- Click 'Close' to close the screen.

Other Information tab

The 'Other Information' tab indicated the status of the action. The other information includes following fields:



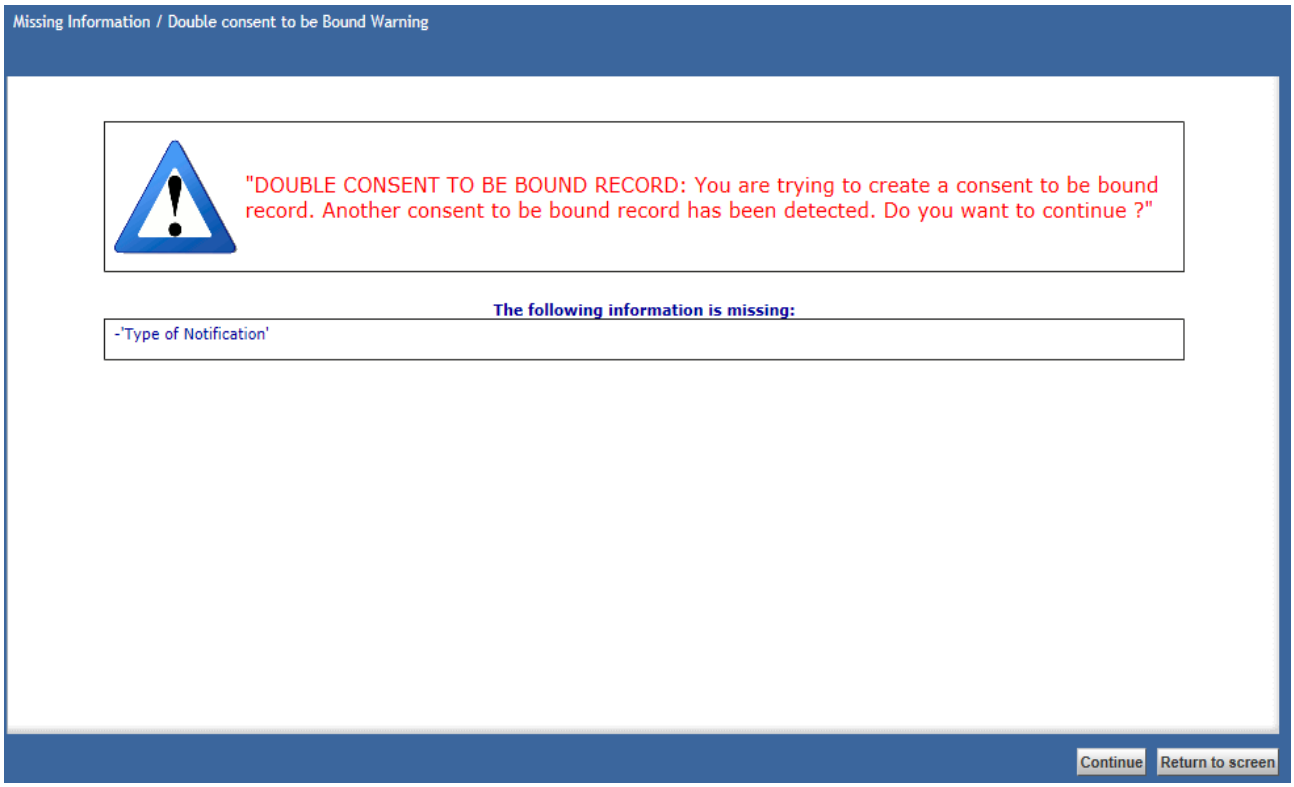
- **Document Disposition**: Select a suitable value from the drop-down list. This drop-down list is enabled only if the action is not registered. The users cannot change the document disposition of an action to “Registered” and Filed and Recorded” on the action screens manually. These options are not visible to the user.
- **Comment:** Enter description in the ‘Comment’ field.
- **Web Publish** The user can clear the check box if the action is not to be published on the web.
- **Web Publish:** The ‘Web Publish’ check box is selected by default which means that the action will be published on web. The user can clear the check box if the action is not to be published on the web.
- **English Text:** Enter the Manual Override text in English language.
- **French Text:** Enter the Manual Override text in French language.

Double Consent to be bound warning:

While creating or updating action of action (see above image), we might get Double Consent to be bound warning message.

- If participant have already taken any consent to be bound type of action and if the same participant again creates consent to be bound type of action then following warning message will get displayed.

- If participant have already taken any consent to be bound type of action and if the same participant update any other participants action to consent to be bound action then also following warning message will get displayed.



- Then click on continue to continue.
- Or click on Return to Screen to return to the screen.

Setting Territory Information

- **Applications:** Select an 'Application' from the 'Allowable Values' list and click >> to add application.
- To remove application, select the application and click << to remove the application.
- **Exclusions**: Select the 'Exclusions' from 'Allowable Values' list and click >> to add exclusions.
- To remove exclusions, select exclusions and click << to remove exclusions.

Manual Override

- **English Text:** Enter the English text in the 'English Text' box to manually add the 'Applications' and 'Exclusions'.

- **French Text:** Enter the French text in the 'French Text' box to manually add the 'Applications' and 'Exclusions'.

Note: The 'Territory Information' is a list of territories which appears in the "Territorial Applications" section of the MTDSG document. In case the territory is not present in the list, it can be manually overridden.

Effect Other Information

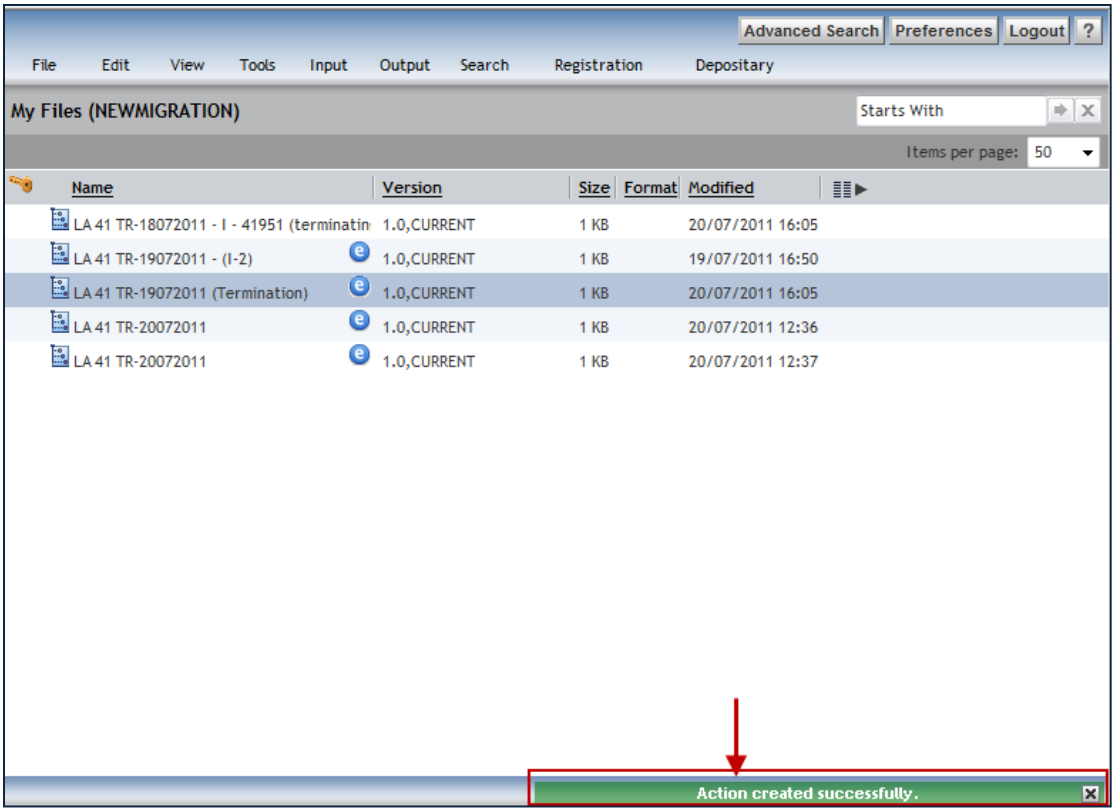
- **Entry into force**: Select a type of 'Entry into force' from the drop-down list.
- **English Additional Information**: Enter any other additional information in English in this text box.
- **French Additional Information**: Enter additional information in French in this text box.

Corrigenda Information

The 'Corrigenda' information is used in the monthly statement. The Corrigenda information appears in the Corrigenda section, every month in the statement. Corrigenda are a list of printing errors in a book along with their corrections.

- **English Text**: Enter the corrigenda information in English language.
- **French Text**: Enter the corrigenda information in French language.

A confirmation message is displayed when the action is created.



4.7.2 Subsequent To Action

An action can be subsequent to a treaty or to another action. If a participant makes objection to the declaration made by another participants, then in that case, the objection applies to the declaration made by another participants and not directly to the treaty. The 'Subsequent to Treaty' option enables you to create an action subsequent to an action.

To create action to subsequent to an existing action:

1. Select the action under which you want to create a subsequent action.
2. From the Input menu, select action>Subsequent to action.

Note: The attributes of this treaty are the same as discussed earlier. Refer to the 'Subsequent To Treaty' section.

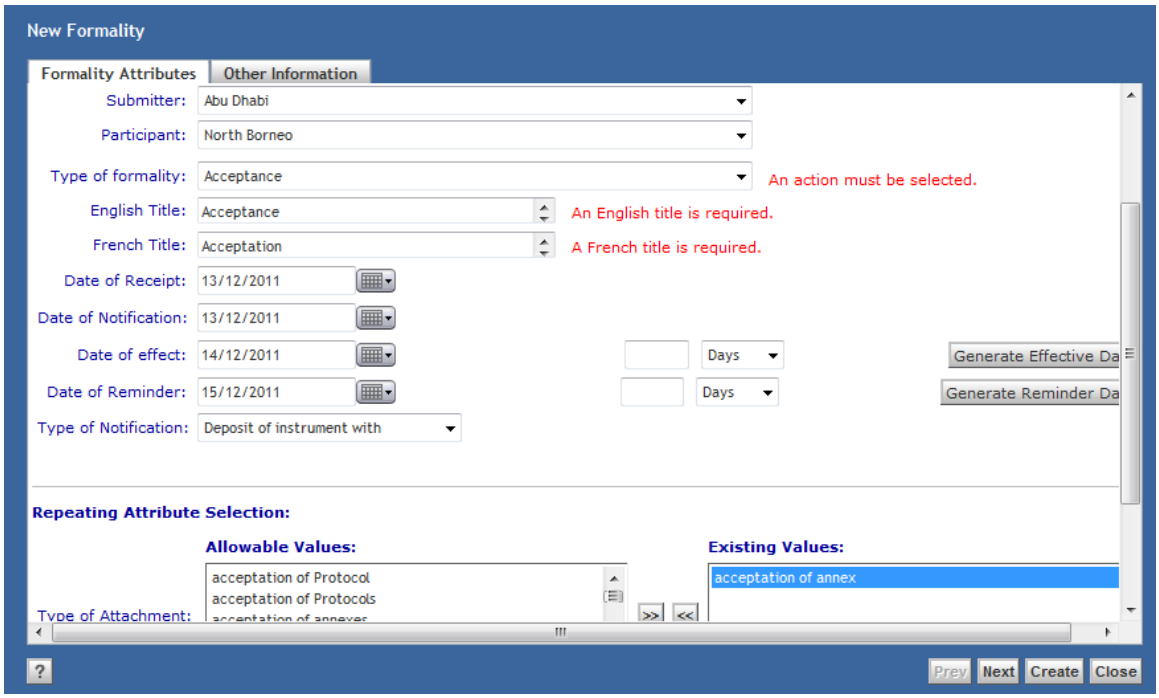
4.7.3 Depositary Formality

The Depository Formality option enables you to create a virtual document folder 'Formality' under a treaty. This is used for internal use to keep information on events relating to any treaty/actions (Example: Opening for signature, proposal of amendments, and adoption of amendments). Normally, the actions involve countries, but when there is no specific country involved, for example, in case of a circular; then you create a formality.

To create a formality:

1. Select a treaty.

2. On the Input menu, select Action > Depository formality. The 'New Formality' page is displayed.



Note: Refer to 'Subsequent to Treaty' for more details; the attributes are the same as discussed in the Subsequent to Treaty section.

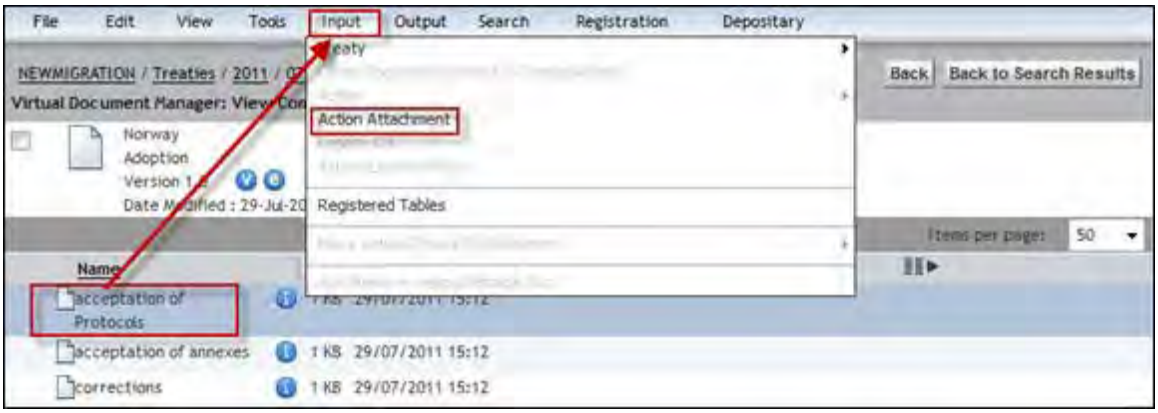
4.7.4 Action Attachment

The 'Action Attachment' option enables you to import/ attach a document to an action. The attached document is referred partially for incorporation into a Circular Notification and /or treaty series volume. Just like a treaty, an action can also have attachments in the form of documents. Before a user can upload a document under an action, one or more types of attachments must be selected using the list boxes on the action screen. Once the action is saved, the action attachment objects are created as child objects under the action object.

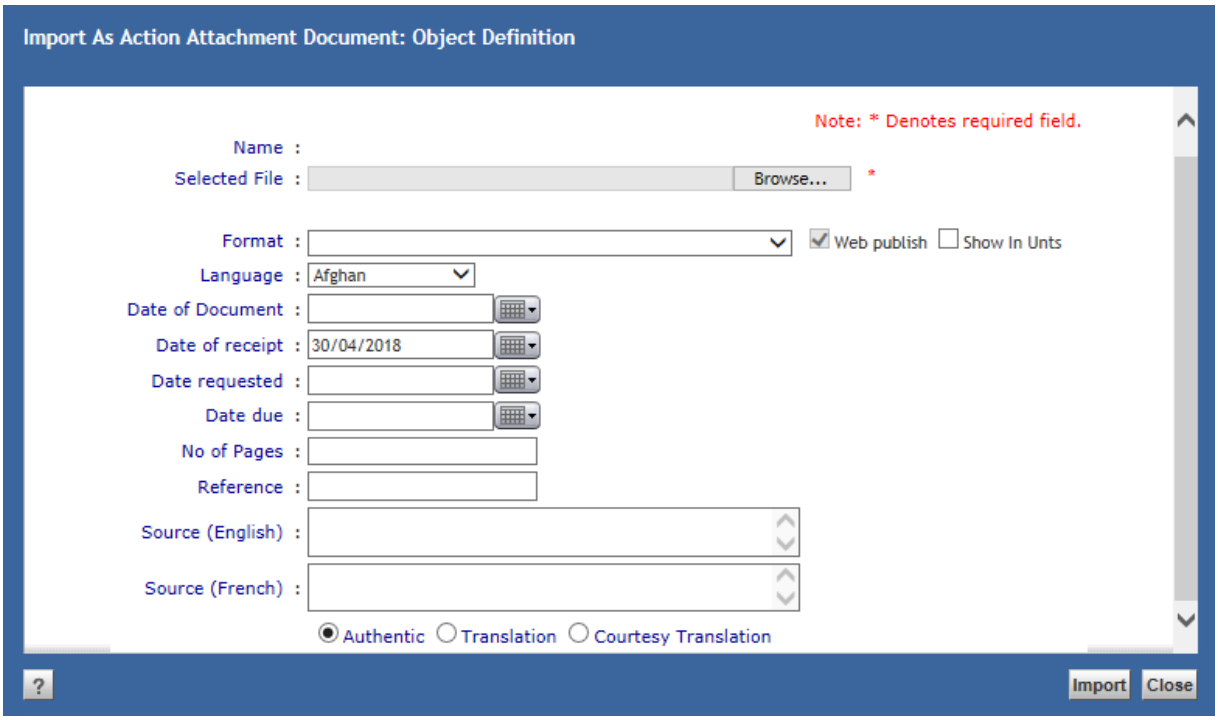
To attach a document to an action:

1. Select a treaty and then select an action or right-click a treaty and select Show All Actions. The list of all actions is displayed.
2. Select an action and click OK.
3. Double-click the action to get view the action name.

.

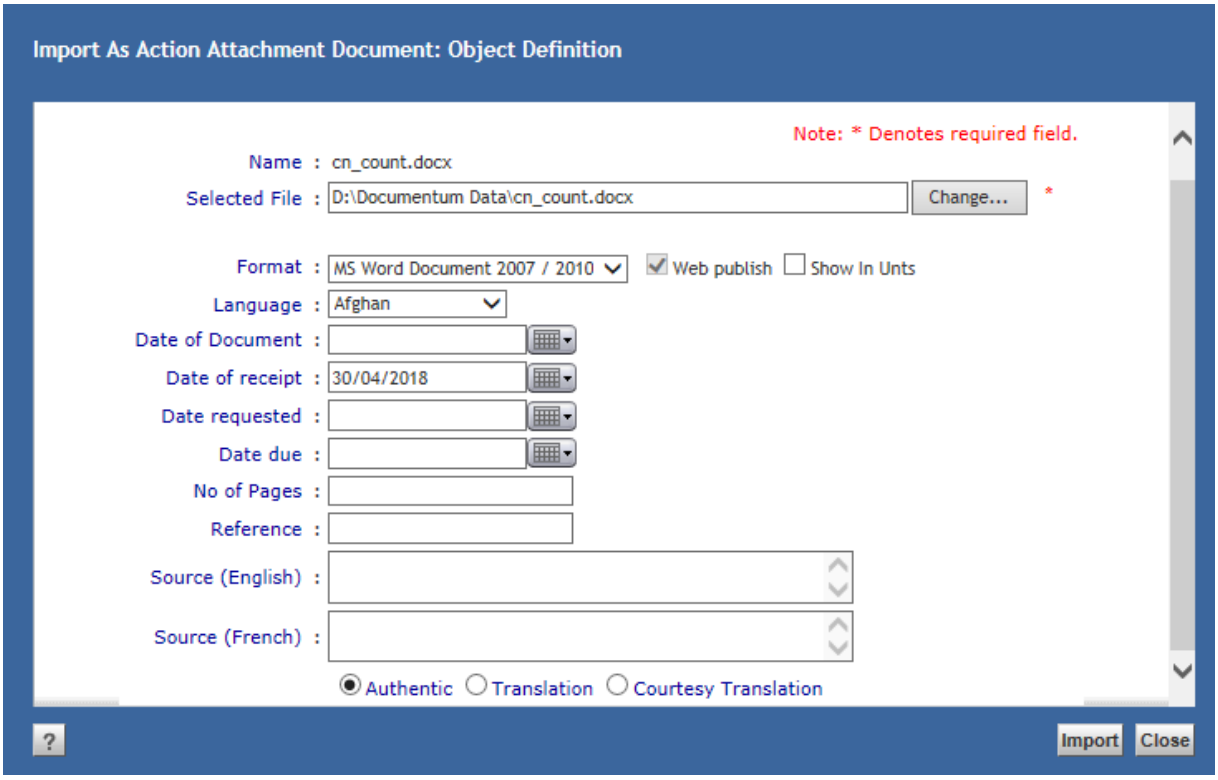


4. On the Input menu, select Action attachment. The Import As Action Attachment Document: Object Definition' screen is displayed.



Click 'Browse..' to select a file.

5.



a. The 'Name' field displays the name of the document selected in the 'Name' Label.

b. The type of select displayed is displayed automatically in the 'Format' field.

c. Select the 'Web Publish' check box if you want to publish the document on web or select the 'Show In Unts' check box if you want to display it in Unts.

d. Select a language of the document from the 'Language' drop-down list.

e. Click to select and enter the document creation date in the 'Date of Document' field.

f. The 'Date of receipt' selected for the treaty is auto-populated in the 'Date of Receipt' field. Click to change the 'Date of receipt'. This date should be the date of submission to the United Nations.

g. Click to select and enter a date in the 'Date requested' field.

h. Click to select and enter a date in the 'Due Date' field.

i. total number of pages of the document will be displayed in 'No of Pages' field(page numbers will be shown only for tiff,tif,doc,docx,pdf).

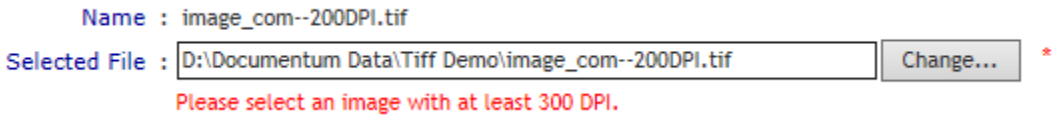
j. Enter reference of the attachment in the 'Reference' field.

k. Enter the source of document in the 'Source' field. The Source can be entered both in English and French languages.

l. Select if the document is 'Authentic', 'Translation' or 'Courtesy Translation'.

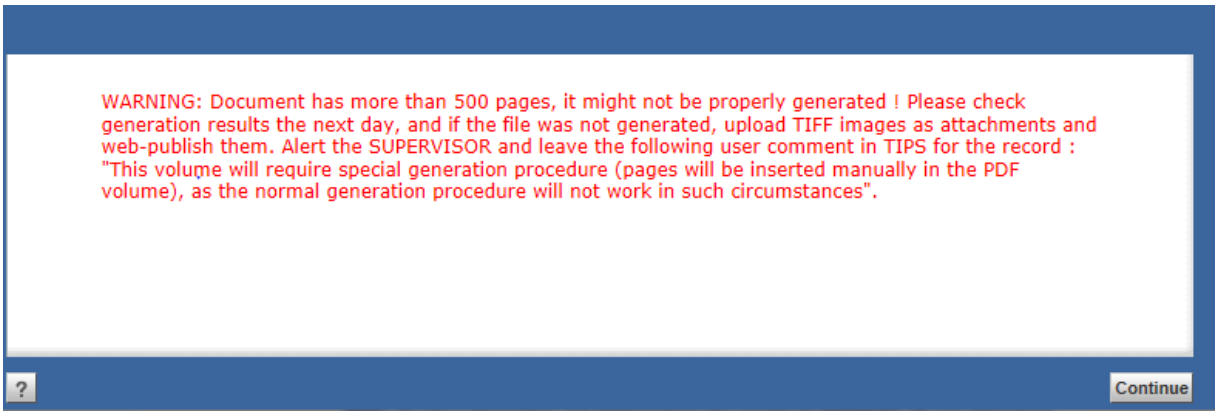
6. If Selected file is in uncompressed tiff format then warning message will be shown as given below screen

If Selected file is having DPI less than 300 then warning message will be shown as given below screen



7. Click 'Close' to close the screen.

8. Click 'Finish' to import but if no of pages of imported file is more than 500 and file extension is tif or tiff then following screen will get displayed and click on continue to attach the document to the action.

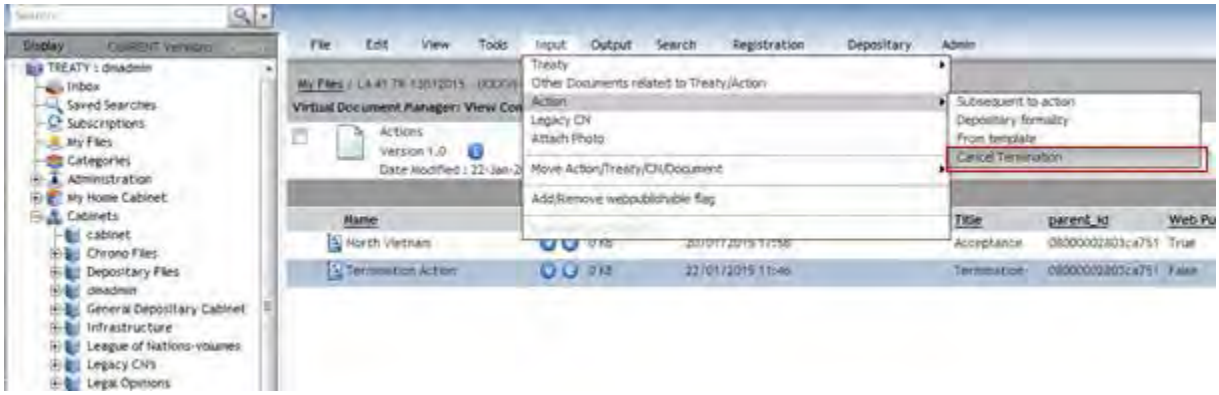


4.7.5 Cancel Termination

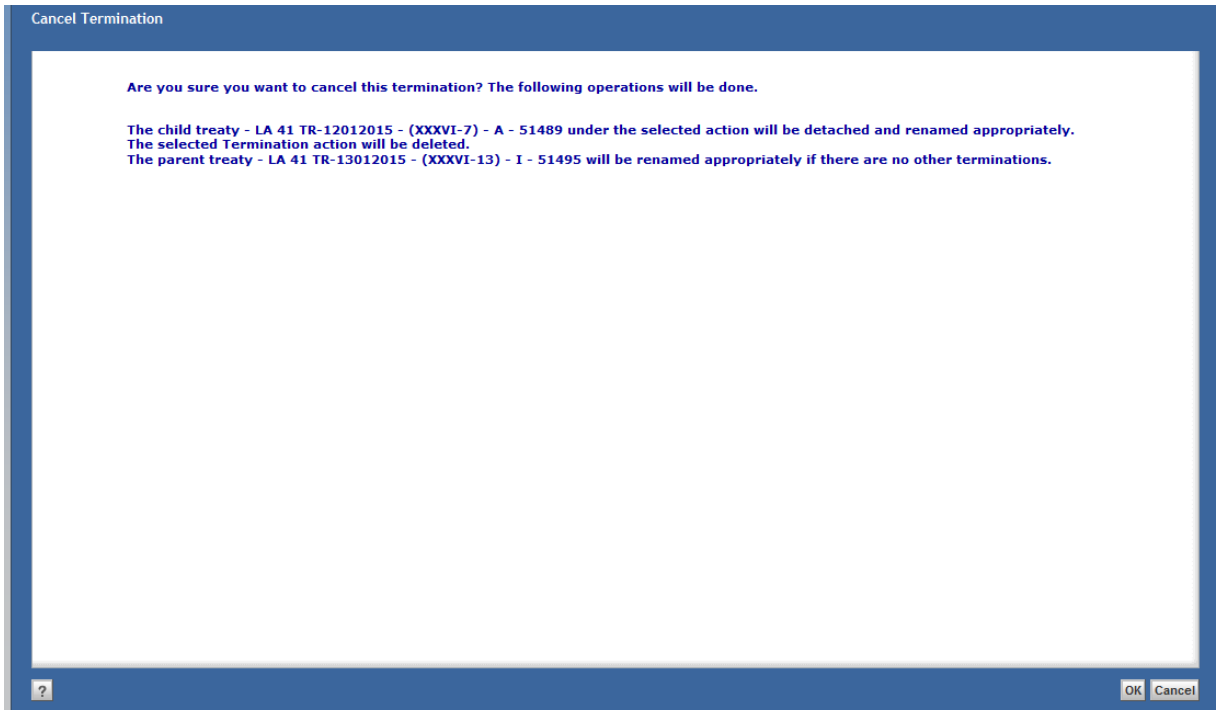
This feature enables you to cancel/undo termination of a treaty. Only treaties that are not registered can be terminated using this action.

To Cancel a Treaty

1. Select an action



2. On the Input menu, select Action > Cancel Termination.
   If the selected Action is a Termination Action, the following screen is displayed . If not an error message is displayed.



3. Click **Ok.** A message 'Cancel Termination finished successfully' is displayed. Selected termination action will deleted.
   If the parent treaty does not have any other termination action, then it will be renamed as shown below. If there is more than one termination action, then it will not be renamed. The child treaty under the deleted action will be detached and will be renamed. The word termination will be removed from the child treaty name.

   Parent Treaty: Before Termination.

   Treaty Name after Termination

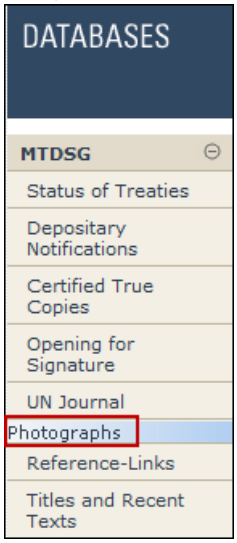
4. Click 'Cancel' to close the screen without cancelling the termination.

4.7.6 Add Photos

This feature allows you to upload multiple photos. These photos are captured when the signatories sign the treaty in the Signatory room. These photos are then published on the website.

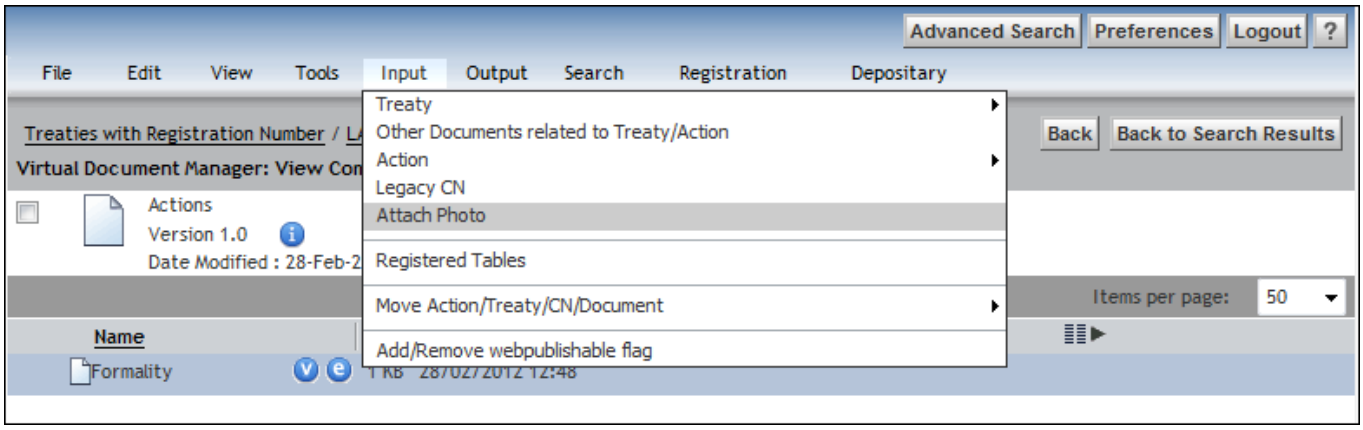
Note: The photographs can only be added for Actions.

You can view the recent photographs on the Home page website: http://treaties.un.org/
Also, click the 'Database' tab; click 'Photographs' to view and search photographs.

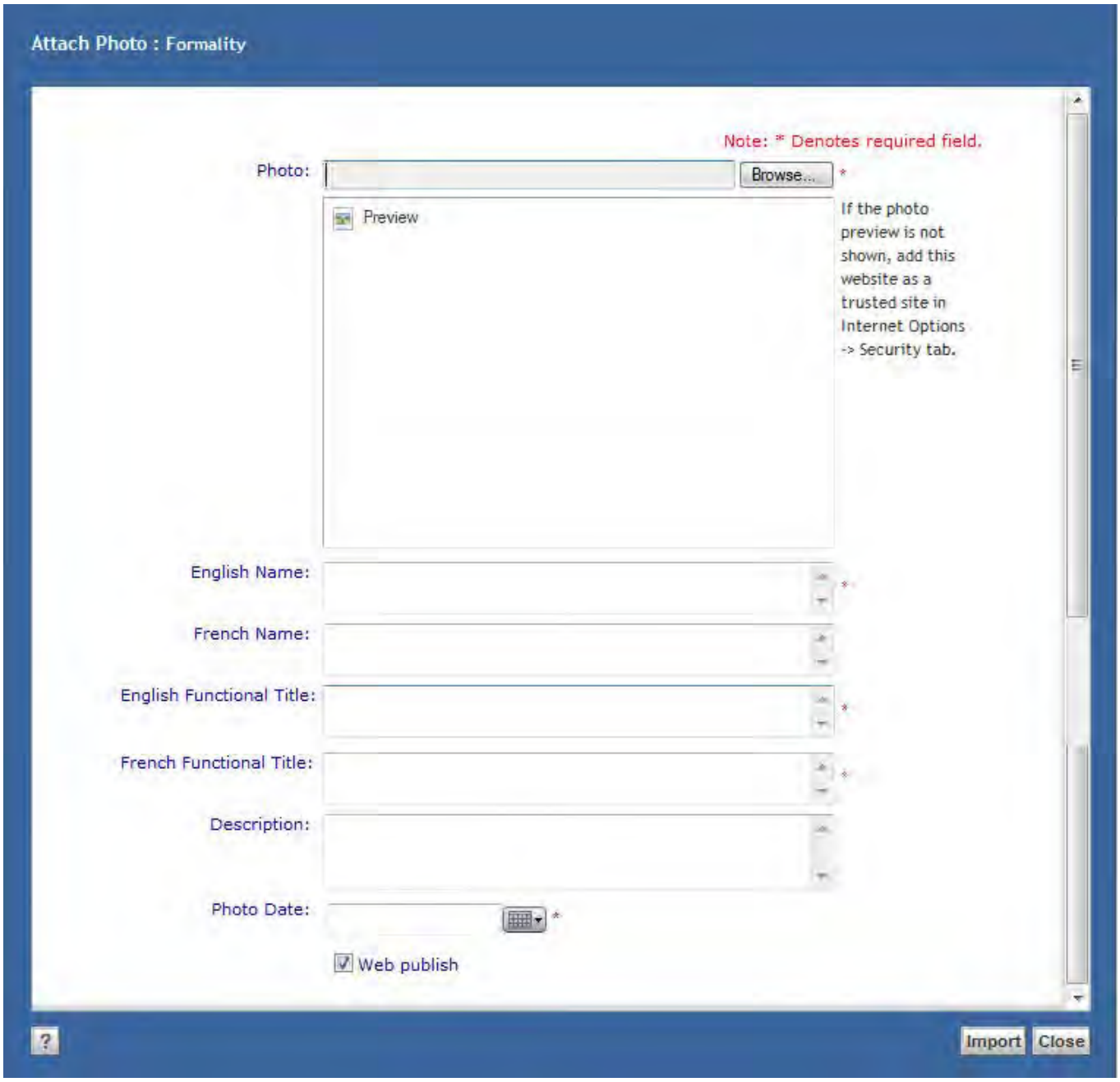


To add photos:

1. Select an action.



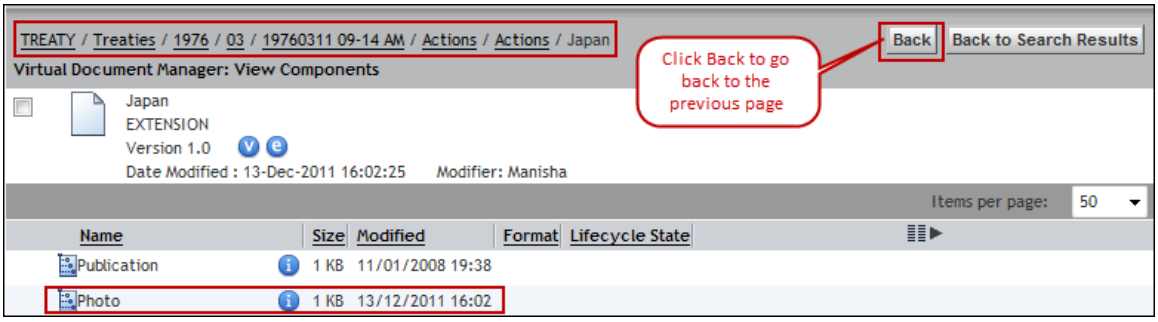
2. On the Input menu, select 'Attach Photo' or right-click the action and select 'Attach Photo'. The 'Attach Photo' page is displayed.



3. Click Browse... to choose an image that you want to upload. The 'Choose File to Upload' dialog box is displayed.
4. Select an image and click 'Open'. The path of the image is displayed in the 'Photo' field and a preview of the image is displayed.
5. Enter a name for the photo in the 'Name' field.
6. Enter the 'English Title' and the 'French Title' for the photo.
7. Enter the 'English Functional Title' and the 'French Functional Title' for the photo.

8. Enter a description of the photo in the 'Description' text box.
9. Click  to select and enter the date of the photo in the 'Photo Date' field.
10. Select the 'Web publish' check box to publish the photo.
11. Click 'Import' to import the photo. The 'Photo attached successfully' message is displayed on the Action page is displayed.

12. Double-click the action to see the attachment.



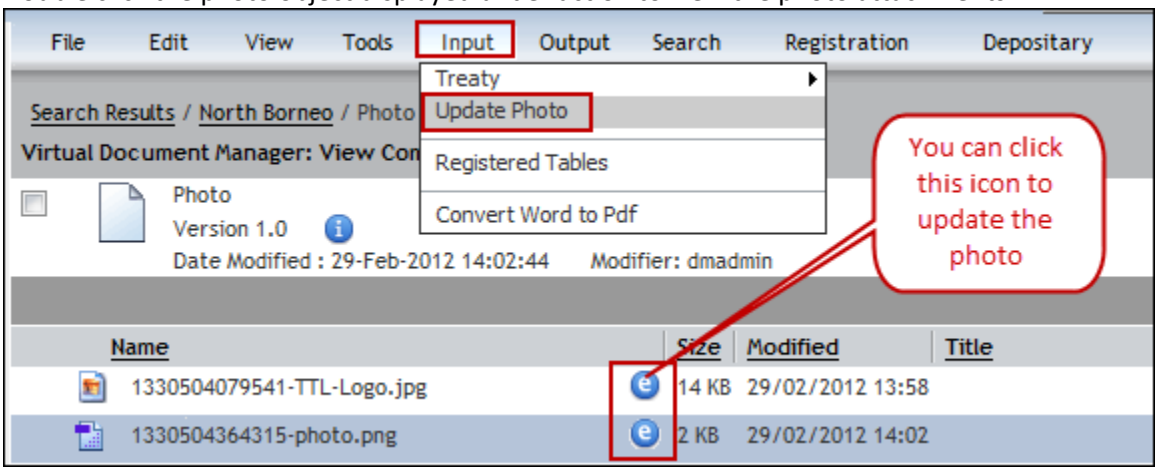
Note: User can only upload images in JPG, GIF or PNG formats.

Update/Replace Photo

You can update the attribute of the attached photo or replace the uploaded photograph. When you attach a photo to an action, then a Photo object is created. This object is displayed on the Action page.

To update/replace the photograph:

1. Double-click the action to see the photo object.
2. Double click the photo object displayed under action to view the photo attachments.



3. Select the photo attachment and select 'Update photo' option from the 'Input' menu or click the  icon to update/replace the photo. The 'Attach Photo' page is displayed.

4. Click 'Browse' to select a new image in case you want to change the existing image
5. Change the required pre-populated attributes of the existing image in case you want to update only the attributes of the existing image.

6. Click ‘Update’ to update the new image or the attributes.
   Or
   Click ‘Close’ to cancel the task and close the window.

Note: The Edit/Checkout cannot be invoked on the photo attachment. The photo(s) can be updated either by clicking on the icon next to the photo or by selecting the photo attachment and then selecting the ‘Update Photo’ option from the ‘Input’ menu.

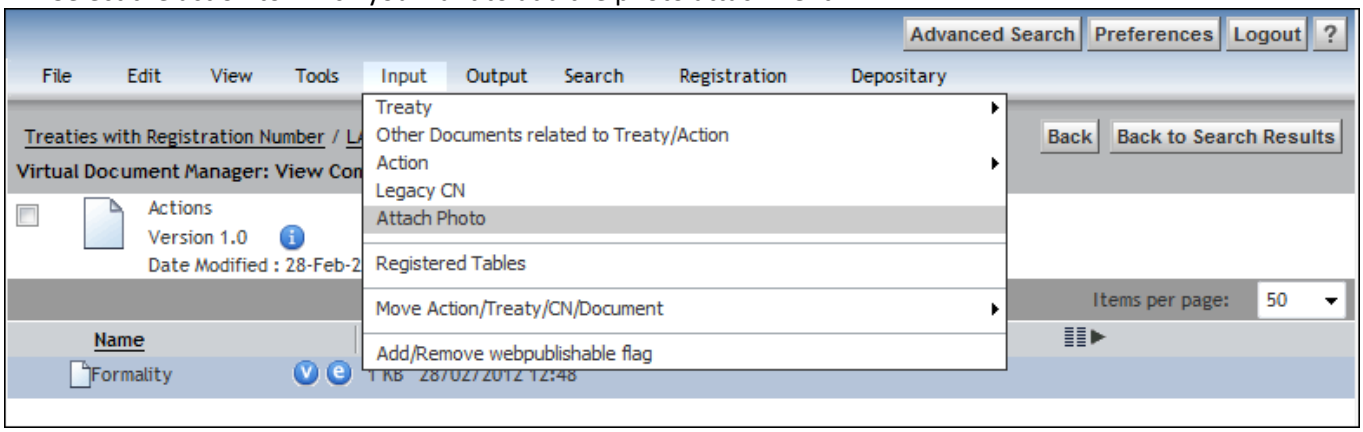
4.7.7 Adding Multiple Photos

When you attach a photo to an action, then a Photo object is created. The ‘Photo’ object can store multiple photo attachments. This object is displayed on the Action page.

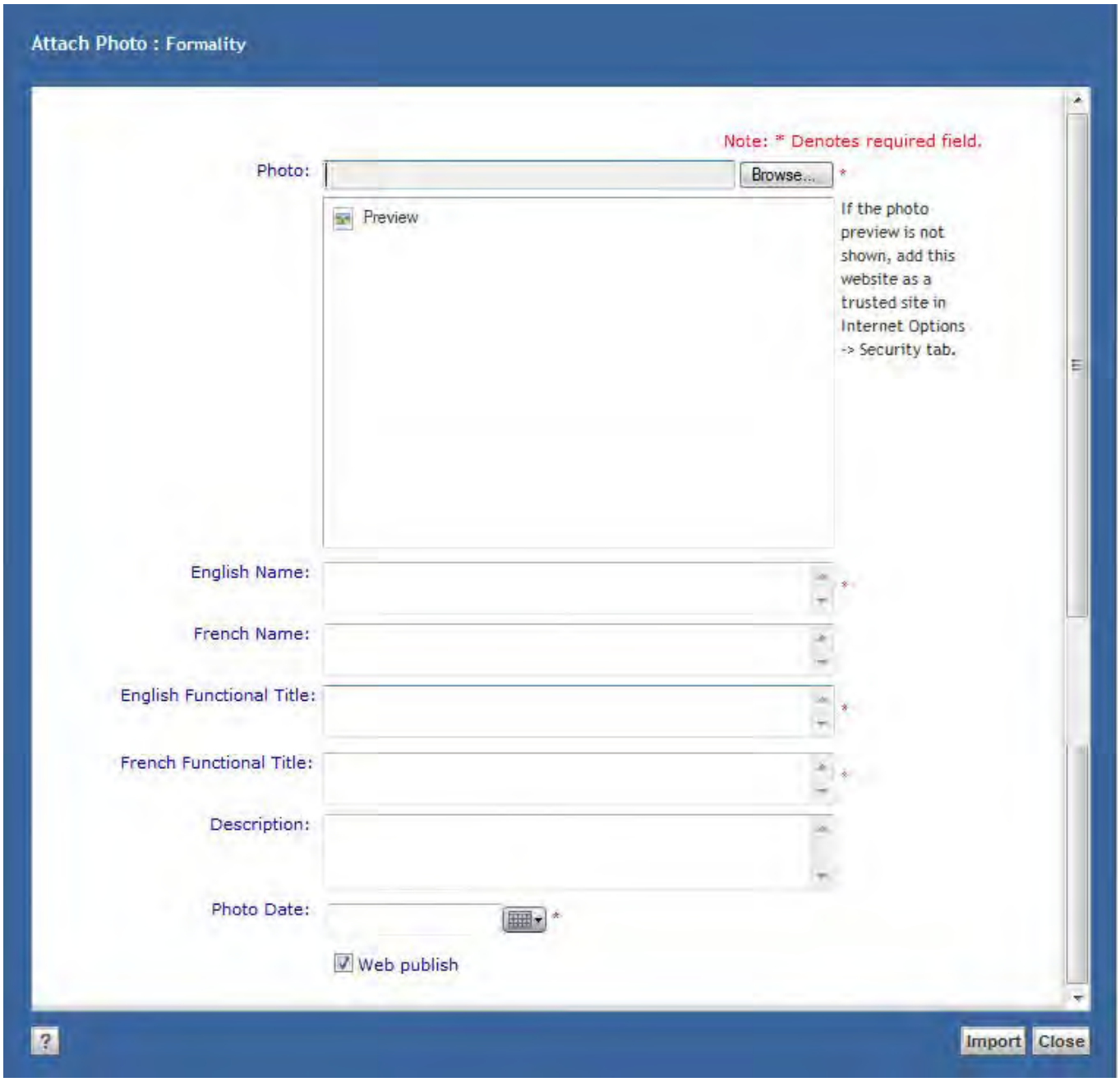
Note: The "Photo" object is not the Photo attachment.

To add multiple photo attachment:

1. Select the action to which you want to add the photo attachment.

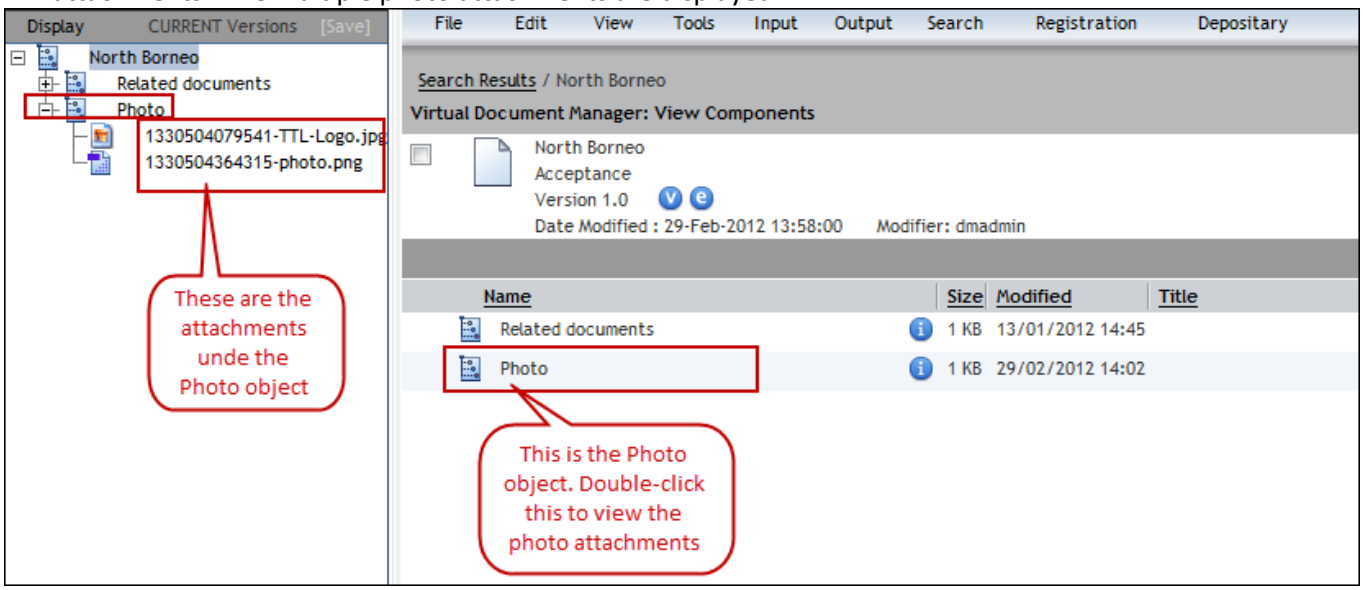


2. On the Input menu, select ‘Attach Photo’ or right-click the action and select ‘Attach Photo’. The ‘Attach Photo’ page is displayed.



3. Click Browse... to choose an image that you want to upload. The 'Choose File to Upload' dialog box is displayed.
4. Select an image and click 'Open'. The path of the image is displayed in the 'Photo' field and a preview of the image is displayed.
5. Enter a name for the photo in the 'Name' field.
6. Enter the 'English Title' and the 'French Title' for the photo.
7. Enter the 'English Functional Title' and the 'French Functional Title' for the photo.

8. Enter a description of the photo in the 'Description' text box.
9. Click  to select and enter the date of the photo in the 'Photo Date' field.
10. Select the 'Web publish' check box to publish the photo.
11. Click 'Import' to import the photo. The Action page is displayed.
12. Double-click the action to see the photo object. Double-click the photo object to view the photo attachments. The multiple photo attachments are displayed.



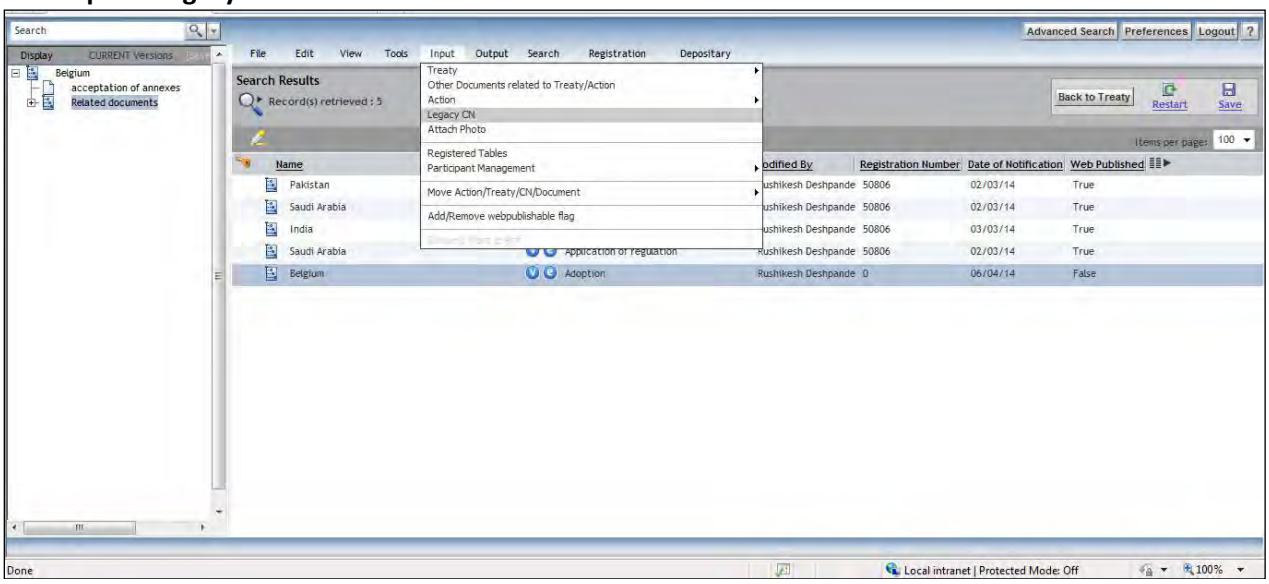
4.8 Legacy CN

You can add the Legacy CN's. CN's are attached to an action.

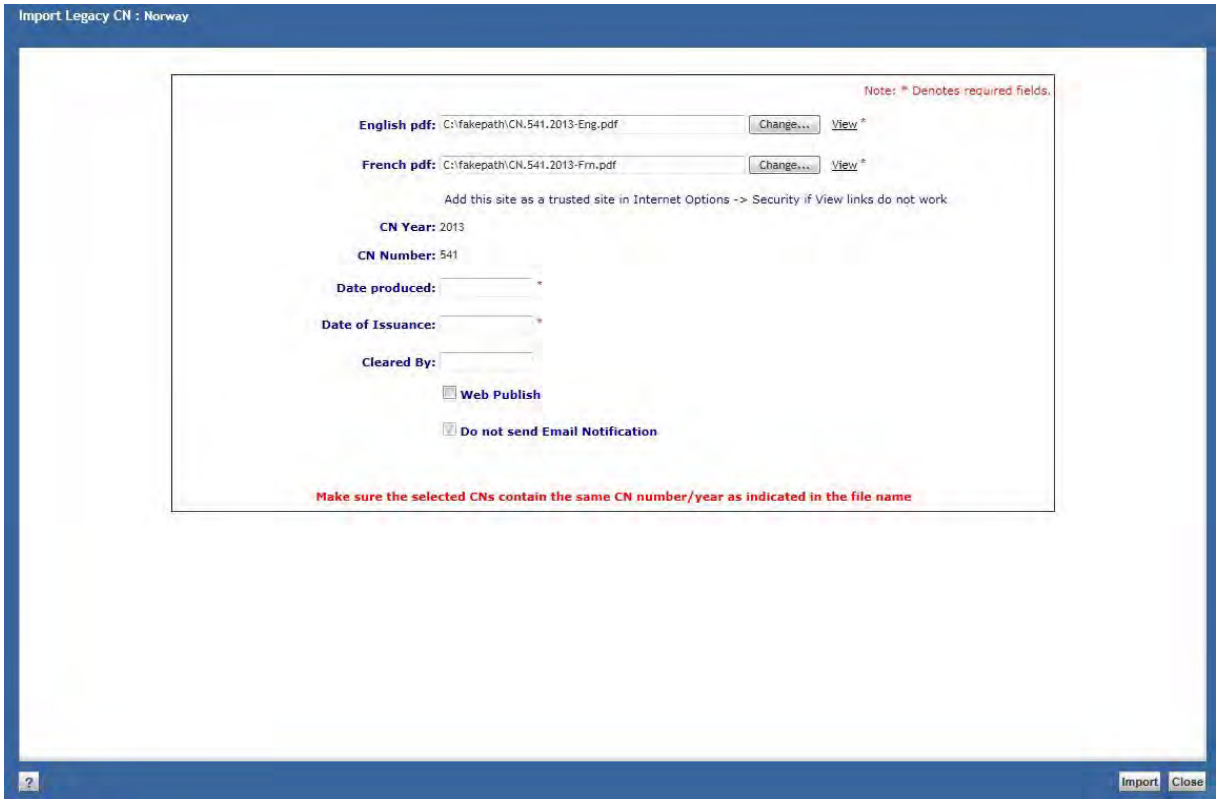
To add a Legacy CN:

1. Select an action.

2. Click **Input** > **Legacy CN**.

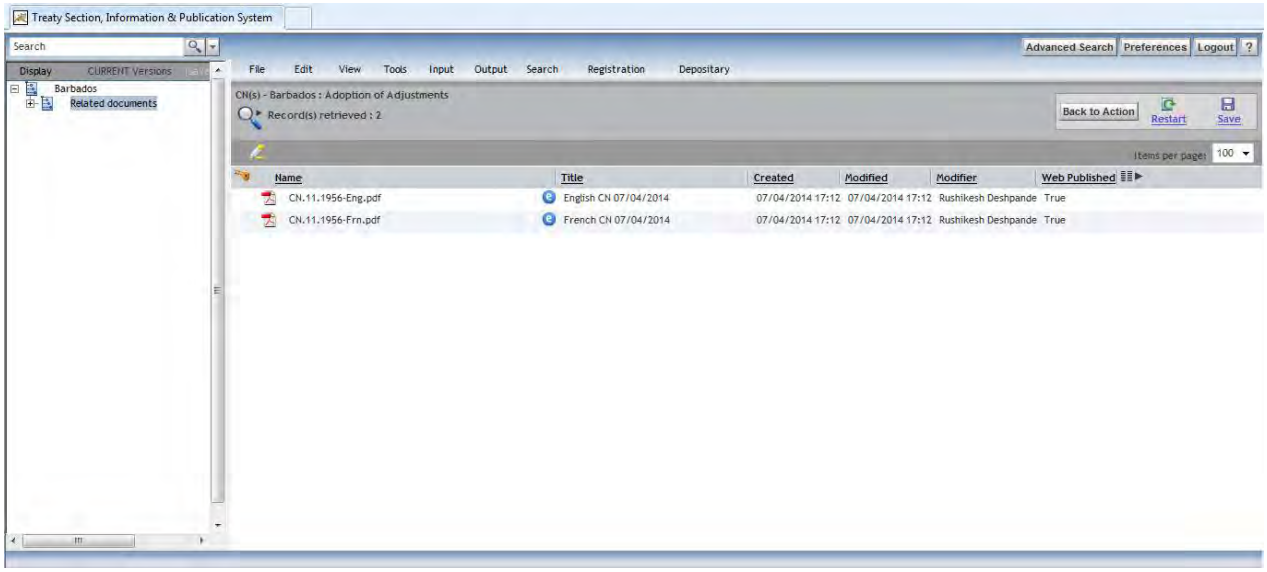


3. Click **Browse** to select and upload the English CN in PDF format.
4. Similarly, click **Browse** to select and upload the French CN in PDF format.
5. Click on **View link** to view the selected file. **View** link will appear only if the selected file is a valid CN document



6. **CN Year** and **CN Number** will be automatically displayed based on the selected CN

7. Enter the date in the **Date Produced** field.
8. Enter the date in the **Date of Issuance** field.
9. Select the **Web Publish** check box if you want to web publish the CN.
10. **Donot Send Email Notification** is greyed and disabled.
11. Click **Import**. If the current date is less the 30 days from Date Issuance then a message is displayed “This CN will appear on the website in the latest CNs section. Are you sure? “ Click ‘Yes’



12. Check the Related Documents of the actions. The CN is added.

The composition of a CN document is as follows:

1. UN logo
2. CN reference line that includes CN number,year and MTDSG number of the treaty
3. Main(parent) treaty title
4. Immediate Parent treaty title - in case the the CN is under an action to a subsequent treaty.
5. Parent Treaty Conclusion place/date
6. Action Participant & Title (with a reference to parent CN footnote if needed)
7. Hardcoded Line - The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:
8. CN Static Text if specified for the current action type using Depositary -> CN -> Add static text
9. Notification line for action - The action was effected on <action date of notification>
10. Contents of all document attachments under the action.

11. Effect information line based on the logic -

If Action's date of effect is mentioned {
    If Action type is Succession {
        Print - The action *becomes / will become / became* effective for <action participant> on <date of effect of action>

} else {

Print - <treaty type> *will enter / enters / entered* into force for <action participant> on <date of effect of action>

}

}

followed by the cn article(s) mentioned in treaty

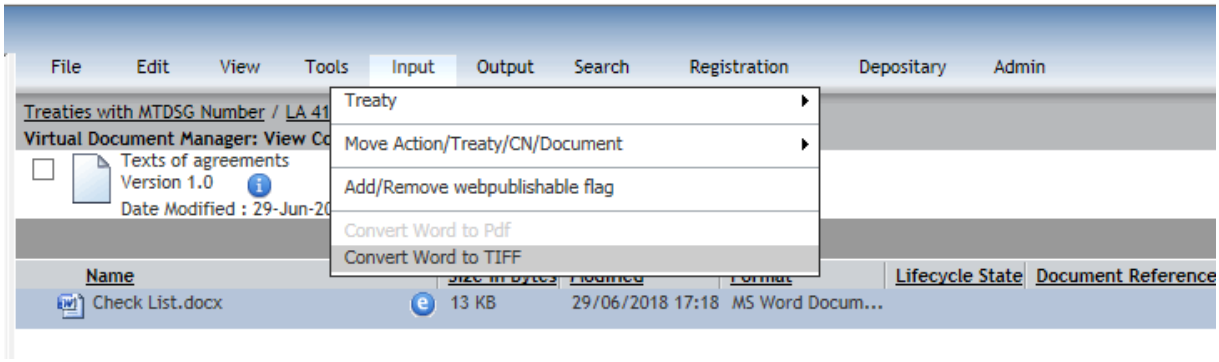
12. The CN footnote referring to the parent action's CN (Applicable only for child action's CN)
13. Date of Creation (Right aligned)
14. Chief Signature imported from /Infrastructure/CNSignature/chiefsign.tif (Right aligned)
15. Footer text imported from Infrastructure/CNFooter

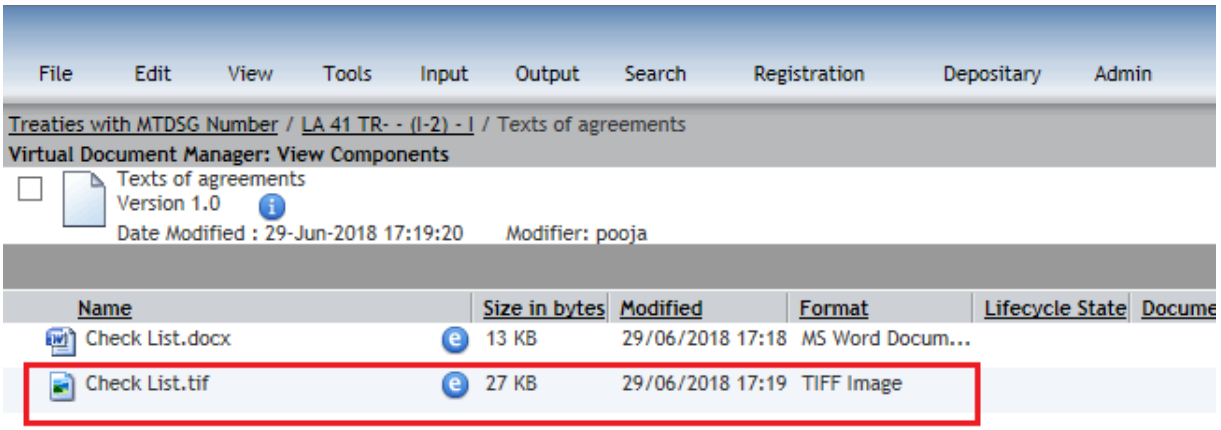
4.9 Convert Word to TIFF

This option allows the users to convert the word document into a TIFF format of 300 DPI and compression 4. The Convert word to TIFF option is displayed only for Text of agreement and Action attachment's file. For rest, convert word to TIFF option is not clickable.

Note: Aspose is used to generate all the TIFF documents from Word. To convert word to TIFF:

1. Select a word document.

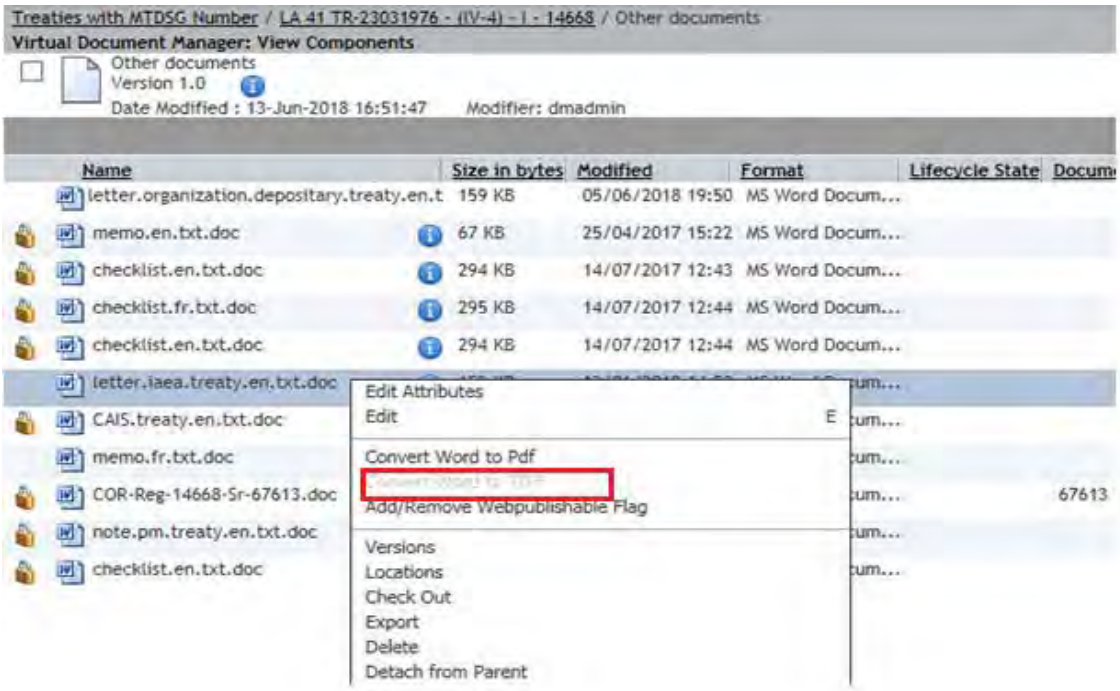




2. A Confirmation message is received that the file has been converted to TIFF.

Note: Only Text of agreement and action Attachment files can be converted to TIFF.

3. Click **Input** > **Convert Word to TIFF**. Alternatively, you can right-click the document and select **Convert Word to TIFF.**



Convert Word to TIFF option is not clickable because as shown in above screen shot it's a other documents file.

5 Output Module

The 'Output' module allows the users to generate monthly statements, treaty series, cumulative index, and reports.
The following publications are explained in detail in the following sections.

- Monthly Statements
- Treaty Series (UNTS)
- Reports

5.1 Monthly Statements

The monthly statements of treaties and agreements are generated every month by the Treaty Section. It contains the detailed list of treaties and related subsequent treaty action which are registered or filed with the secretariat in the given month along with the titles, participants, EIF information, authentic text, and registration details.
The treaties or actions in the monthly statement are categorized on the basis of document disposition. The monthly statement is generated in English.

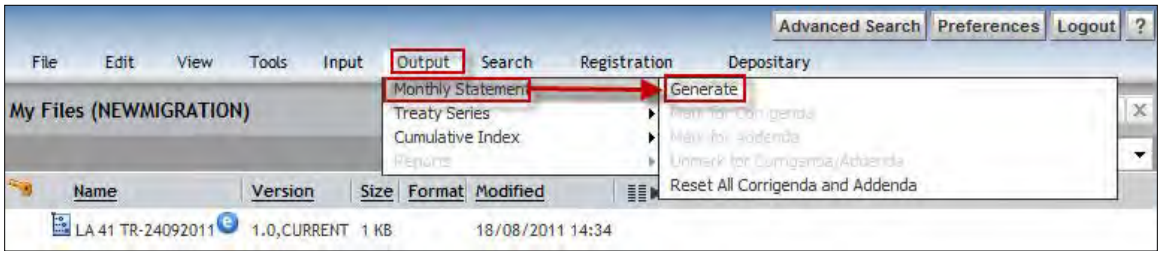
The Monthly Statement displays the information about the authentic text/Courtesy Translation information for all the documents attached to Treaties/Actions.

In Part I, the authentic texts appear in the current system. It displays the details of the Courtesy Translations on the next line as shown in the following screenshot. In case there are multiple Courtesy translations, they are shown on the same line separated with comma or "and" (English)

Note: Only the registered actions are displayed in the monthly statements. The monthly statements can also be generated as reports.

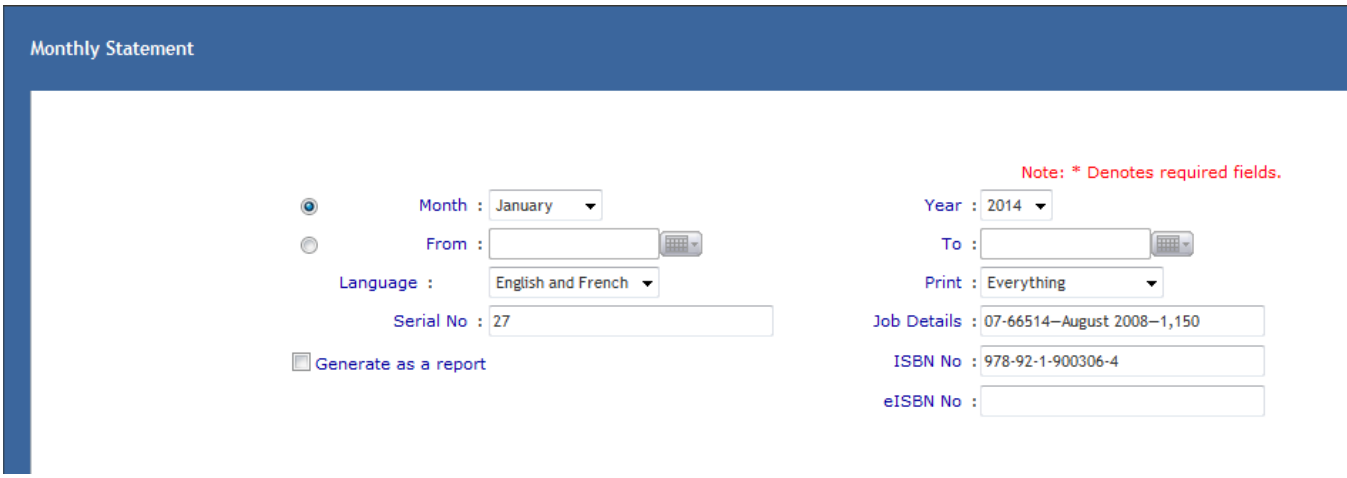
5.1.1 Generate Monthly Statements

The 'Generate' option allows you to create a monthly statement for a particular month or a time period.

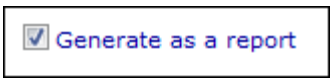


To Generate a Monthly Statement:

1. From the Output menu, select Monthly statement > Generate.
2. If you want to generate Monthly statement for a specific month, select the 'Month' option and then select a month from 'Month' drop-down list.

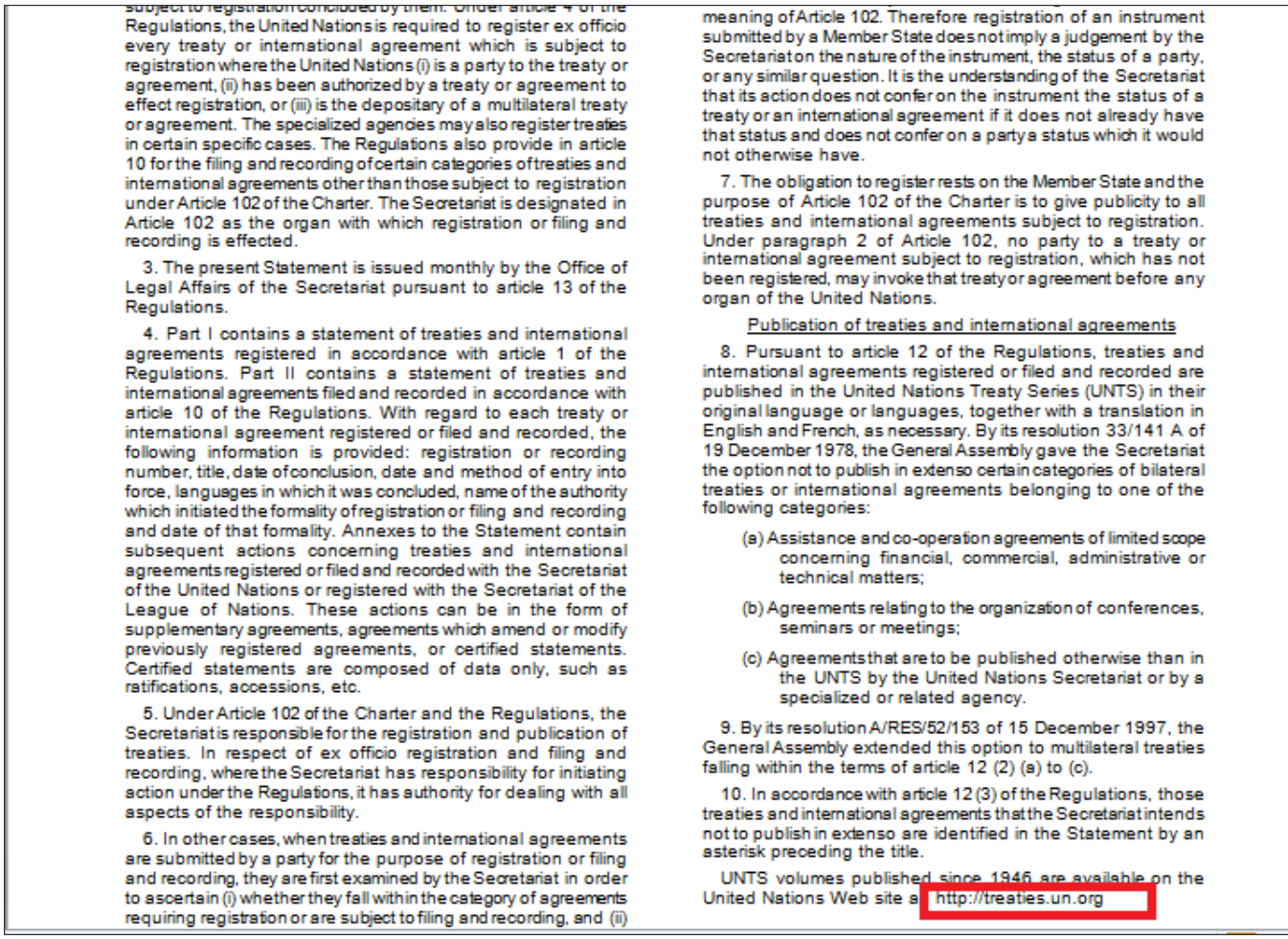


3. If you want to generate the Monthly Statement for a specific period, select the 'From-To' option and enter the dates.
4. Click the icon to select and enter a start date in 'From' field.
5. Click the icon to select and enter an end date in 'To' field.
6. Select the "Generate as a report" check box to generate and open the report in MSWORD.



Note: If you select the "Generate as a report" check box, the generated monstate.en.doc is downloaded and opened immediately on the user's screen.

In “Note by secretariat” section, the url is http://treaties.un.org. Refer below screenshot



subject to registration concluded by them. Under article 4 of the Regulations, the United Nations is required to register ex officio every treaty or international agreement which is subject to registration where the United Nations (i) is a party to the treaty or agreement, (ii) has been authorized by a treaty or agreement to effect registration, or (iii) is the depositary of a multilateral treaty or agreement. The specialized agencies may also register treaties in certain specific cases. The Regulations also provide in article 10 for the filing and recording of certain categories of treaties and international agreements other than those subject to registration under Article 102 of the Charter. The Secretariat is designated in Article 102 as the organ with which registration or filing and recording is effected.

3. The present Statement is issued monthly by the Office of Legal Affairs of the Secretariat pursuant to article 13 of the Regulations.

4. Part I contains a statement of treaties and international agreements registered in accordance with article 1 of the Regulations. Part II contains a statement of treaties and international agreements filed and recorded in accordance with article 10 of the Regulations. With regard to each treaty or international agreement registered or filed and recorded, the following information is provided: registration or recording number, title, date of conclusion, date and method of entry into force, languages in which it was concluded, name of the authority which initiated the formality of registration or filing and recording and date of that formality. Annexes to the Statement contain subsequent actions concerning treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations or registered with the Secretariat of the League of Nations. These actions can be in the form of supplementary agreements, agreements which amend or modify previously registered agreements, or certified statements. Certified statements are composed of data only, such as ratifications, accessions, etc.

5. Under Article 102 of the Charter and the Regulations, the Secretariat is responsible for the registration and publication of treaties. In respect of ex officio registration and filing and recording, where the Secretariat has responsibility for initiating action under the Regulations, it has authority for dealing with all aspects of the responsibility.

6. In other cases, when treaties and international agreements are submitted by a party for the purpose of registration or filing and recording, they are first examined by the Secretariat in order to ascertain (i) whether they fall within the category of agreements requiring registration or are subject to filing and recording, and (ii) meaning of Article 102. Therefore registration of an instrument submitted by a Member State does not imply a judgement by the Secretariat on the nature of the instrument, the status of a party, or any similar question. It is the understanding of the Secretariat that its action does not confer on the instrument the status of a treaty or an international agreement if it does not already have that status and does not confer on a party a status which it would not otherwise have.

7. The obligation to register rests on the Member State and the purpose of Article 102 of the Charter is to give publicity to all treaties and international agreements subject to registration. Under paragraph 2 of Article 102, no party to a treaty or international agreement subject to registration, which has not been registered, may invoke that treaty or agreement before any organ of the United Nations.

Publication of treaties and international agreements

8. Pursuant to article 12 of the Regulations, treaties and international agreements registered or filed and recorded are published in the United Nations Treaty Series (UNTS) in their original language or languages, together with a translation in English and French, as necessary. By its resolution 33/141 A of 19 December 1978, the General Assembly gave the Secretariat the option not to publish in extenso certain categories of bilateral treaties or international agreements belonging to one of the following categories:

(a) Assistance and co-operation agreements of limited scope concerning financial, commercial, administrative or technical matters;

(b) Agreements relating to the organization of conferences, seminars or meetings;

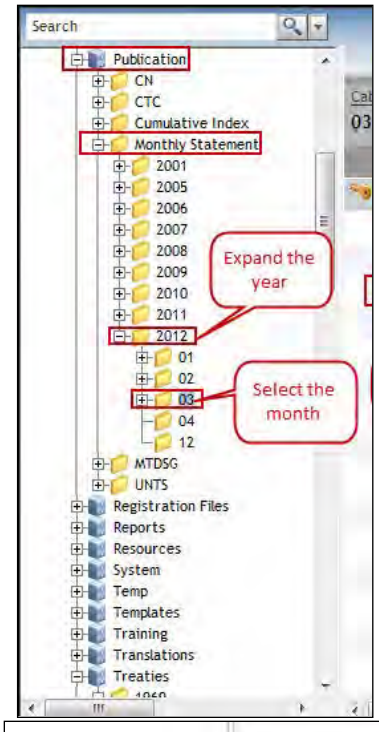
(c) Agreements that are to be published otherwise than in the UNTS by the United Nations Secretariat or by a specialized or related agency.

9. By its resolution A/RES/52/153 of 15 December 1997, the General Assembly extended this option to multilateral treaties falling within the terms of article 12 (2) (a) to (c).

10. In accordance with article 12 (3) of the Regulations, those treaties and international agreements that the Secretariat intends not to publish in extenso are identified in the Statement by an asterisk preceding the title.

UNTS volumes published since 1946 are available on the United Nations Web site a http://treaties.un.org

7. If you do not select the “Generate as a report” check box, then the report is saved in the Publications Folder. In the left navigation pane, expand the Publications folder > Monthly Statement > Year > Month.



8. Click “OK” to generate the Monthly Statement. A confirmation message is received, “Monthly Statement created successfully”.
   - Or
   - Click “Close” to cancel the task and close the screen.

Note: The Monthly Statement displays the information about the authentic text/ Courtesy Translation information for all the documents attached to Treaties/Actions.
Empty Date of Effect field should not be displayed as a label in MS.
The Monthly Statement Generation process does not generate any PDF files. During

generation if any document is locked, which means the key appears  , then the document should be unlocked.

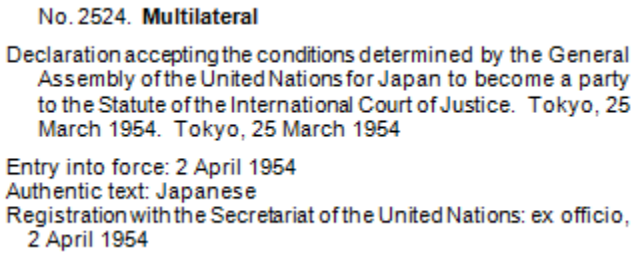
The monthly statement for territorial application is displayed in the following format.

Annex B. Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements filed and recorded with the Secretariat

No. 1401.
Credit Agreement. Alexandria, Virginia, 5 June 2012
Territorial application
Agency for Cultural and Technical Co-operation (in respect of Abu Dhabi)
Notification effected on: 22 June 2012
Date of effect: 22 June 2012
Registration with the Secretariat of the United Nations: Afghanistan, 29 June 2012
Note: See also part II, No. 1401

9. The tag 'Authentic Text' is presented according to the number of languages. If there is a single language, the tag is displayed in singular format as 'Authentic Text'. Whereas if there are multiple languages, the tag is displayed in plural format as 'Authentic Texts'. The examples are shown below.

Example 1: Single Language

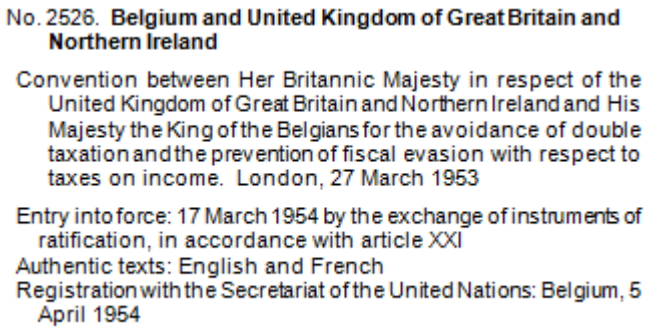


No. 2524. **Multilateral**

Declaration accepting the conditions determined by the General Assembly of the United Nations for Japan to become a party to the Statute of the International Court of Justice. Tokyo, 25 March 1954. Tokyo, 25 March 1954

Entry into force: 2 April 1954
Authentic text: Japanese
Registration with the Secretariat of the United Nations: ex officio, 2 April 1954

Example 2: Multiple Languages



No. 2526. **Belgium and United Kingdom of Great Britain and Northern Ireland**

Convention between Her Britannic Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His Majesty the King of the Belgians for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. London, 27 March 1953

Entry into force: 17 March 1954 by the exchange of instruments of ratification, in accordance with article XXI
Authentic texts: English and French
Registration with the Secretariat of the United Nations: Belgium, 5 April 1954

5.2 Treaty Series (UNTS)

The United Nations Treaty Series (UNTS) is a publication series, comprised of treaties, actions and agreements that are registered with the Secretariat in a specific month. The series includes the texts of treaties in their authentic language(s), along with translations into English and French, as appropriate. The UNTS is published online and in hard copy format every month in volumes.

The standard dimensions of a UNTS volume book are 6.5" X 9.5" (width X height). The margins are 0.5 inches on both sides. The attachments under the treaties are modified at the time of UNTS generation so as to match them with the UNTS document margins. The tables in the Annex are also stretched in order to match them with the increased page width.

The TIFF files imported in UNTS are stretched keeping their aspect ratio unchanged so that the images with height larger than the width do not look stretched out.

5.2.1 UNTS Generation queuing mechanism

The treaties/actions will be queued for UNTS generation (as individual volume part files in PDF format, to be published as advanced copies on the Treaty Section website) as and when the following events take place.:

1. A Treaty/action is updated (Only if it's registered& web-published).
2. A treaty/action is registered
3. A document is attached to treaty using the Input → Text of agreement
4. A document is attached to an action using Input → Action Attachment (This menu is available only for ts_action_attachment objects.
5. A volume number is assigned through Tabulation/Add remove from tabulation/Any other screen that changes volume numbers.
6. A volume number is removed or changed.
7. A treaty/action is web published.

The UNTS generation will be governed by the following rules:

1. If the treaty/action doesn't have a volume number, the generated document will have the "No Volume" disclaimer as mentioned in the Web-Publishing Phase 1 below.
2. If the treaty/action doesn't have a volume number, the generated documents will be web-published by default so that they appear on the web as & when generated.
3. The treaty/action should be queued for UNTS generation only if it's registered and has at least one attachment marked as "Final" except if the treaty is marked as Limited Publication.
4. If the ts_tabulation record of the registration month of the treaty/action exists and is not in Finalized state, the record should NOT be queued for UNTS.
5. The current logic with respect to the documents to be attached into UNTS remains unchanged.

5.2.1.1 UNTS job

The UNTS generation job will monitor the UNTS queue. It will start processing the UNTS document for the objects present in the queue one by one. The queue will be implemented as a database table. Once the object is processed, it'll be removed from the queue. This program will call the existing UNTS generation process. The processed objects are moved to a history table for tracking purpose.

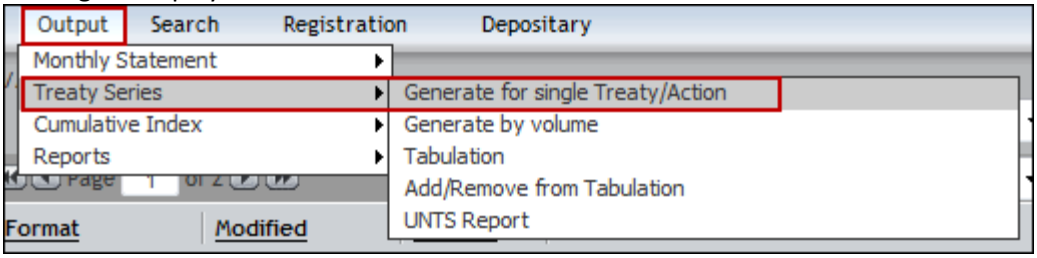
5.2.2 Generate for single Treaty/Action

This option allows you to generate a treaty series publication for a particular treaty. For generating this publication, the treaty must be registered. The volume number is not required for generating this output.

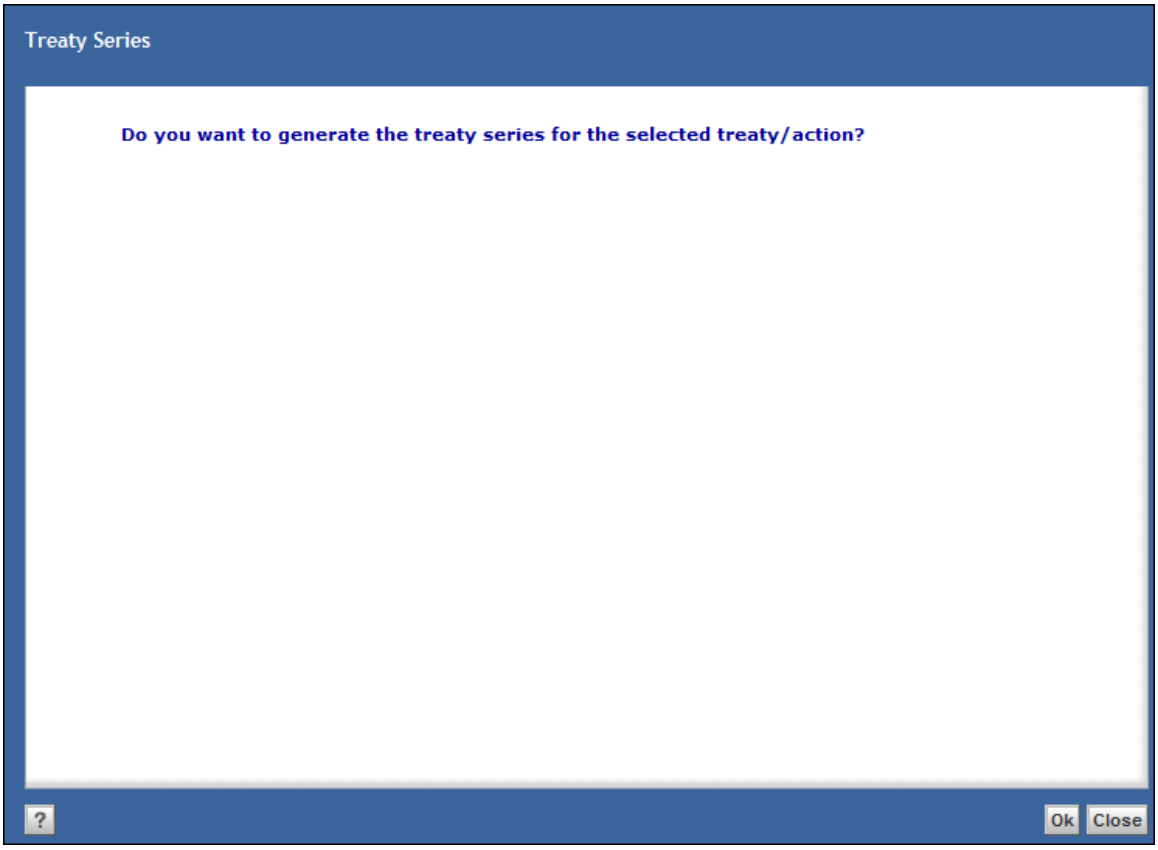
Note: If the treaty belongs to a volume, then an error message is displayed. It asks you to generate treaty by volume.

To generate treaty series for a single treaty:

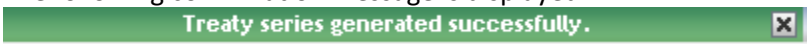
1. From the Output menu, select Treaty Series > Generate for single Treaty/Action. A confirmation message is displayed.



2. Click 'Ok' to generate the treaty series for the selected treaty/action.
   Or
   Click 'Close' to cancel and close the screen.



The following confirmation message is displayed.



Note: If an action has an action attachment object without any document attached to it, then the header is not displayed in the UNTS document. Such a case is highlighted in the UNTS report.

Note: During the UNTS generation, all the dates in the document are processed. A non-breaking space is inserted between date and month so that they always stay together on one line. All the occurrences of French dates falling on first of the month are formatted as 1er

If there are multiple consecutive documents with the same language, the header is not repeated for each record.

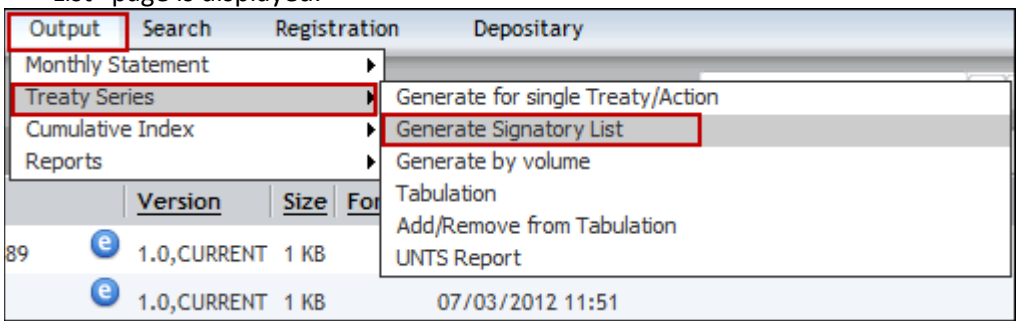
5.2.3 Generate Signatory List

This option allows you to generate a signatory list.

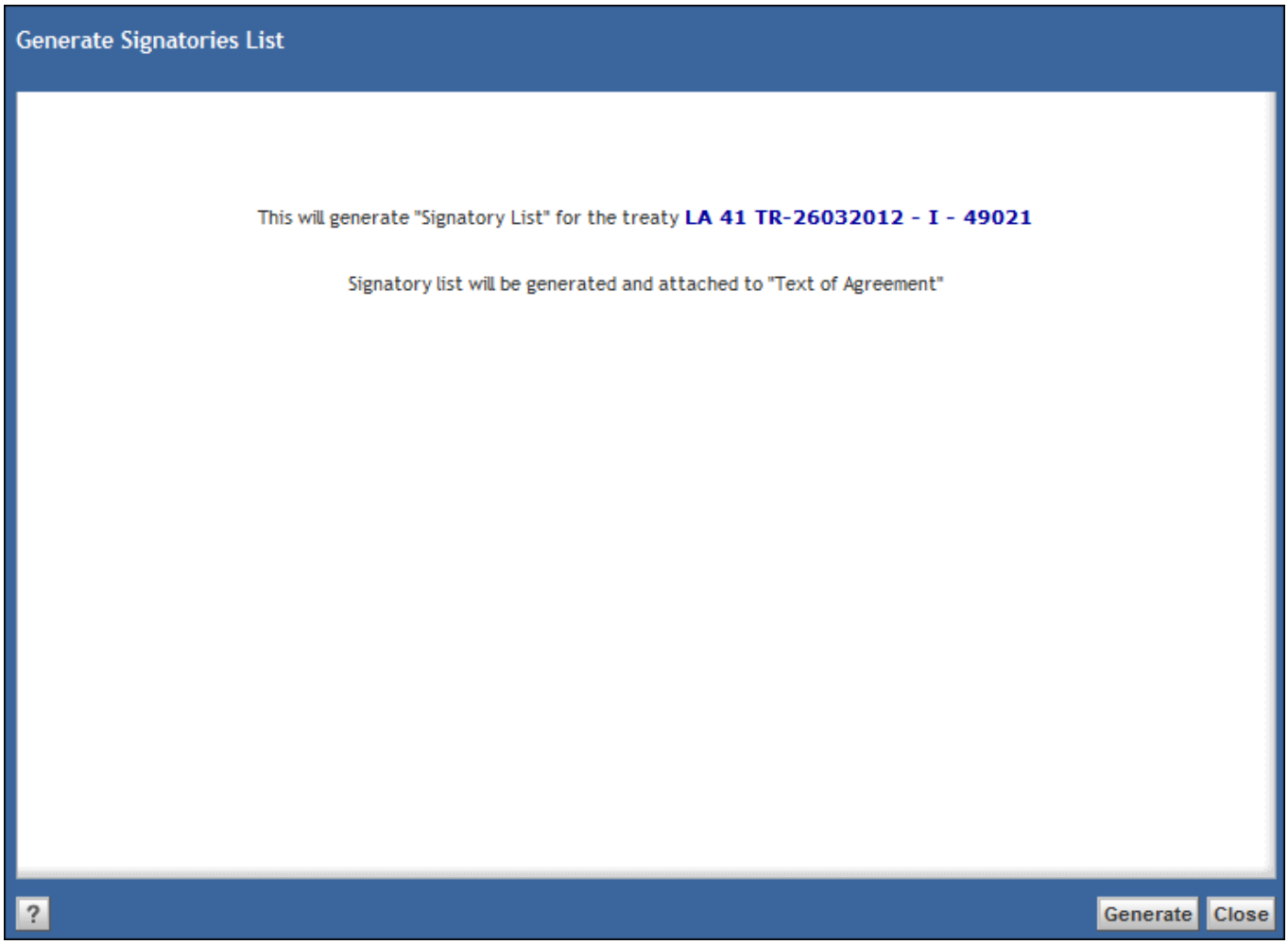
To generate a signatory list:

1. Select a treaty.

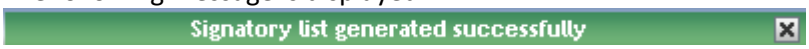
2. From the Output menu, select Treaty Series > Generate Signatory List. The “Generate Signatory List” page is displayed.



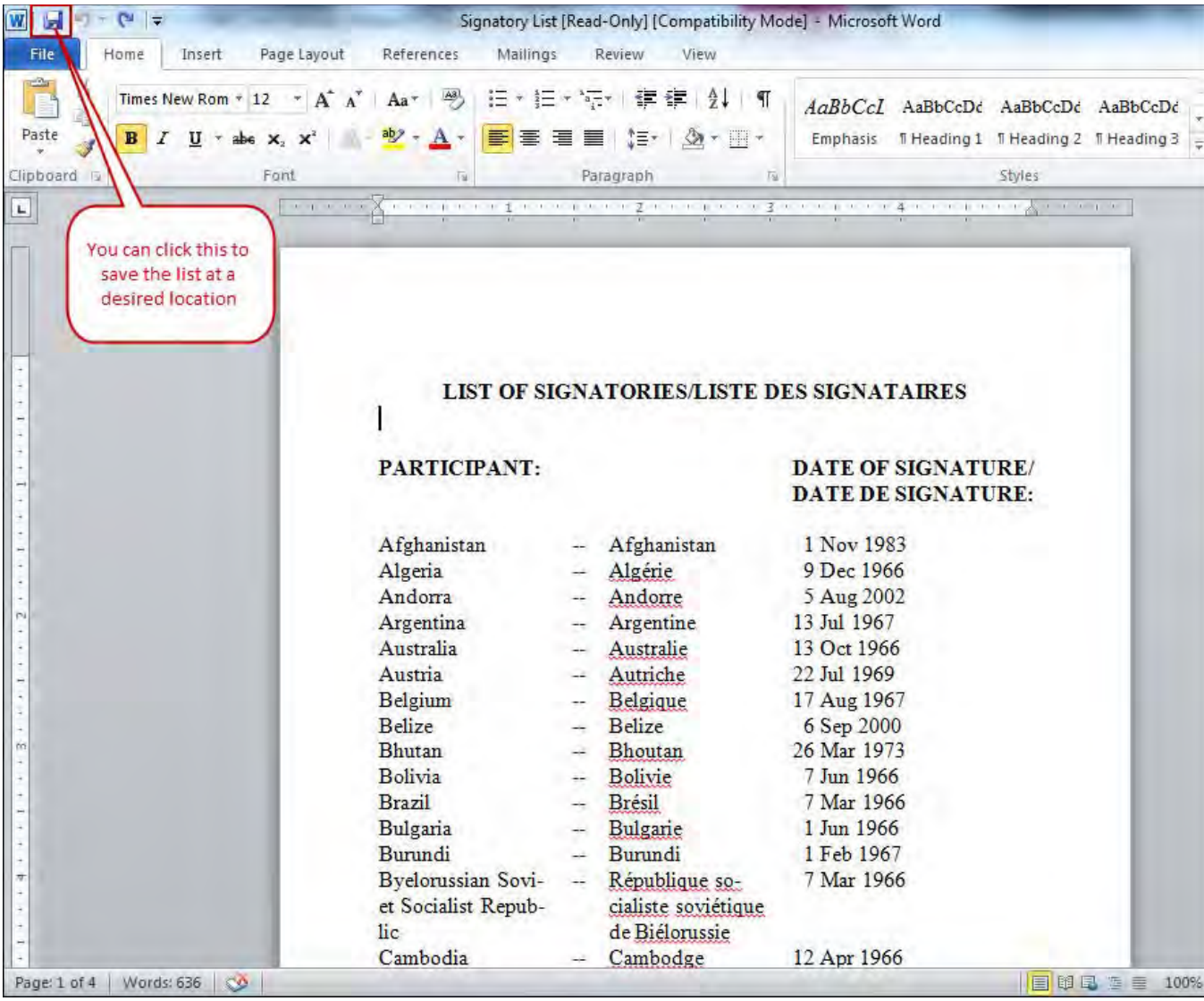
3. Click Generate.



4. The following message is displayed.



5. The Signatory list also opens in MSWORD.



6. The document is attached under the “Texts of agreement” VDM with the name “Signatories.docx”.

Note: The purpose is to have the document imported in UNTS automatically. It is marked as “Show in UNTS” automatically. In case the document already exists, then the new document replaces the old document.

7. Double-click the treaty to view the “Text of Agreement” object.

5.2.4 Generate by Volume

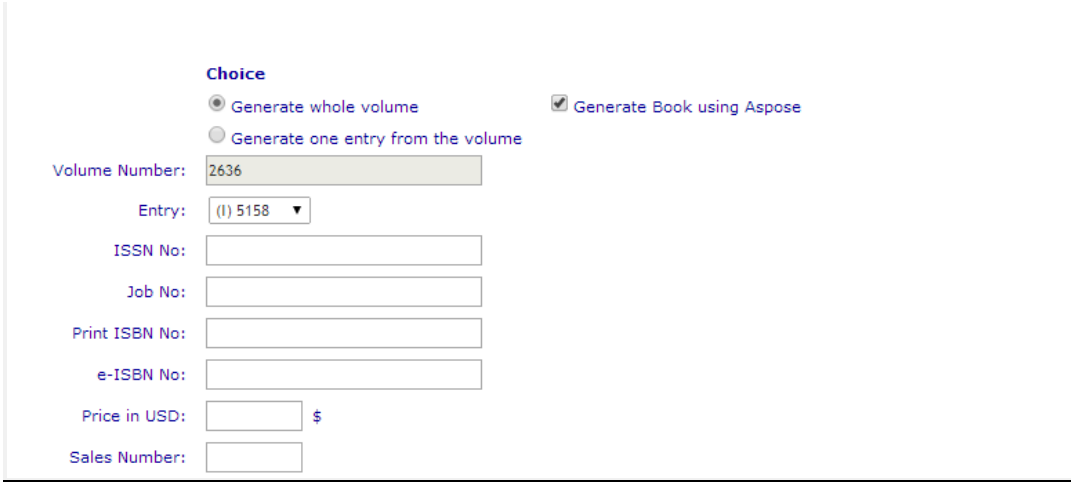
The 'Generate by Volume' option allows you to generate Treaty Series for one or more treaties/ actions having a volume number.
When a treaty has been assigned a volume number, the MTDSG Text is updated with the following text at the beginning of the string:
English: United Nations, Treaty Series, vol. XXXX
French : Nations Unies, Recueil des Traités, vol. XXXX

The XXXX is the volume number assigned to the treaty. There must be one space between "vol." and the volume number so that the hyperlink for the volume gets created automatically on the MTDSG status page on the UNTC website. The tags are responsible for formatting of this content when the MTDSG document is generated. This should be done automatically through the system after tabulation or any other process that assigns volume number.

The actions under a treaty sometimes have actions with different titles. These actions are sorted first by participant and then by the action title when displayed in the UNTS Annex volume.

Note: The barcode generation is automated. The system automatically uses the barcode image from the Infrastructure cabinet on the Output→Treaty Series→Generate by Volume page. The barcode appears automatically on the generated Back page. The path of the image is "Infrastructure\BackCovers-BarCodes-JobNumbers\UNTS\Bar Codes with the name <TS> + <Volume no> + .jpg." The system picks the image based on the current volume number. If the image is not present in the infrastructure cabinet, then generic default image is displayed.

Note: If bar code is not generated, a warning text is displayed in Red.

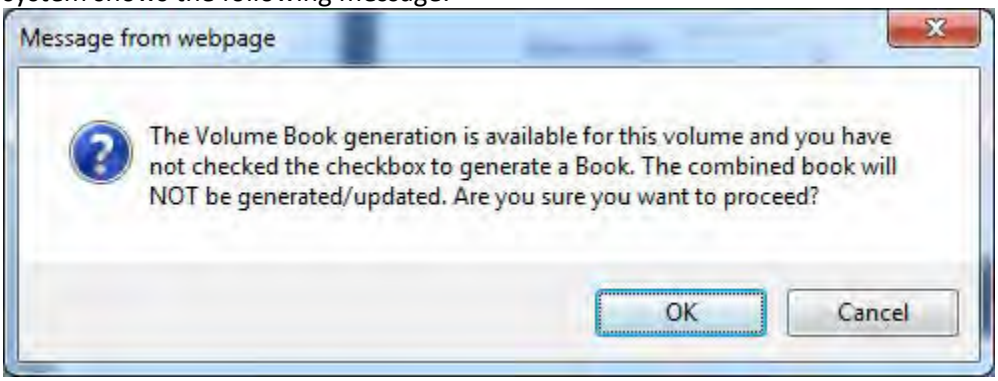


To generate treaty series by volume:

1. From the Output menu, select Treaty Series > Generate by Volume.
2. Enter the volume number in the 'Enter Volume' field.
3. Click 'Ok' to confirm.
4. Click 'Close' to cancel and close the screen.

The following screen is displayed.

5. Select from the following 'Choice' options:
   - **Generate whole volume** – select this option if you want to generate the whole volume.
   - **Generate one entry from the volume** – select this option if you want to generate only one entry or treaty from the volume.
6. The "Generate Book using Aspose" checkbox is available for UNTS volumes tabulated in the new Tabulation screen. This checkbox is checked by default. If the user unchecks this checkbox, the system shows the following message:



   If the user continues, the volume book will not be generated/updated.
7. When the entire volume is generated, the user is directed to the corresponding volume folder at /Publication/UNTS/Volume xxxx.

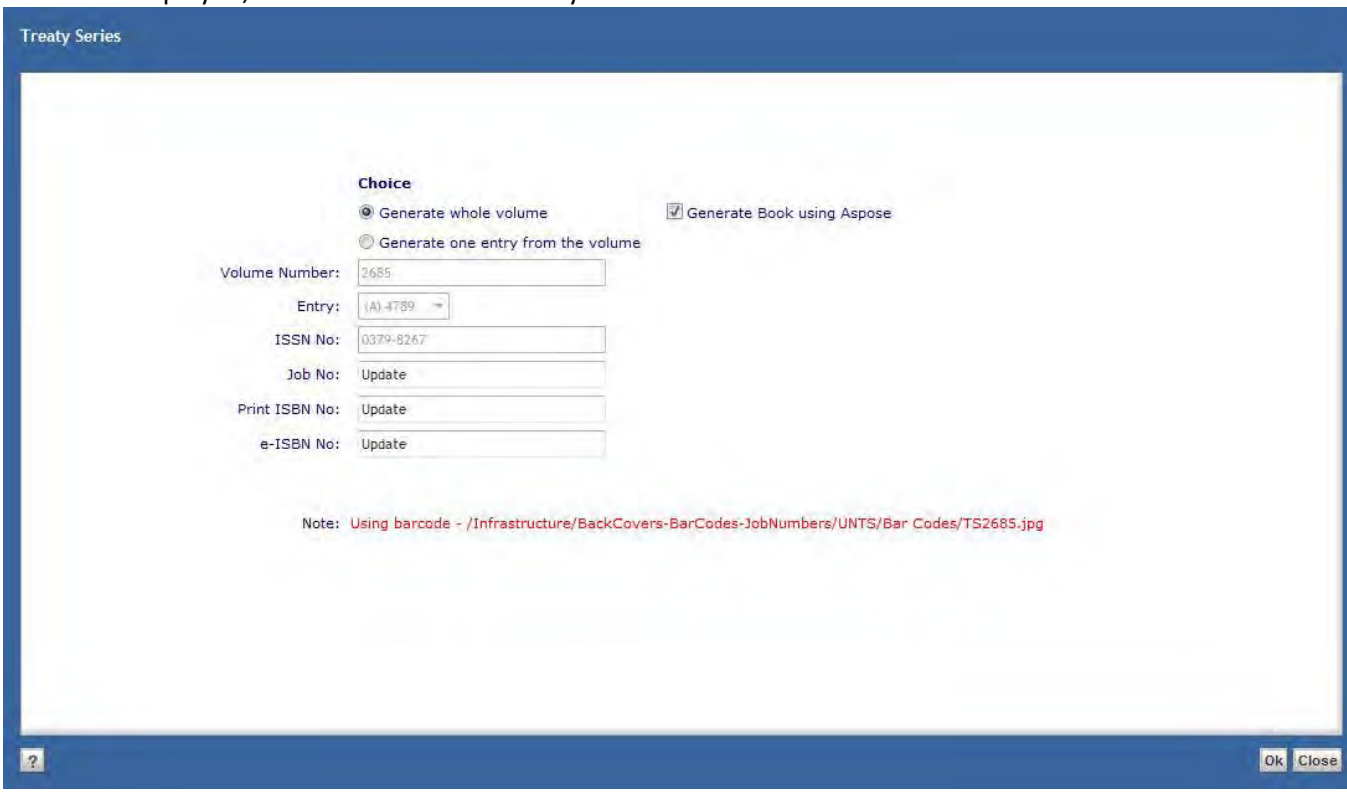
Note: The 'Generate whole volume' option is selected by default.

The Volume Number value is populated with their current value. ISSN Number is greyed out and defaulted to 0379-8267. Job Details, Print ISBN No and e-ISBN No are auto-populated from the database if already saved for the volume; otherwise set to a default value of 'Update'. Price and Sales No fields are not displayed.The Print ISBN & e-ISBN numbers are included on the copyright page of the volume. The barcode image as indicated in the Note is used on the back cover page.

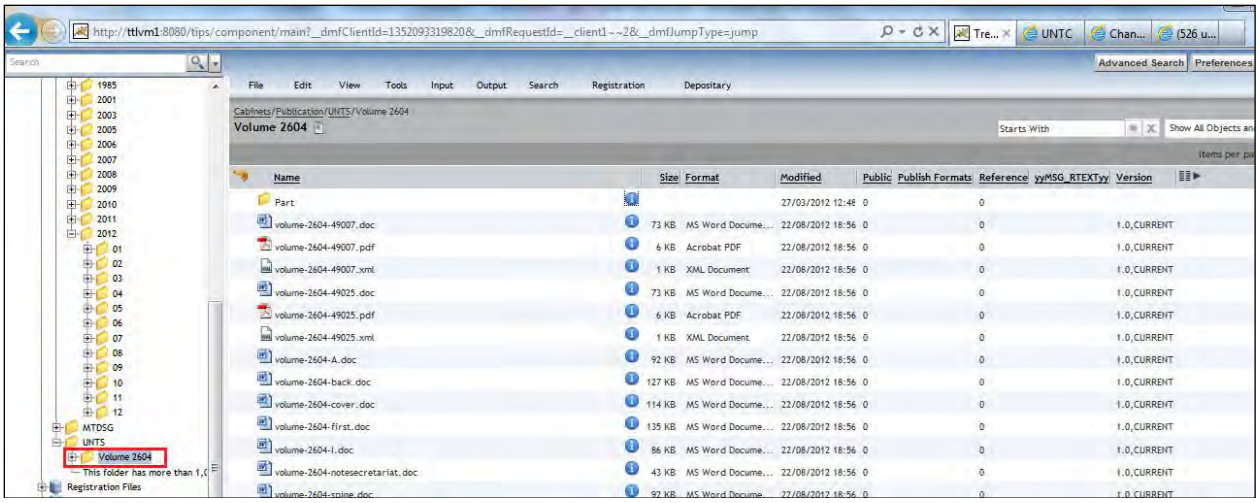
The Aspose Book generation is triggered only if “Generate Book using Aspose” checkbox is selected.

This checkbox is present only if the current volume has been tabulated using the new procedure, otherwise it is hidden.

When displayed, the checkbox is selected by default.



8. Click ‘Ok’ to confirm.



After the volume generation, the focus of the browser is set to the corresponding volume folder that has been just generated; for example, if you generate vol. 123, the folder in focus is UNTS\Vol 123 after generation (under the Publications cabinet)

9. You can right-click a document and select **Convert Word to PDF** to convert the files to PDF format.

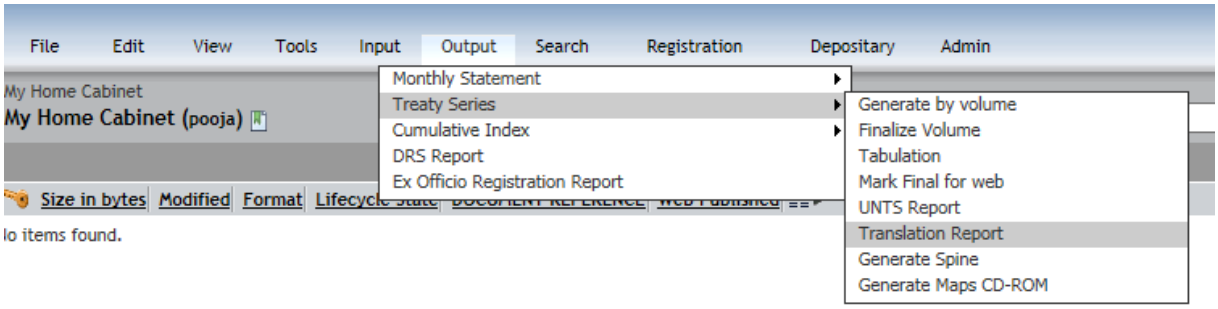
> **Note:** The Convert word to PDF option is disabled for the documents in the volume folder. The volume is converted to PDF locally, and not on the server. Generally, you can right-click a document and select Convert Word to PDF to convert the documents to PDF.

10. Click 'Close' to cancel.

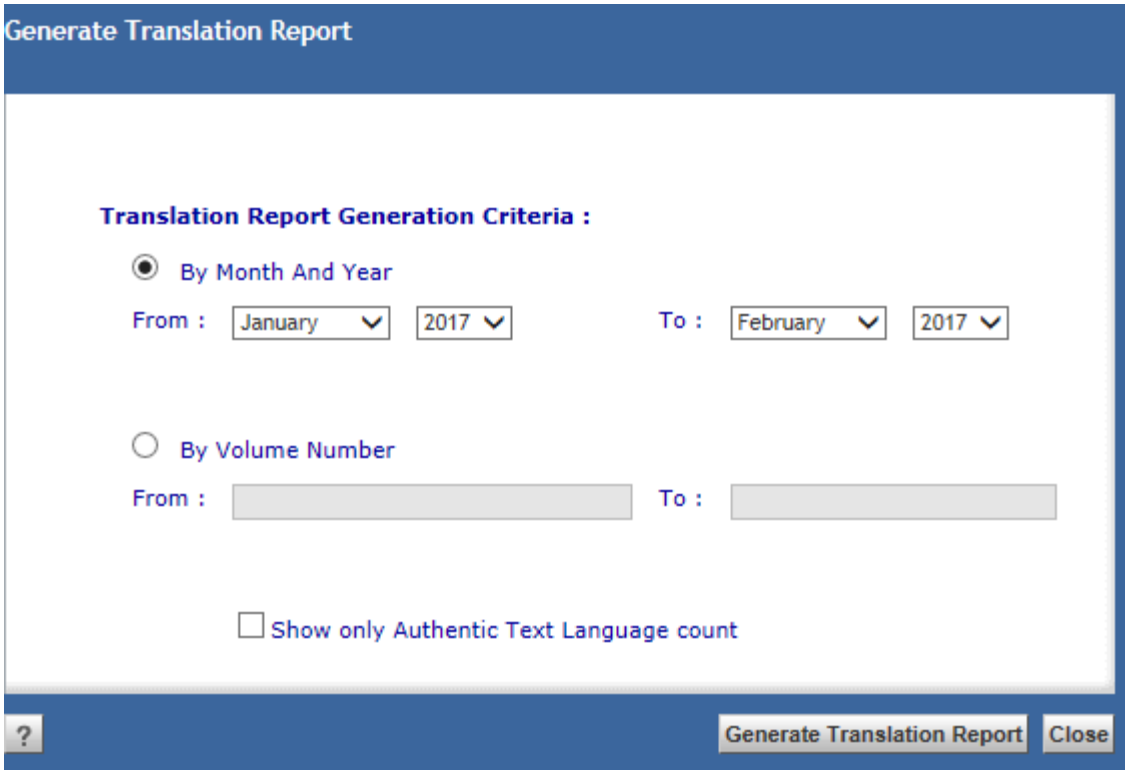
> **Note:** When the Treaty Series is generated, a confirmation message is displayed: "Treaty Series generated successfully." The UNTS also support Group 3 compression files for TIF format files. Missing Date of Effect should not prevent the generation of the action/action attachment for UNTS. Empty Date of Effect field should not be displayed as a label in UNTS.
>
> A flag is displayed for the error (s) during generation of volume or part of volume, connected to that particular file which has stopped the generation. The user then requires the specific instructions on how to proceed, generate the part and insert it in the volume. The UNTS report is similar to other rtf/word reports and displayed immediately after generation on the user's PC, in Word (as a method to check errors/log - with totals for errors).

5.2.5 Translation Report

1. From the Output menu, select Treaty Series→Translation Report



3. You can create a translation report by month and year or by volume number; you can also select to create the authentic text language count by selecting the 'Show only Authentic Text Language count'.
4. To create a translation report by month and year select a value from the drop down list.



5. Click the 'Generate Translation Report' button to generate the report.

Translation Report for the January 2015

Month		Authentic Language	Pages	Percentage Translation
JANUARY-2015				
	English Translation From:			
		French	48	
		Russian	9	
		Serbian	11	
		Spanish	21	
English Total	53			
	French Translation From			
		English	97	
		Russian	9	
		Serbian	11	
		Spanish	21	
French Total	183			
Total Estimated Translation	236			
Total Translation Present	11			
Total Authentic	486			33.7%
Grand Total Per Report				
	Grand Total Translation		247	
	Grand Total English Translation		60	
	Grand Total French Translation		187	
	Grand Total Authentic		486	
	Percentage Translations		33.7%	

In the above report, the headers are explained as follows:

- Month/Volume – It will show the Month-Year / Volume number for which the report has been generated.
- Total estimated translation – total estimated English and French translations
- Total translation present – total English and French translations already present
- Total authentic – total authentic languages present
- Authentic Language – Authentic Languages used to estimate the translation
- Pages – No of pages of each languages
- % Translation – ((Total estimated translation+ Total translation present) / Total authentic + (Total estimated translation+ Total translation present)) * 100
- Translation Report will give us a clear idea about how many pages of translations will be required for the particular period or Volume range
- Volume translation data will be shown only for the tabulated Volume data.

- In this report we have to show the Authentic document count which is considered for the translation to English and French.

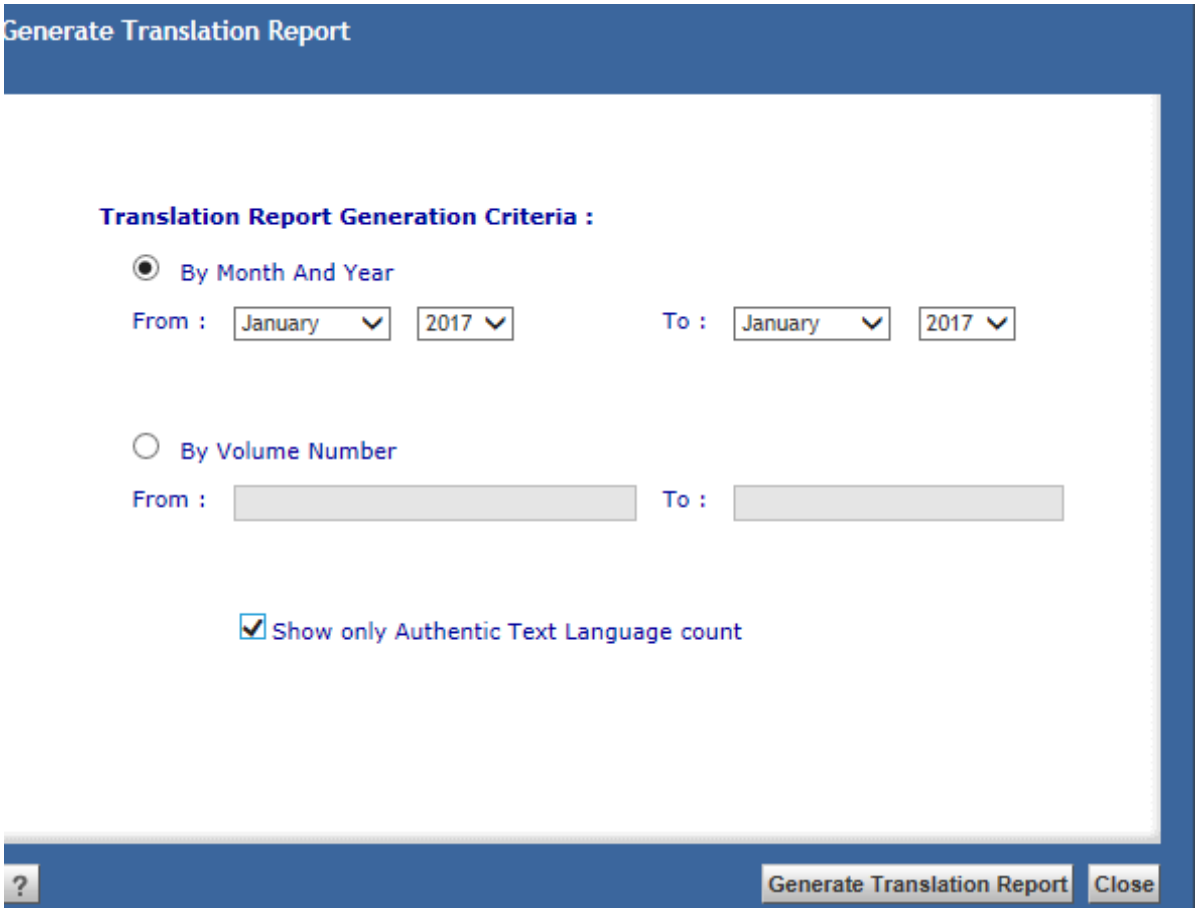
6. To create the translation report by volume number enter ‘start’ and ‘end’ values.

7. Click ‘Generate Translation Report’ button.

Translation Report for the Volume From 2932 To 2933

Volume		Authentic Language	Pages	Percentage Translation
2932				
	English Translation From:			
		German	32	
		Portuguese	23	
English Total	27			
	French Translation From			
		German	32	
		Portuguese	23	
French Total	41			
Total Estimated Translation	68			
Total Translation Present	46			
Total Authentic	177			39.18%
2933				
	English Translation From:			
		French	18	
English Total	12			
	French Translation From			
		English	72	
French Total	109			
Total Estimated Translation	121			
Total Translation Present	12			
Total Authentic	256			34.19%
Grand Total Per Report				
	Grand Total Translation		247	
	Grand Total English Translation		74	
	Grand Total French Translation		173	
	Grand Total Authentic		433	
	Percentage Translations		36.32%	

8. You can also create an ‘authentic text language’ count by selecting the check box ‘Show only Authentic Text Language’ count for the Month Year range or for the Volume range.


Generate Translation Report
Translation Report Generation Criteria :
By Month And Year
From : January 2017 To : January 2017
By Volume Number
From :
To :
Show only Authentic Text Language count
?
Generate Translation Report
Close

Authentic Language Report for the January 2015

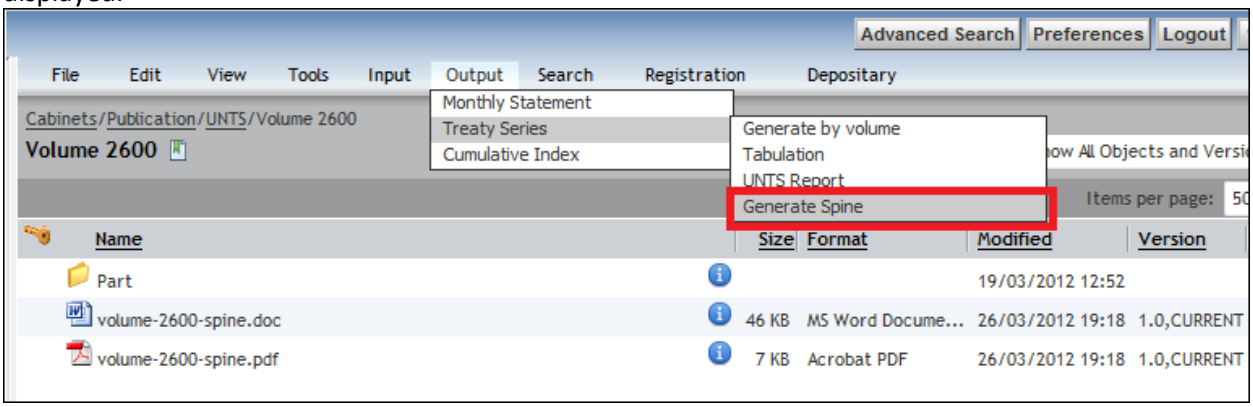
UN Official Languages:	Language	Pages
	Arabic	58
	English	151
	French	105
	Russian	20
	Spanish	58
	Total :	**392**
non-UN Official Languages:		
	Georgian	22
	German	30
	Greek	10
	Moldovan	9
	Serbian	11
	Turkish	12
	Total :	**94**
	Grand Total :	**486**

5.2.6 Generate Spine

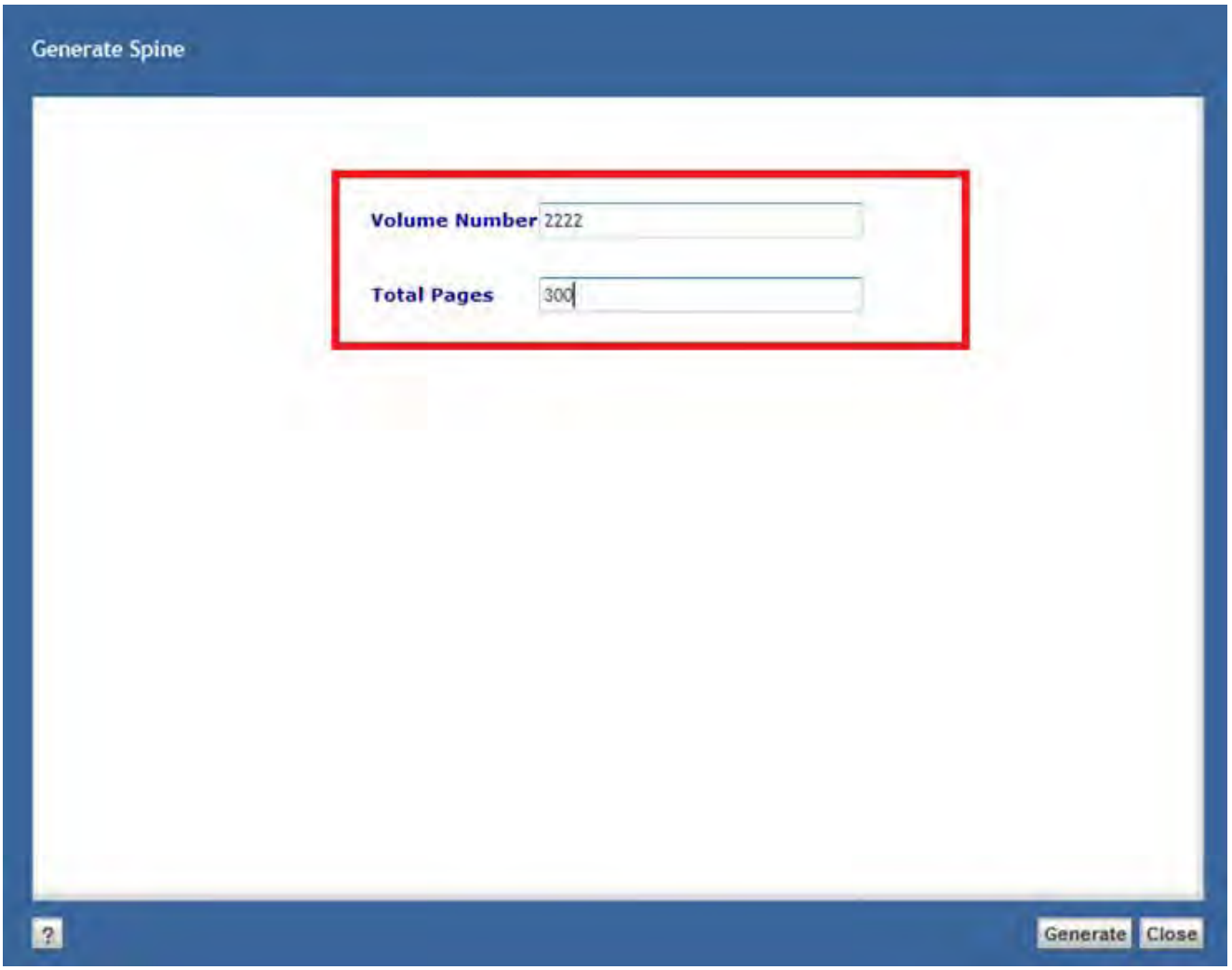
The width of the Spine document of the UNTS volume is adjusted based on the number of pages in the volume.

To generate the Spine:

1. From the Output menu, select Treaty Series > Generate Spine. The 'Generate Spine' page is displayed.



2. Enter the volume number in the 'Enter Volume' field.



3. Enter the total number of pages in the 'Total Pages' field.

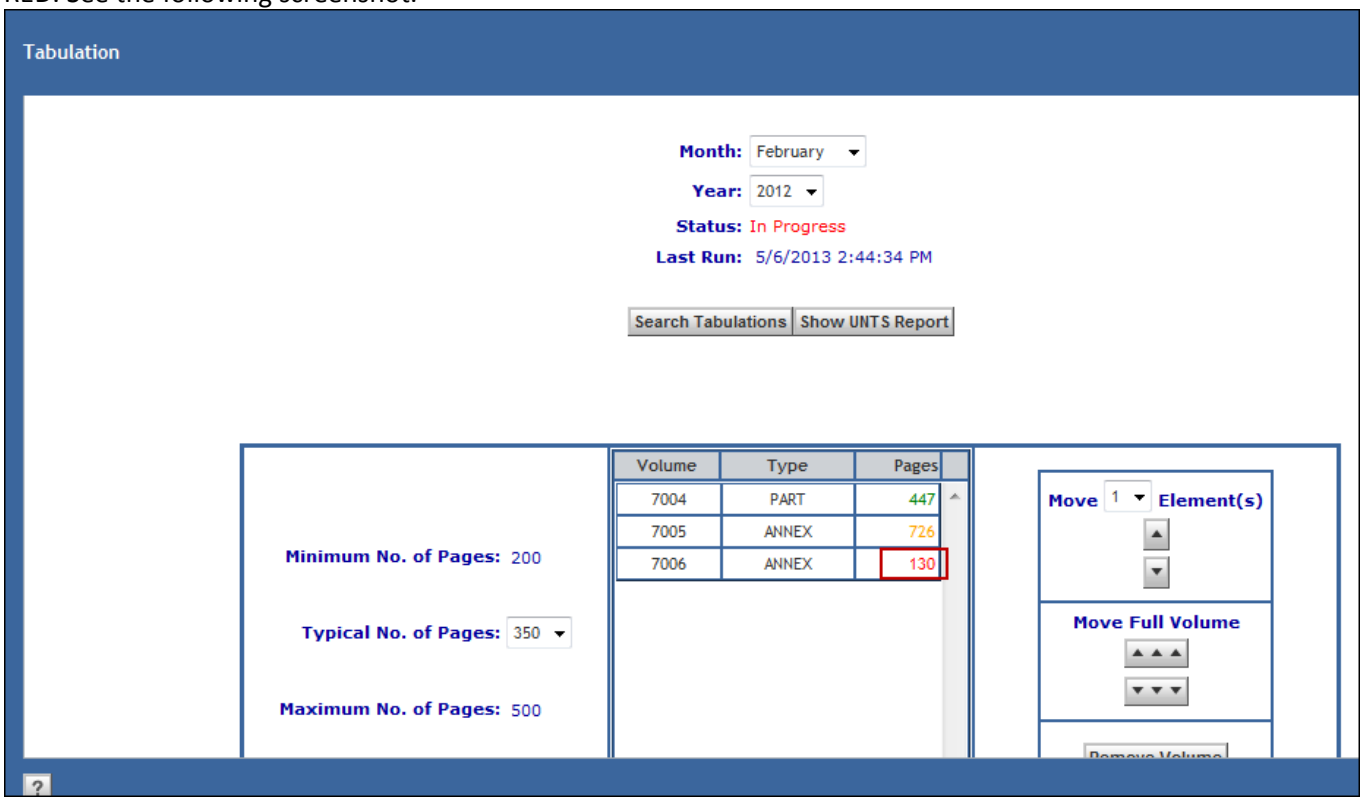
4. Click ‘Generate’ to generate the spine
   Or
   Click ‘Close’ to cancel and close the screen.

5.2.7 Tabulation

The ‘Tabulation’ is an estimation process that is used to assign a volume number to the treaties and actions registered in a month. The ‘Tabulation’ estimates the number of pages of the volume and assigns a number to the volume. All the treaties and actions that are registered in a specific month are assigned to a volume. The number of volumes in a month depends upon the number of treaties and actions that are registered in a month.

The Tabulation Current Status Report displays the EIF actions in the Part I or II right after the treaty.

- The tabulation Finalization restriction of 300 pages has been changed to 200 pages (minimum number of pages), which means that the report displays volumes with number of pages below 200 in RED. See the following screenshot.



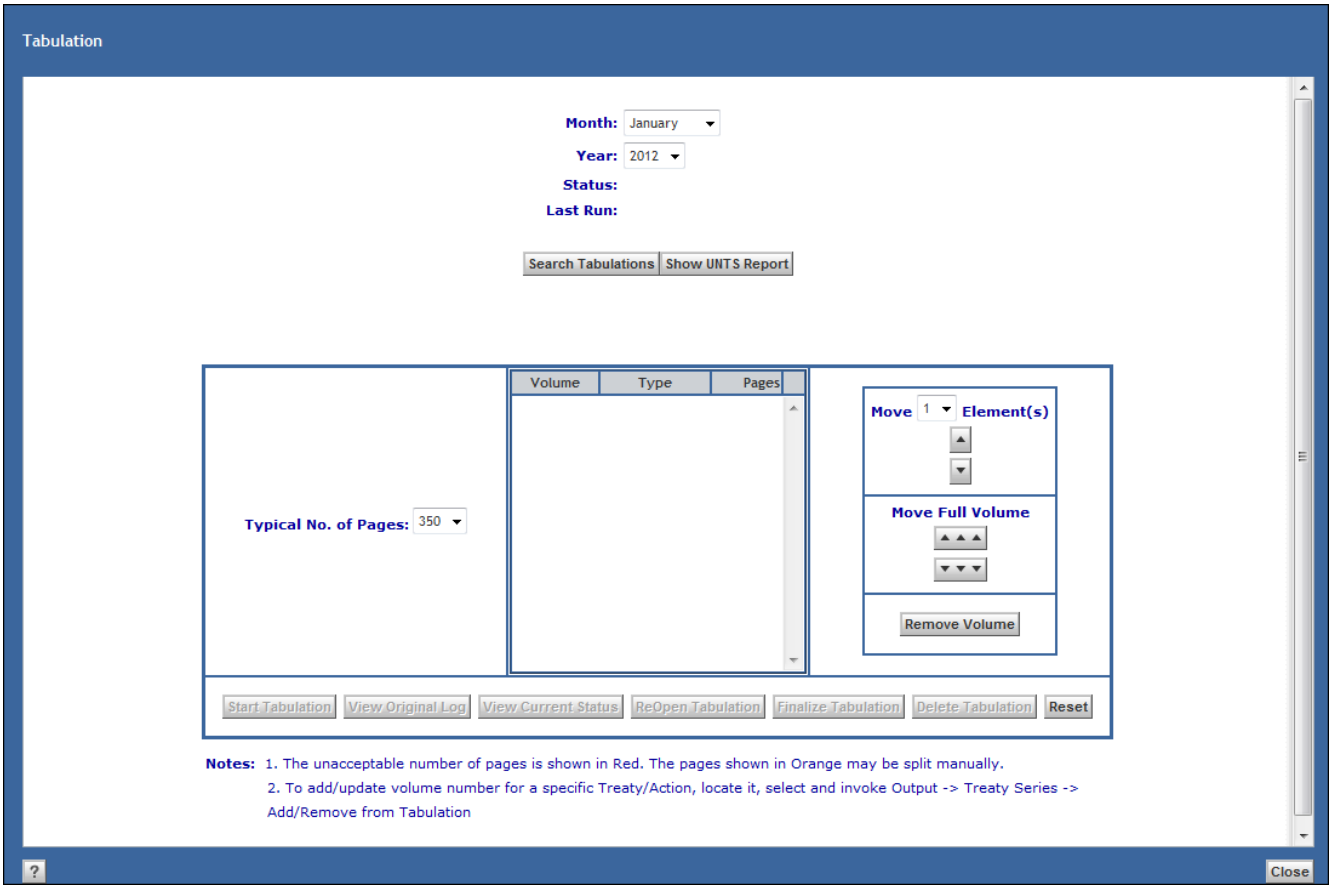
Tabulation does not consider the Partial Publication documents (these documents are ts_Published_Documents objects which have the field "Show in UNTS" set to ‘False’.

5.2.7.1 Tabulate New Volume

The ‘Tabulate new volume(s)’ option allows to you to assign volume numbers to new treaties or actions registered in a month.

To tabulate a new volume:

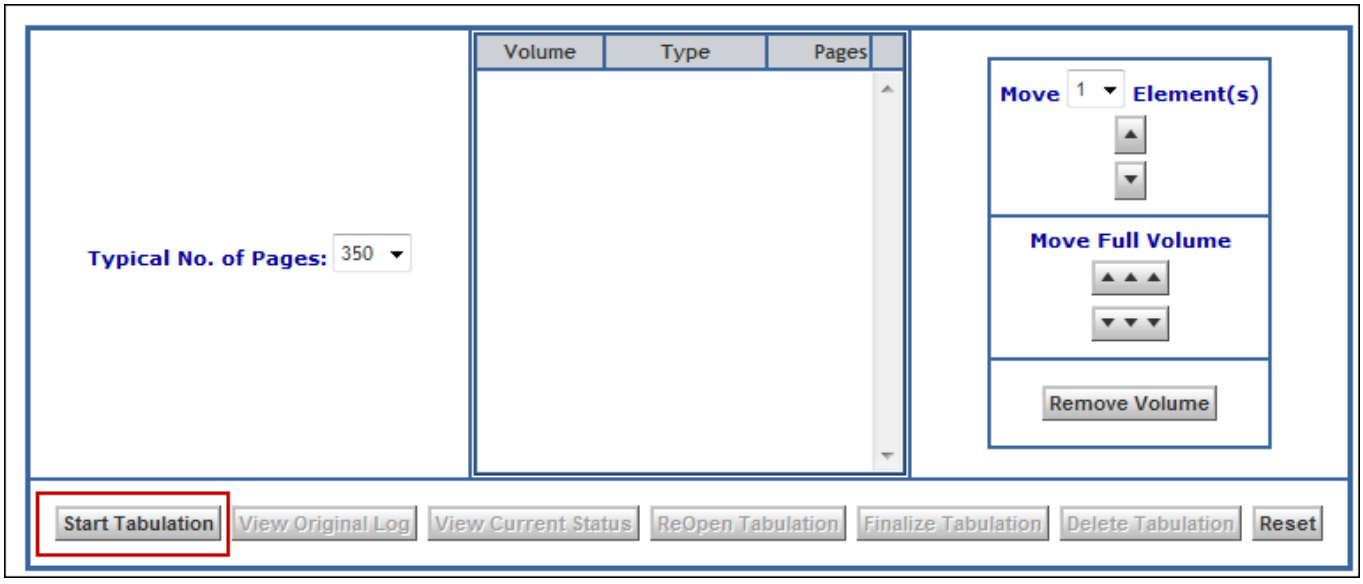
1. From the Output menu, select Treaty Series > Tabulation. The 'Tabulation' screen is displayed.



2. Select a month from the 'Month' drop-down list.
3. Select a year from the 'Year' drop-down list.
4. Click 'Search Tabulations' to search tabulation status. The tabulation status and the last run time is displayed.

Note: If the Tabulation doesn't exist, the user can start the tabulation for that month only if the tabulation of the previous month exists. Click 'Start Tabulation' to start the tabulation process.

Note: The users can start Tabulation using the configurable typical number of pages using the 'Typical No. of Pages' drop-down list (see screenshot below).

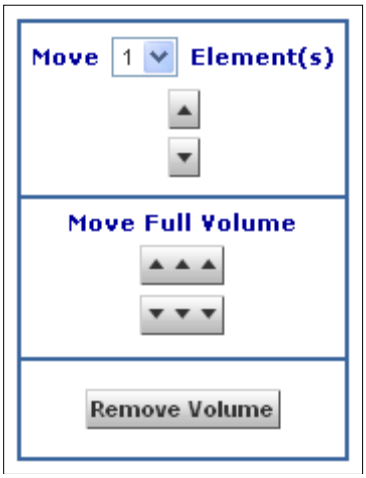


5. The results of Tabulation are shown in the central grid box.
6. The pages indicate the estimated number of pages in the volume.
7. The type indicates if it's a PART or ANNEX volume.
8. The unacceptable number of pages is shown in RED.
9. The pages shown in Orange color indicate that the volume will have to be split manually.
10. The user can click on any row to select a volume.

Volume	Type	Pages
2521	PART	357
2522	PART	397
2523	PART	1441
2524	PART	361
2525	PART	379
2526	PART	219
2527	PART	385
2528	PART	365
2529	PART	81
2530	ANNEX	398

5.2.7.2 Available functions

- Tabulation can be started only after searching using the month/year drop-down lists.
- If tabulation already exists, the “Start Tabulation” button is labeled “Restart Tabulation”. Restarting tabulation cancels the current tabulation and overwrites the volume numbers.
- The “View Original Log” button opens the tabulation log as generated using the old functionality. This log does not show the manual changes done by the user after the tabulation has been run.
- The “View current Status” button shows the assignment of treaties/actions in the current volume. This button generates a Word document based on the current status indicating ALL the changes done after tabulation. Every time changes are done to the volumes, the status changes. The current status should be re-generated to get the latest status.
- The “Reopen Tabulation” button can be clicked to reopen “Finalized” tabulation.
- The “Finalize Tabulation” button can be used to finalize the current tabulation. This cannot be done if there are any pages shown in RED in the Volume grid.
- The volume with ORANGE colored number of pages should be split by the user manually.
- The “Delete Tabulation” feature cancels current tabulation and deletes the Tabulation object.
- Ability to move elements from one volume to the adjacent volume to adjust the number of pages in volumes



- The above section can be used to move 1 or more elements from the selected volume to the previous / next volume. Such adjustments may be necessary to make sure the number of pages in a volume fall under the allowed maximum value. It’s often required to combine PART & ANNEX volumes.
- The “move N Elements” buttons can be used to move 1 – 5 elements from the selected volume up / down. An element refers to a document disposition-Registration number

pair. For example, in case of Annex, if A-12345 contains multiple actions, ALL of them are considered as one element. When moving up, elements from the top are moved. When moving down, elements from the bottom are moved.

- A volume must be selected in the grid EVERY TIME in order to use these buttons.
- The “Move Full Volume” button can be used to move ALL the elements from the selected volume. Once the volume is finalized Move Full Volume action will be disabled, and an error message displayed. Only individual items are allowed to be moved up or down, not entire volumes, after tabulation has been finalized, and the next month has been started.
- “Remove Volume” can be used to remove a volume from the current tabulation. This can be invoked only on the last volume of the current tabulation. A volume cannot be removed unless it contains no pages (0 pages).
- If a volume having 0 pages lies in between volumes, the user should use the “Move Full Volume” buttons to move succeeding volumes one level up till the last volume has 0 pages and then remove the last volume.

5.2.7.3 Validations

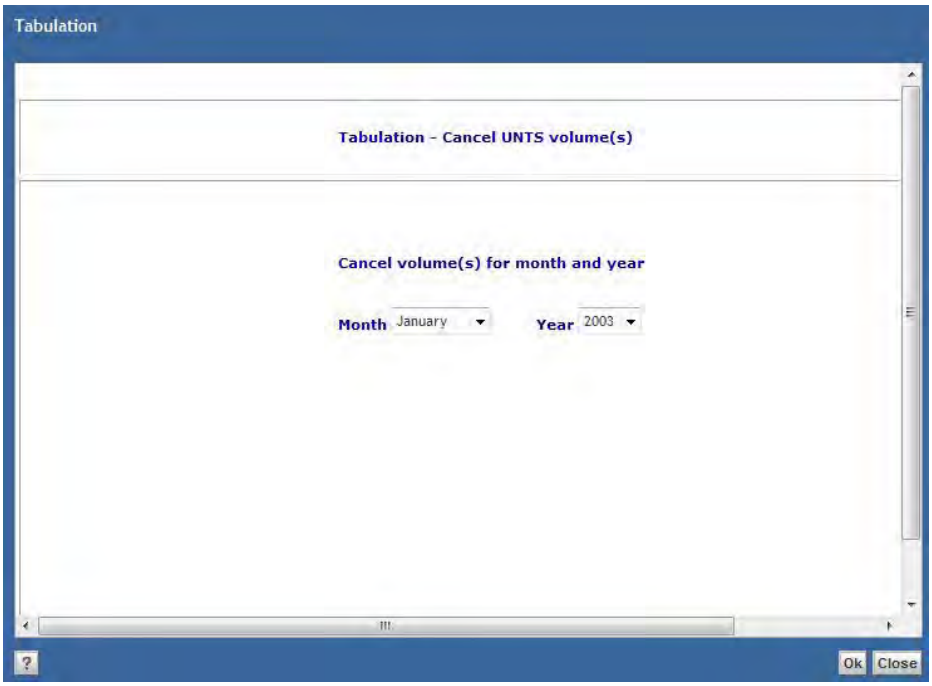
- Tabulation can be started only if the previous month’s tabulation is in the “Finalized” state.
- Tabulation can be restarted for a month only if the Next month’s tabulation has not been run.
- User cannot move any elements from a PART volume to an ANNEX volume.
- User cannot move any elements from a PART + ANNEX volume to any volume.
- User cannot remove a volume with pages > 0
- User cannot remove a volume with 0 pages if it is not the highest volume number in the tabulation.
- User cannot finalize tabulation if any volume contains pages less than the minimum number of pages (200).

5.2.7.4 Cancel Tabulation for one month

The ‘Cancel tabulation for one month’ option is used to remove the volume number from the treaty or action registered in a particular month.

To cancel tabulation for a particular month:

1. From the Output menu, select Treaty Series > Tabulation. The ‘Tabulation- First Step’ screen is displayed.
2. Select ‘Cancel tabulation for one month’ option. The ‘Tabulation – Cancel UNTS volume(s) screen appears.



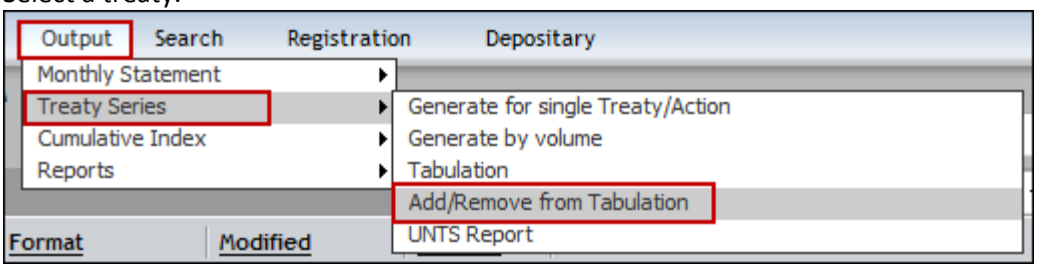
3. Select a month from the 'Month' drop-down list.
4. Select a year from the 'Year' drop-down list.
5. Click 'Ok' to confirm.
6. Click 'Close' to close the screen.

5.2.8 Add/Remove from Tabulation

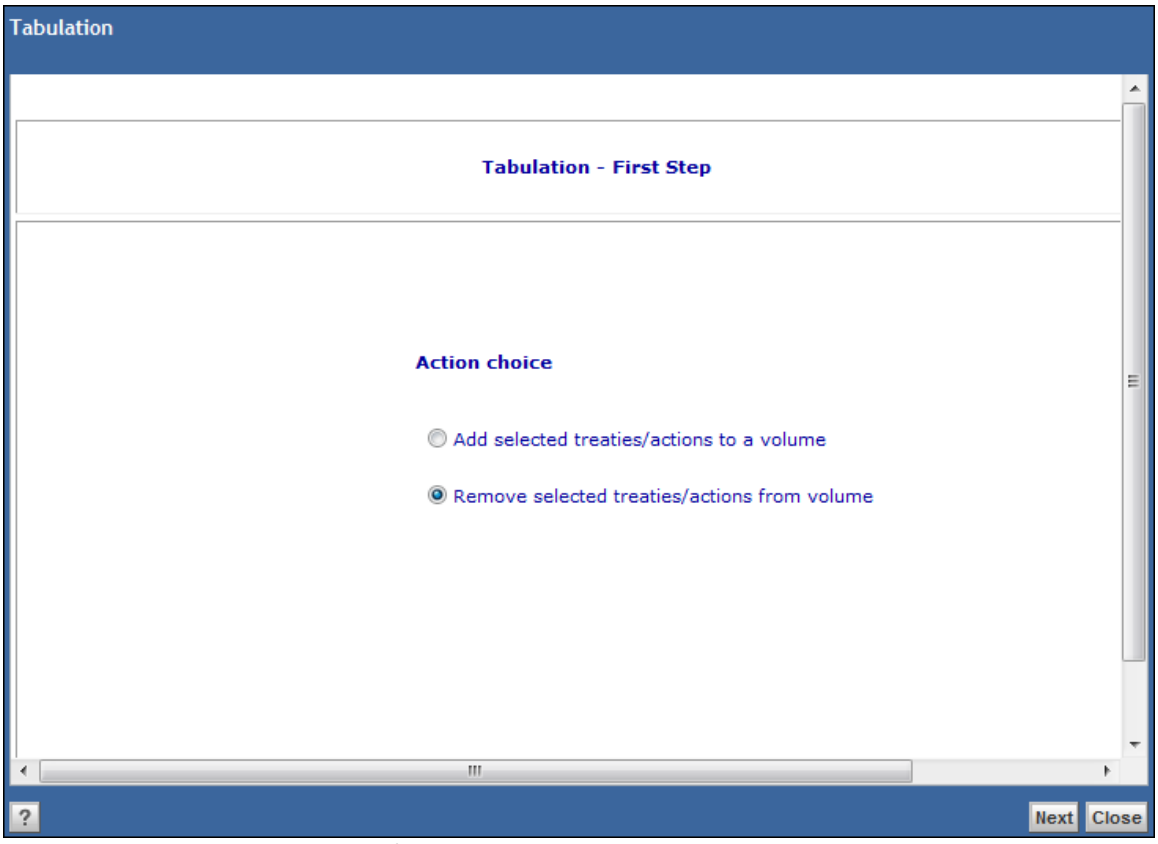
This option allows you to tabulate a treaty registered in the same month. This menu can be used to add, change, or remove a volume number for a treaty.

To add a treaty from tabulation:

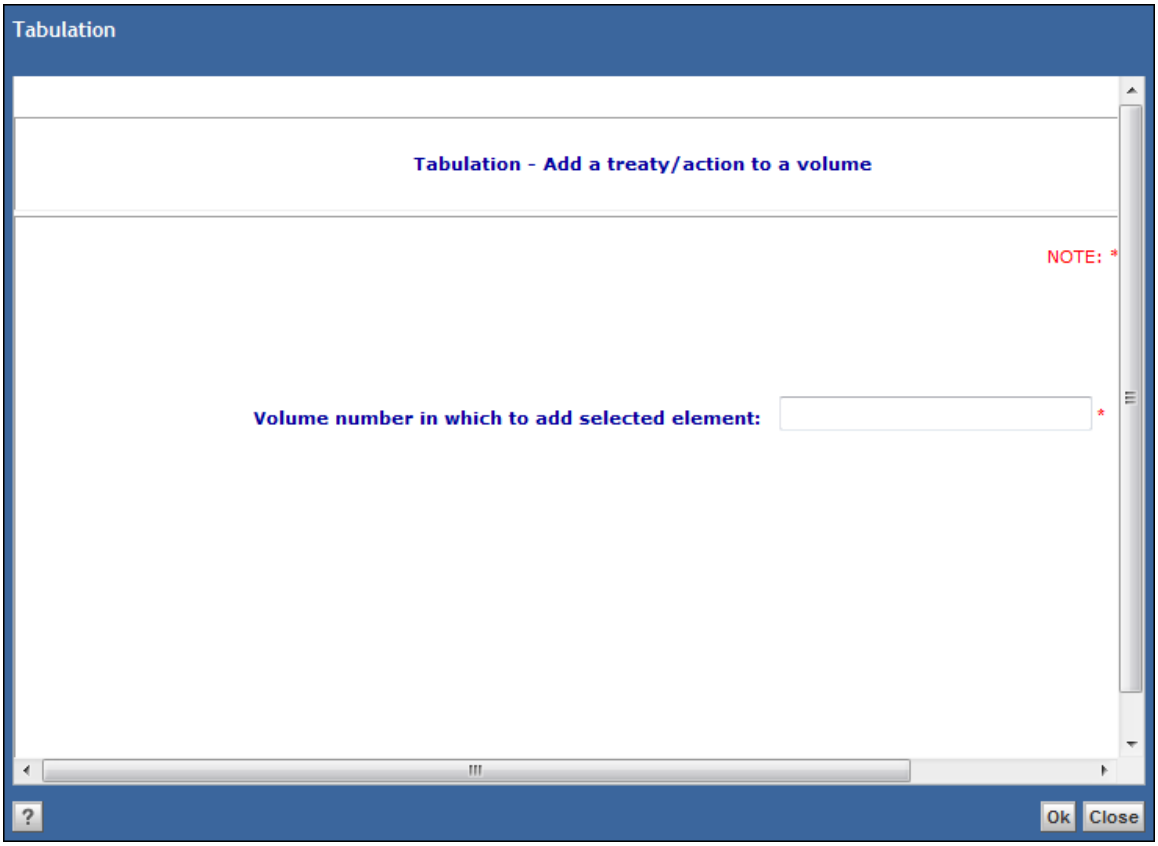
1. Select a treaty.



2. From the Output menu, select Treaty Series > Add/Remove Tabulation. The 'Tabulation' screen is displayed.



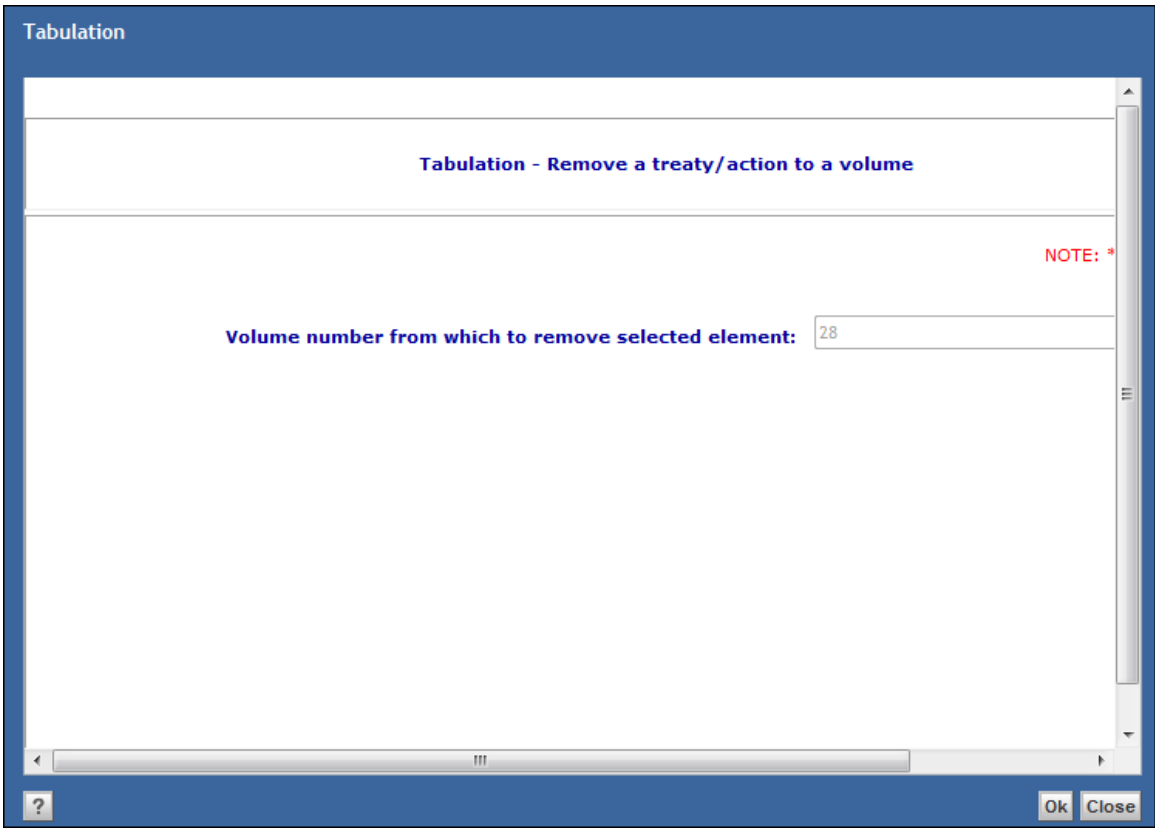
3. Select the 'Add selected treaties/actions to a volume' option.
4. Click Next.



5. Enter the volume number to which the treaty must be added.
6. Click 'Ok' to add the treaty. The following message is displayed.

To remove a treaty from tabulation:

1. Select a treaty.
2. From the Output menu, select Treaty Series > Add/Remove Tabulation. The 'Tabulation' screen is displayed.
3. Select the 'Delete selected treaties/actions to a volume' option.
4. Click Next. The volume number from which the treaty is to be removed is displayed.



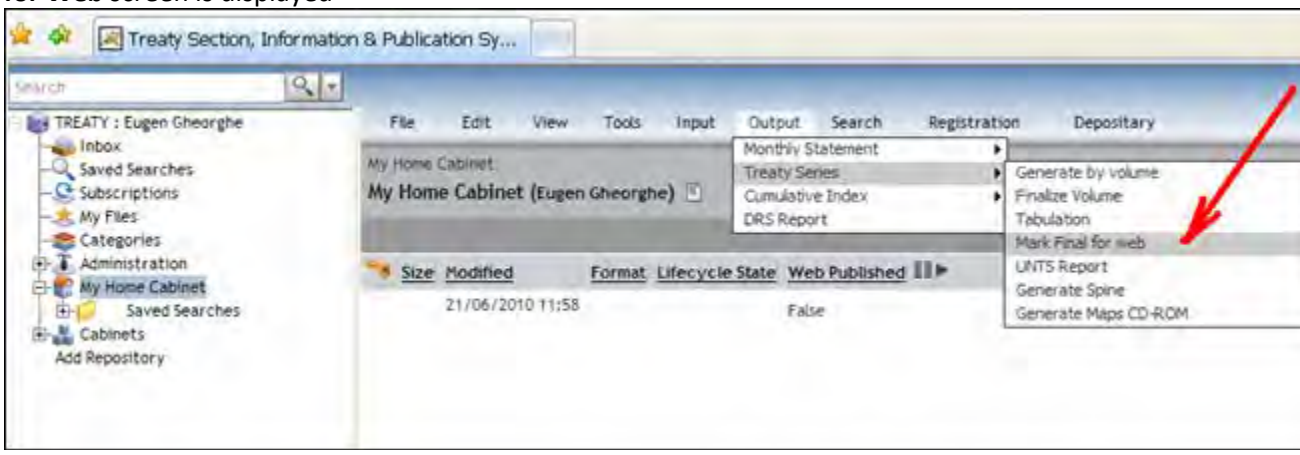
5. Click ‘Ok’.
6. Click ‘Close’ to close the Tabulation screen.

5.2.9 Mark Final for Web

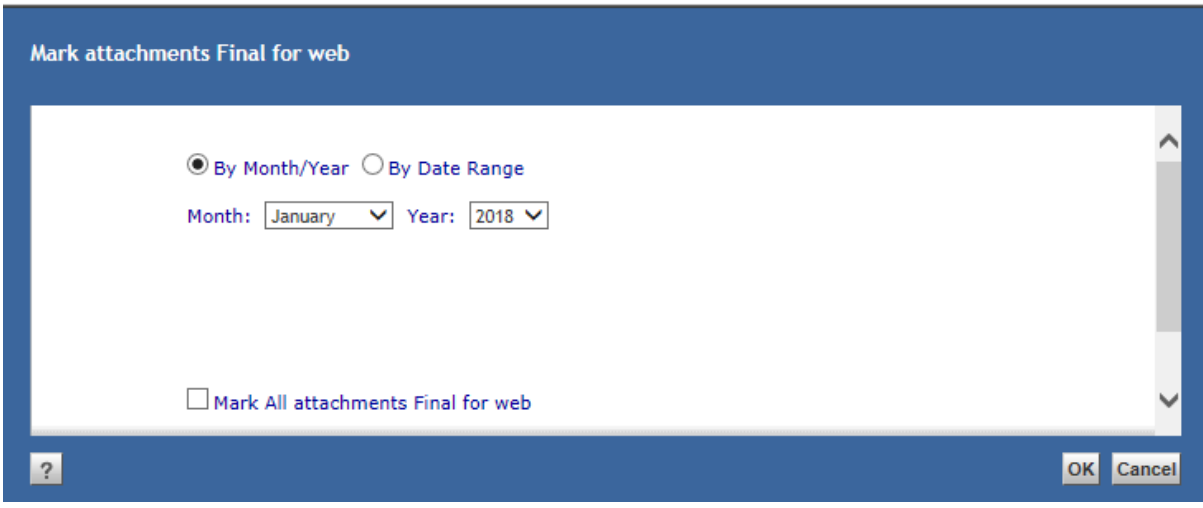
The Mark Final for web screen allows the user to mark Final for web = true for all the attachments of treaties registered between a range of dates or by month and year. This menu is available only to administrators.

To mark final for web:

1. On the **Output** menu, select **Treaty Series** > **Mark final for Web**. The **Mark attachments Final for Web** screen is displayed



2. Select from the following two options:
   a. **By Month/Year** – If you select this option, then select a month and a year from the respective drop-down lists.
   b. **By Date Range** – If you select this option, then click  to select and enter the From and To dates in the respective fields.
   c. **Mark All attachments Final for web** - if we check the checkbox All the documents mark for Final (irrespective if they are already marked Final or not), it will queue them for the individual UNTS generation.



3. Click **OK**. The following message is displayed.

5.2.10 Web publishing Phases

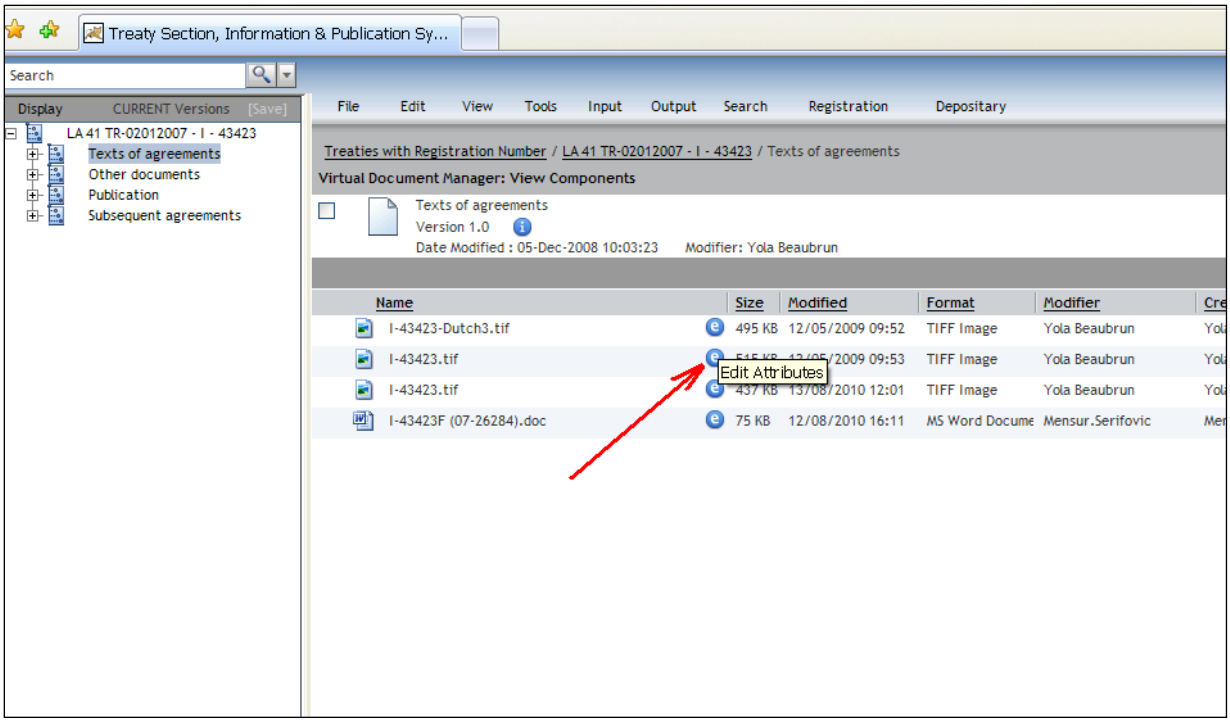
Following will be the phases of the automated publication process. Every phase will be associated with a pre/post process. Until the volume number is assigned, the generated document (to be temporarely web-published) will carry the disclaimer mentioned in Phase 1.

Phase 1

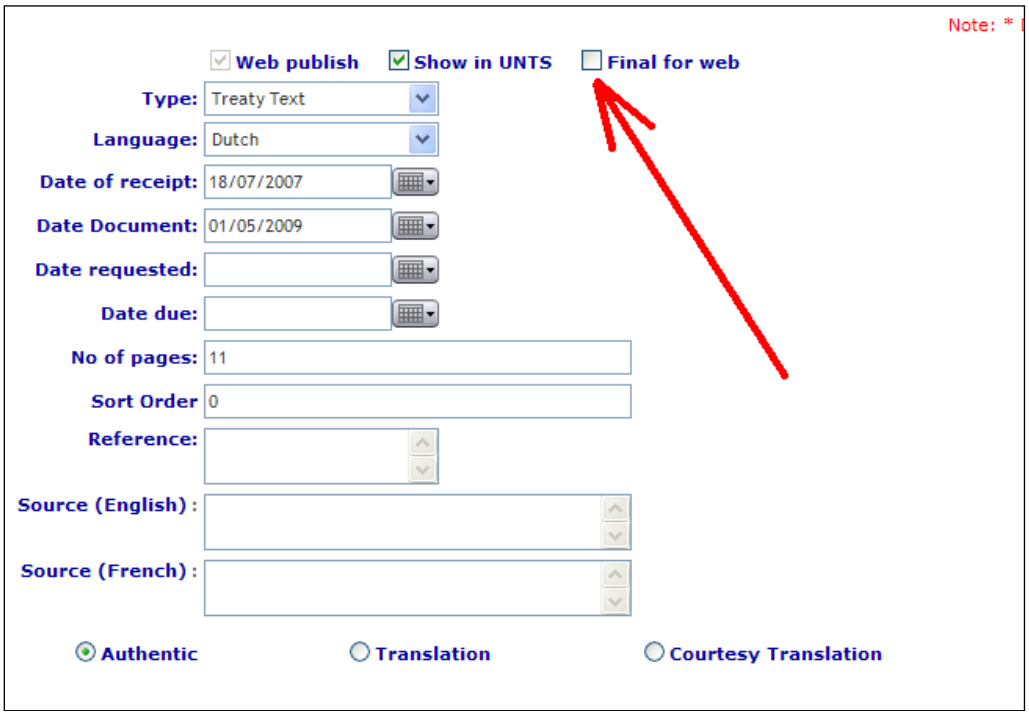
Authentic texts images (in TIF format) have been cleaned, cropped and attached under Texts of agreement. The volume number is unknown. The UNTS job generates individual UNTS volume parts when documents are attached. Select the Final attribute to consider a document attachment in UNTS ONLY in preliminary generation, which means, that for a treaty having no volume number, the generated UNTS contains only those documents where both the "Show in UNTS" and the "Final" check boxes are selected.

Setting the Web-publishing Flag

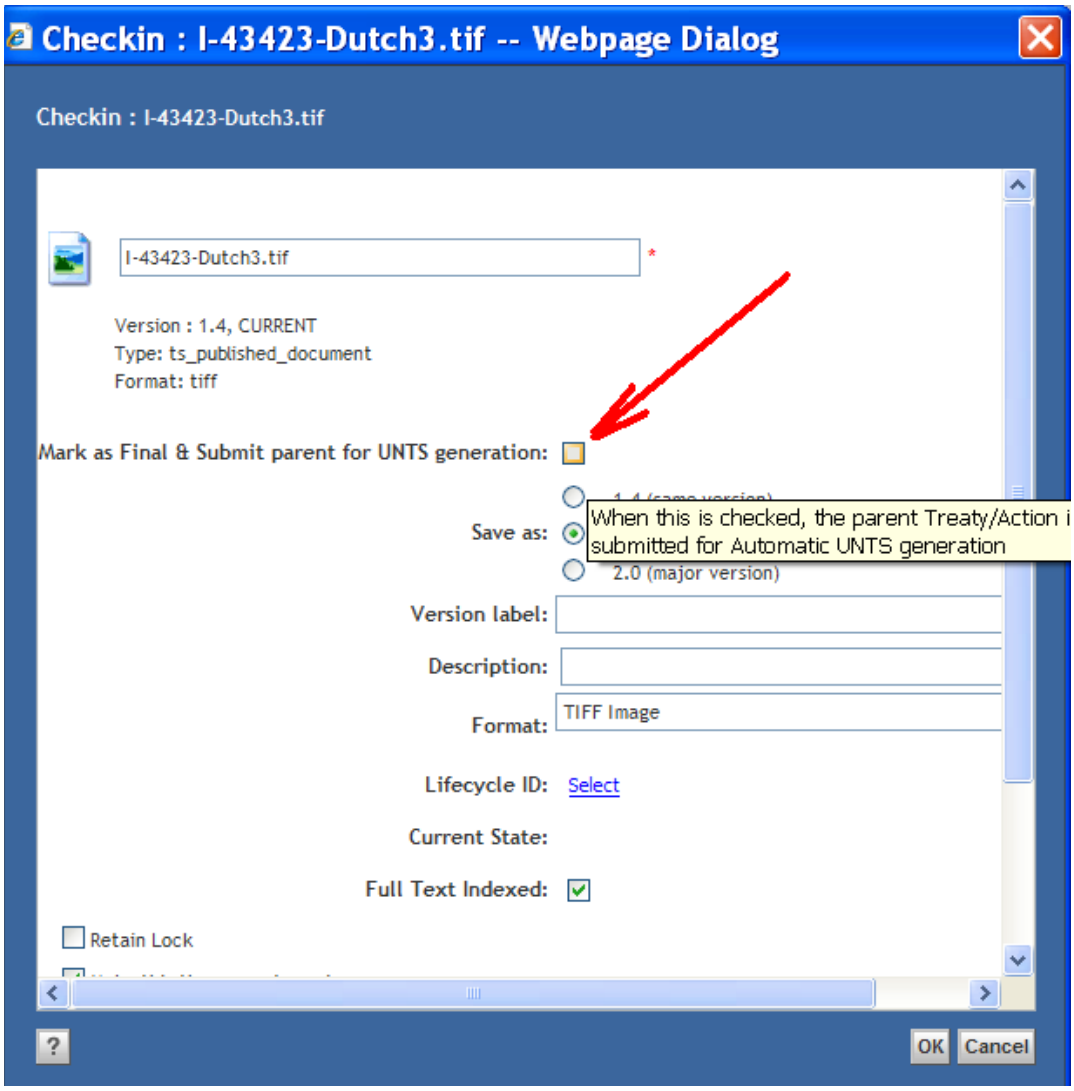
- For images that are cropped and already checked in, click on the edit icon.



Select the " Final for web" check box.



During check in of a file check "mark as final & submit parent for UNTS generation" check box.



The generated document (for an individual treaty or action) shows the following “No Volume disclaimer”. This functionality is already present in the current system. The UNTS volume generation is not triggered automatically for any object having a volume number.
The disclaimer text :
English:
No UNTS volume number has yet been determined for this record. The text(s) reproduced below, if attached, are the authentic texts of the agreement/action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and provided for information only.
French:
Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l’enregistrement au Secrétariat. Pour référence, ils ont été présentés sous forme de la

pagination consécutive. Les traductions, s'ils sont disponibles, sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.

In case of Actions, the attachment should be included in the UNTS document if the Show in UNTS checkbox is checked. It will have no dependency on the “web-publish” checkbox.

The disclaimer for actions:
English:
The texts reproduced below are the action attachments as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are provided for information.

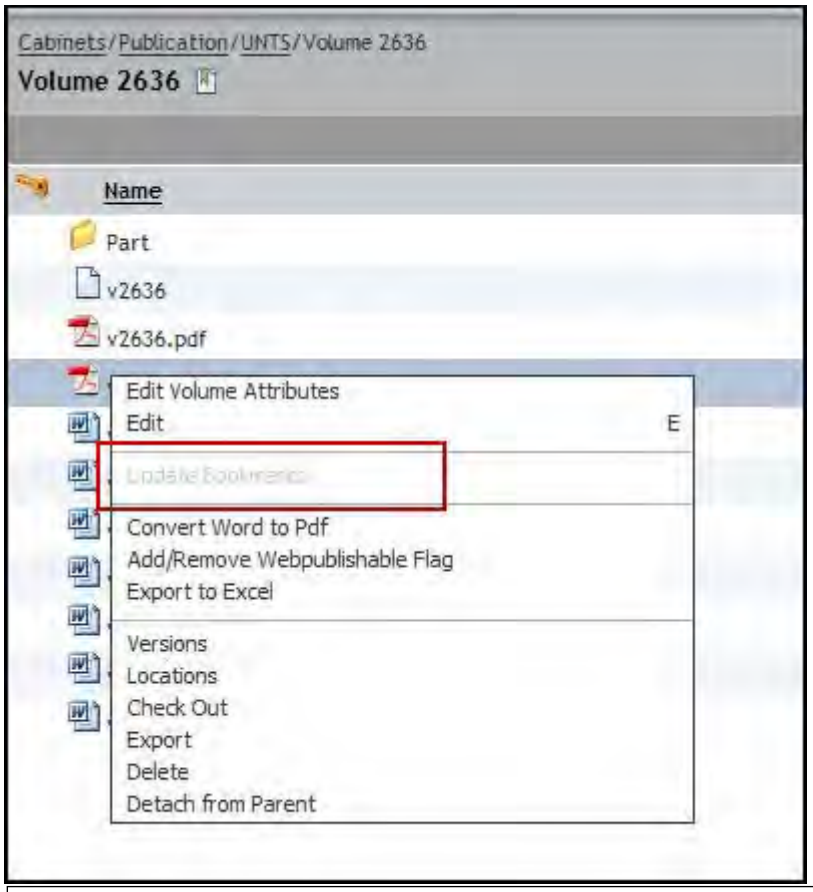
French:
Les textes reproduits ci-dessous sont les textes authentiques de la pièce jointe de l'action telle que soumise pour enregistrement et publication au Secrétariat. Par souci de clarté, leurs pages ont été numérotées de manière séquentielle. Les traductions, si elles sont incluses, ne sont pas sous forme finale et sont fournies uniquement à titre d'information.
.

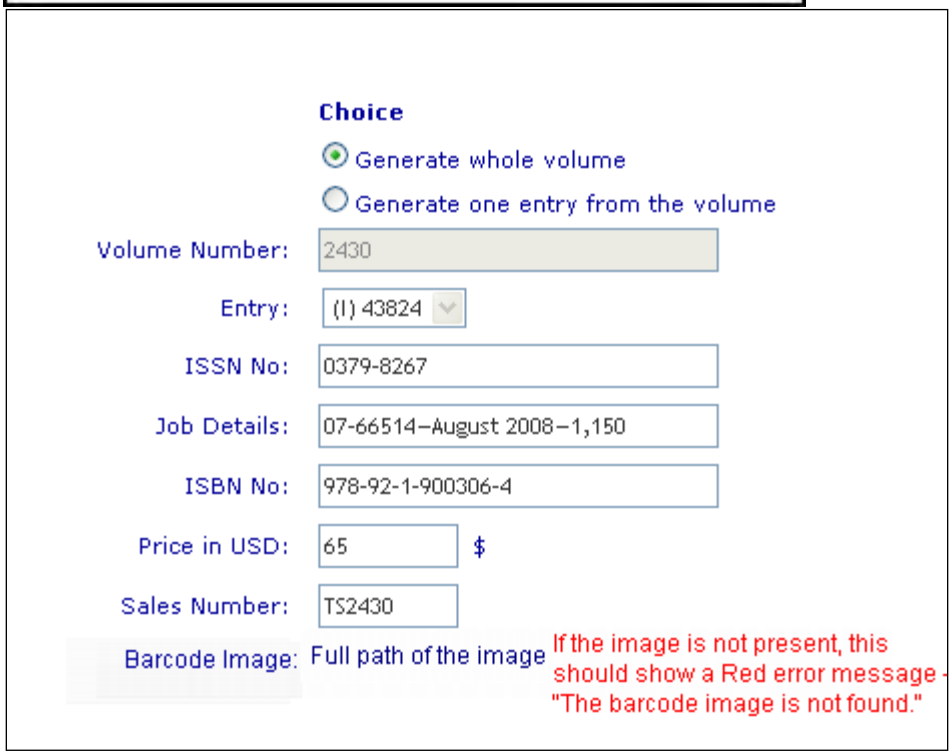
Phase 2
The translations have been received. The translations are inserted in the UNTS generated documents as long as their “Web-Publish” and “Show in UNTS”, and “Final” check boxes are selected.**The disclaimer remains same as in the Phase 1.**
Phase 3
The translations are proofread and corrected in this phase. An additional field “Final Version” is added to the ts_published_document object. This checkbox will be used by the proofreaders once they finalize the translations. This does not impact the UNTS generation process. The field will be used for report generation only.
The disclaimer remains same as in the Phase 1.
Until this point, ALL the generated UNTS documents should be **marked as web-published** by default, so that they start showing up on the website. This ‘Final’ field will be used by the UNTS Queuing process. A treaty/action will be queued for UNTS generation only if it has at least one such document which is marked as Final, except if the Treaty is marked as Limited Publication.
Phase 4
The volume number will be assigned in this phase through Tabulation. When the tabulation of a particular month is finalized, all the volumes created in that month will be queued automatically for UNTS generation. In this process, the cover pages need not be generated. When generating UNTS for treaties/actions having volume numbers, the earlier “No Volume disclaimer” will not be displayed.
However, these new documents should not be web-published by default.
After the individual file generation for a volume is over, the system will automatically call the Aspose module for the volume which will combine all the files, insert page numbers, create Table of Contents and generate the full volume in Word format.
The full volume in Word is generated automatically only as a first draft, for proofreading purposes. It’s users’ responsibility to edit manually the volume file in Word. The suggested sequence is to carry out any metadata OR text document changes first so that the system automatically re-generates the

individual UNTS files to reflect the changes in metadata. The full volume (in Word format) is not updated automatically, it has to be manually re-generated.

Once all the necessary information for the volume such as the Print Job No., Barcode image, Sales details are available, the users will invoke the full volume generation process manually using the menu Output→Treaty Series→Generate by Volume. The system should pick up the sales information from the new ts_volume object which gets generated at the time of Tabulation. **The values entered on this page should be saved back to ts_volume**. The barcode image should be picked up from Infrastructure\BackCovers-BarCodes-JobNumbers\UNTS\Bar Codes with the name <TS> + <Volume no> + .jpg. This image should automatically appear on the UNTS Back cover. This screen will also invoke the Aspose generation module. The generated final (in Word) will be stored at Publication\UNTS \Volume <XXXX> folder where XXXX represents the volume number. The filename will be vXXXX.doc. During this process, the Aspose module will also insert bookmarks at the beginning of each document having the filename in the bookmark. The bookmark should contain the corresponding PDF file name. E.g. For a document named *volume-2000-A-12345.doc*, the bookmark should contain *volume-2000-A-12345.pdf*.

Note: Initially, the UNTS Format macro cleans all the existing bookmarks from the Word documents. In Translation macro," remove all bookmarks" is added to clean up the document. You cannot update the bookmarks. The Update Bookmarks option is disabled. Additional bookmarks can compromise the splitting of the final volume in PDF (using Aspose).


Cabinets/Publication/UNTS/Volume 2636
Volume 2636
Name
Part
v2636
v2636.pdf
Edit Volume Attributes
Edit E
Convert Word to Pdf
Add/Remove Webpublishable Flag
Export to Excel
Versions
Locations
Check Out
Export
Delete
Detach from Parent

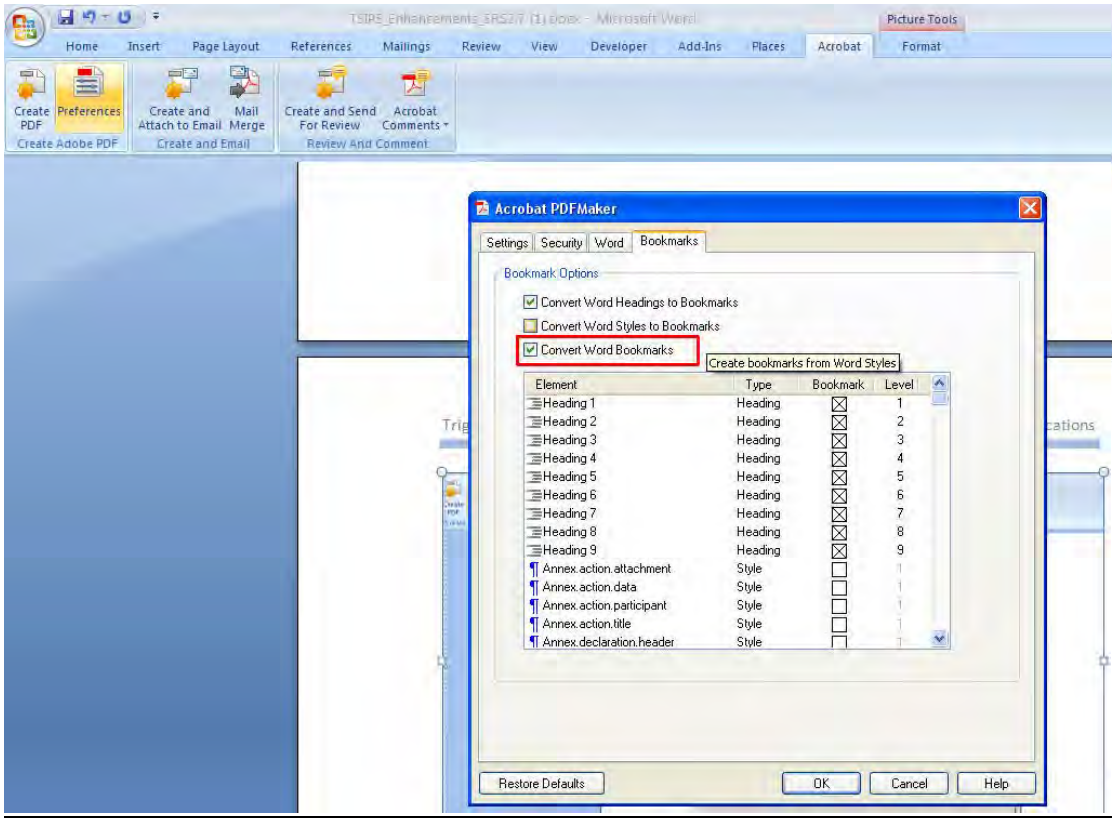

Choice
Generate whole volume
Generate one entry from the volume
Volume Number: 2430
Entry: (I) 43824
ISSN No: 0379-8267
Job Details: 07-66514–August 2008–1,150
ISBN No: 978-92-1-900306-4
Price in USD: 65 $
Sales Number: TS2430
Barcode Image: Full path of the image
If the image is not present, this should show a Red error message - "The barcode image is not found."

The Word file (associated with the entire volume) should be checked out by a user for manual changes so that other users will not be able to modify it at the same time. Once the changes are done, the document should be checked in.

Phase 5
User will manually convert the word document to PDF once it is finalized (using Adobe Pro).

> Note: The “Convert Word Bookmarks” option should be selected before converting to PDF, This is a onetime activity to be done on every user’s PC.

1. Open MS Word and click on Acrobat tab.
2. In Adobe, Click on Preferences and select Bookmarks tab.
3. Select the checkbox “Convert Word Bookmarks” and click ok.



This splitting requires that the page numbers in the individual files reflect the sequential pagination in the full volume. A new menu item, Output→Treaty series→Finalize volume will call the Aspose split functionality.
The bookmarks will be used to split the volume into individual PDF files, and saved back with the original names as they were at the beginning of the Volume generation process. Once the individual

files are obtained, the original files in the repository which are attached to treaties/actions and having same names, will be checked out and checked in with the new modified files.
At this time, the PDF files will be marked as web-published. The files will be moved to the website in the next SCS transfer cycle. All the earlier UNTS documents (generated in earlier phases and having the disclaimers) will be removed from the repository and the website.

5.2.11 UNTS Report

The 'UNTS Report' function allows the user to generate a report that contains a list of Treaties, Subsequent treaties and actions, and the associated documents attached to them. The report is used to highlight errors and inconsistencies in treaty and action records, and their associated file attachments. The report facilitates data quality control.
The report displays the following fields:

- Report displays the 'Web publishing' status of the documents.
- Authentic languages of the treaty
- The report displays information about missing authentic documents of the treaty after all the attachments details. Every authentic document in a language other than English/French must be translated to English & French. If there is a missing translation for a treaty, it displays the "MISSING English Translation" or "MISSING French translation". The Limited Publication Record does not have any texts attached. Instead, "Limited Publication -- Text Not Required" is displayed as explanation.
- Texts in Authentic Languages are not reported as Missing Translations into those languages (Example: Authentic English cannot have Missing English Translation in the report). Courtesy Translations, if present, is displayed.
- If more than one attachment is present for the same language, the following message will be displayed.

"More than one Attachment for one Language: [language name].

1. If any attachment language is not present in the treaty language attribute then the following message should be displayed: "Mismatch (language name) not present in treaty language attribute" 2. IF TYPE of document attached is incorrect then following mismatch message will be displayed:

"Mismatch (Language name) attachment present but type should be authentic not translation OR vice versa"

- For Actions, the system scans all the attachments and shows the details just like for the treaty documents. While scanning the attachments, the authentic_id is recorded. This is an indication of the action's authentic language. Based on this, the required translations are determined.
- If there is no authentic language document available as action attachment, "MISSING authentic action attachment" is displayed.

- For Actions, no authentic languages are available. So, the system should scan all the attachments and show the details just like treaty documents. While scanning the attachments, the authentic_id must be recorded. This will be an indication of the action authentic language. Based on this, the required translations can be determined.
- The Limited Publication Record does not have any texts attached. Instead, "Limited Publication -- Text Not Required" is displayed as explanation.
- The Partial Publication Record does have authentic texts attached. In the UNTS report, if the text is missing, the following message is displayed: "**Missing Authentic Text- Partial Publication**".
- Texts in Authentic Languages are not reported as Missing Translations into those languages (Example: Authentic English cannot have Missing English Translation in the report). Courtesy Translations, if present, is displayed.
- Each Document which is shown in the report will also show the number of pages of that document: **Pages:** <no of pages> .
- Number of elements in the Language attributes of the Treaty/Action should correspond to the number of files and corresponding language attributes under Treaty/Action Attachments.
- When the record is identified in the report as Limited Publication with the flag – Limited Publication se to 'Yes, Text Not Required', the following fields should not be displayed:
    - Mismatch – NUMBER of Files / Languages
    - No of Treaty Languages = 1, Attachments Present = 0
    - MISSING Authentic Text : English
    - MISSING Translation :French
- In the totals section at the end of the report, regarding missing documents for the limited publication treaties, they are not added to the following totals:
    - Total missing treaty authentic documents
    - Total missing treaty translations
- In total section, before the total count of treaty pages, the totals will be shown in the following manner:
    - Total treaty documents pages
    - Total action attachment pages
    - Total pages in English language
    - Total pages in French language
    - Total pages in Other language
    - Gross Total of Pages for [month] [year]
- Limited publication treaties should not be added to these 2 missing treaty totals; they have a different total (at the end, last group of totals):
    - Total treaty(s) with limited publication

Status of "Show in UNTS" checkbox associated with each treaty/action attachment is displayed in the UNTS report.

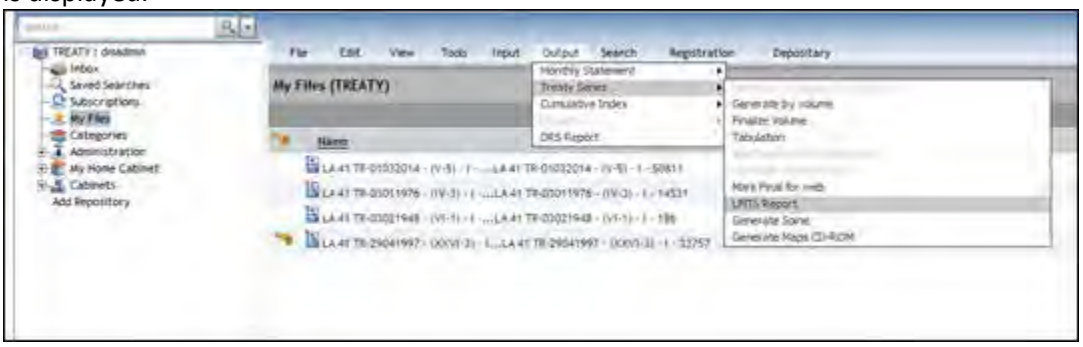
Note: The "Final for Web" flag is added to the report, for each attached file. It is displayed after "Show in UNTS".

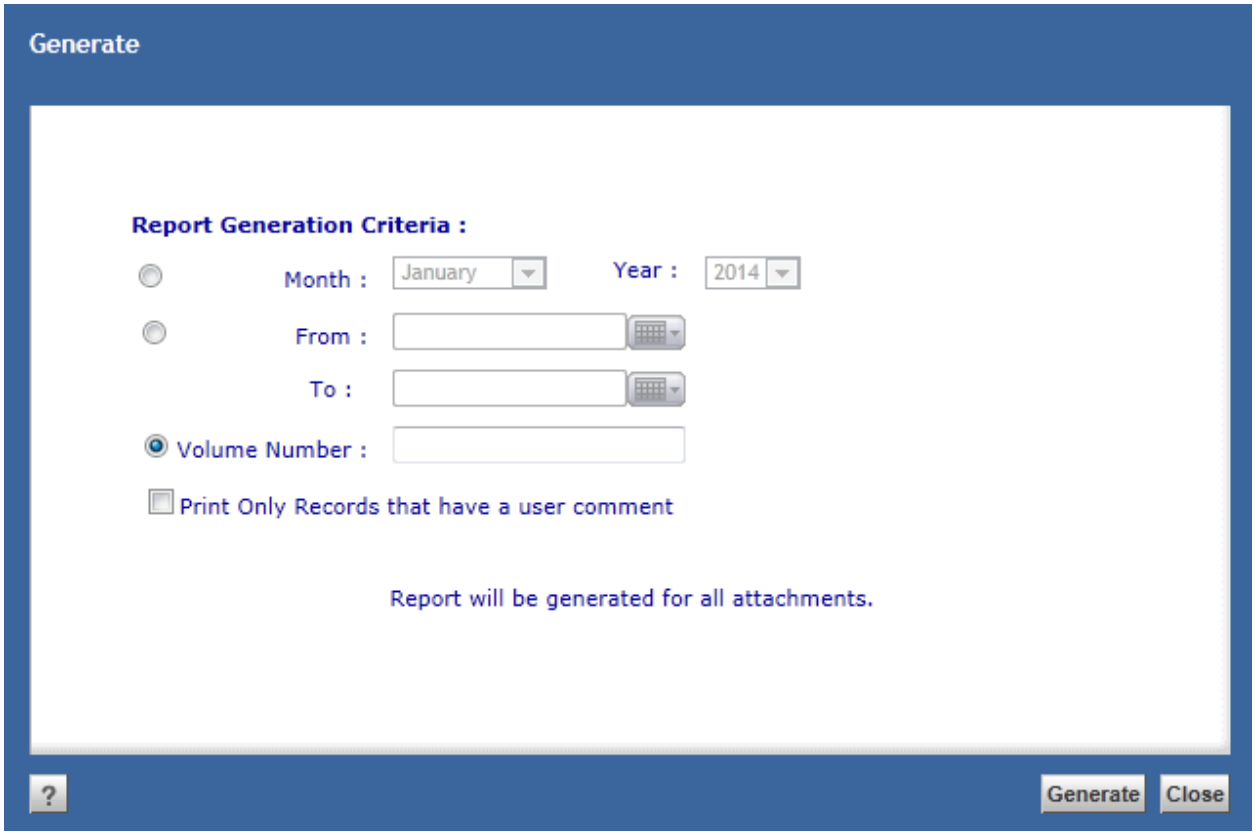
A total for items marked and not marked as Final for web has been added. The count is displayed in the report.

```
>>MISSING Translation: English, French


_____________________________________________________________________


_____________________________________________________________________

LA 41 TR-13112012 - A - 8791
Protocol relating to the Status of Refugees
Date of Registration: 13 November 2012
Web-published: Yes
Treaty Language Attributes: Afgan

File Name-Language-Document Type:
testing 1.docx - English - Translation - Show In UNTS: TRUE - Final for
Web:  True


>>MISMATCH : Languages
Treaty Languages Do Not Match Attachment Languages

>>MISSING Authentic Text: Afgan


>>MISSING Translation: French
```

To generate the UNTS report:

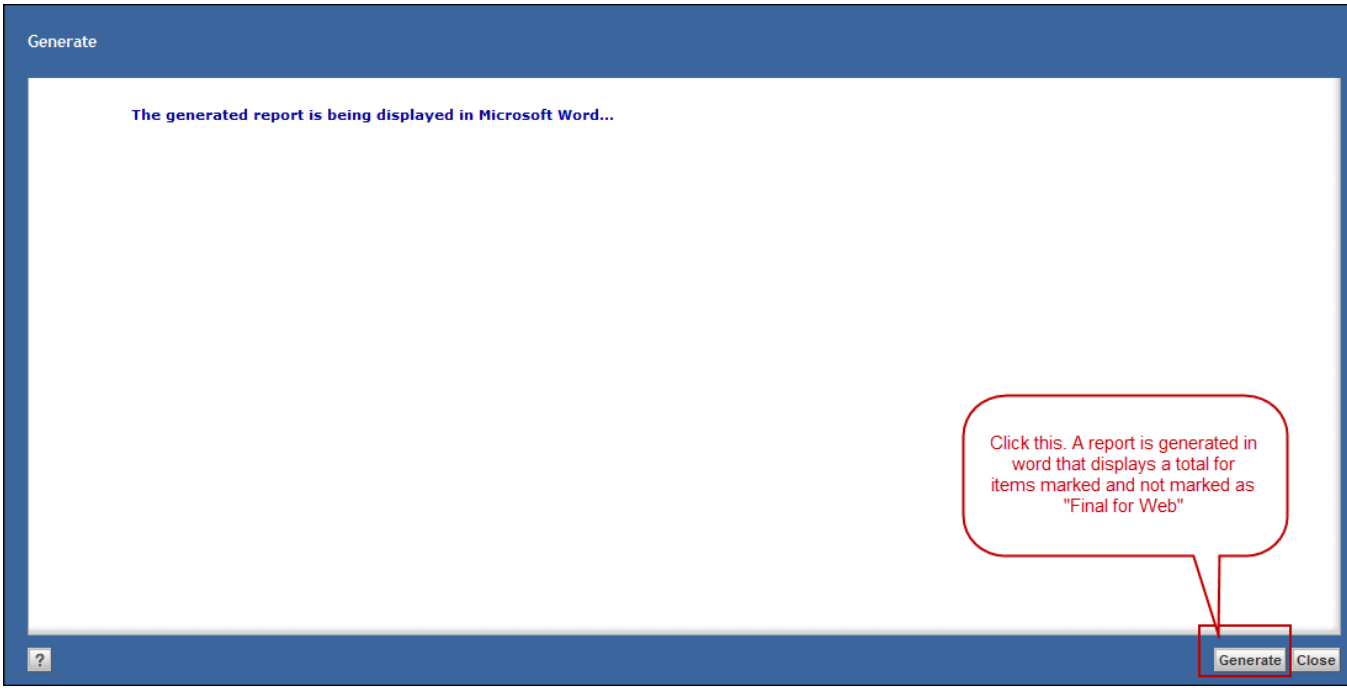
1. From the Output menu, select **Treaty Series** > **UNTS Report**. The 'Generate: UNTS Report' screen is displayed.



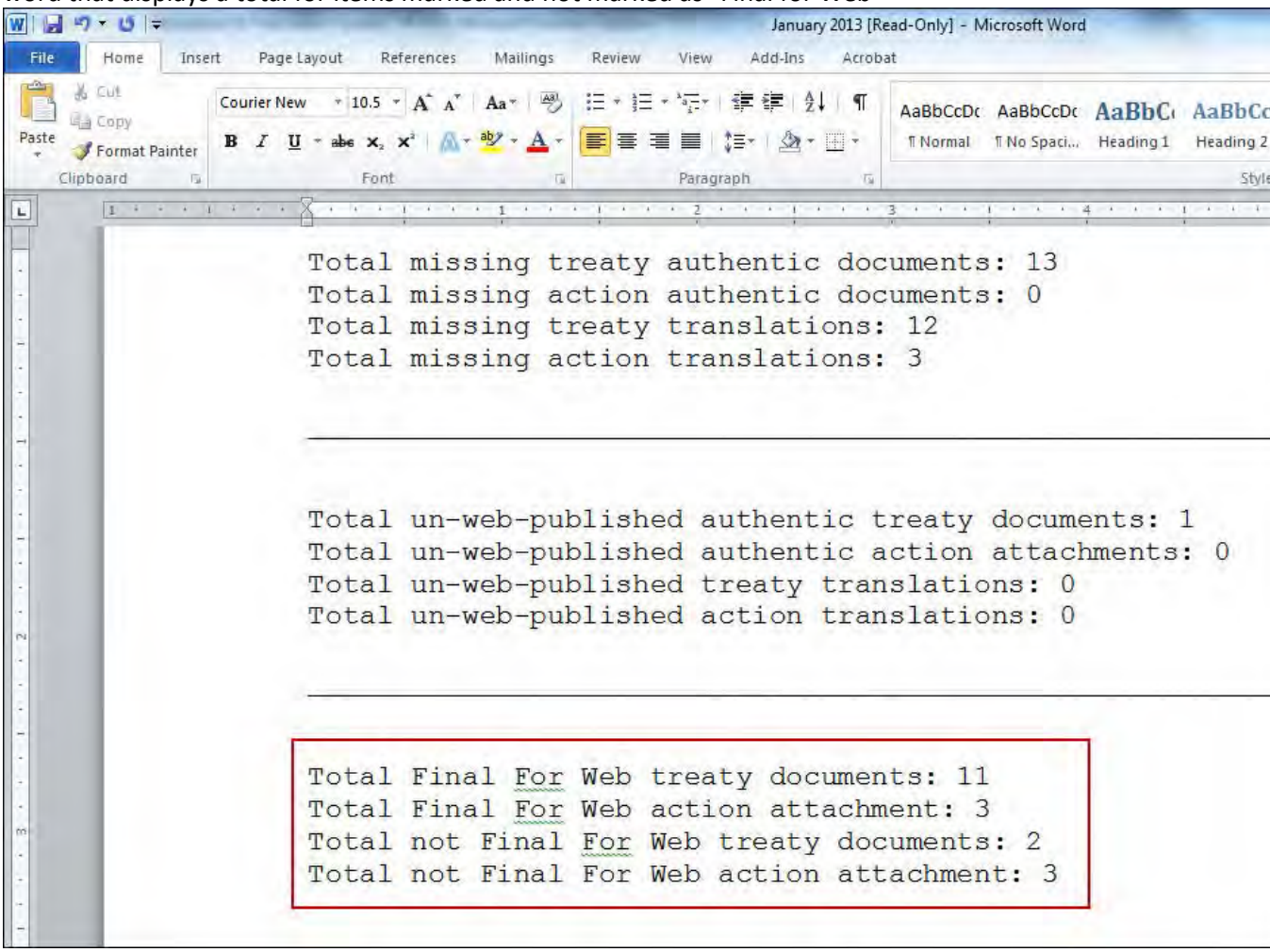


2. Select a report generation criteria. The report can be generated either for a specific month or for a selected period or for a specific volume.
3. If you want to generate the report for a specific month, select first option and select and enter month and year.
4. If you want to generate a report for a specific period, select the second option and click icons to select and enter dates in 'From' and 'To' fields to specify a period.
5. If you want to generate a report for a specific volume number, enter the volume number in the 'Volume Number' field.
6. If you want to include only those records that have some user comments, check the checkbox – "Print only records that have a user comment".
7. Click 'Generate' to generate the report. The 'Generate' screen is displayed.
   Or

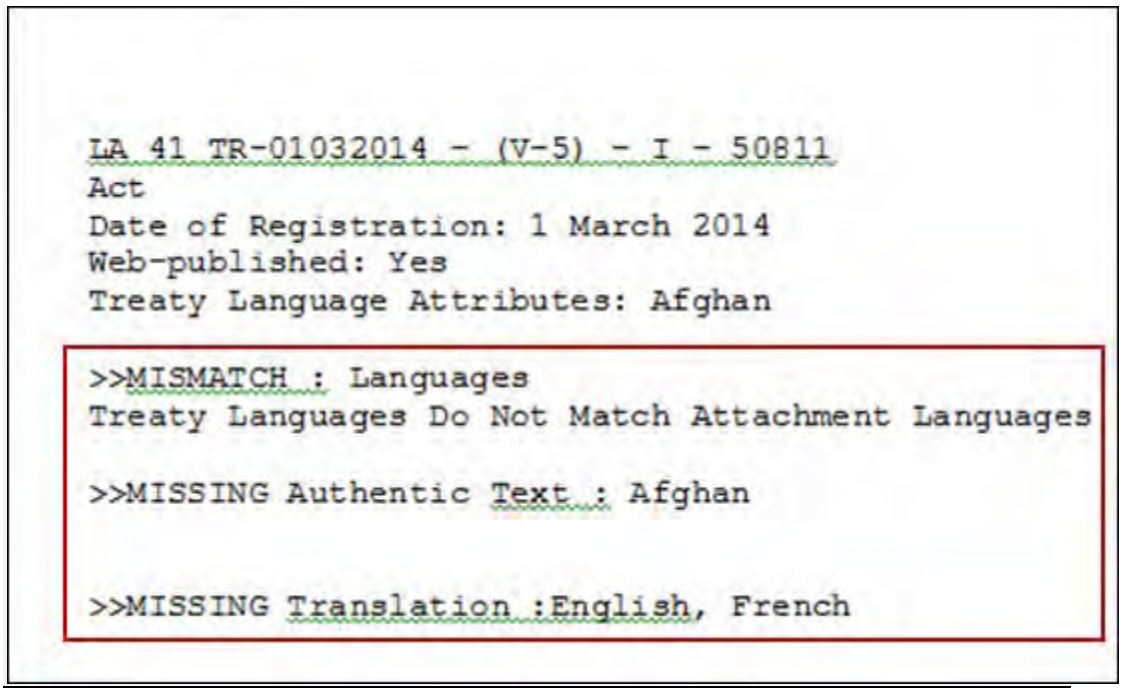
You can click ‘Close’ to cancel.



Click ‘Generate’ again. The generated report is displayed in MS Word. A report is generated in word that displays a total for items marked and not marked as "Final for Web"



Note: When the UNTS Report is generated, a confirmation message is displayed: “Report generated successfully and saved to Infrastructure/UNTS Reports.”



5.2.12 Disclaimers

Following disclaimers are displayed in the generated UNTS document.

- **For FULL publication with no volume number**:

Disclaimer in English

No UNTS volume number has been determined for this record. The Text (s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are provided for information only. The officially released printed and online versions of this agreement/action attachment with the final pagination will be made available in due course.

Disclaimer in French

Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes réproduits ci-dessous,
s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour
l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la
pagination consécutive. Les traductions, s'ils sont disponibles, sont fournies à titre d'information. Les
versions officielles imprimées et en ligne de cet accord/pièce jointe d'action avec pagination finale seront
disponible en temps utile.

- **For Limited Publication with no volume number:**

Disclaimer in English
No UNTS volume number has yet been determined for this record. Not published in print in accordance with article 12(2) of the General Assembly regulations to give effect to Article 102 of the
Charter of the United Nations, as amended.

Disclaimer in French

Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Non disponible en version imprimée
conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en
application l'Article 102 de la Charte des Nations Unies, tel qu'amendé.

- **For Limited Publication with volume number:**
  Disclaimer in English
  Not published in print in accordance with article 12(2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended.
  Disclaimer in French
  Non disponible en version imprimée conformément au paragraphe 2 de l'article 12 du règlement de
  l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel
  qu'amendé.
- **For Partial Publication with a volume number:**
  Disclaimer in English
  The text(s) of the [annexes, this part to be updated manually by the user] [is/are] not published herein,
  in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the
  Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.
  Disclaimer in French
  Les textes des [annexes] ne [est/sont] pas publiés ici conformément aux dispositions de l’article 12,
  paragraphe 2, des réglementations de l’Assemblée générale, en application de l’article 102 de la Charte des
  Nations Unies, tel qu’amendé, et de la pratique dans le domaine des publications du Secrétariat.
- **For Partial Publication without a volume number:**
  Disclaimer in English
  No UNTS volume number has yet been determined for this record. The text(s) of the [annexes, this part to be updated manually by the user] [is/are] not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

Disclaimer in French
Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes des [annexes] ne
[est/sont] pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies,tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.

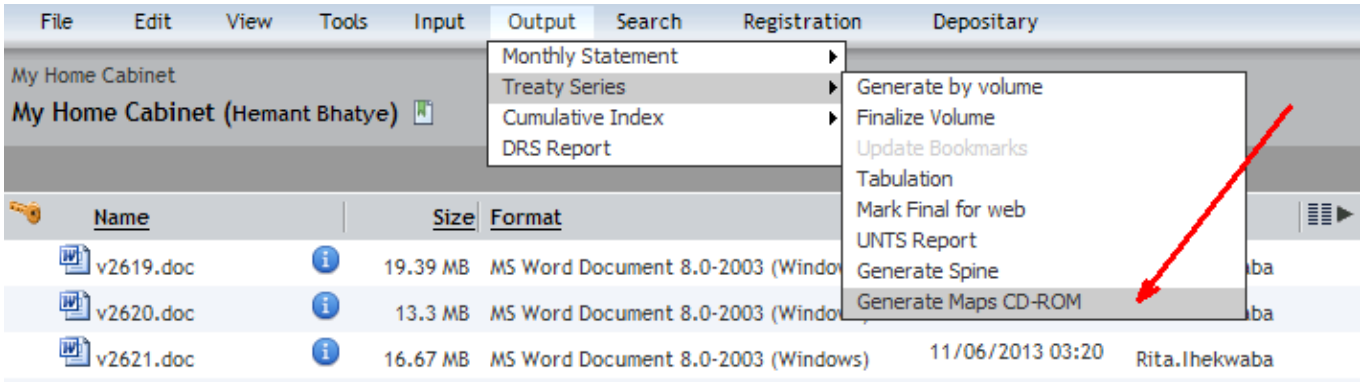
- **Disclaimer for action if attachment is present:**

Disclaimer in English
The texts reproduced below are the action attachments as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are provided for information.

French translation
Les textes réproduits ci-dessous sont les textes authentiques de la pièce jointe d'action tel que
soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont disponibles, sont
fournies à titre d'information.

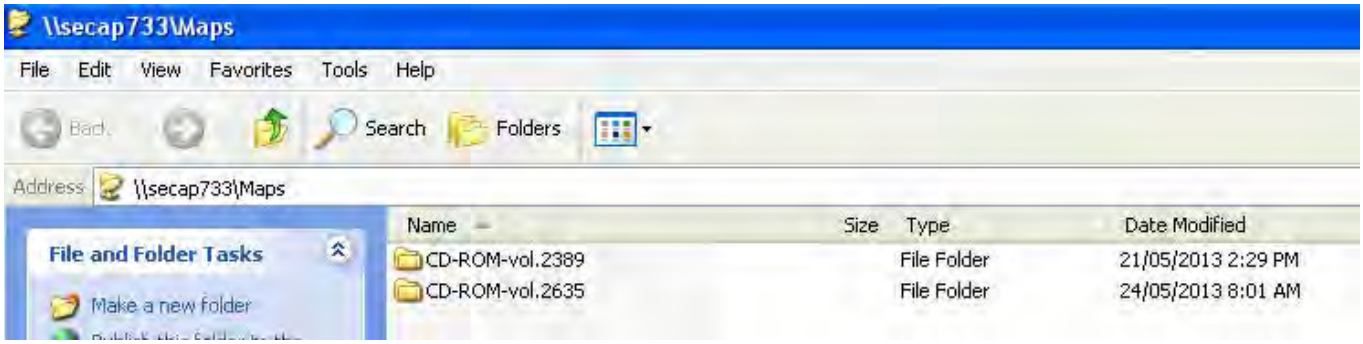
5.2.13 Generate Maps CD-ROM

Some treaties are often accompanied by maps which are attached to the treaties. These maps are published on a CD along with the UNTS Volume book. The Generate Maps CD-ROM option lets the user generate the contents of this CD-ROM automatically from the system.

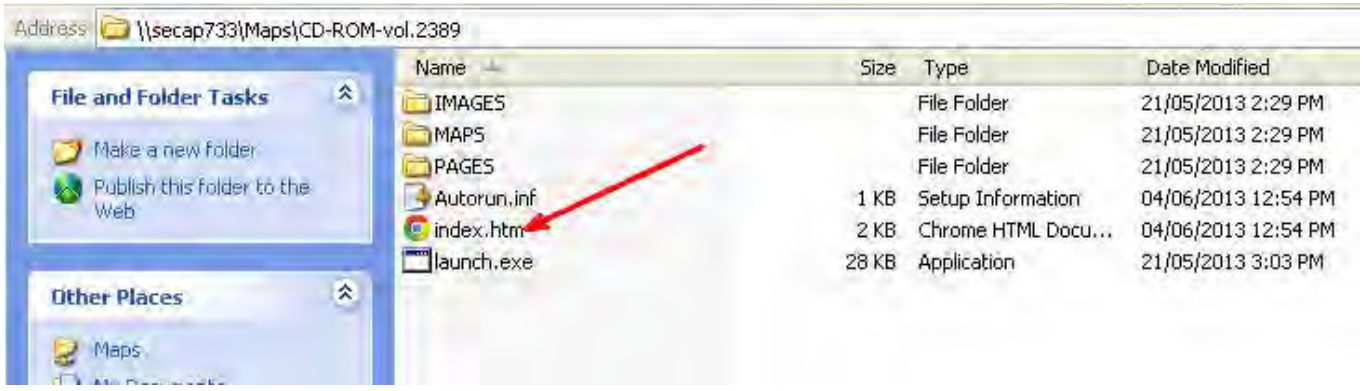


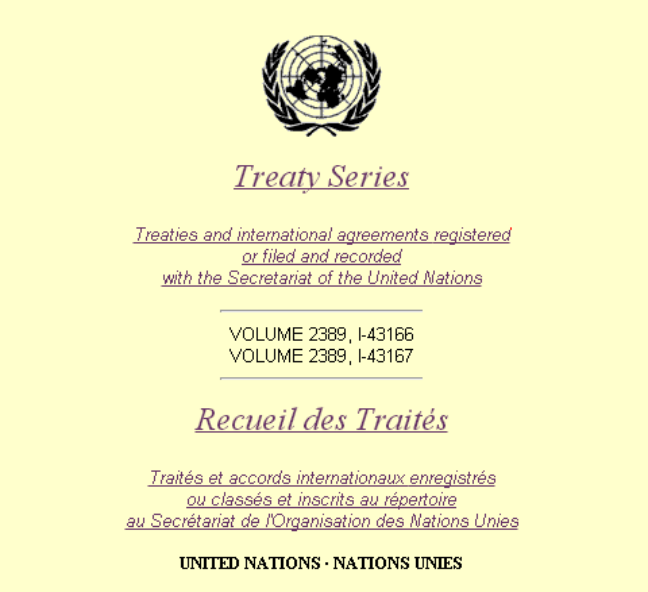
The user needs to specify the volume number and click Generate CD. The system generates and saves the CD-ROM content at the location specified in the note. This location is picked up from C:\tips.properties file on the tomcat server from the key maps.cdrom.save.location. The server MUST have WRITE access to this path in order to create files. The user should open the save location by clicking on Open before running the process.

The files are saved in a folder such as “CD-ROM-vol.XXXX”. The contents of this folder should be written to a blank CD using any CD Writing software. Note that the folder itself should not be written to the CD. Otherwise the CD will not run automatically when inserted into the drive.



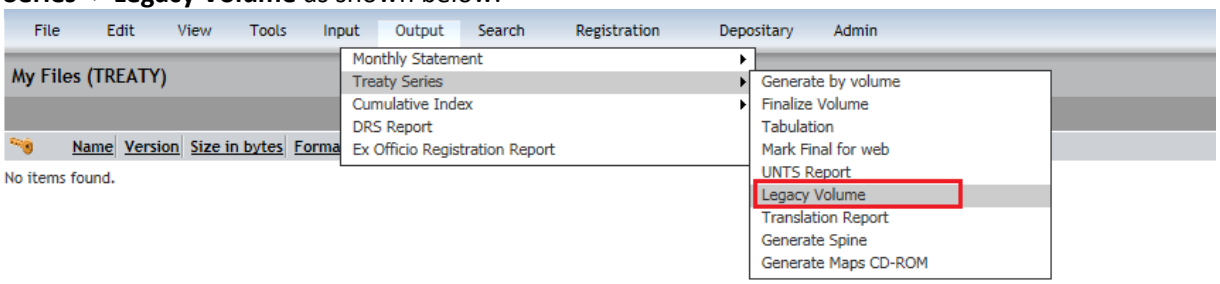
In case the CD doesn’t auto-run, the user can always click on the index.htm file to view the CD content in HTML format.

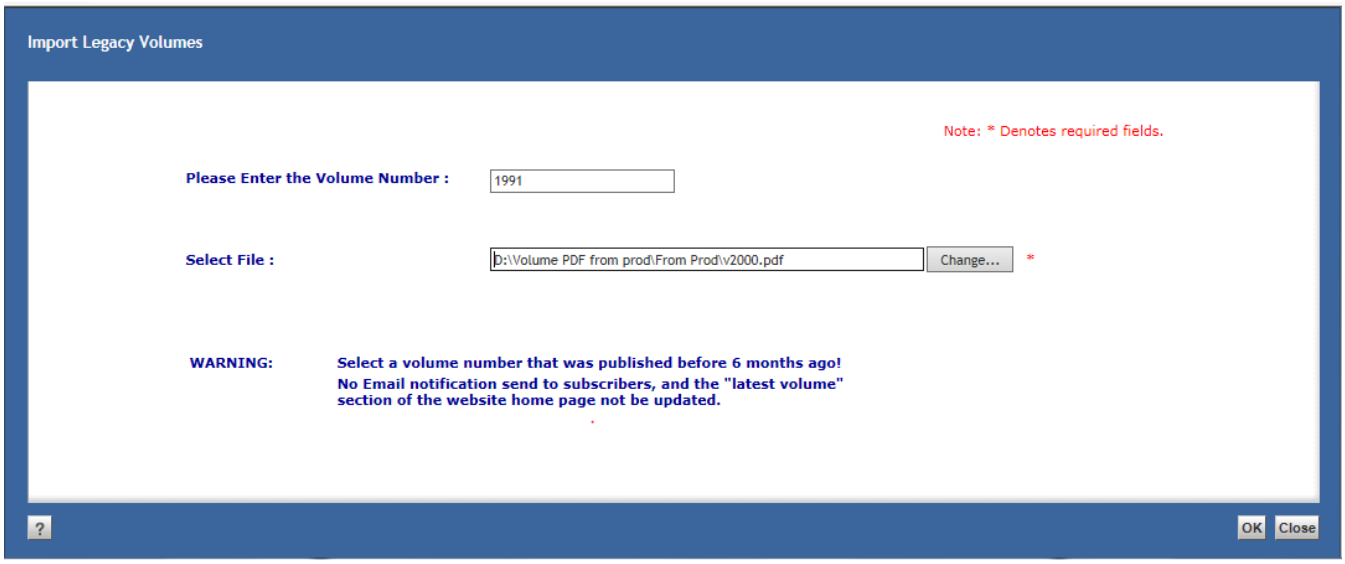




5.2.14 Legacy Volume

Import Legacy Volume screen has been introduced in order to facilitate the import of the old UNTS volumes (scanned in PDF format) which are not present in the repository.
To access this screen, user should navigate to the Legacy Volume sub-menu from **Output -> Treaty Series -> Legacy Volume** as shown below.

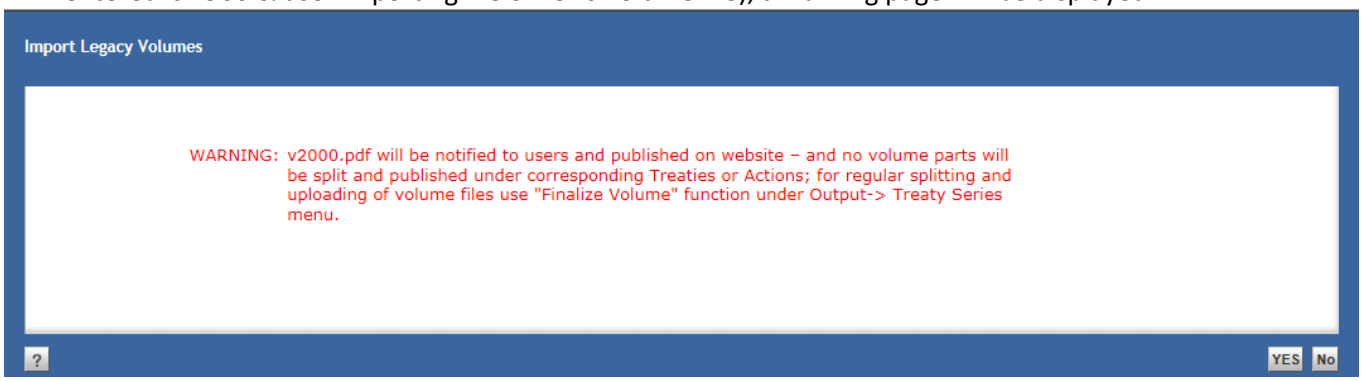




The Volume Number should be numeric only, greater than 0 and less than 9999.
Selected file should be pdf and named vXXXX.pdf , where XXXX stands for the Volume Number.

On click of the OK button, volume number will be added to the registered table, and volume file will be imported to appropriate folder of content repository.

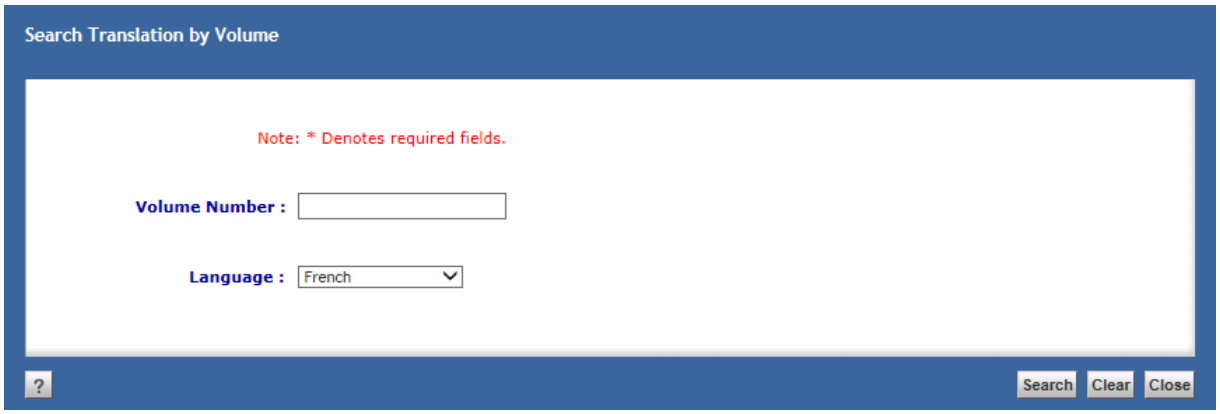
If user selected files have the volume no greater than the volume no entered (e.g. if volume no entered is 1900 & user importing file of 1920 volume file), a warning page will be displayed.



On clicking the 'Yes' button, volume file will be imported in the appropriate folder , and a notification email will be sent to subscribers.

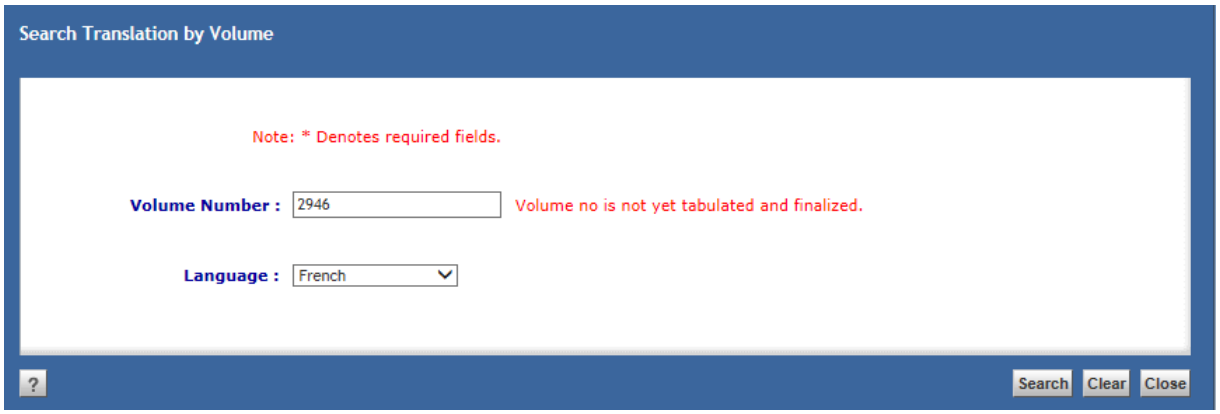
5.2.15 Translation by Volume

1. From the Output menu, select Treaty Series→Translation by Volume. Following screen will be displayed.

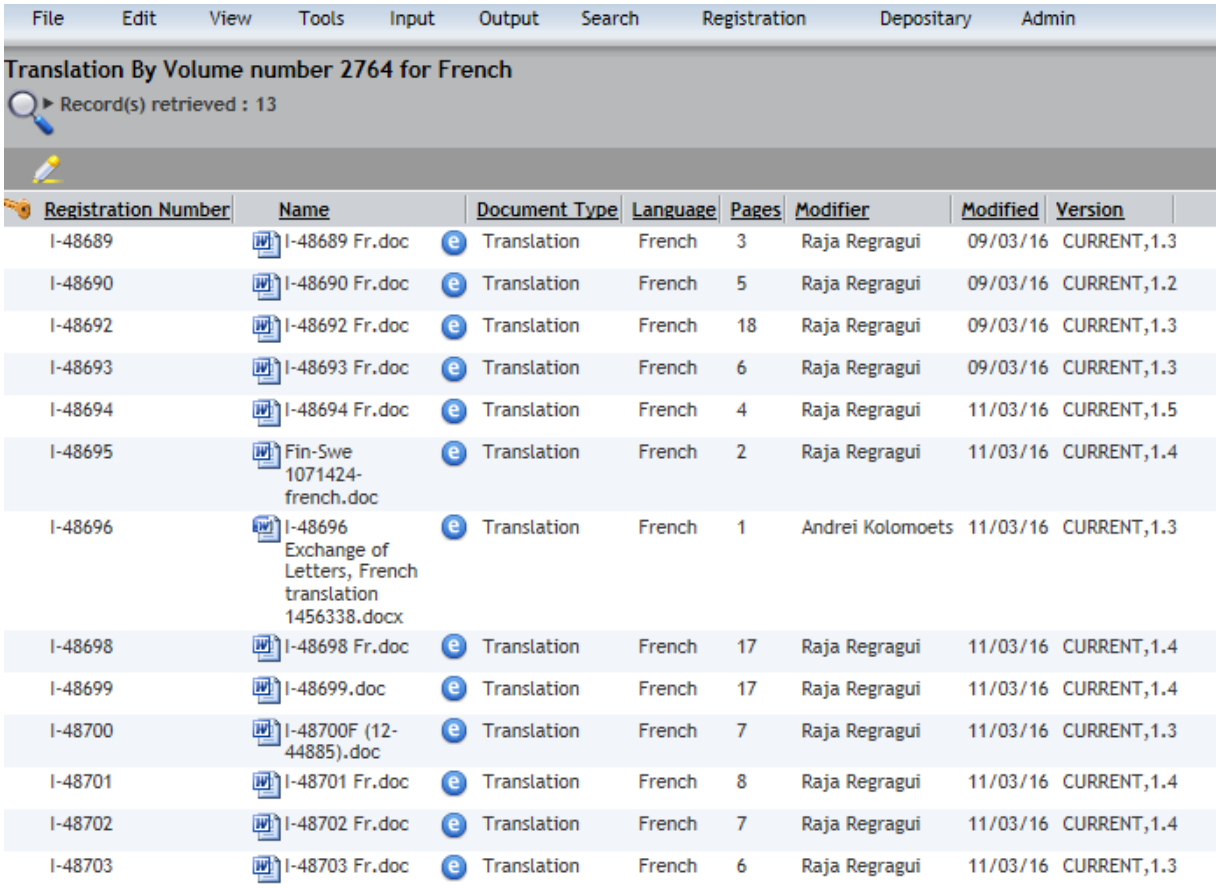


2. Enter Volume No in Volume Number text and select language either French or English. Default will be French.

3. If we enter a Volume number which is not tabulated and finalized, then the following validation message will be displayed:



4. If we enter a value other than a number, then a validation message will be displayed as “Valid numeric range is 1 to 99999”.
5. If we enter more than 5 digits, then also a validation message will be displayed as “Enter maximum 5 digits”
6. If we enter a tabulated and finalized volume number then we will get the text of agreement and action attachment documents associated with that volume number.
7. Enter a tabulated and finalized volume number and click on Search button to get a list of authentic and translation Word (.doc or .docx) files.



Registration Number	Name	Document Type	Language	Pages	Modifier	Modified	Version
I-48689	I-48689 Fr.doc	Translation	French	3	Raja Regragui	09/03/16	CURRENT,1.3
I-48690	I-48690 Fr.doc	Translation	French	5	Raja Regragui	09/03/16	CURRENT,1.2
I-48692	I-48692 Fr.doc	Translation	French	18	Raja Regragui	09/03/16	CURRENT,1.3
I-48693	I-48693 Fr.doc	Translation	French	6	Raja Regragui	09/03/16	CURRENT,1.3
I-48694	I-48694 Fr.doc	Translation	French	4	Raja Regragui	11/03/16	CURRENT,1.5
I-48695	Fin-Swe 1071424-french.doc	Translation	French	2	Raja Regragui	11/03/16	CURRENT,1.4
I-48696	I-48696 Exchange of Letters, French translation 1456338.docx	Translation	French	1	Andrei Kolomoets	11/03/16	CURRENT,1.3
I-48698	I-48698 Fr.doc	Translation	French	17	Raja Regragui	11/03/16	CURRENT,1.4
I-48699	I-48699.doc	Translation	French	17	Raja Regragui	11/03/16	CURRENT,1.4
I-48700	I-48700F (12-44885).doc	Translation	French	7	Raja Regragui	11/03/16	CURRENT,1.3
I-48701	I-48701 Fr.doc	Translation	French	8	Raja Regragui	11/03/16	CURRENT,1.4
I-48702	I-48702 Fr.doc	Translation	French	7	Raja Regragui	11/03/16	CURRENT,1.4
I-48703	I-48703 Fr.doc	Translation	French	6	Raja Regragui	11/03/16	CURRENT,1.3

8. Click on ‘Clear’ button to clear entered volume number and Default language will be French.
9. Click on ‘Close’ to exit the screen.

5.2.16 Assign Volume Number

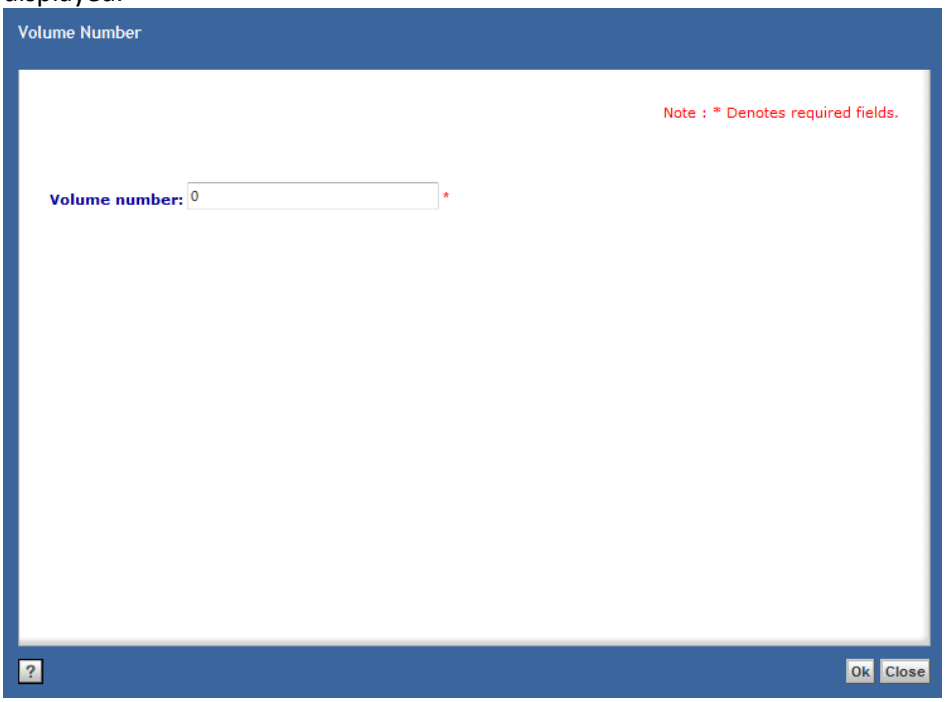
The ‘Assign Volume’ option allows you to assign a UNTS Volume number to a treaty, subsequent treaty or an action.
When a treaty has been assigned a volume number, the MTDSG Text is updated with the following text:

English: United Nations, Treaty Series, vol. XXXX
French : Nations Unies, Recueil des Traités, vol. XXXX

The XXXX is the volume number assigned to the treaty. There must be one space between “vol.” and the volume number so that the hyperlink for the volume gets created automatically on the MTDSG status page on the UNTC website. The tags are responsible for formatting of this content when the MTDSG document is generated. This should be done automatically through the system after tabulation or any other process that assigns volume number.

To assign volume number to an object:

1. Select a treaty or action to which you want to assign the volume number.
2. From the Output menu, select Cumulative Index > Assign volume. The Volume Number screen is displayed.



3. Enter a volume number that you want to assign to the selected object in the 'Volume Number' field.
4. Click 'Ok' to confirm.
5. Click 'Close' to cancel and close the screen.

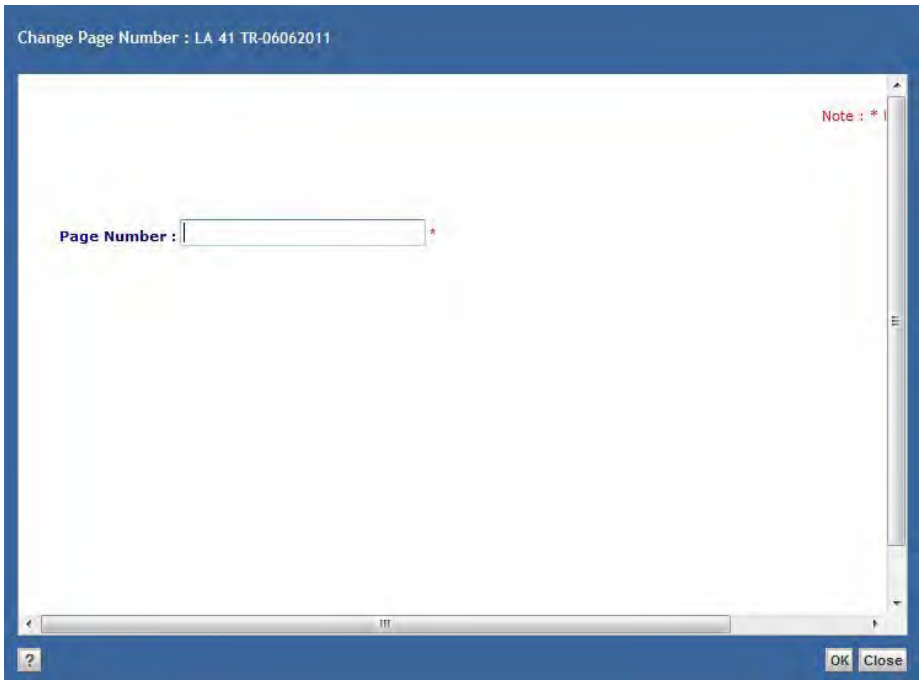
Note: When the task is complete, a confirmation message is displayed: "Volume number assigned successfully."

5.2.17 Assign the page number

The 'Assign the page number' option allows you to assign page number to a treaty, subsequent treaty or action in the UNTS Volume.

To assign the page number:

1. Select a treaty or action to which you want to assign the volume number.
2. From the Output menu, select Cumulative Index > Assign volume. The Volume Number screen is displayed.



3. Enter a page number that you want to assign to the selected object, in the 'Page Number' field.
4. Click 'Ok' to confirm.
5. Click 'Close' to cancel and close the screen.

Note: When the task is complete, a confirmation message is displayed: "Page number assigned successfully."

5.3 Reports

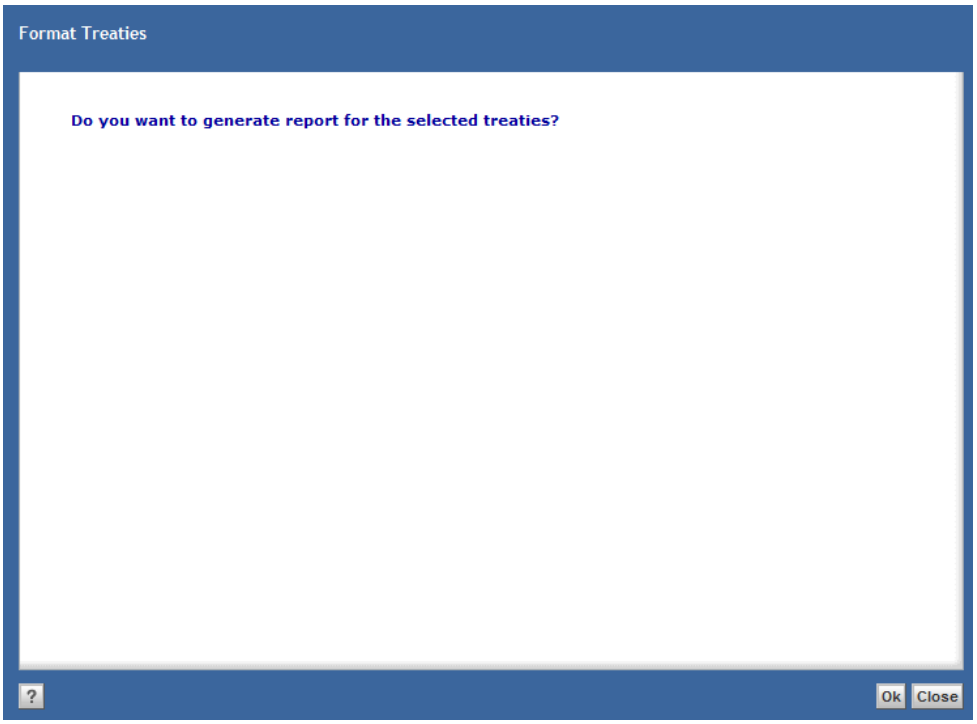
The Report option allows you to generate reports for a treaty, subsequent treaty or an action in a Word document.

5.3.1 Format Treaties

The 'Format Treaties' option allows you to generate a report for one or more treaties.

To get a formatted report for treaty:

1. From the **Output** menu, select **Reports** > **Format Treaties**. A confirmation message is displayed.



2. Click 'Ok' to confirm. The report is generated in MS Word format.
3. Click 'Close' to cancel and exit the screen.

Note: When the task is complete, a confirmation message is received: "The report has been generated and displayed in Microsoft Word."

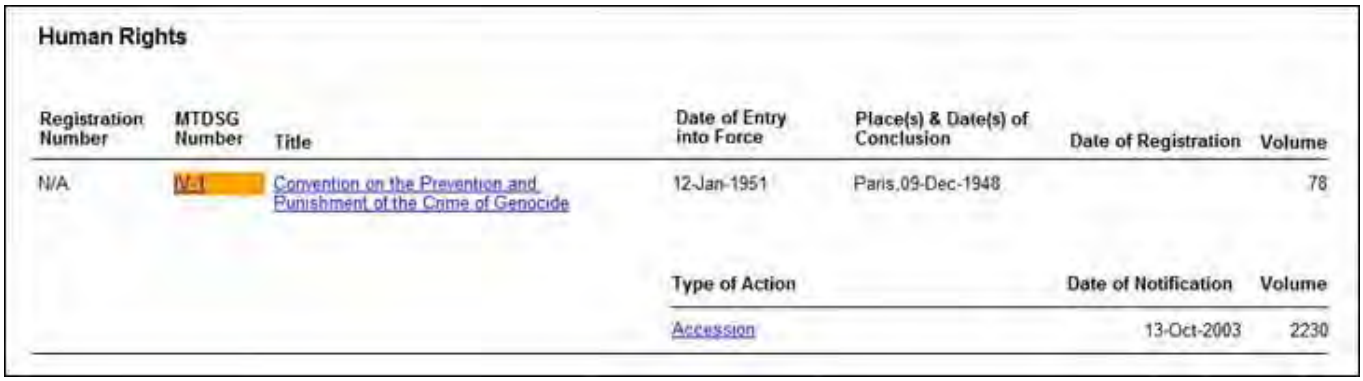
5.4 DRS Reports

The DRS reports are created using Crystal Reports (and special connectors to the Documenum repository). The DRS web application is integrated with the Webtop development environment (for UI).

The following DRS Reports display Non-registered treaties, however, it does not include Treaties with document disposition = Pending, For Information and Not received.

Treaties that are not registered display 'N/A' next to the registration number.

- All MTDSG Treaties by a State or International Organization
- MTDSG treaties by signature only
- MTDSG treaties where the participant signed and ratified the treaties
- MTDSG treaties with no action by a participant
- MTDSG treaties where action is provisional application

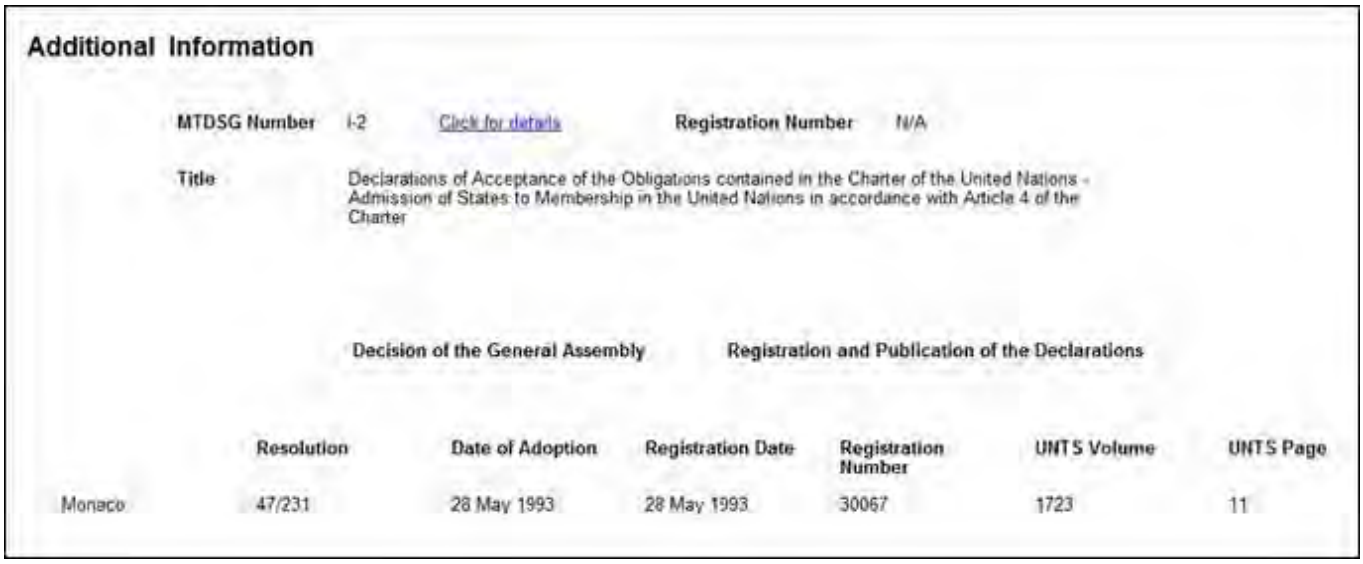


Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
N/A	IV-1	Convention on the Prevention and Punishment of the Crime of Genocide	12-Jan-1951	Paris,09-Dec-1948		78

Type of Action	Date of Notification	Volume
Accession	13-Oct-2003	2230

The report displays the data from Special tables, at the end of the report. Special tables displayed on DRS reports will also display N/A next to the registration number, if applicable.



Additional Information

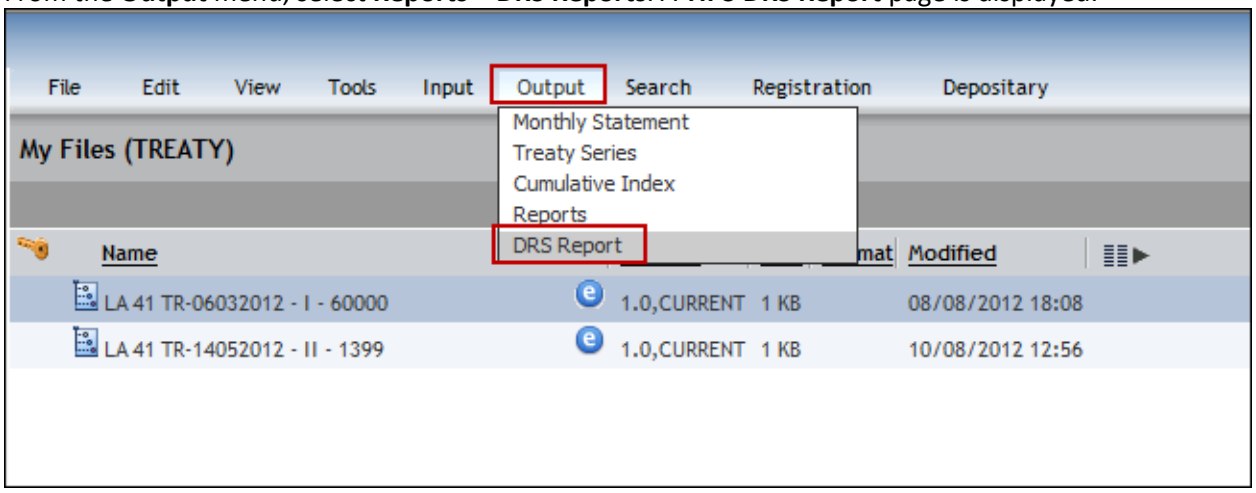
MTDSG Number I-2 Click for details Registration Number N/A

Title Declarations of Acceptance of the Obligations contained in the Charter of the United Nations - Admission of States to Membership in the United Nations in accordance with Article 4 of the Charter

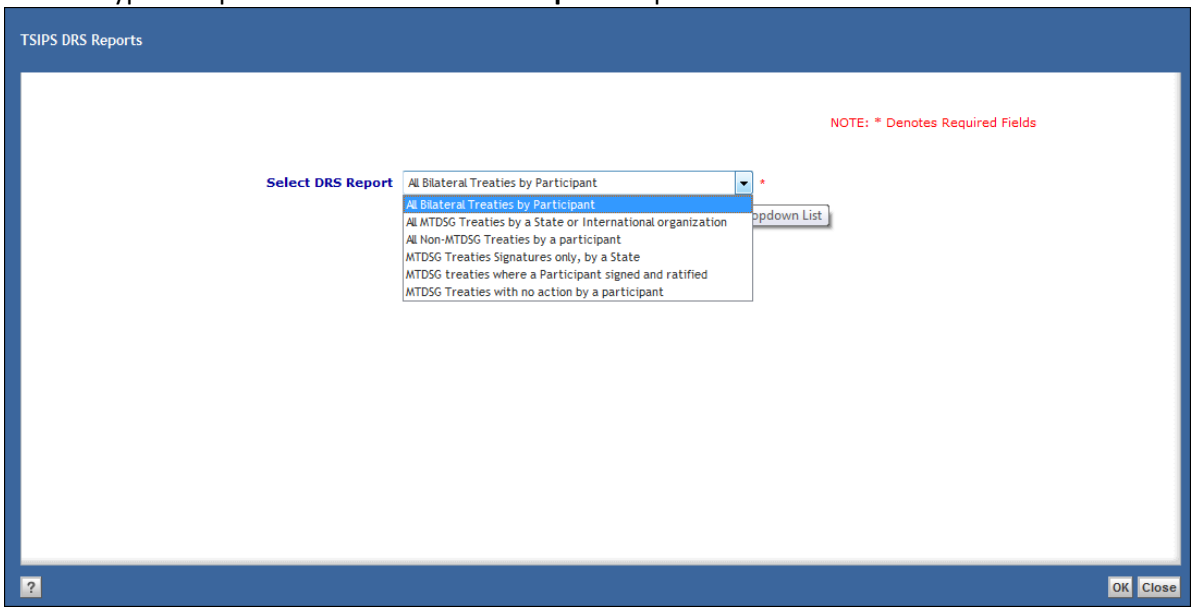
	Decision of the General Assembly		Registration and Publication of the Declarations			
	Resolution	Date of Adoption	Registration Date	Registration Number	UNTS Volume	UNTS Page
Monaco	47/231	28 May 1993	28 May 1993	30067	1723	11

To run the reports:

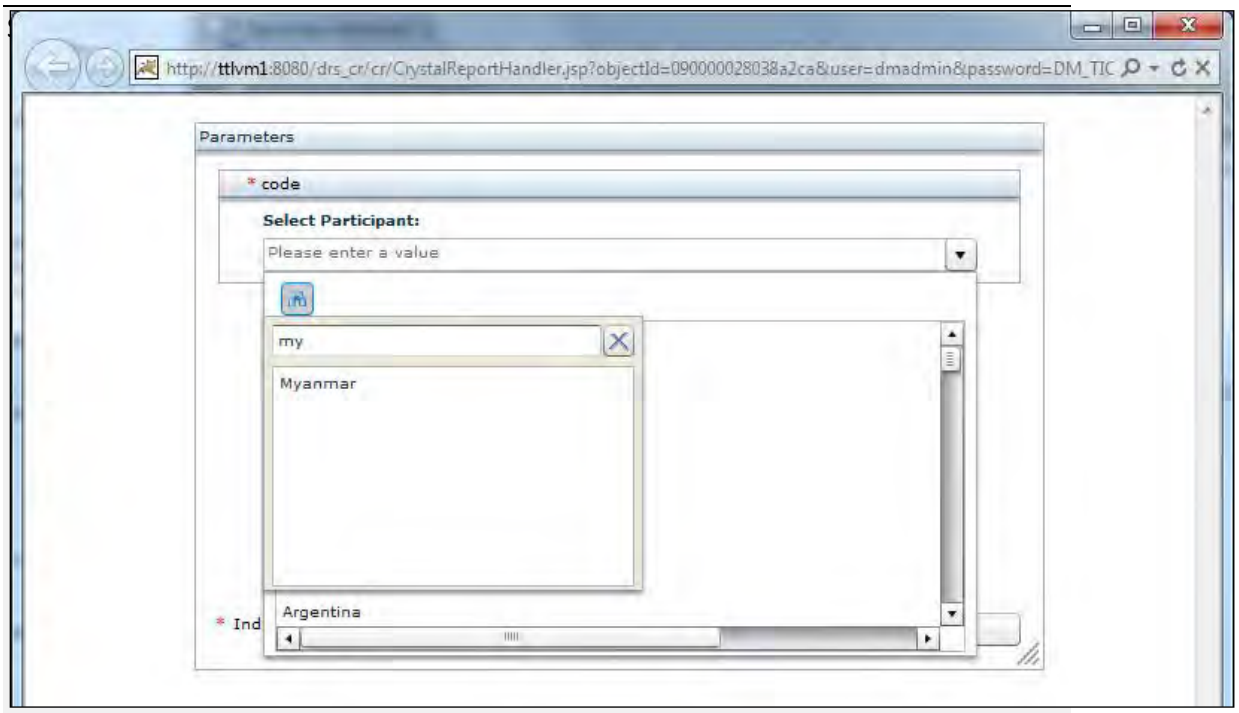
1. From the **Output** menu, select **Reports** > **DRS Reports**. A **TIPS DRS Report** page is displayed.



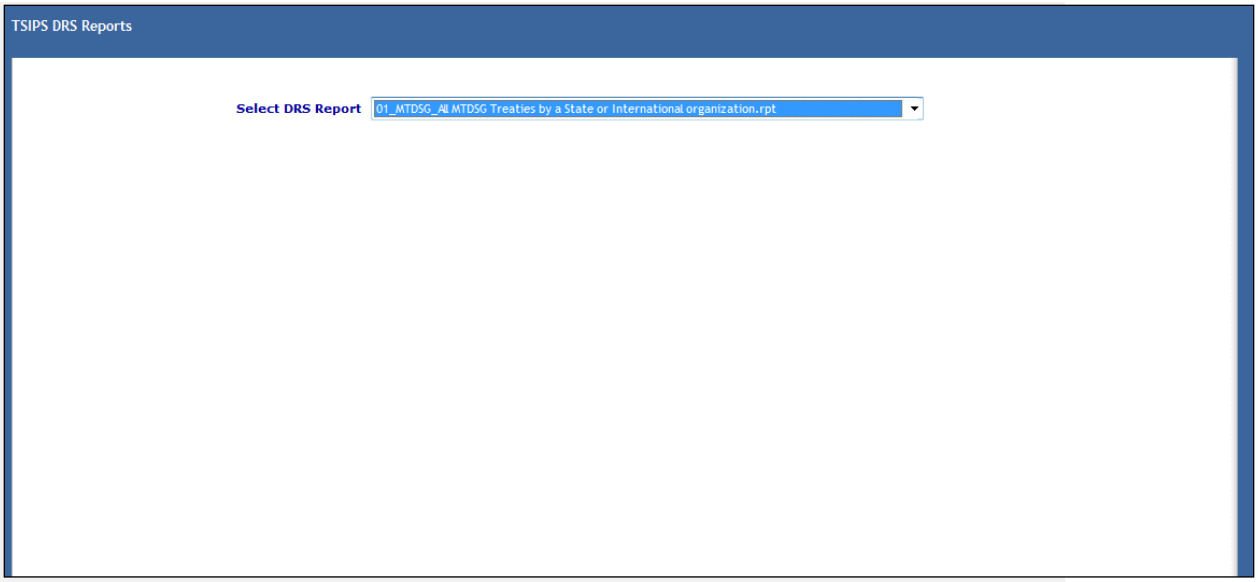
2. Select a type of report from the **Select DRS Report** drop-down list.

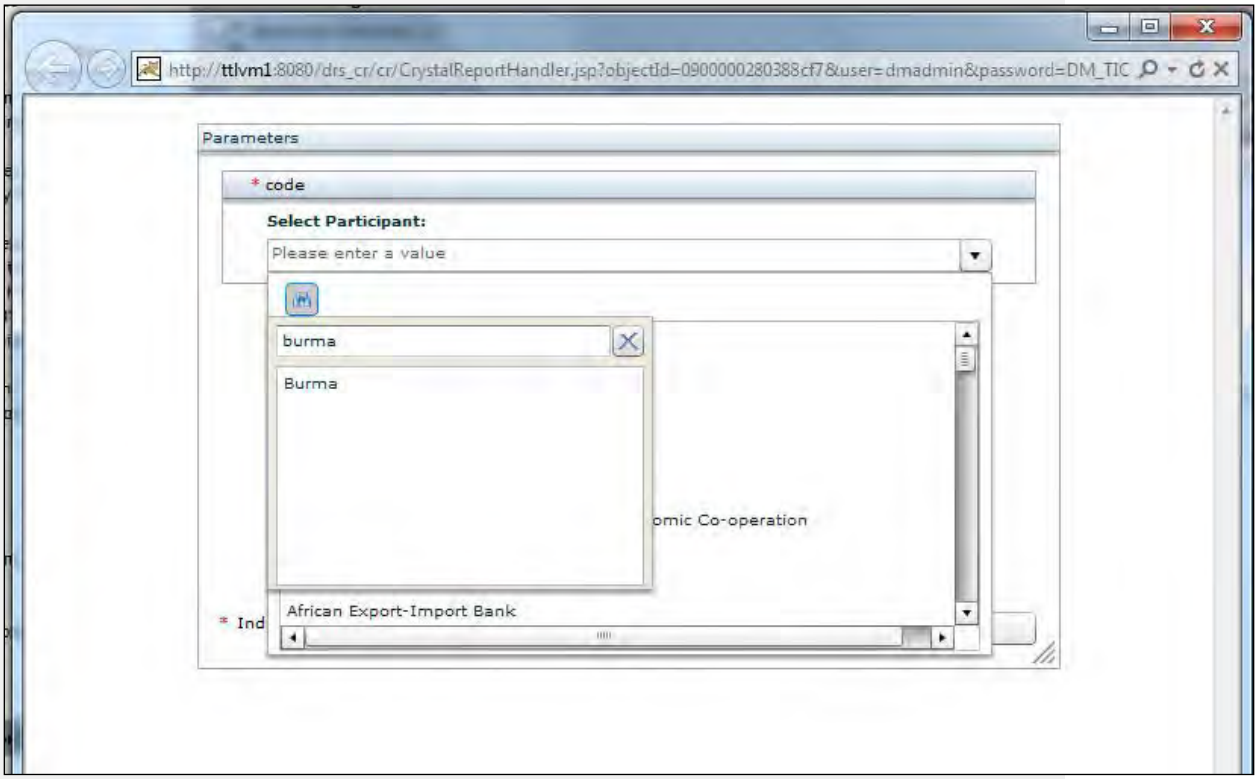


3. Click OK.



Click OK to generate the report.



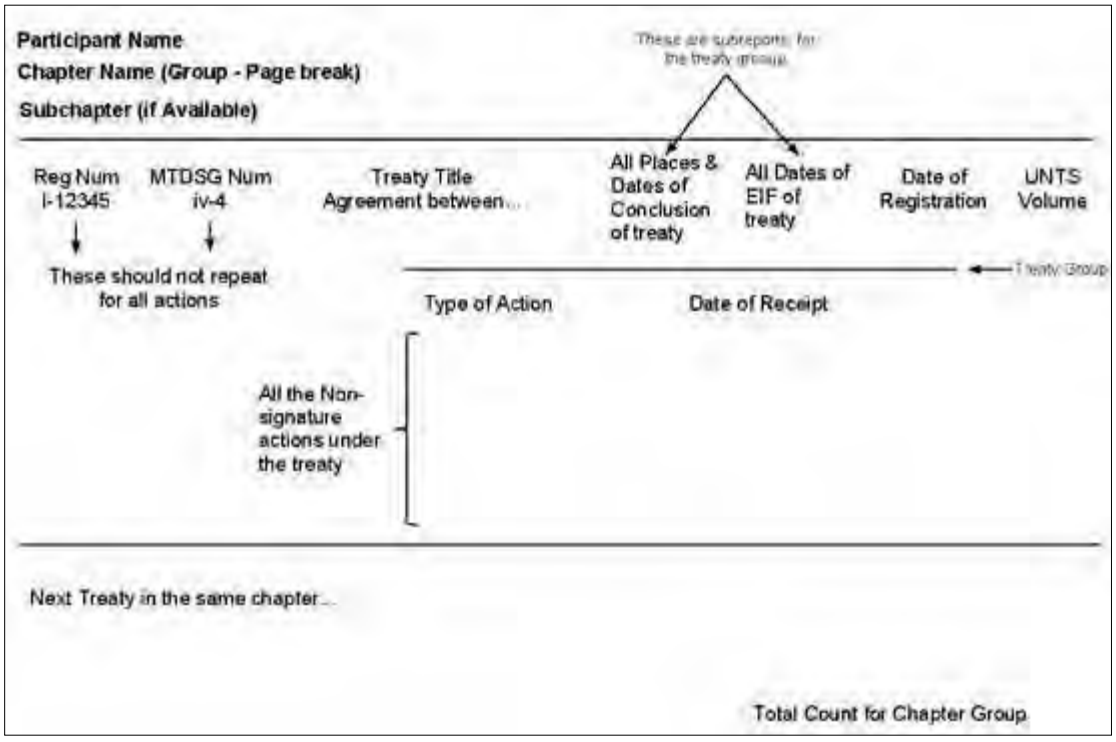


These new reports show only the current names in the participant column which have show_in_tips set to 1. The report query is modified in such a way that they show the data for old names of the selected participant also. e.g. if Germany is selected as a participant, the treaties/actions by Federal Republic of Germany should also be included in the report (see participant management functionality for more details).

5.4.1 DRS Report 1 – All MTDSG that a state is a party to

This report displays all the actions by a participant with a type of action other than signature, grouped by MTDSG Chapter and then Treaty. The report displays all the EIF dates and the dates and places of conclusion for the treaty. This is implemented as two separate sub-reports as a treaty can have different no. of EIF dates & dates/places of conclusion. The following table explains the report attributes along with their description.

Report Attribute	Description
Criteria	Actions with Type of action <> Signature
Fields	Standard Treaty columns as shown in the layout
Filter	Participant
Groups	Chapter – Page break& Total Count at group change
Order by	MTDSG Number - chapter, subchapter, Treaty number, Treaty amendment



To generate the report:

1. Select the required option from the Select DRS Report drop-down list.
2. Click **OK**.

3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

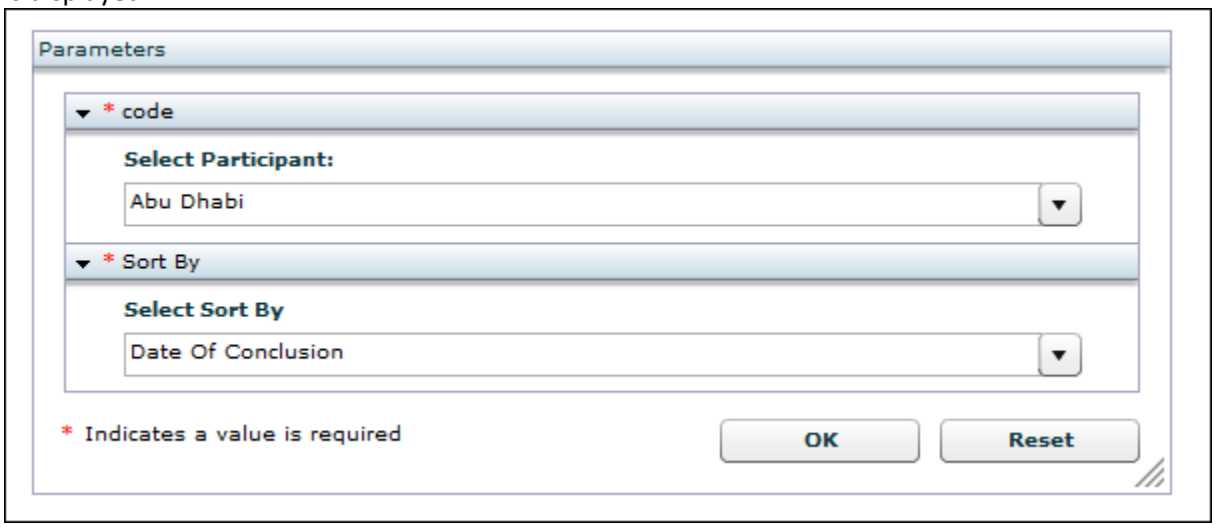
5.4.2 DRS Report 2 - All Bilateral Treaties by Participant

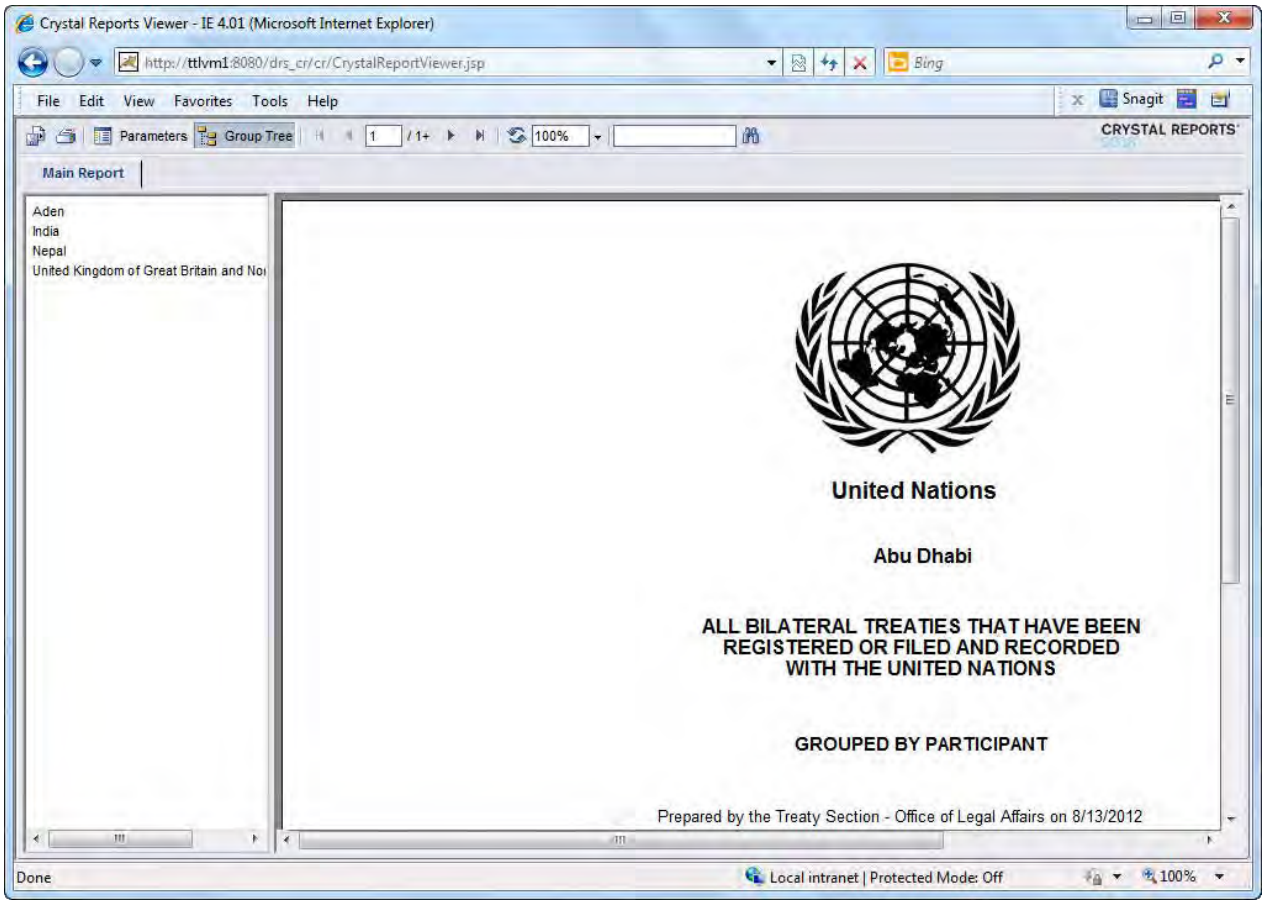
Report Attribute	Description
Criteria	All treaties with treaty type = Bilateral
Fields	Standard Treaty columns as in Report 1 except MTDSG number
Filter	Participant
Groups	Second participant – Page break& Total Count at group change
Order by	Second Participant, Registration Number

To generate the report:

4. Select **All Bilateral Treaties by Participant** from the Select DRS Report drop-down list.
5. Click **OK**.

6. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.





5.4.3 DRS Report 3 - Signatures only, by a State to the MTDSG

Report Attribute	Description
Criteria	All treaties with an MTDSG number having actions having type as Signature, by a participant
Fields	Standard Treaty columns as in Report 1
Filter	Participant
Groups	Chapter – Page break& Total Count at group level
Order by	MTDSG Number - chapter, subchapter, Treaty number, Treaty amendment

To generate the report:

1. Select **MTDSG Treaties Signatures only, by a State** from the **Select DRS Report** drop-down list.

2. Click **OK**.
3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.4 DRS Report 4 – MTDSG Treaties with no action by a participant

Report Attribute	Description
Criteria	All treaties with an MTDSG number having no actions by a participant
Fields	Standard Treaty columns as in Report 1
Filter	Participant
Groups	chapter – Page break& Total Count at group level
Order by	MTDSG Number - chapter, subchapter, Treaty number, Treaty amendment

This DRS Report display Non-registered treaties also. However, it does not include Treaties with document disposition = Pending, For Information and Not received.

Treaties that are not registered will display 'N/A' next to the registration number.

To generate the report:

1. Select **MTDSG Treaties with no action by a Participant** from the **Select DRS Report** drop-down list.
2. Click **OK**.

3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report will be displayed.

5.4.5 DRS Report 5 - MTDSG treaties where a Participant signed and ratified

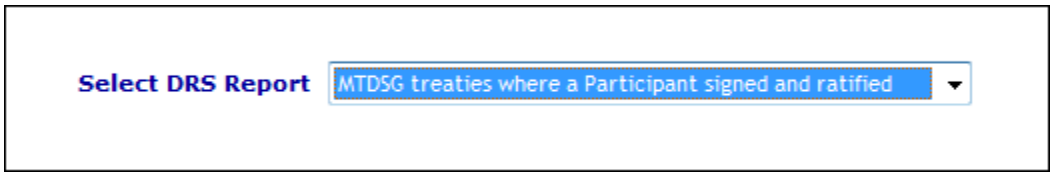
Report Attribute	Description
Criteria	All treaties with an MTDSG number having Signature & Ratification actions, by a participant
Fields	Standard Treaty columns as in Report 1
Filter	Participant
Groups	Chapter - Page break& Total Count at group change
Order by	MTDSG Number - chapter, subchapter, Treaty number, Treaty amendment

This DRS Report displays also Non-registered treaties . However, it does not include Treaties with document disposition = Pending, For Information or Not received.

Treaties that are not registered display 'N/A' next to the registration number.

To generate the report:

1. Select **MTDSG treaties where a Participant signed and ratified** from the Select DRS Report drop-down list.
2. Click **OK**.



3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.6 DRS Report 6 – All Non-MTDSG Treaties by a participant

Report Attribute	Description
Criteria	All actions of treaties not deposited with the Secretary General of United Nations, by participant (Open Multilateral treaties)
Fields	1. Layout same as Report 1 showing treaties & actions 2. Remove MTDSG number 3. Add Depositary field
Filter	Participant
Groups	By Treaty, with Total count at group level
Order by	Date of Registration

To generate the report:

1. Select **All Non-MTDSG Treaties by a Participant** from the Select DRS Report drop-down list.
2. Click **OK**.

3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

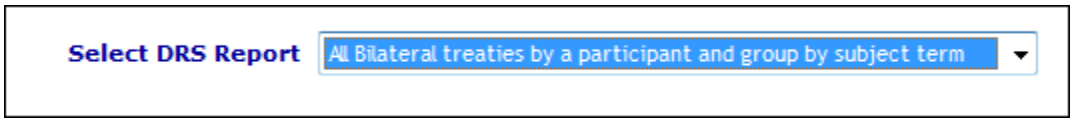
5.4.7 DRS Report 7a – All Bilateral treaties by a Participant on a particular Subject term

Report Attribute	Description
Criteria	All bilateral treaties by a participant on a subject term
Fields	Standard Treaty columns as in Report 1
Filter	1. Participant

Groups	Subject Term
Order by	Date of Registration

To generate the report:

1. Select **All Bilateral Treaties by a Participant on a particular Subject term** from the Select DRS Report drop-down list.
2. Click **OK**.



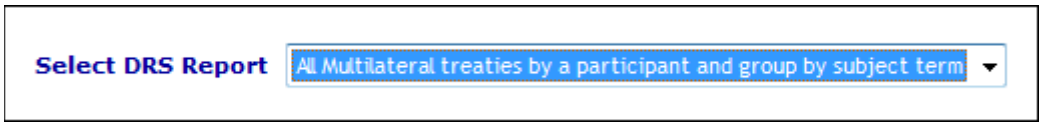
3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.8 DRS Report 7b – All multilateral treaties by a Participant on a particular Subject term

Report Attribute	Description
Criteria	All Multiilateral treaties by a participant on a particular subject term
Fields	Standard Treaty columns as in Report 1
Filter	1. Participant
Groups	Subject Term
Order by	Date of Registration

To generate the report:

4. Select **All multilateral treaties by a Participant on a particular Subject term** from the Select DRS Report drop-down list.
5. Click **OK**.



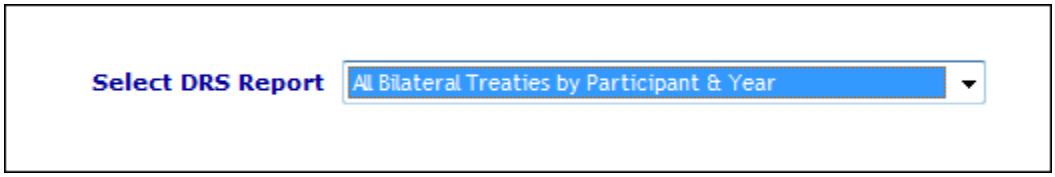
6. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.9 DRS Report 8 – All Bilateral Treaties by Year

Report Attribute	Description
Criteria	All treaties where Treaty type = Bilateral
Fields	Standard Treaty columns as in Report 1 except MTDSG Number
Filter	1. Participant 2. Year range
Groups	Year of Registration, Total count at group level
Order by	Date of Registration

To generate the report:

7. Select **All Bilateral Treaties by Year** from the Select DRS Report drop-down list.
8. Click **OK**.



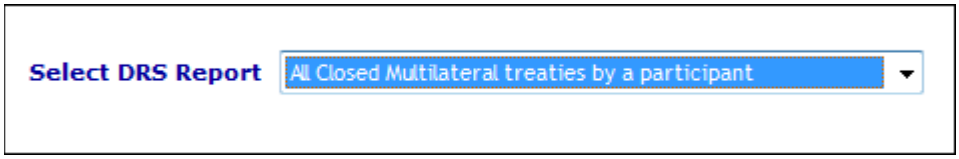
9. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.10 DRS Report 9 – All Closed Multilateral treaties by a participant

Report Attribute	Description
Criteria	All treaties where Treaty type = Closed Multilateral
Fields	1. Standard Treaty columns as in Report 1 2. Remove MTDSG Number 3. Add a sub report showing all the participants of the treaty
Filter	Participant
Groups	Year of Registration, Total count
Order by	Date of Registration

To generate the report:

1. Select **All Closed Multilateral Treaties by a Participant** from the Select DRS Report drop-down list.
2. Click **OK**.



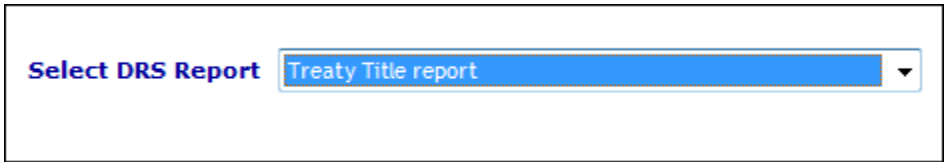
3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.11 DRS Report 10 – Treaty Title report

Report Attribute	Description
Criteria	All treaty titles in MTDSG
Fields	MTDSG Number & Treaty title with Chapter Number & Name heading
Filter	None
Groups	Chapter
Order by	MTDSG Number

To generate the report:

1. Select **Treaty Title report** from the **Select DRS Report** drop-down list.
2. Click **OK**.



3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

DRS Report 11 – MTDSG treaties having provisional application

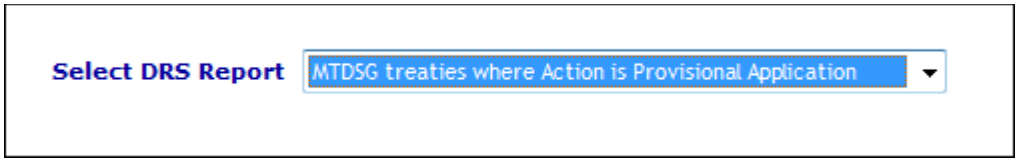
Report Attribute	Description
Criteria	MTDSG Treaties having an action with type = Provisional Application
Fields	Standard Treaty columns as in Report 1
Filter	None
Groups	1. Participant 2. Chapter
Order by	Participant, MTDSG Number

This DRS Report display Non-registered treaties also. However, it does not include Treaties with document disposition = Pending, For Information and Not received.

Treaties that are not registered will display 'N/A' next to the registration number.

To generate the report:

1. Select **MTDSG treaties where Action is Provisional Application** from the Select DRS Report drop-down list.
2. Click **OK**.



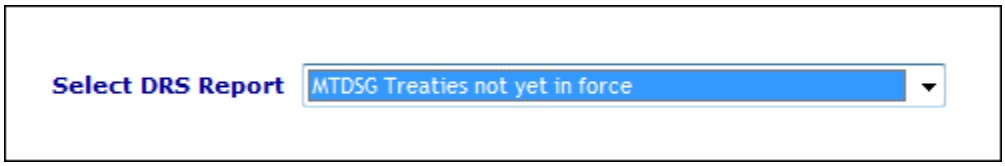
3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.12 DRS Report 12 – MTDSG Treaties not yet in force

Report Attribute	Description
Criteria	All MTDSG Treaties having no date of effect
Fields	Standard Treaty columns as in Report 1
Filter	None
Groups	By Chapter, with sub-total count
Order by	Participant, MTDSG Number

To generate the report:

1. Select **MTDSG Treaties not yet in force** from the Select DRS Report drop-down list.
2. Click **OK**.



3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

5.4.13 DRS Report 14 –Treaties Filed & Recorded

Report Attribute	Description
Criteria	All Bilateral Treaties having document disposition = 2
Fields	Standard Treaty columns as in Report 1 except MTDSG number
Filter	Treaty Type (Bilateral / Multilateral)
Groups	None
Order by	Registration Number

To generate the report:

1. Select **Treaties Files and Recorded** from the Select DRS Report drop-down list.
2. Click **OK**.

3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

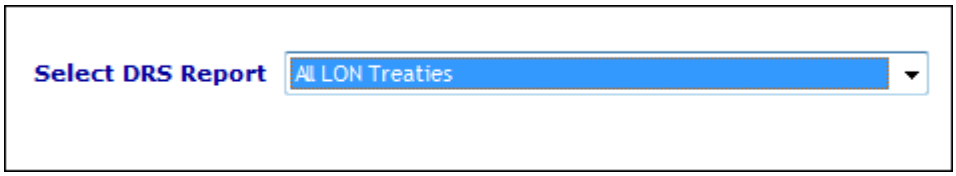
5.4.14 DRS Report 18 – All LON Treaties

Report Attribute	Description
Criteria	All Treaties having document disposition = 3
Fields	1. Standard Treaty columns as in Report 1 except MTDSG number 2. Add Depositary
Filter	Treaty Type (Bilateral / Multilateral)
Groups	None

Order by	Registration Number

To generate the report:

1. Select **All LON Treaties** from the **Select DRS Report** drop-down list.
2. Click **OK**.



3. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.

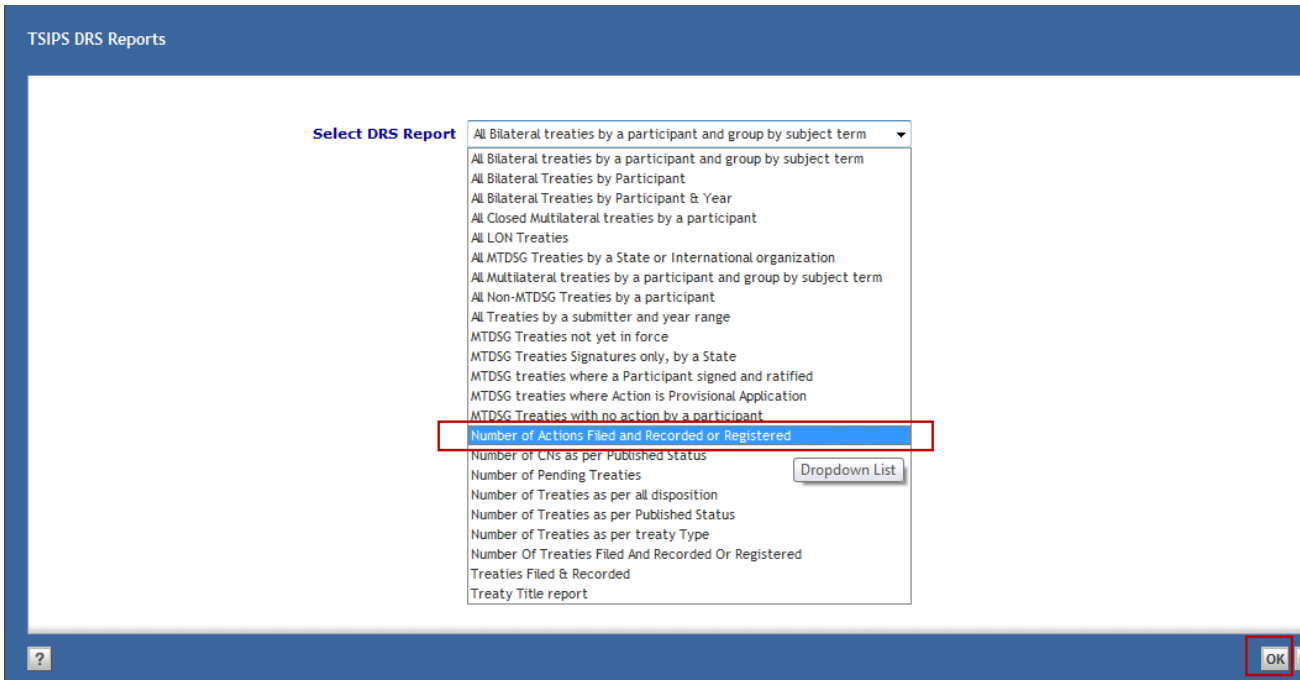
5.4.15 DRS Report 18 – All treaties by a submitter

Report Attribute	Description
Criteria	All Treaties by a submittor
Fields	1. Standard Treaty columns as in Report 1 except MTDSG number 2. Add submitter
Filter	Submitter Year range
Groups	Treaty type
Order by	Registration Number

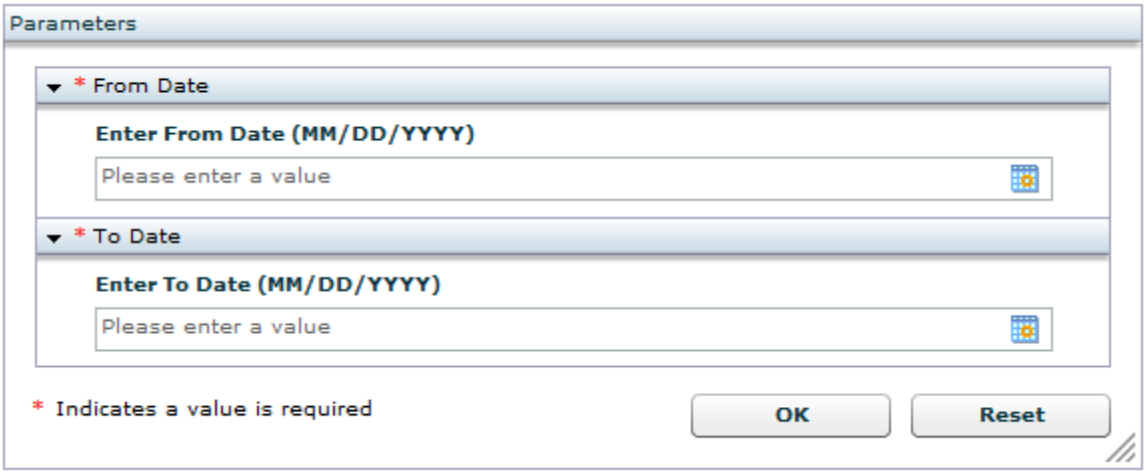
5.4.16 Number of Actions Filed, Recorded or Registered

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of actions filed and recorded or registered** from the Select DRS Report drop-down list.
3. Click **OK**.



4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed

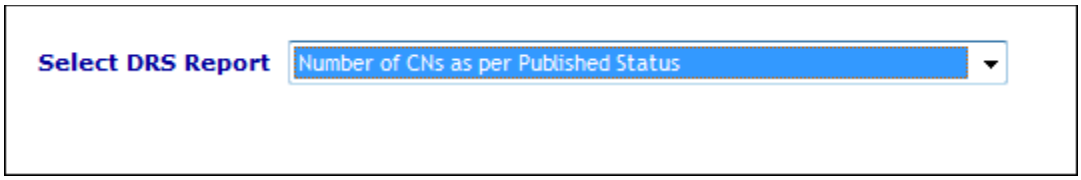


5. Click Reset to clear all the fields and set the parameters again.

5.4.17 Number of CNs as Per Published Status

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of CNs as Per Published Status** from the **Select DRS Report** drop-down list.
3. Click **OK**.

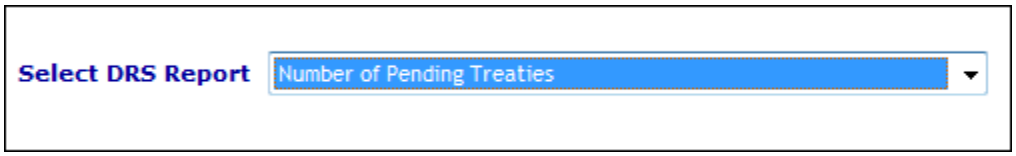


4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed
5. Click Reset to clear all the fields and set the parameters again.

5.4.18 Number of Pending Treaties

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of Pending Treaties** from the Select DRS Report drop-down list.
3. Click **OK**.

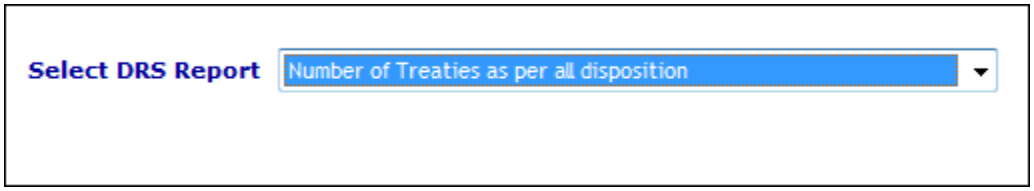


4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed
5. Click Reset to clear all the fields and set the parameters again.

5.4.19 Number of Treaties as per all dispositions

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of Treaties as per all disposition** from the **Select DRS Report** drop-down list.
3. Click **OK**.

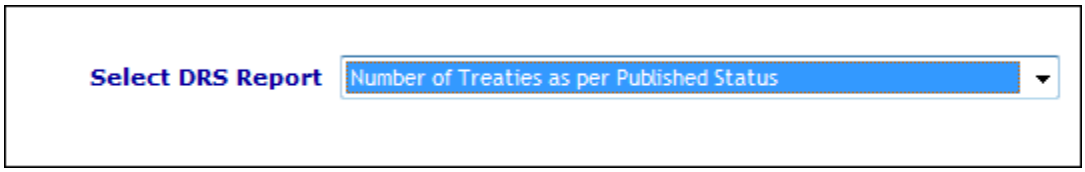


4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed.
5. Click Reset to clear all the fields and set the parameters again.

5.4.20 Number of Treaties as per Published Status

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of Treaties as per Published Status** from the Select DRS Report drop-down list.

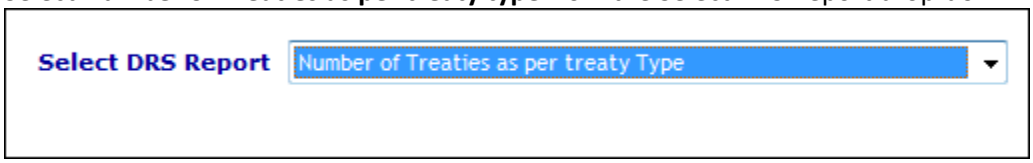


3. Click **OK**.
4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed
5. Click **Reset** to clear all the fields and set the parameters again.

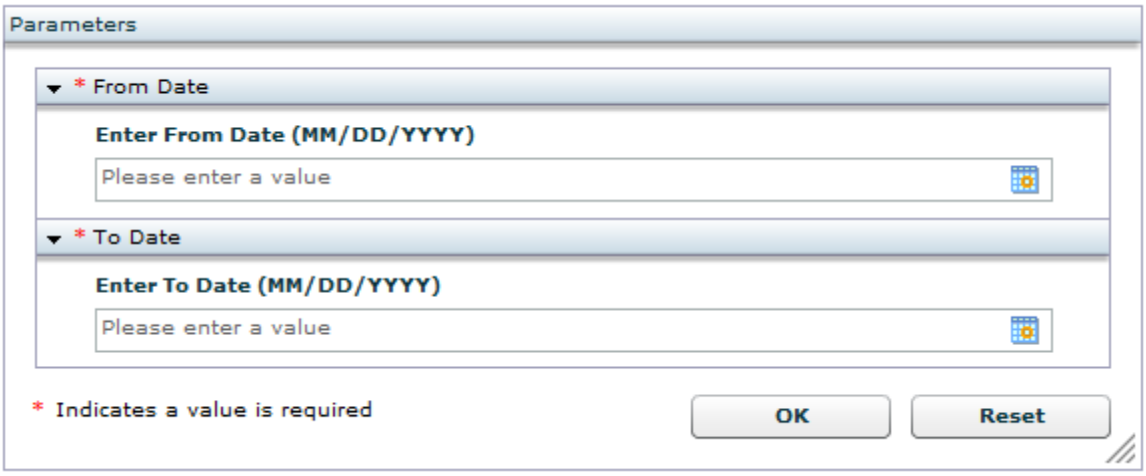
5.4.21 Number of Treaties as per treaty type

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of Treaties as per treaty type** from the Select DRS Report drop-down list.



3. Click **OK**.
4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed



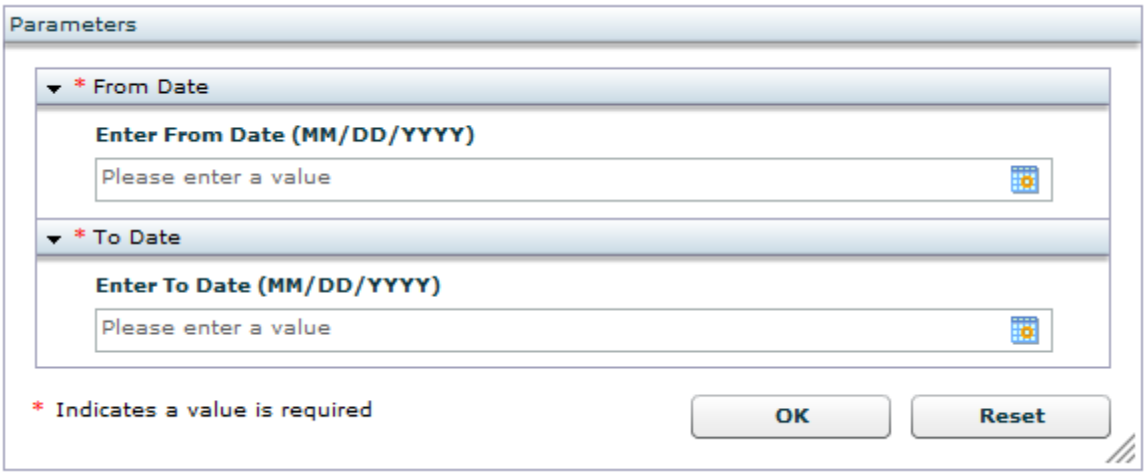
5. Click Reset to clear all the fields and set the parameters again.

5.4.22 Number of Treaties Filed, Recorded or Registered

To generate the report:

1. From the **Output** menu, select **DRS Report**. The **TIPS DRS Reports** page is displayed.
2. Select **Number of treaties filed and recorded or registered** from the Select DRS Report drop-down list.

3. Click **OK**.
4. The **Crystal Report Viewer** page is displayed. Select the parameters, and click **OK**. The report is displayed



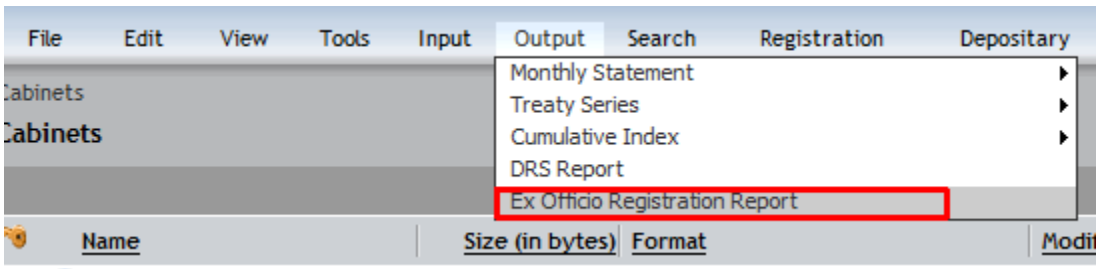
5. Click Reset to clear all the fields and set the parameters again.

5.5 Ex Officio Registration Report

Actions in respect to MTDSG treaties which are submitted for registration Ex Officio (i.e. by the UN), are queried at the end of the month in order to determine which actions need to be registered .

The resulting report is known as the Ex Officio Registration Report. It is generated as follows:

1. From the **Output** menu, select **Ex Officio Registration Report**.



2. The '**Generate Ex Officio Register Report**' screen is displayed.

3. Specify the 'From' and 'To' date range for generating the report and click on 'OK'. The report is generated as shown below.

Ex Officio Registration Report for 23/06/2014 to 24/06/2014

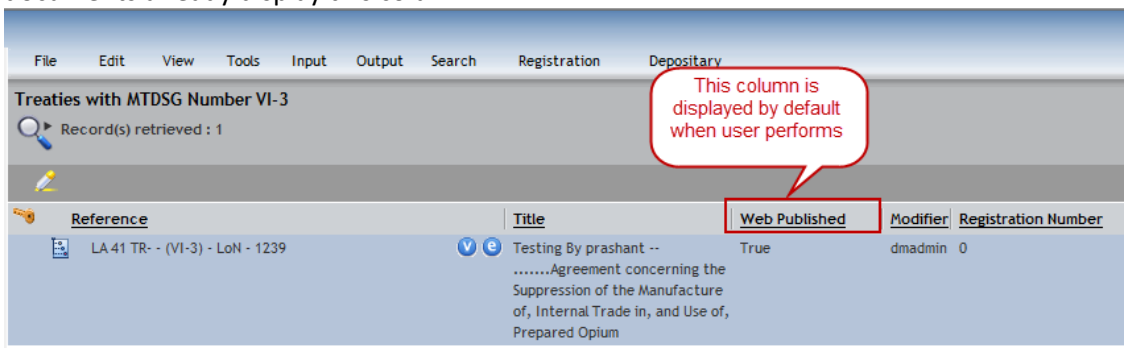
Title	MTDSG Reference	Type of Action	Date Of Receipt	State/Participant
Act	IV-11	Acceptance of obligations	6/23/2014 12:58:10 AM	Abu Dhabi
Act	IV-11	Acceptance	6/23/2014 1:01:05 AM	Nigeria
Act	IV-11	Acceptance	6/23/2014 1:03:07 AM	New Zealand
Act	IV-11	Acceptance	6/23/2014 1:05:36 AM	Nizam
Act	IV-11	Acceptance by definitive signature	6/23/2014 11:53:29 PM	African Union

6 Search Module

The search functional area is used to facilitate users search documents (example: Treaties, Actions, CN's, etc.), based on various search conditions such as English / French title, date of conclusion, date of receipt, etc.

The **Search** menu displays all the CNs attached under an Action. Only one action can be selected to invoke this menu.

The Web Published column is displayed by Default for all object types. Search results for virtual documents already display this column.

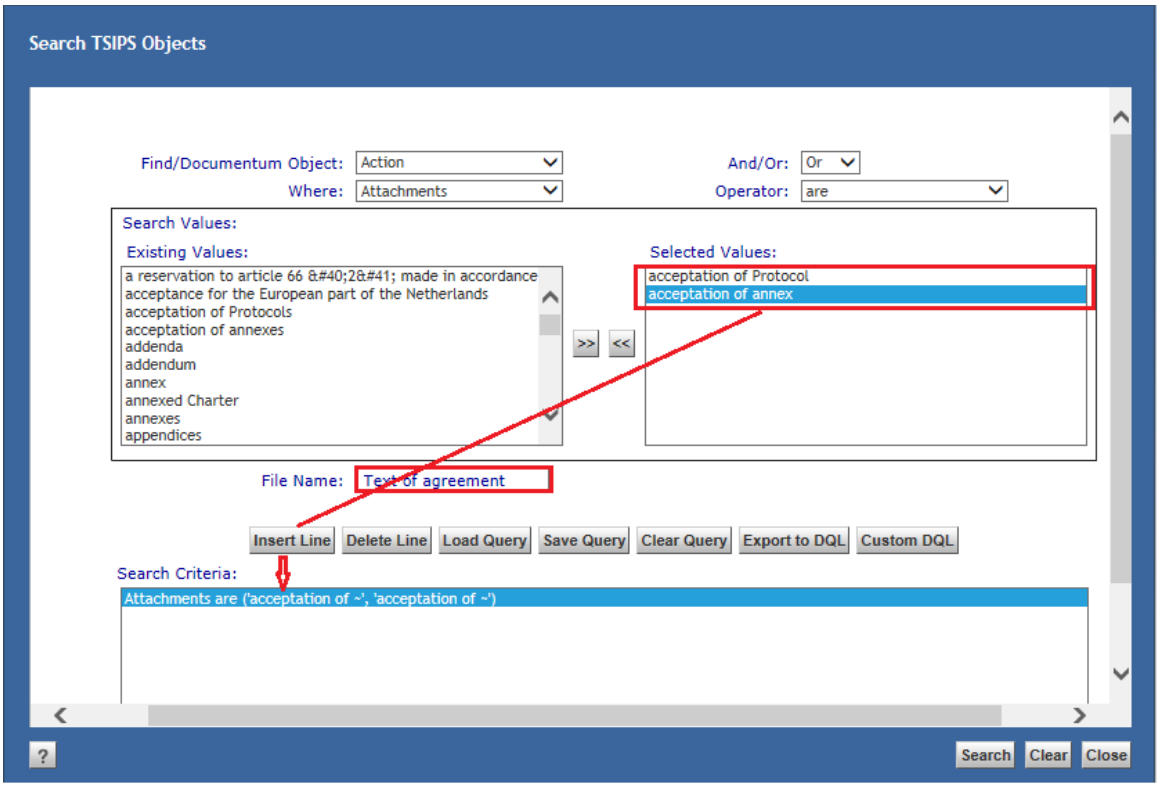


6.1 Complex Query

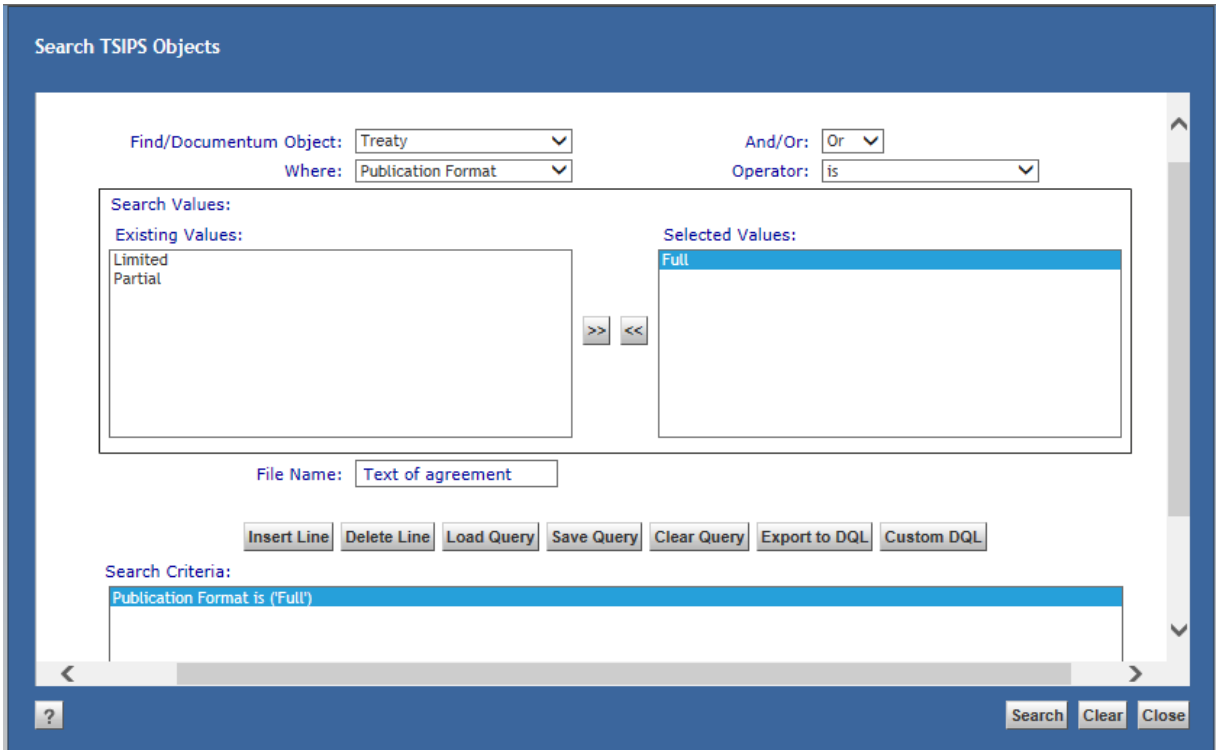
The 'Complex Query' option allows you to search for various objects such as treaties, actions, CNs, documents, and published documents.

To create a custom search:

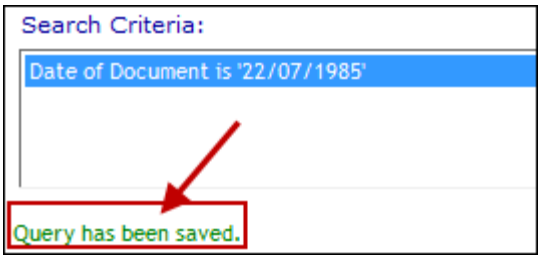
1. On the Search menu, select Complex Query.
2. Select an appropriate 'Object and Values' to build query.
3. Enter a file name in the 'File Name' field.



4. You can select an appropriate value form the “Where” drop-down list. For example, in the following screenshot, “Publication format” is selected. This means you can search the treaties according to their publication format selected.

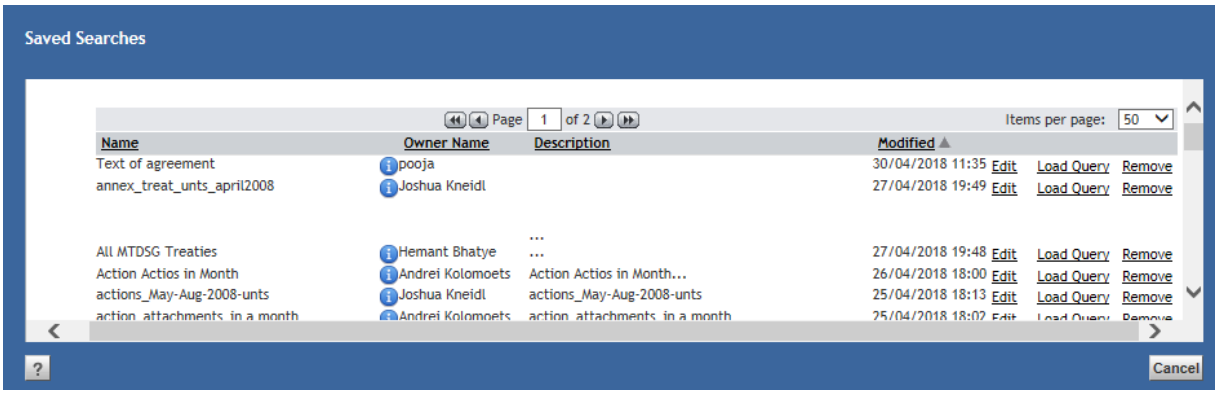


5. Click 'Insert Line' to enter the query in the Search Criteria section.
6. Select a search criterion from the 'Search Criteria' section and click 'Delete Line' to delete the search criteria.
7. Click 'Save Query' to save the query.

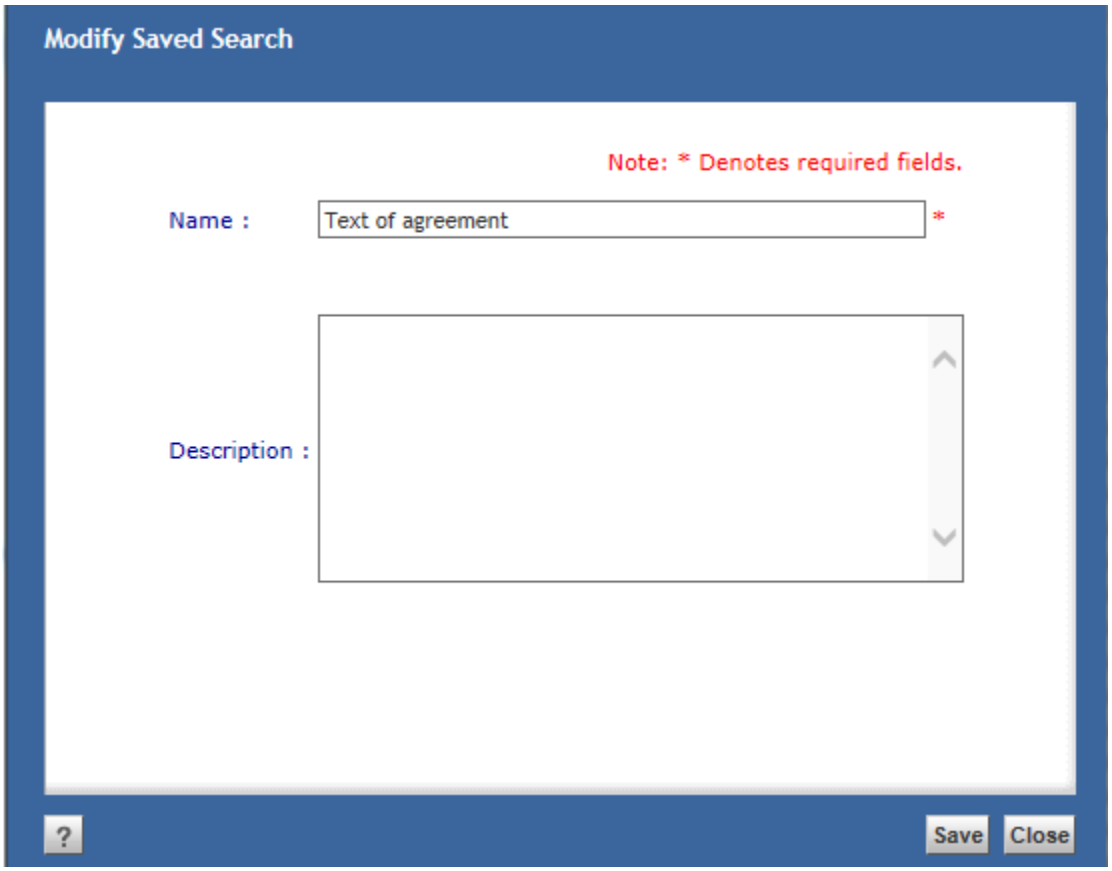


8. Click 'Load Query' to load the query in the Complex Search page. It displays all the previously saved searches.

Note: The saved queries are visible to all users.

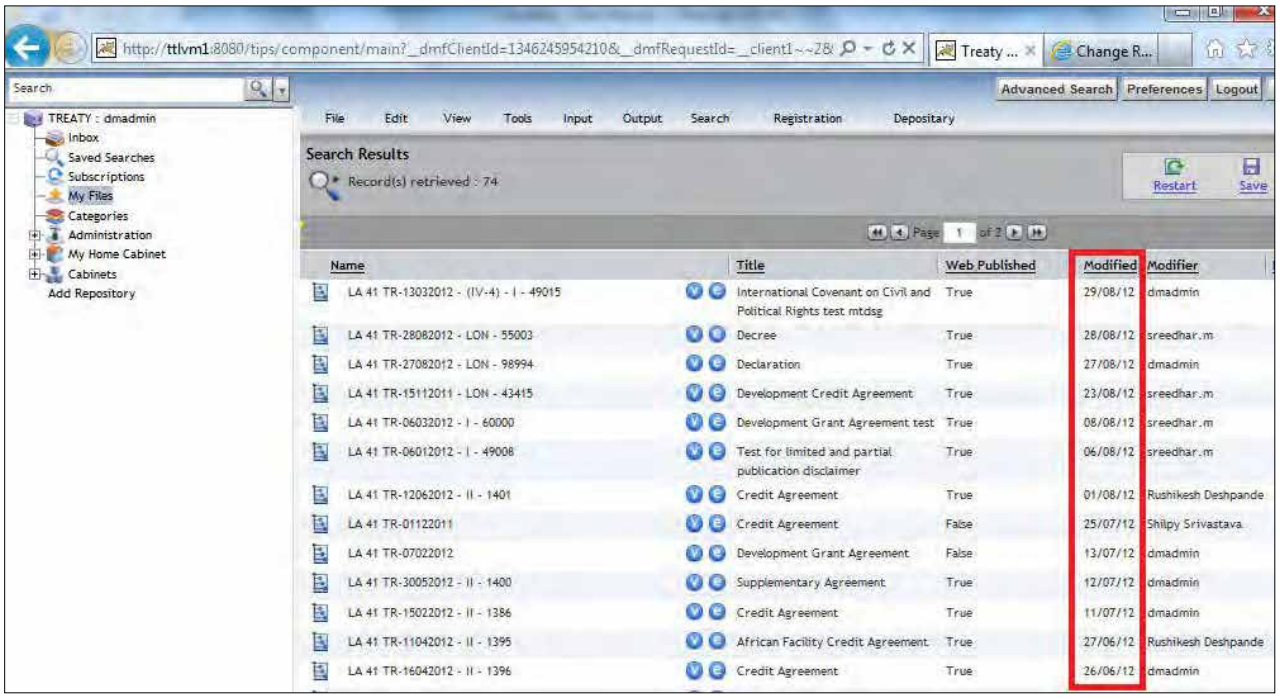


9. There are 3 links Edit, Load Query and Remove in the above screen.
10. Click on 'Edit' link to edit name and description of the Saved File or Saved Query.



11. Click on 'Load Query' link to go back to Search TIPS Objects screen.
12. Click on 'Remove' link to remove the saved query.
13. Click 'Clear Query' button on the first screen to clear only the query and not the selected values.
14. Click 'Export to DQL' to export and save the query to the user's desktop.
15. Click 'Search' to run the query.

16. Click ‘Search’ to run the query.
    Note: *Complex Query search are sorted by default, by the date of notification in descending order , in order to display the latest actions.*

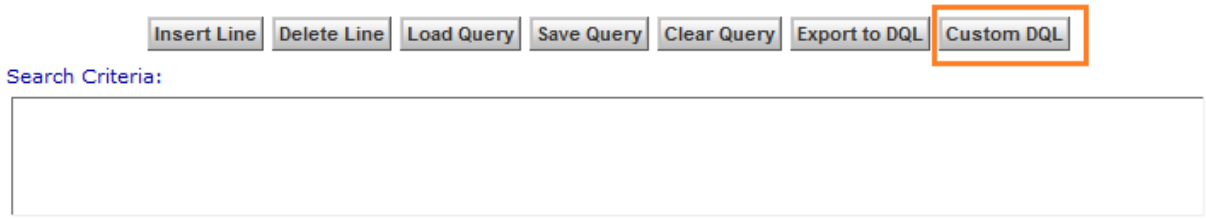


To retrieve a previously saved query:

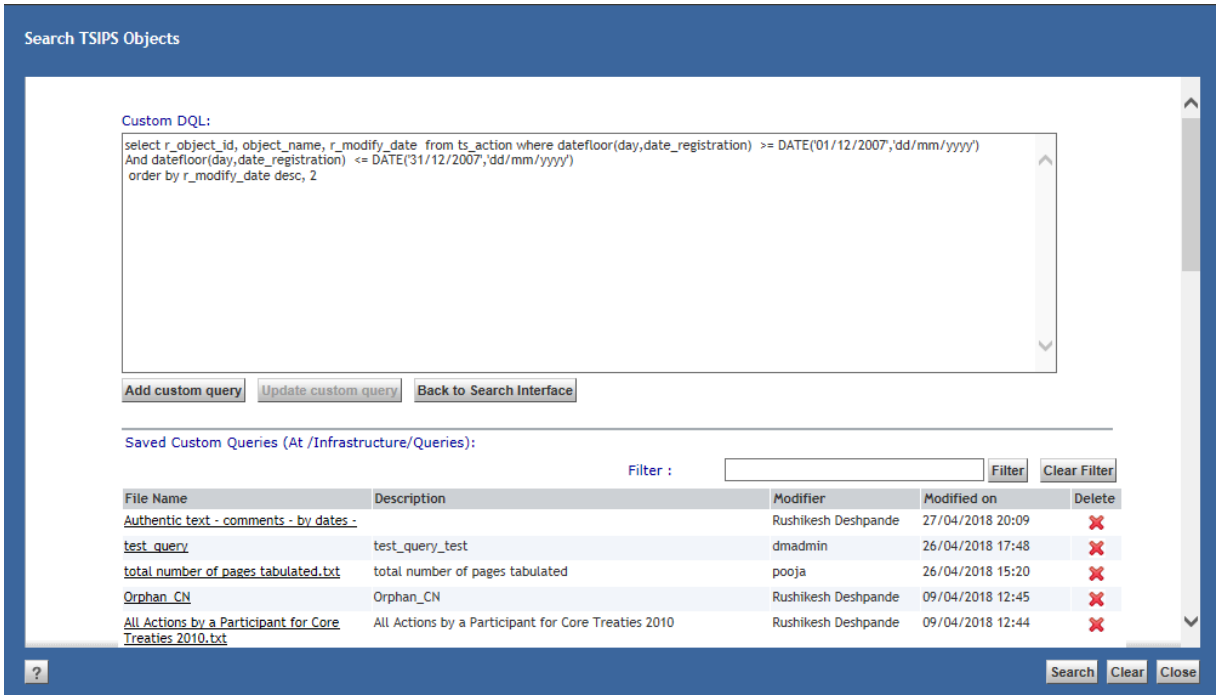
1. Click ‘Load Query’ on the ‘Search TIPS Objects’ screen to load all the queries that are saved in the database.
2. The ‘Saved Searches’ screen is displayed.
3. Click ‘Load query’ corresponding to the query name that you want to open.
4. Click ‘Remove’ to remove a query from the database.
5. Click ‘Cancel’ to close the page.

To create a custom DQL query:

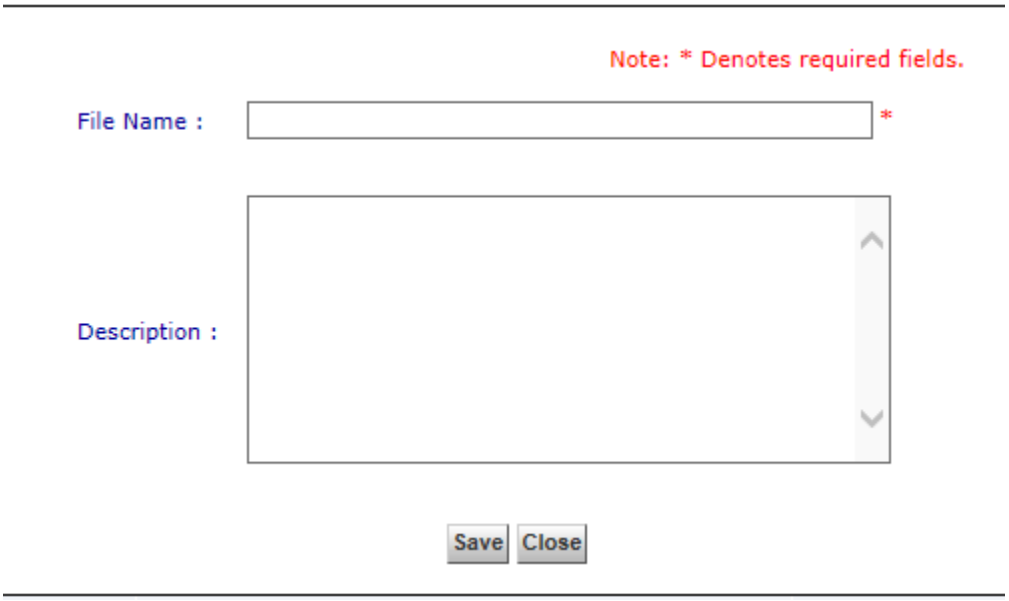
1. For Admin users, a "Custom DQL" button is available.



2. Click ‘Custom DQL’ to create a custom DQL query.

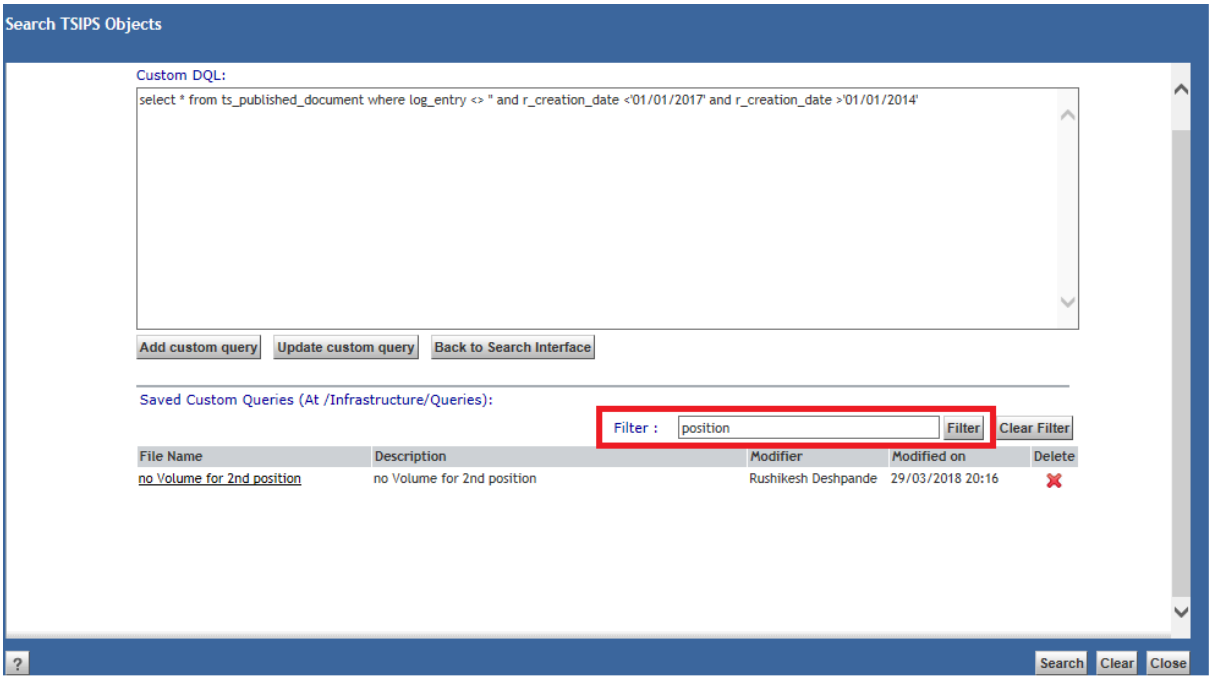


3. To add File Name and description to the query, click on ‘Add custom query’ button. Following Screen will open.

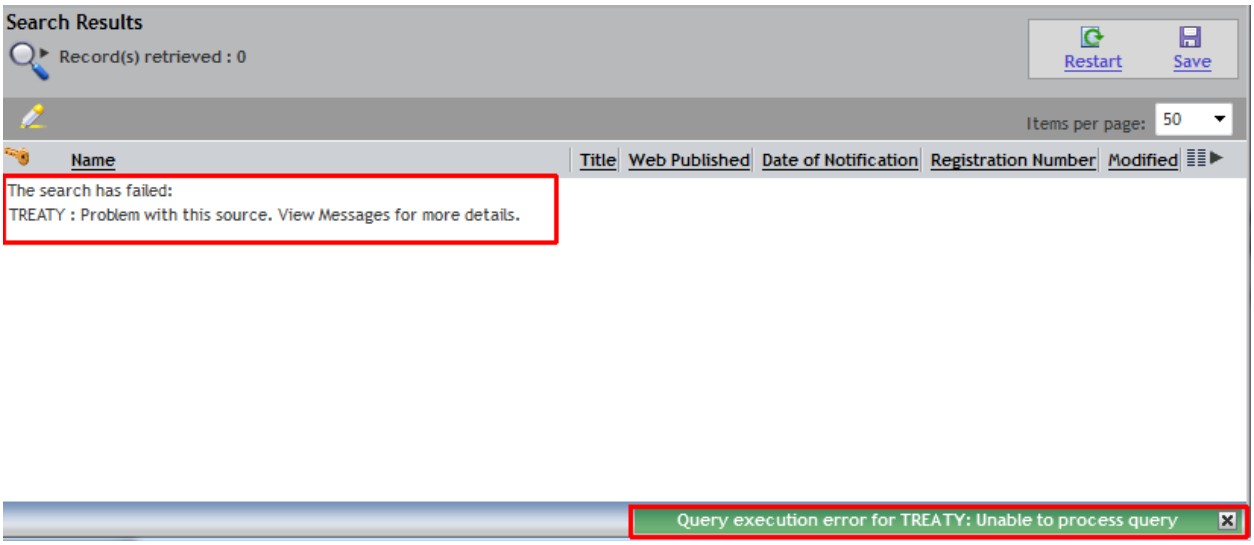


4. To Update a saved custom query’s file Name and Description click on ‘Update custom query’ button.

5. We can search queries by file name as well as description. Enter a keyword that is contains in the file name or description in the Filter area and click on filter button.



6. Click ‘Back to Search Interface’ to return to the search page.
7. Click ‘Add Custom Query’ to save a query to the repository. The queries are saved at /Infrastructure/Queries folder. The currently available queries are loaded in the "Saved Custom Queries" section.
8. Click the Delete icon to delete a query.
9. Click a query name to load it in the text box above.
10. Click Search to proceed. If the query syntax is not correct, the following message is displayed:



11. When going back to Complex Query after a custom query is executed, the system opens the Custom DQL screen automatically.

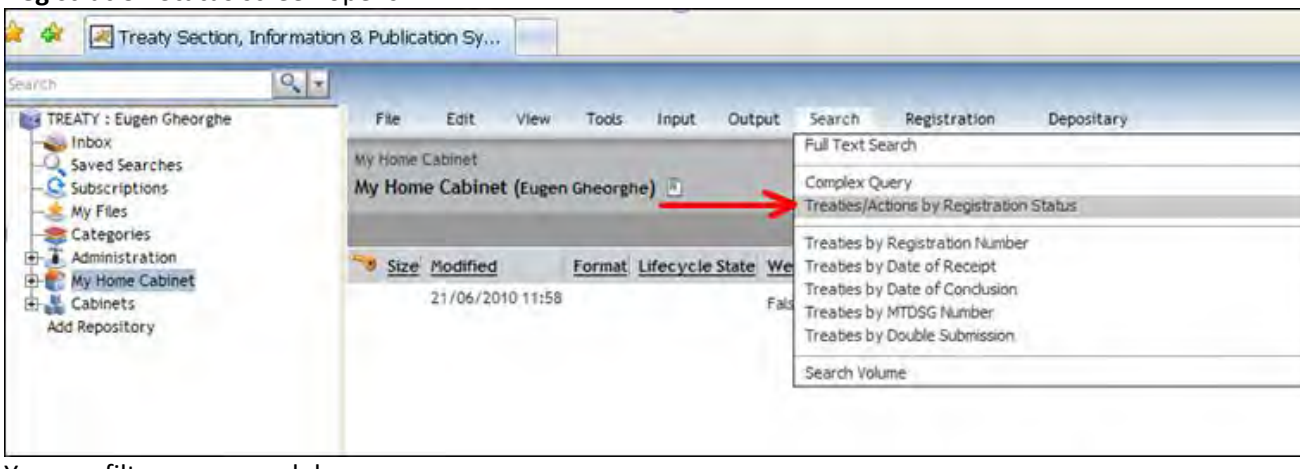
Note: The option to create a DQL query is available only to the Administrator.

6.2 Treaties/Actions by Registration Status

The **Treaties/Actions by Registration Status** screen allows you to search the treaties and actions together. You can also filter your search results by Registration status.

To search by registration status:

1. Click **Search** > **Treaties/Actions by Registration Status**. The **Search Treaties/Actions by Registration Status** screen opens.



2. You can filter your search by:
   - Date of receipt
   - Date of Registration
   - Date of Creation

- Date of modification.
  The output displays the total number of treaties & actions separately.

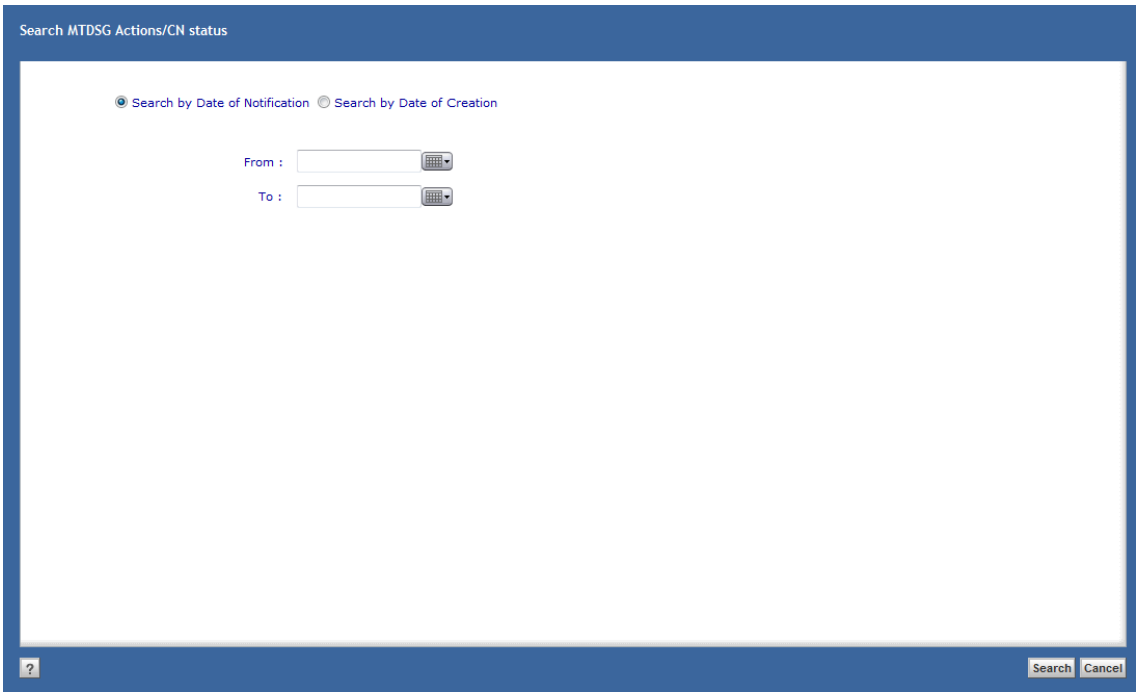
3. Click **Search** to search the treaties and actions.

6.3 MTDSG Actions/CN Status

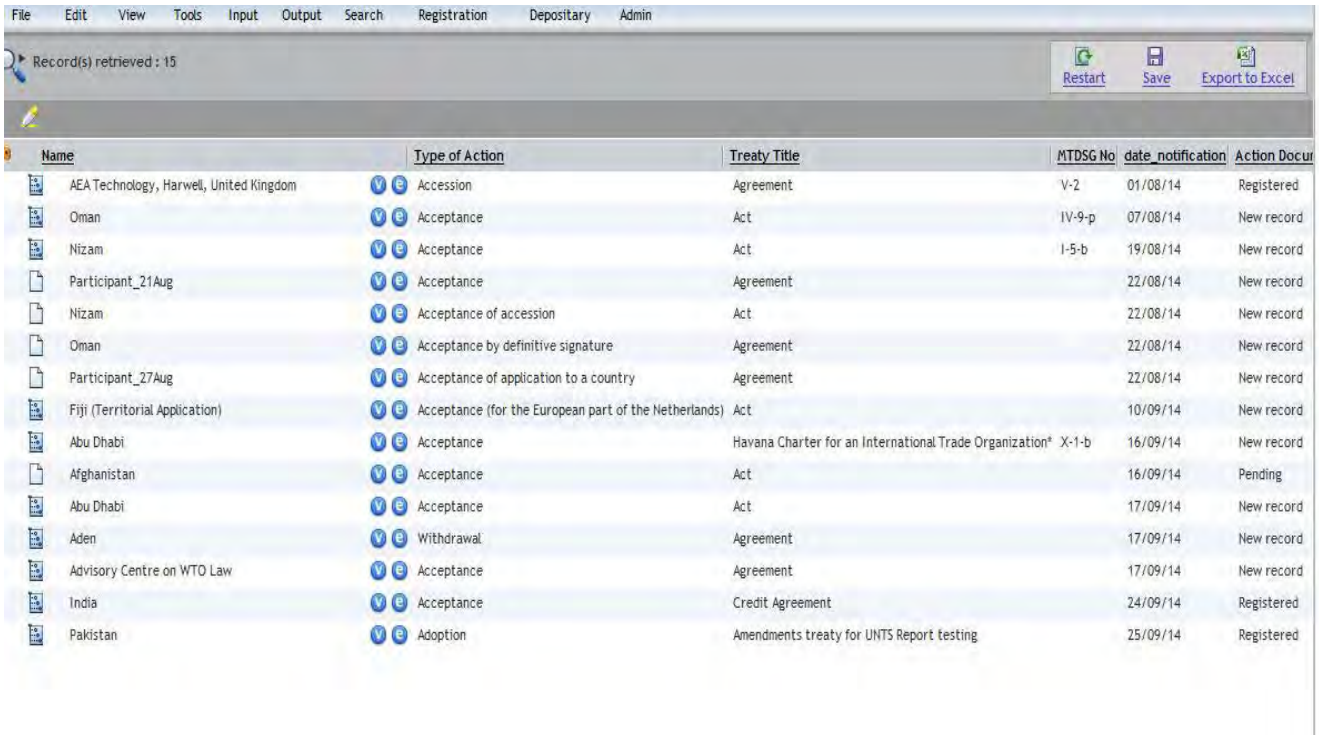
This option enables you to search for treaties by the Date of Notification

To search a treaty by its Date of Notification/Creation:

1. On the Search menu, select Actions/CN by Date of Notification



2. Select ‘Search by Date Notification’ or ‘Search by Date of Creation’
3. Enter/Select the date range in ’ From’ and ‘To’ fields
4. Click ‘Search’ to run the query.
5. Click ‘Cancel’ to clear any value entered in the ‘From and To’ field.
6. The following screen appears on clicking ‘Search’.



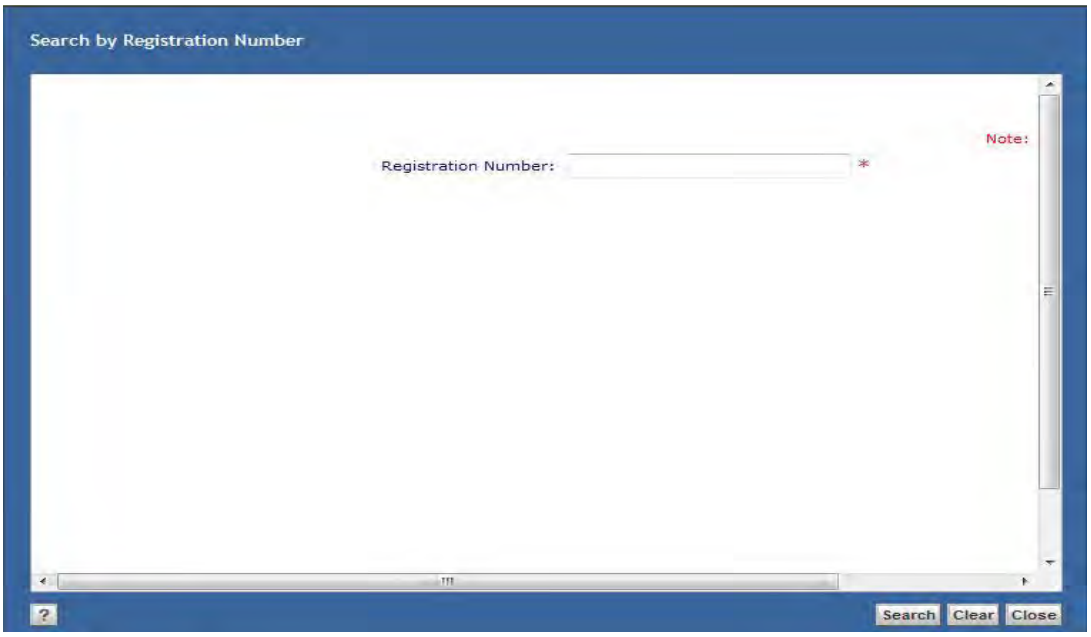
Name	Type of Action	Treaty Title	MTDSG No	date_notification	Action Docu
AEA Technology, Harwell, United Kingdom	Accession	Agreement	V-2	01/08/14	Registered
Oman	Acceptance	Act	IV-9-p	07/08/14	New record
Nizam	Acceptance	Act	I-5-b	19/08/14	New record
Participant_21Aug	Acceptance	Agreement		22/08/14	New record
Nizam	Acceptance of accession	Act		22/08/14	New record
Oman	Acceptance by definitive signature	Agreement		22/08/14	New record
Participant_27Aug	Acceptance of application to a country	Agreement		22/08/14	New record
Fiji (Territorial Application)	Acceptance (for the European part of the Netherlands)	Act		10/09/14	New record
Abu Dhabi	Acceptance	Havana Charter for an International Trade Organization*	X-1-b	16/09/14	New record
Afghanistan	Acceptance	Act		16/09/14	Pending
Abu Dhabi	Acceptance	Act		17/09/14	New record
Aden	Withdrawal	Agreement		17/09/14	New record
Advisory Centre on WTO Law	Acceptance	Agreement		17/09/14	New record
India	Acceptance	Credit Agreement		24/09/14	Registered
Pakistan	Adoption	Amendments treaty for UNTS Report testing		25/09/14	Registered

6.4 Treaties by registration number

This option enables you to search for treaties by registration number.

To search a treaty by its registration number:

7. On the Search menu, select Treaties by registration number.
8. Enter the registration number in the ‘Registration Number’ field.
9. Click ‘Search’ to run the query.
10. Click ‘Clear’ to clear any value entered in the ‘Registration Number’ field.
11. Click ‘Close’ to close the screen.

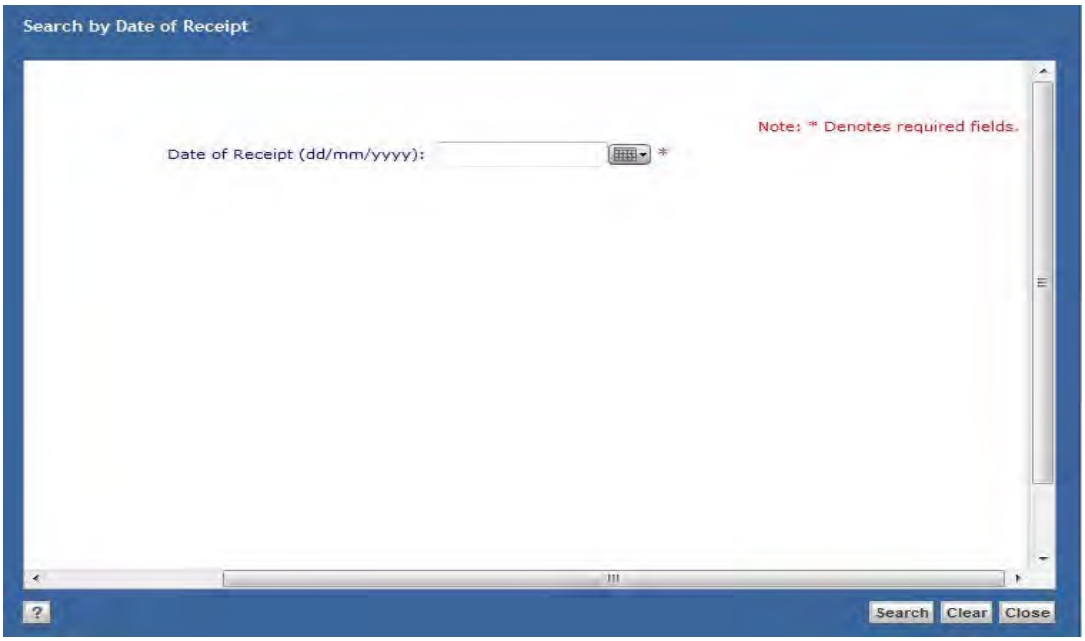


6.5 Treaties by date of receipt

This option enables you to search for treaties by entering date of receipt.

To search a treaty by the date of receipt:

1. On the Search menu, select Treaties by date of receipt.
2. Enter the date of receipt in the 'Date of Receipt' field.
3. Click 'Search' to run the query.
4. Click 'Clear' to clear any value entered in the 'Date of Receipt' field.
5. Click 'Close' to close the screen.

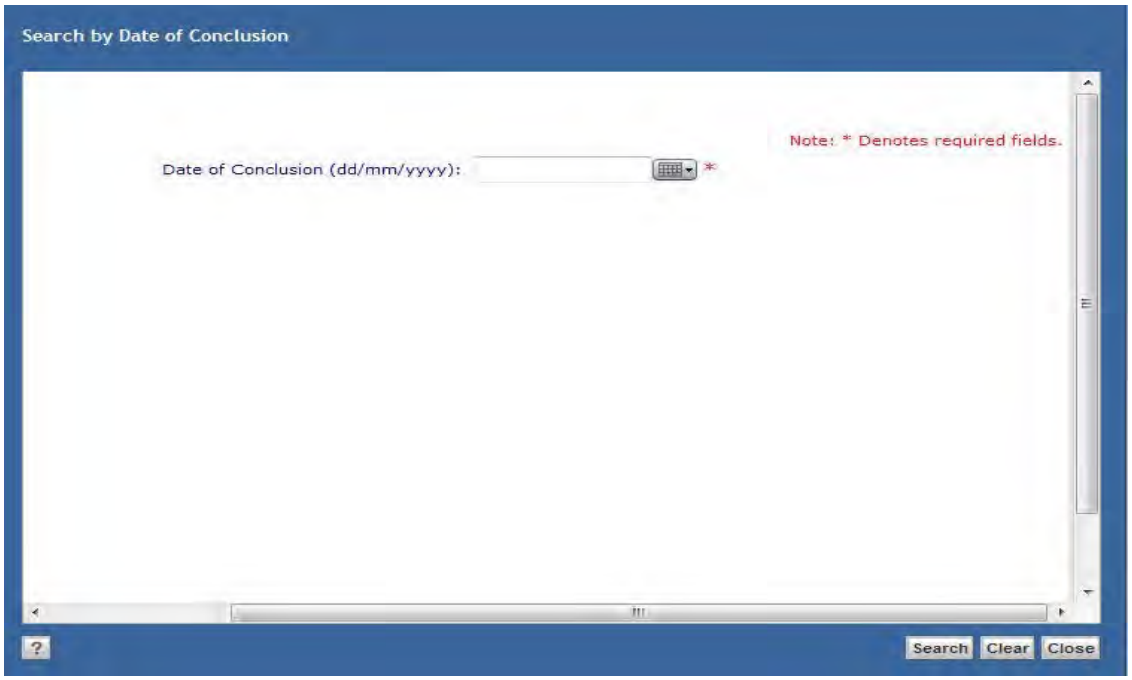


6.6 Treaties by date of conclusion

This option enables you to search for treaties by entering date of conclusion.

To search a treaty by the date of conclusion:

1. From ‘Search’ menu, select ‘Treaties by Date of Conclusion’.
2. Enter the date of conclusion in the ‘Date of conclusion’ field.
3. Click ‘Search’ to run the query.
4. Click ‘Clear’ to clear any value entered in the ‘Date of Conclusion’ field.
5. Click ‘Close’ to close the screen.

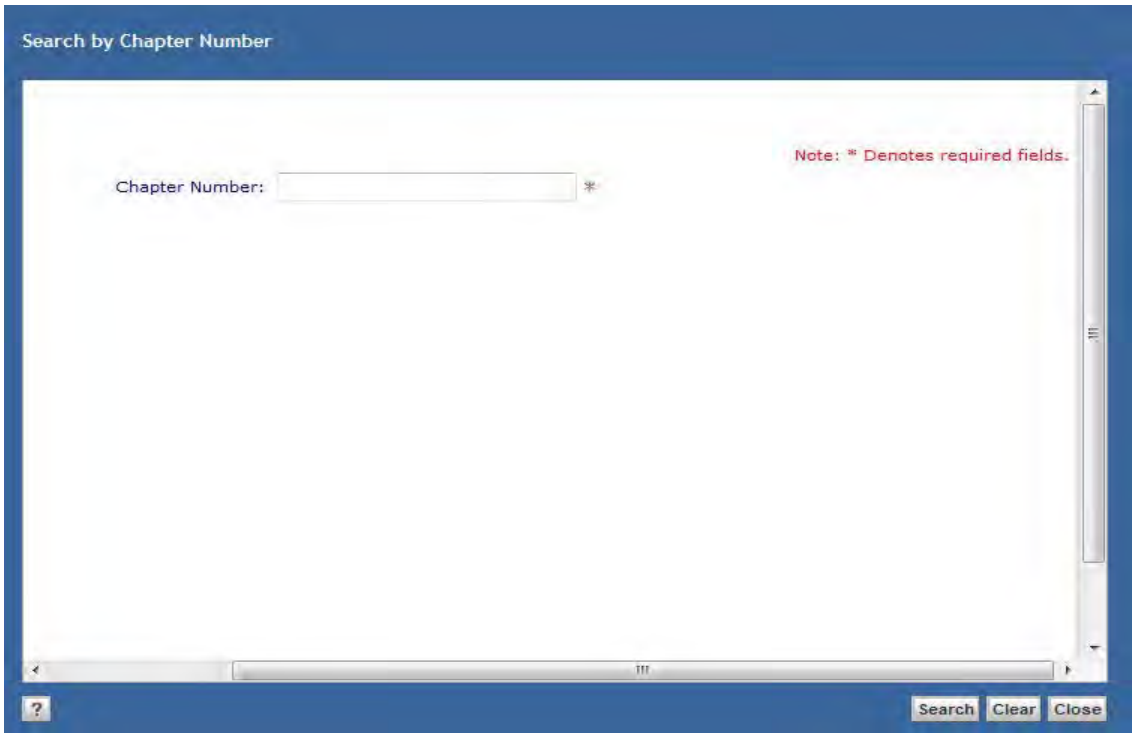


6.7 Treaties by MTDSG Number

This option enables you to search for treaties by chapter number.

To search treaties by MTDSG number:

1. From Search menu, select Treaties by MTDSG Number.
2. Enter the chapter number, which you want to search, in the 'Chapter Number' field.
3. Click 'Search' to run the query.
4. Click 'Clear' to clear any value entered in the 'Chapter Number' field.
5. Click 'Close' to close the screen.

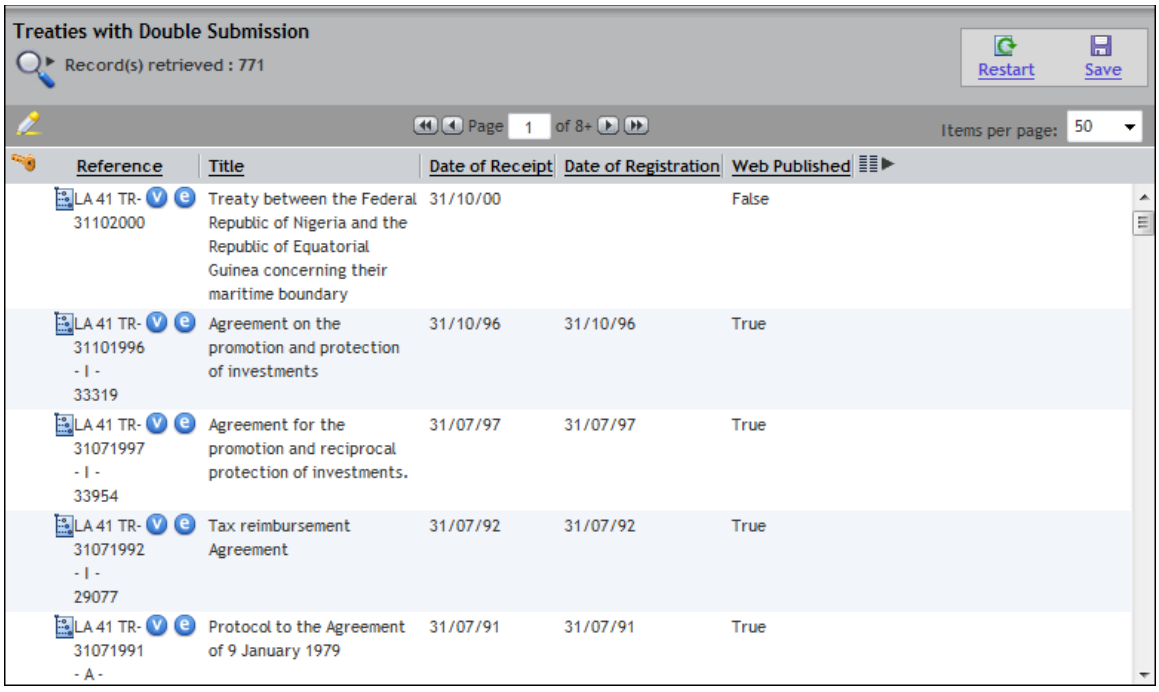


6.8 Treaties by Double Submission

This option enables you to search for treaties that have been submitted twice.

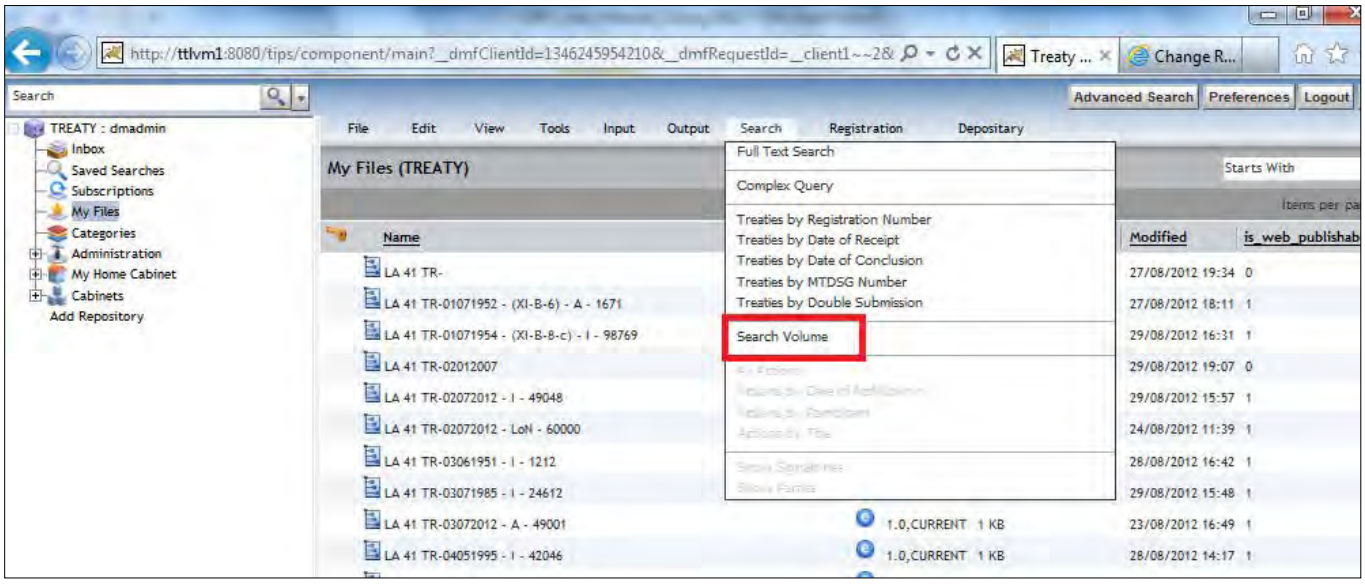
To search treaties by double submission:

- From Search menu, select 'Treaties by Double submission'.



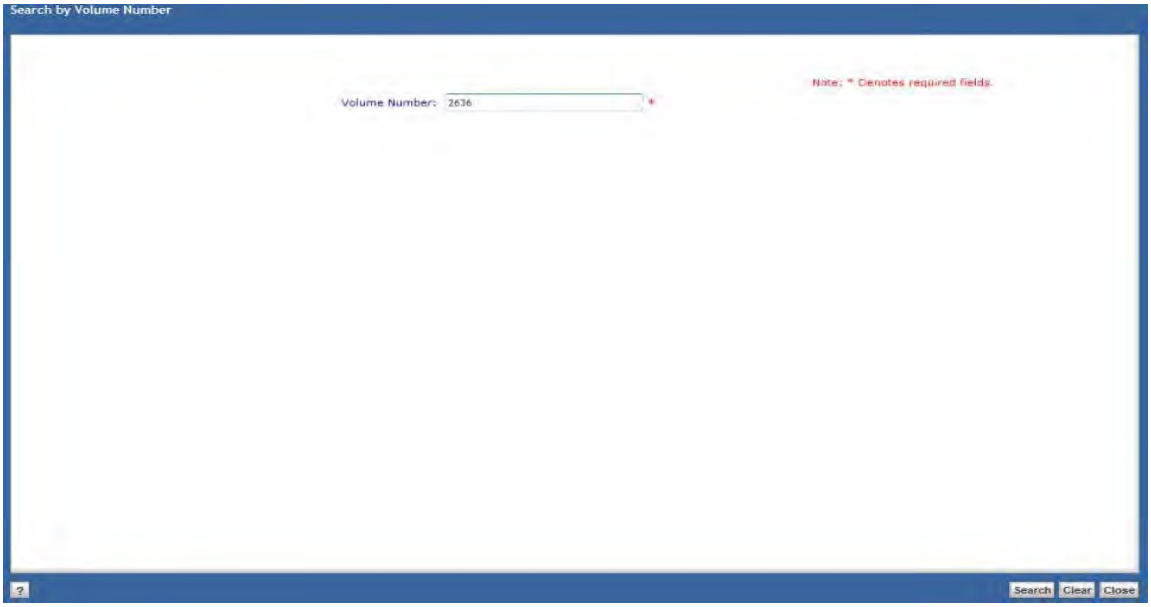
6.9 Search by volume

Volume search menu facilitates the retrieval of a UNTS volume (under the Publications cabinet) by number. If an invalid volume number is entered, then it prompts the user to enter the correct number. If volume folder is not present then “volume xxxx not found” message is displayed where xxx is the volume number. If the volume number is present, the user has also the option to delete the volume.

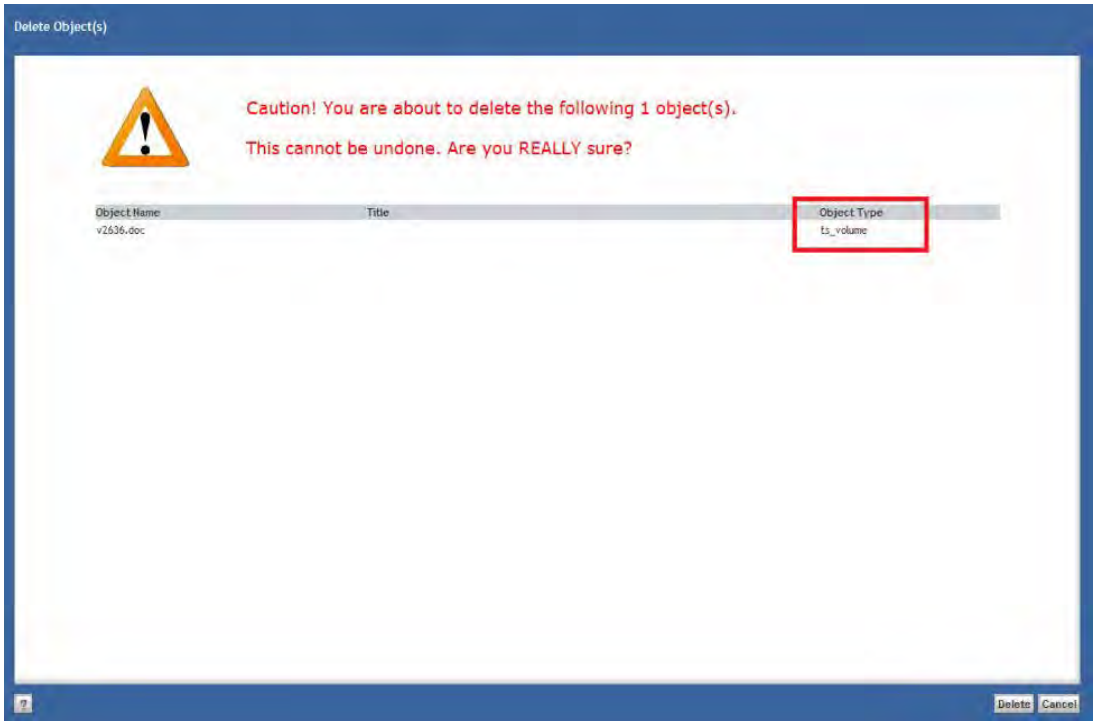


To Search and delete by Volume:

1. From Search Menu, select Search Volume
2. Enter the Volume Number

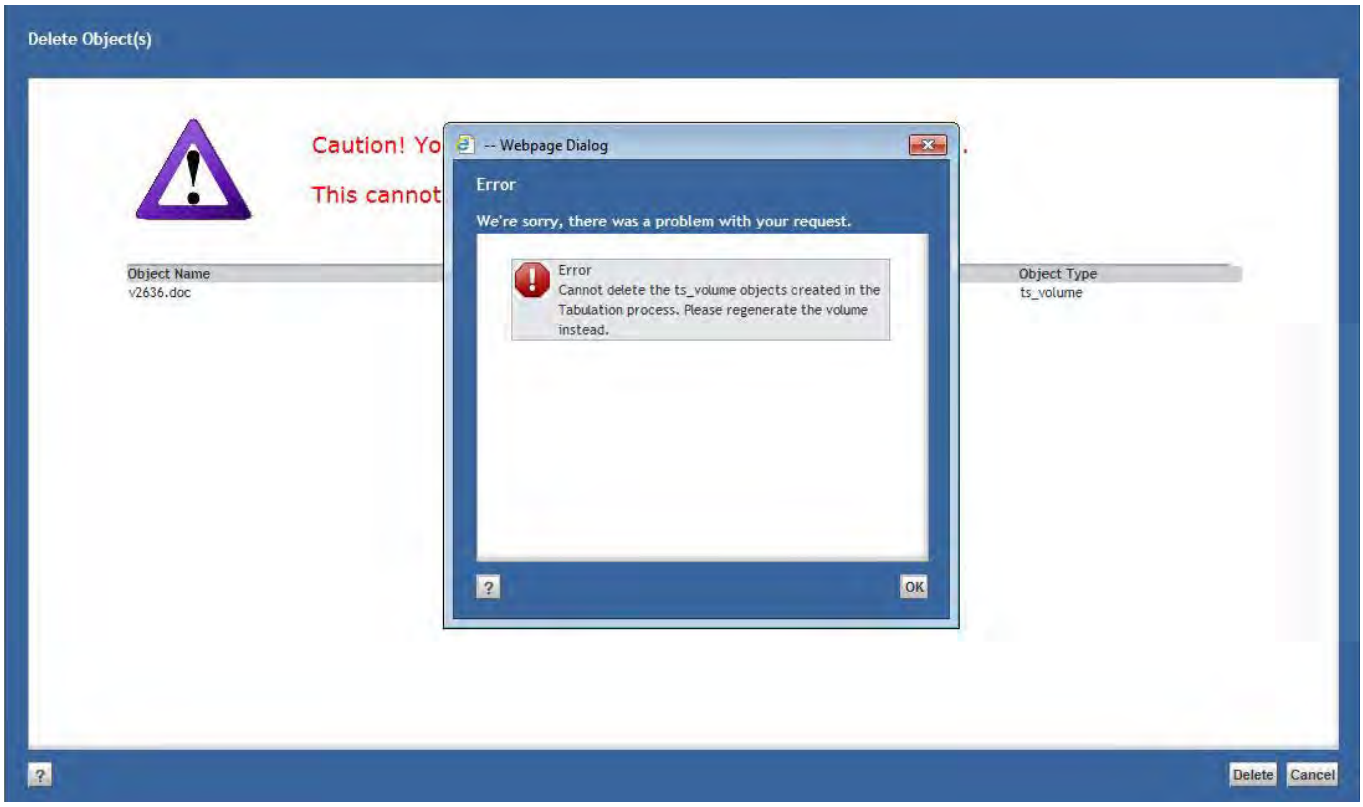


3. Click Search to run the query.
4. The associated volume is displayed. An option to delete is displayed as shown below with a warning message that the object will be permanently deleted



5. Click 'Delete' to delete the volume.

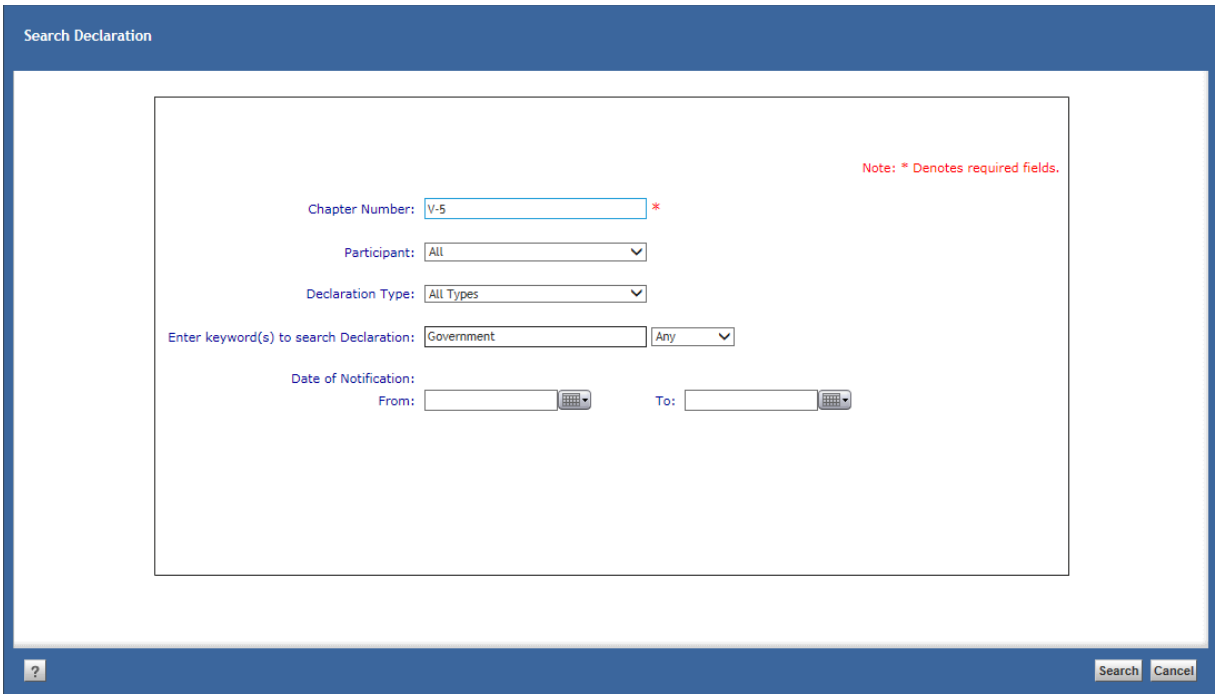
6. If the object is a volume object then an error message would be displayed as shown below. Otherwise the volume would be deleted successfully.



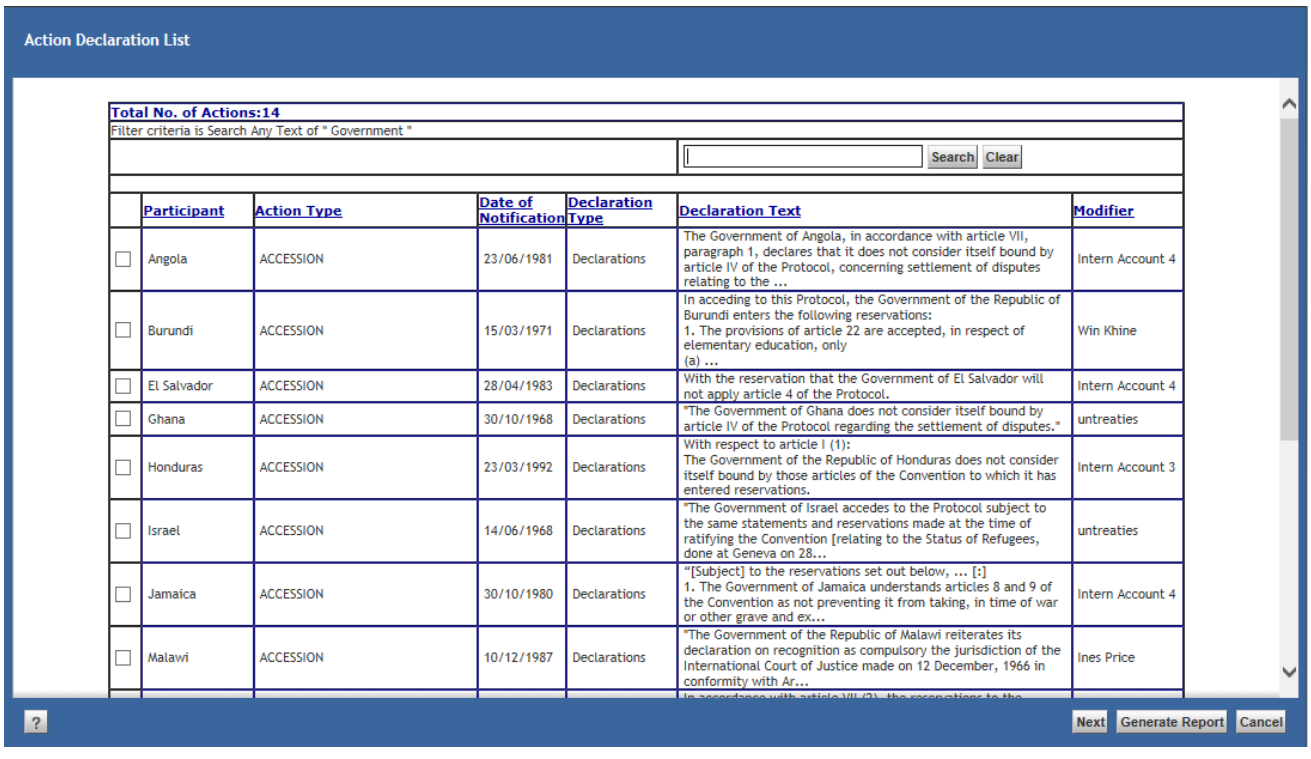
6.10 Search Declaration

1. This screen will search the Declaration by using the following parameters (see below), and it can be invoked using:
   Search -> Search Declaration menu item.

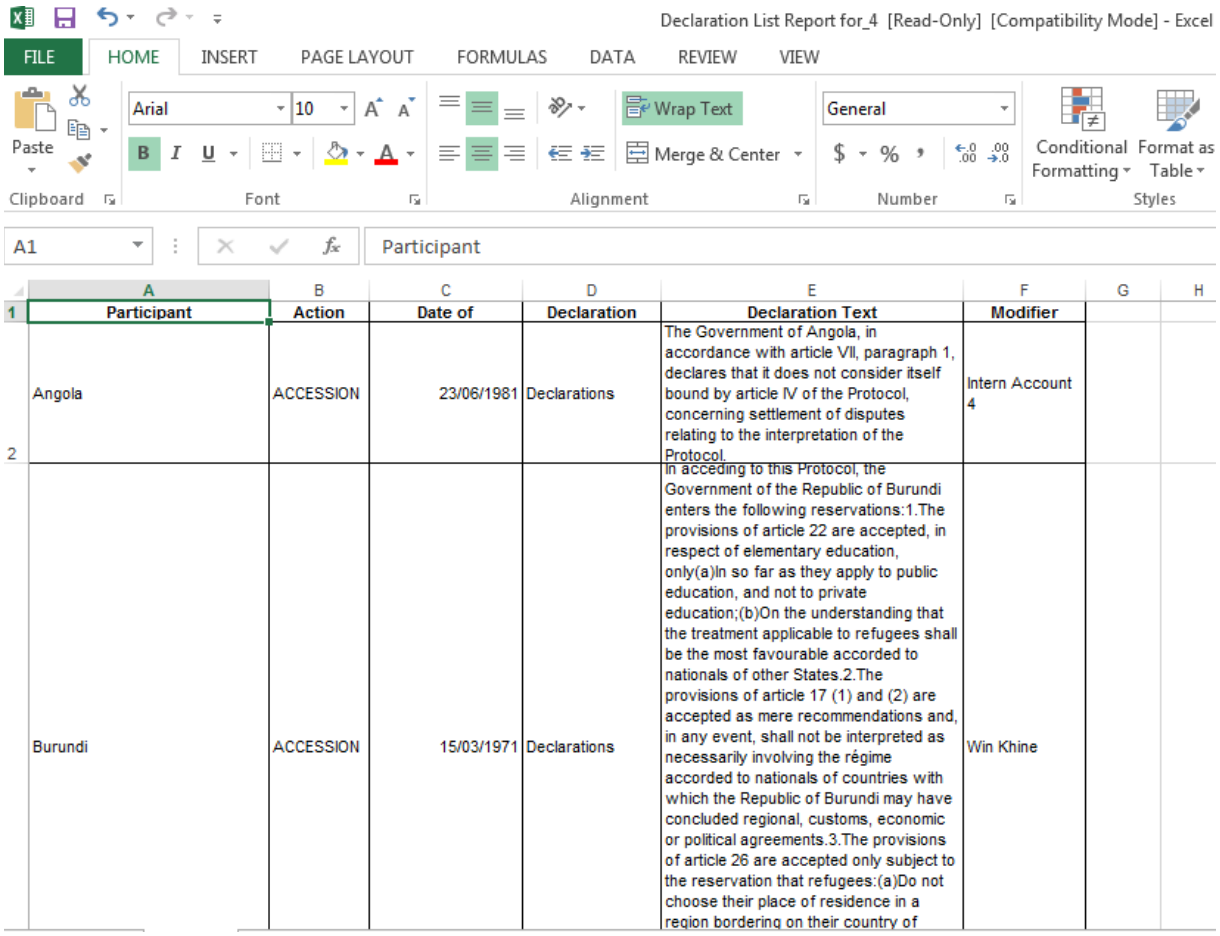
   - Treaty MTDSG number is the only mandatory parameter.
   - By default, the Participant name will be selected as ‘All’, or we can select any of the participants from the drop-down list.
   - Declaration type will be ‘All’ or we can select a specific declaration type from the drop-down list.
   - We can enter any text to search & select : Any/Exact/All (for the keyword based boolean query).
   - Select From and To Date of Notification.



2. Result screen:



3. Select a record and click on the 'Next' button for futher details (see the chapter for Declaration/Reservations/Objections for further information).
4. For generating the report in Excel format, click on 'Generate Report' button.



	A	B	C	D	E	F	G	H
1	Participant	Action	Date of	Declaration	Declaration Text	Modifier		
2	Angola	ACCESSION	23/06/1981	Declarations	The Government of Angola, in accordance with article VII, paragraph 1, declares that it does not consider itself bound by article IV of the Protocol, concerning settlement of disputes relating to the interpretation of the Protocol.	Intern Account 4		
	Burundi	ACCESSION	15/03/1971	Declarations	In acceding to this Protocol, the Government of the Republic of Burundi enters the following reservations:1.The provisions of article 22 are accepted, in respect of elementary education, only(a)In so far as they apply to public education, and not to private education;(b)On the understanding that the treatment applicable to refugees shall be the most favourable accorded to nationals of other States.2.The provisions of article 17 (1) and (2) are accepted as mere recommendations and, in any event, shall not be interpreted as necessarily involving the régime accorded to nationals of countries with which the Republic of Burundi may have concluded regional, customs, economic or political agreements.3.The provisions of article 26 are accepted only subject to the reservation that refugees:(a)Do not choose their place of residence in a region bordering on their country of	Win Khine		

6.11 Search All Actions

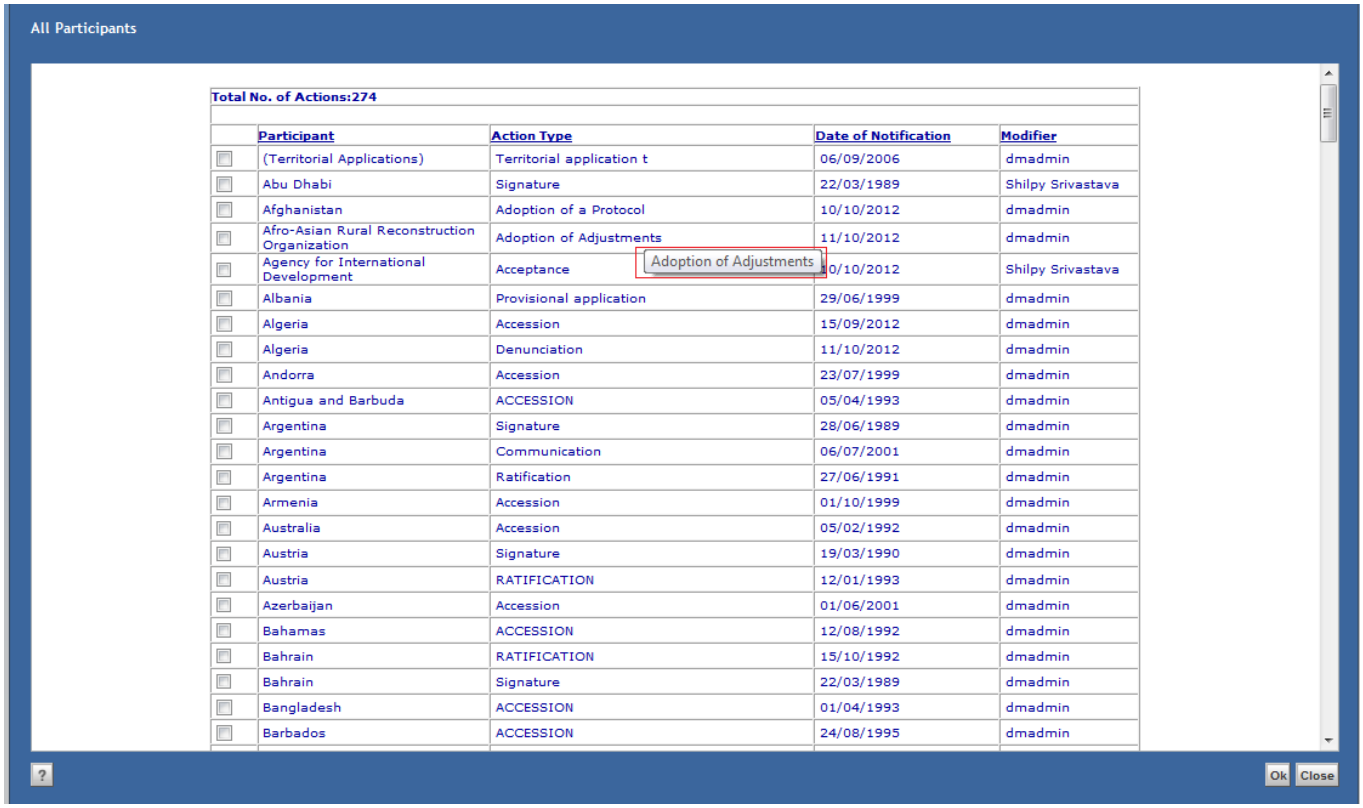
This option enables you to retrieve all the actions of a selected treaty.

To search all actions:

1. Select a treaty.

2. From Search menu, select All Actions.
3. Click 'Close' to close the screen.

Note: The 'Action type' column is not wide enough to display the title of certain actions, making it difficult to select the appropriate one. A tooltip message is displayed on mouse hover for the action type column (see below).



Note: The user can click the **Action Type** column header and sort data alphabetically. You can also sort data by clicking the **Participant**, **Date of Notification**, and the **Modifier** column headers.

6.12 Search Actions by Date of Notification

This option enables you to search all the actions by the date of notification.

To search all actions:

1. Select a treaty.
2. From Search menu, select 'Actions by Date of Notification'.
3. Click 'Close' to close the screen.

6.13 Search Actions by Participant

This option enables you to search all the actions by a participant.

To search all actions:

1. Select a treaty.
2. From Search menu, select 'Actions by Participant'.
3. Click 'Close' to close the screen.

6.14 Search Actions by Title

This option enables you to search all the actions its title.

To search all actions:

1. Select a treaty.
2. From Search menu, select 'Actions by Title'.
3. Click 'Close' to close the screen.

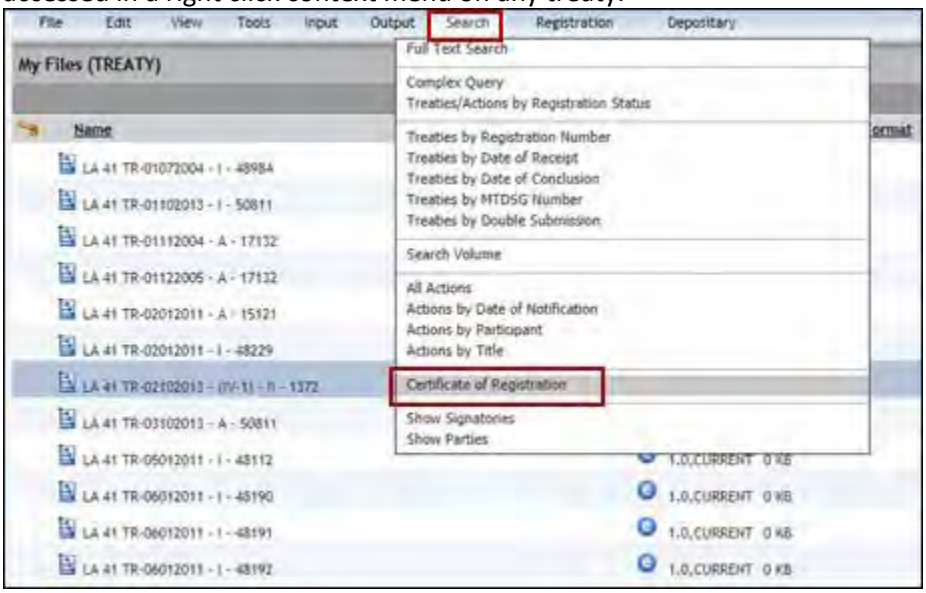
6.15 Show Certificate of Registration

This option allows you to view all certificates of registration (CR).

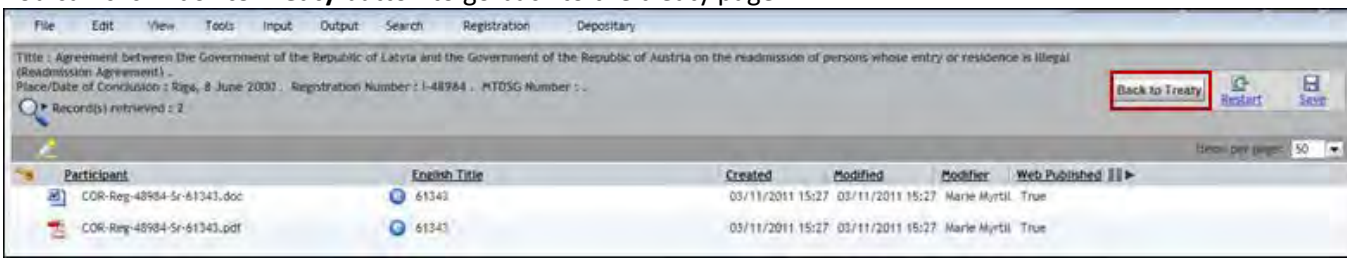
To view the CRs:

1. Select a treaty.

2. From Search menu, select 'Certificate of Registration'. The CRs are displayed. This can also be accessed in a right click context menu on any treaty.



3. You can click **Back to Treaty** button to go back to the treaty page.

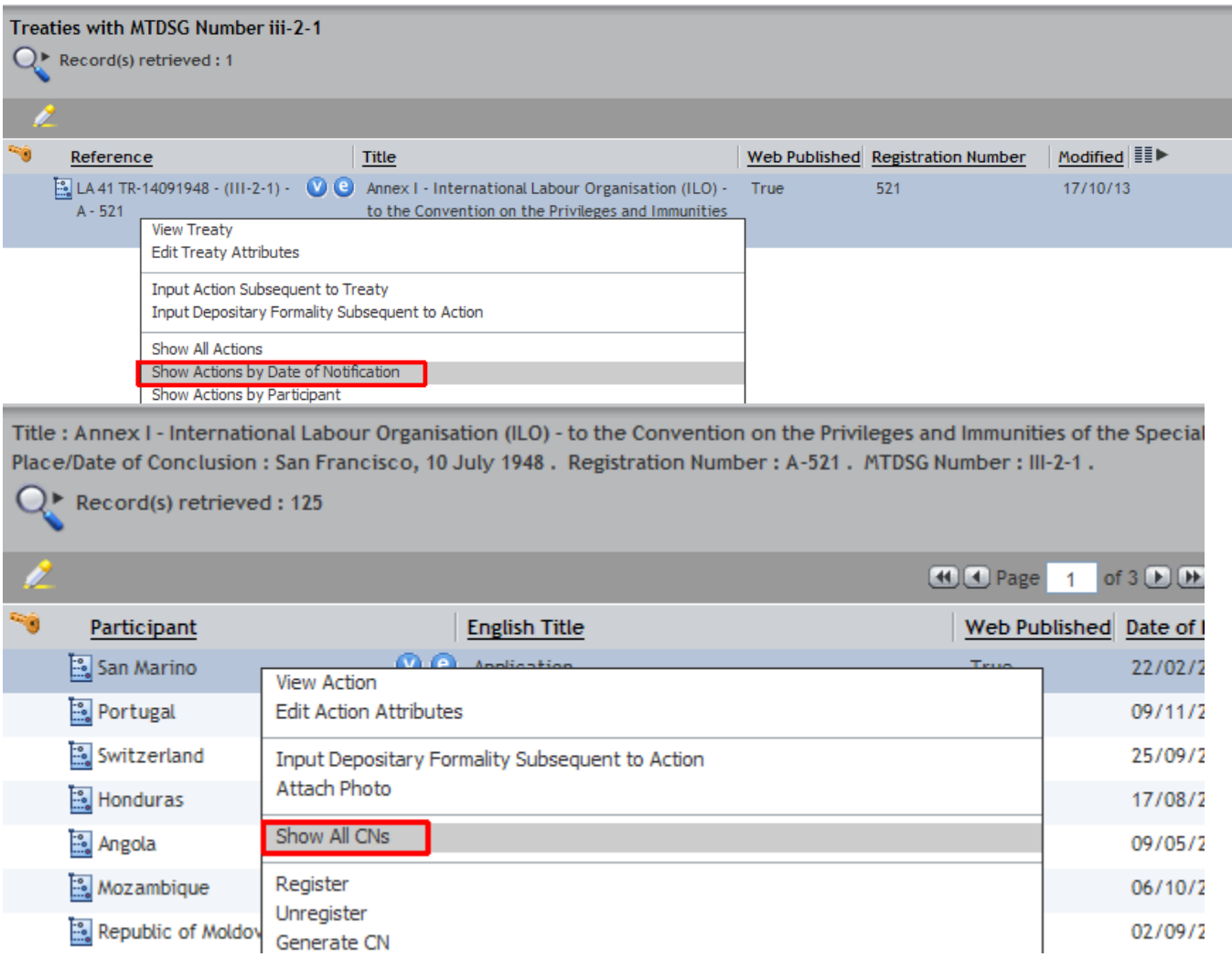


6.16 Show CNs

This option allows you to view all CNs associated with an action.

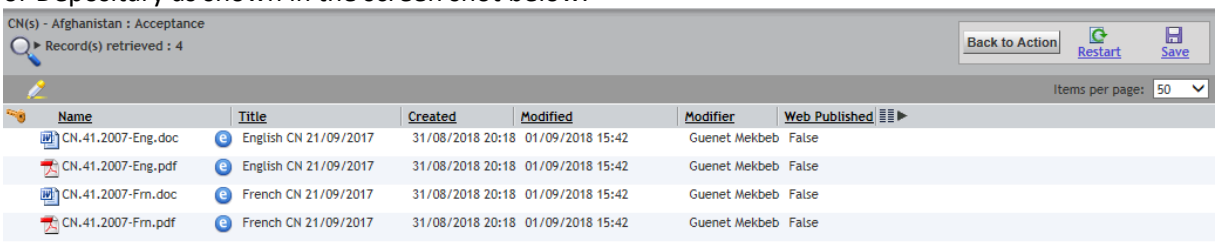
To view the CNs:

1. Search for the treaty by MTDSG number and then use any of the search options to search for an action.

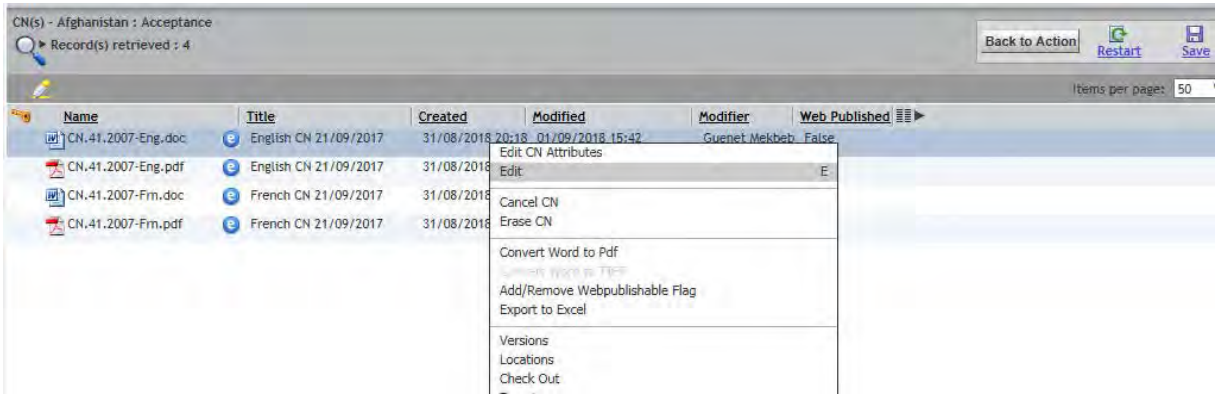


2. From Search menu, select ‘All CNs’. The CN’s are displayed. This functionality could also be accessed in a right click context menu available for any action.

3. The Edit option button, beside the CN file, will be visible only to the user having roles as Admin or Depositary as shown in the screen shot below.

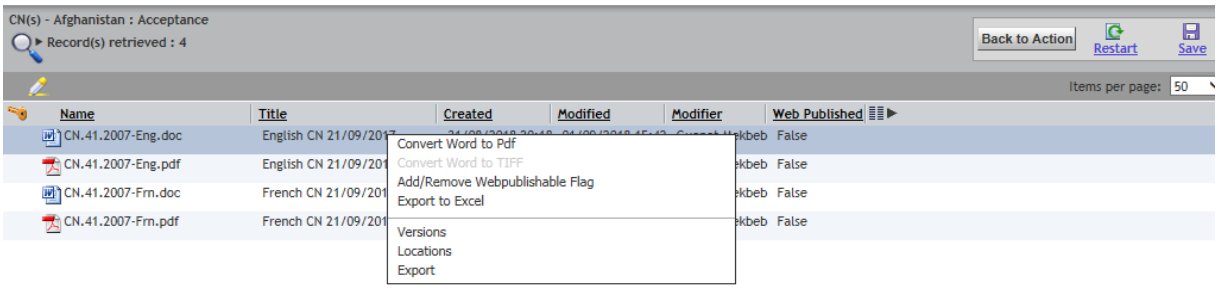


4. Check In, Check Out, Cancel Check Out, Edit and Edit CN Attributes, all these options, on the right click menu of a CN file, will be visible to the user having roles as Admin or Depositary, as shown in the screen shot below.



5. The Edit option beside the CN file will not be visible to the user having roles other than Admin or Depositary as shown in the screen shot.

6. Check In, Check Out, Cancel Check Out, Edit and Edit CN Attributes, all these options on right click of CN file, will not be visible to the user having roles other than Admin or Depositary as shown in the screen shot below.



7. Click 'Back to Action' to go back to the **Actions** page.

6.17 Show Signatories

This option enables the user to search all the signatories of a treaty. The actions which are **web published** with a **document disposition not among 'Not Received/For Information/Pending',** and the signatory checkbox checked, are only included.

In case a participant has a web-published withdrawal action present, it is not included. If the action type is not present in the Treaty's action classification, it is not included. The total number of records should match the signatory count on the MTSDG Status of Treaties page for that particular treaty on the UNTC (treaties.un.org) website.

To search for signatories:

1. Select a treaty.
2. From Search menu, select 'Show Signatories'.
3. Click 'Close' to close the screen.

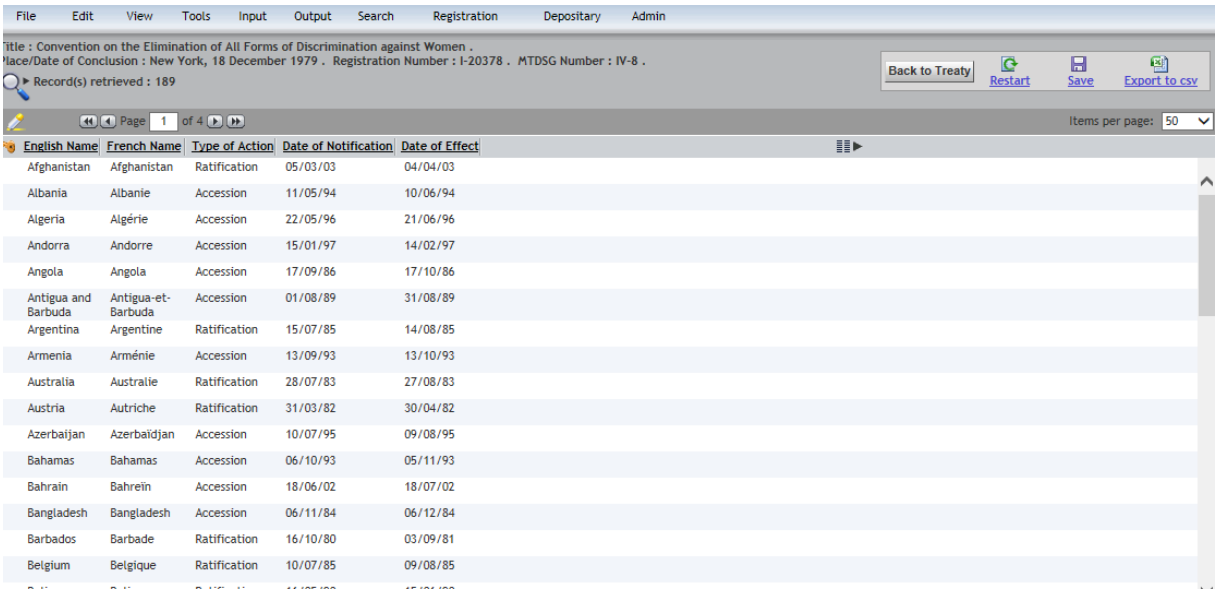
6.18 Show Parties

This option enables you to search all the parties involved in the treaty. The actions which are **web published** with a **document disposition not among 'Not Received/For Information/Pending'** and the party checkbox checked, are included.in the result of the search.

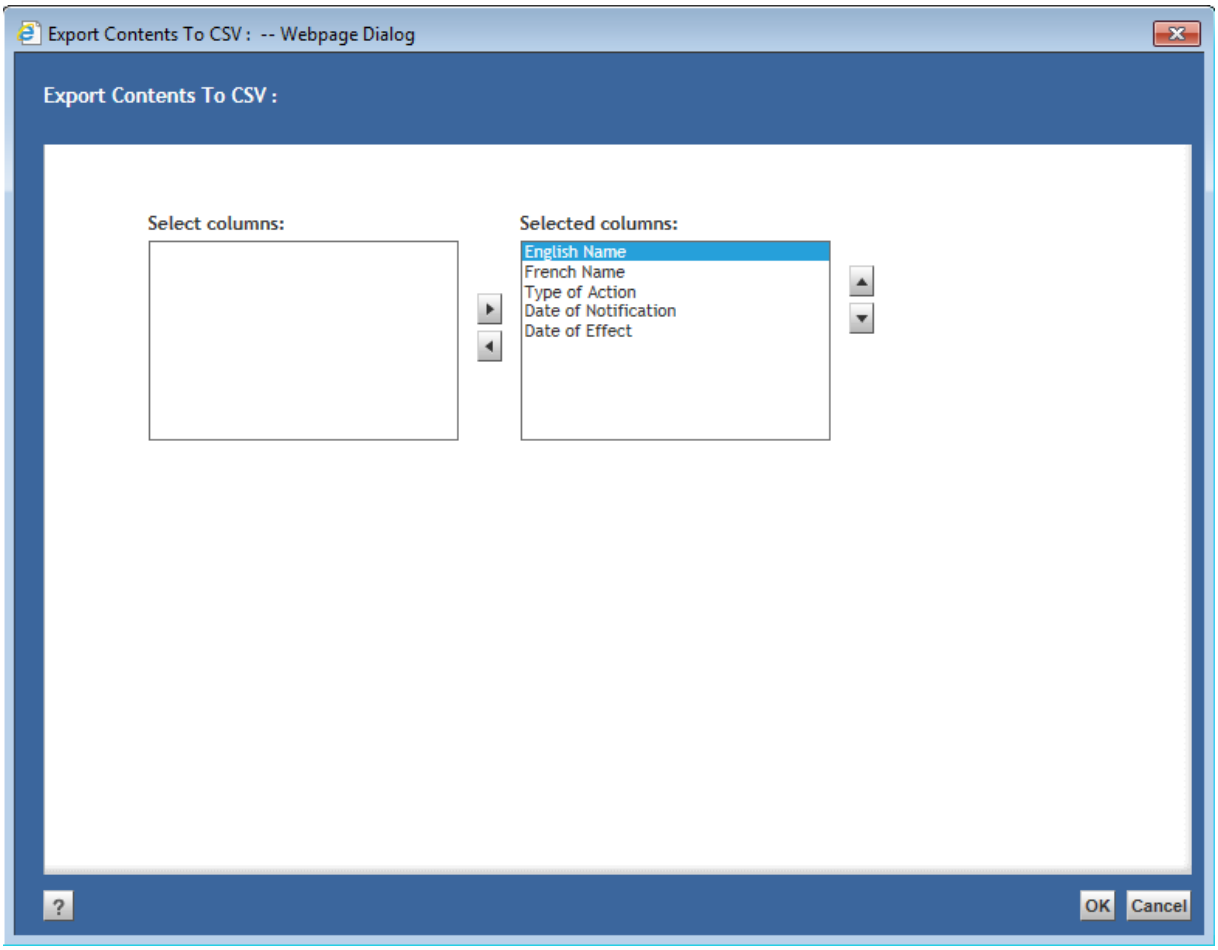
In case a participant has a web-published withdrawal action present, it's not included. If the action type is not present in the Treaty's action classification, it's not included. The total no. of records should match the Party count on the MTSDG Status of Treaties page for the treaty on the UNTC website.

To search for parties:

1. Select a treaty.
2. From Search menu, select 'Show Parties'. Below given screen shot will be displayed.



3. Click on Back to Treaty button to go back to the selected treaty.
4. We can select different columns of Action from the column preferences.
5. When you click on the "Export to csv" link in TIPS, a pop-up screen will be displayed, allowing the user to select field values that will be exported as columns to the csv file (see screen shot below).

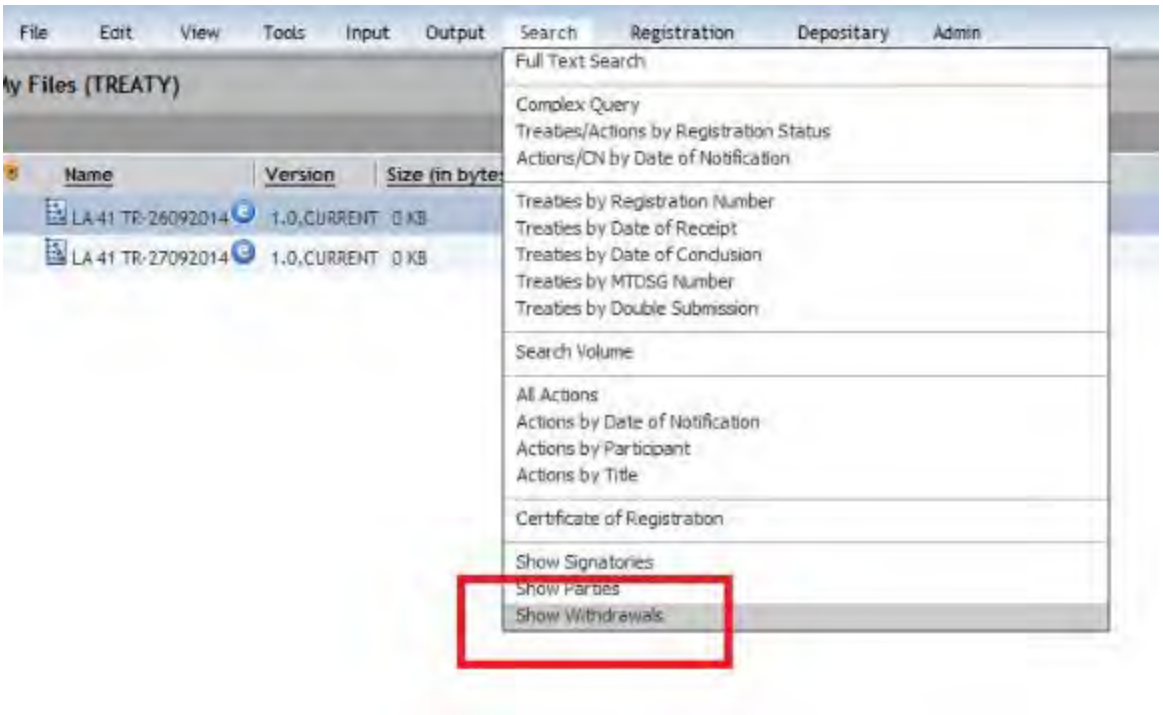


6.19 Show Withdrawals

This option enables you to search all actions that are web published and are of Action Type 'Withdrawals'

To search for Withdrawals:

1. Click Search -> Show Withdrawals



2. The following screen is displayed with all actions that are web published and with Action Type 'Withdrawal' .

6.20 Show search

Click on any of the following additional search functions to view the desired search result:

- Show action by date of notification
- Show action by date participant
- Show action by title
- Show Signatories
- Show Parties

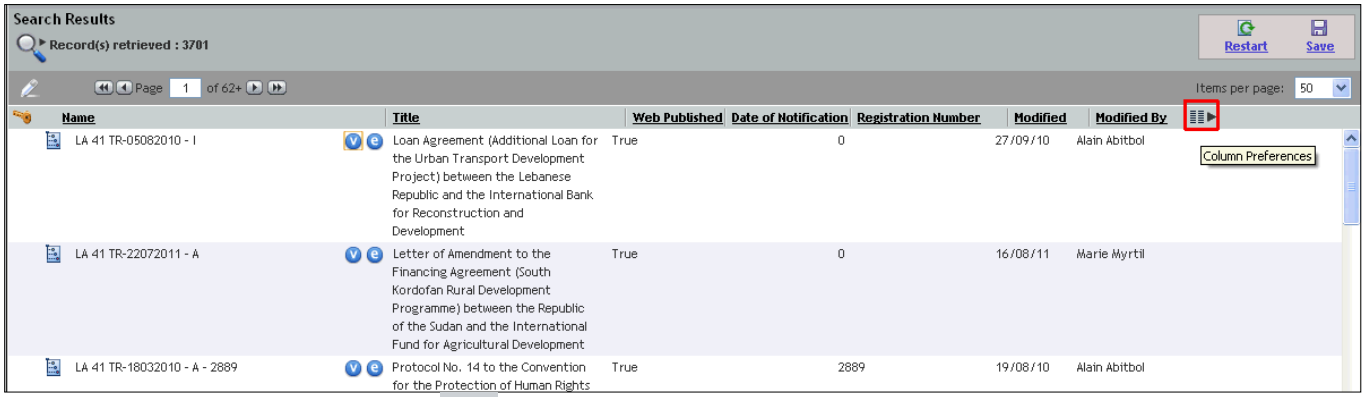
- Show double submitted treaties
- Show references
- Show history
- Get object id
- Get MTDSG action for participant

6.21 Column Preferences

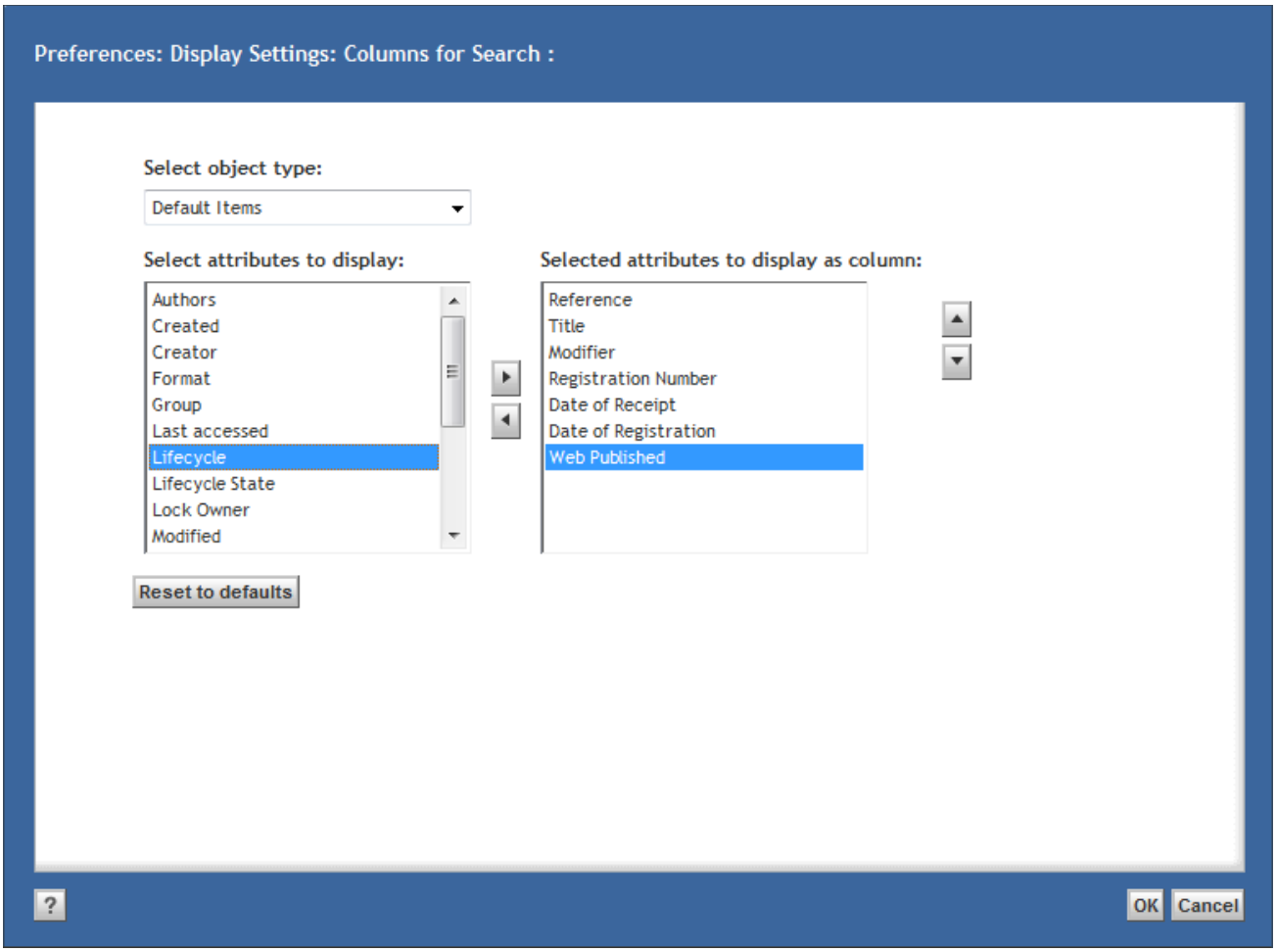
The column preferences icon allows the user to set object properties that the user wants to view as columns for the search results of any object.

To set column preferences:

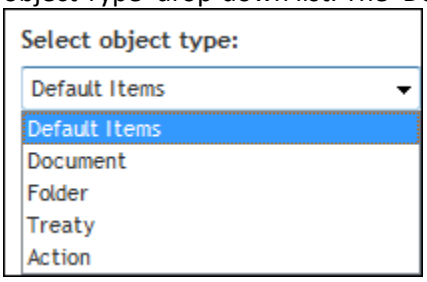
1. Search for an object (for example, an action or a treaty). The search result is displayed with the default columns.



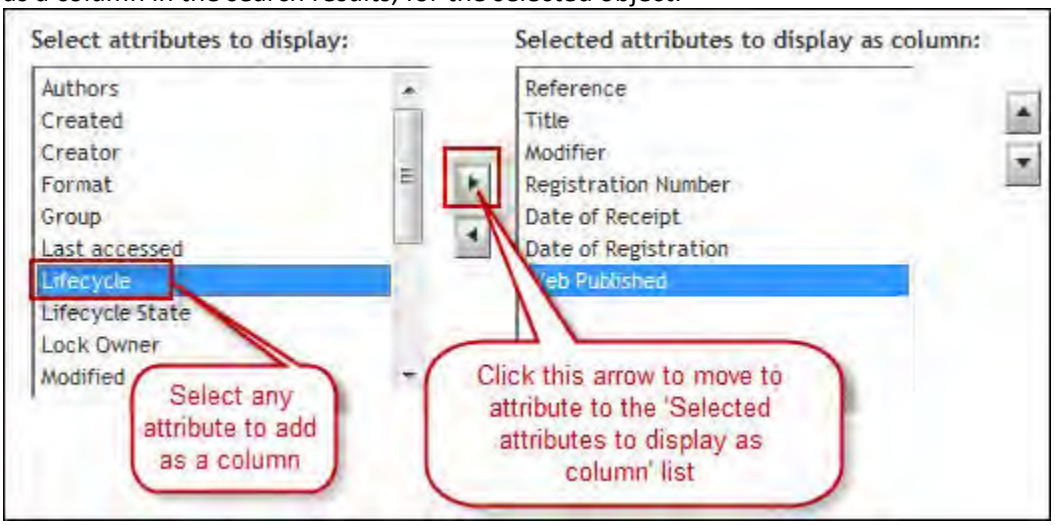
2. Click the column preference icon to set the column preferences of the search result. The 'Preference: Display Setting: Columns for Search' screen is displayed.



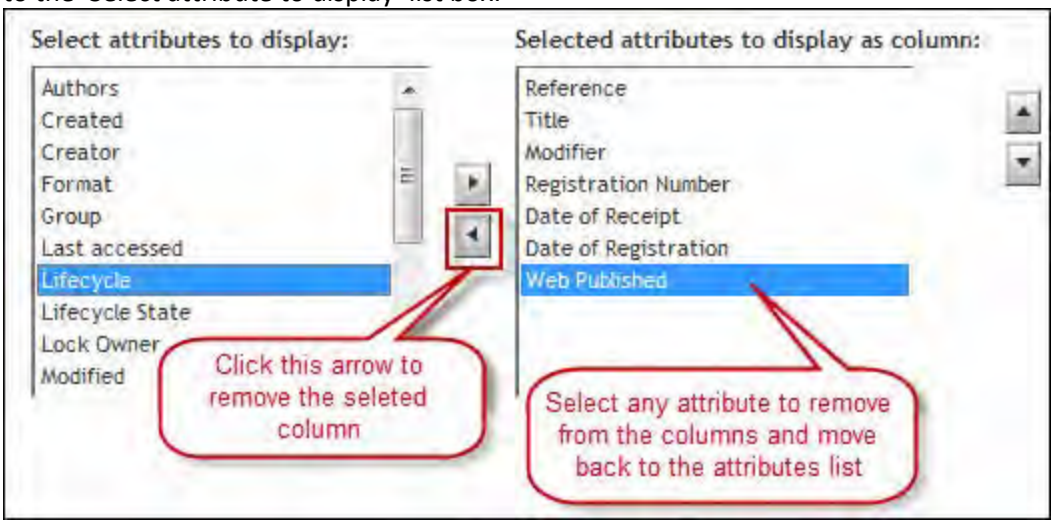
3. Select the type of object for which you want to set the column preferences, from the 'Select object Type' drop-down list. The 'Default Items' option is selected by default.



4. Select an attribute from the ‘Select attribute to display’ list box and click the right arrow to set it as a column in the search results, for the selected object.

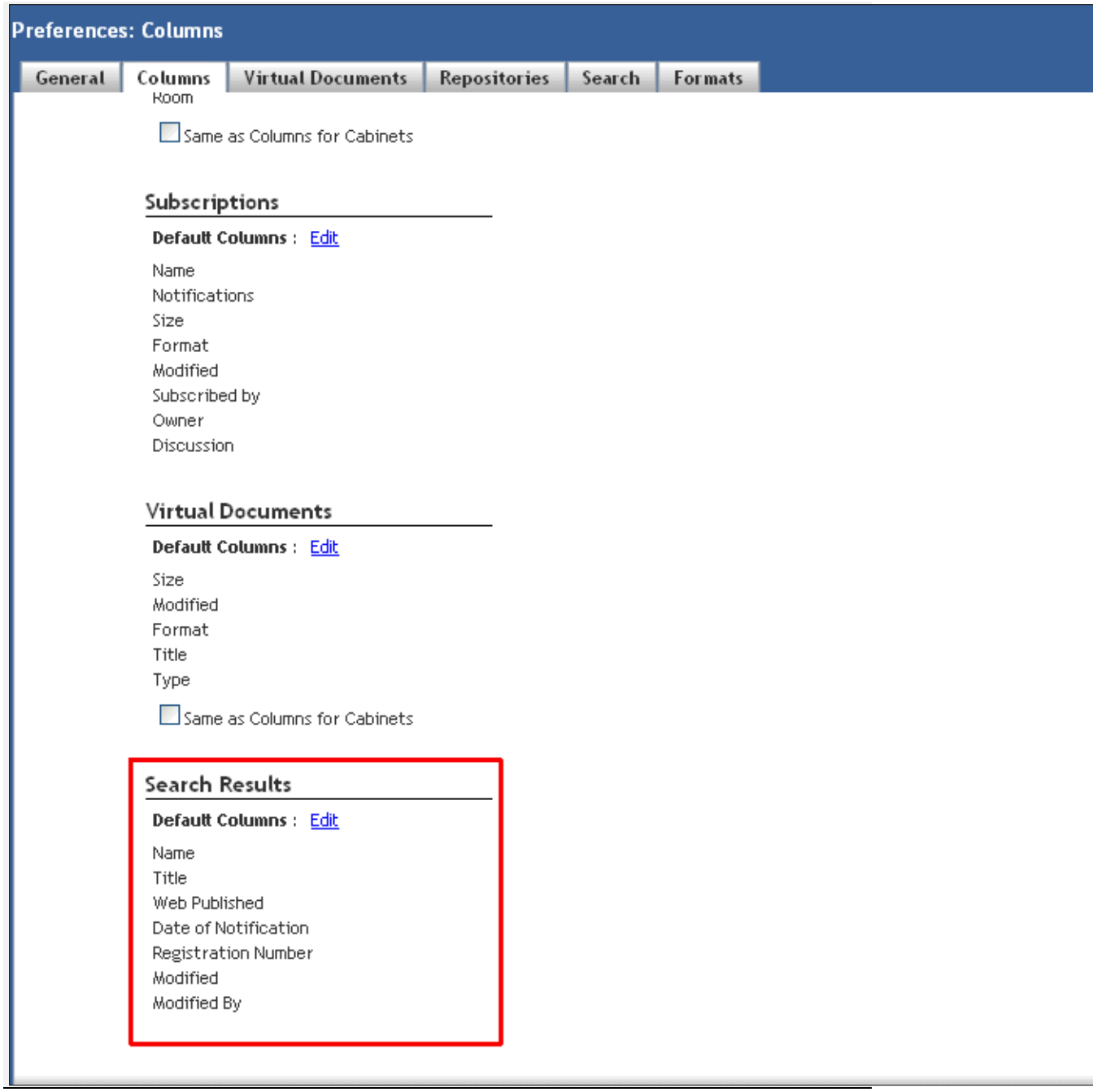


5. Select an attribute from the ‘Selected attributes to display as a column’ list box and click left arrow to remove that column from the search result display. The removed colum is added back to the ‘Select attribute to display’ list box.



6. Click ‘Reset to Default’ option to set the columns with the default preferences.
7. Click ‘OK’ to save the preferences and click ‘Cancel’ to cancel the task.

Note: The user can also set his default column preferences by clicking on the ‘Preferences’ option on the top right corner of the screen. On the preferences screen, the user can select ‘Column’ tab to set the column preferences.

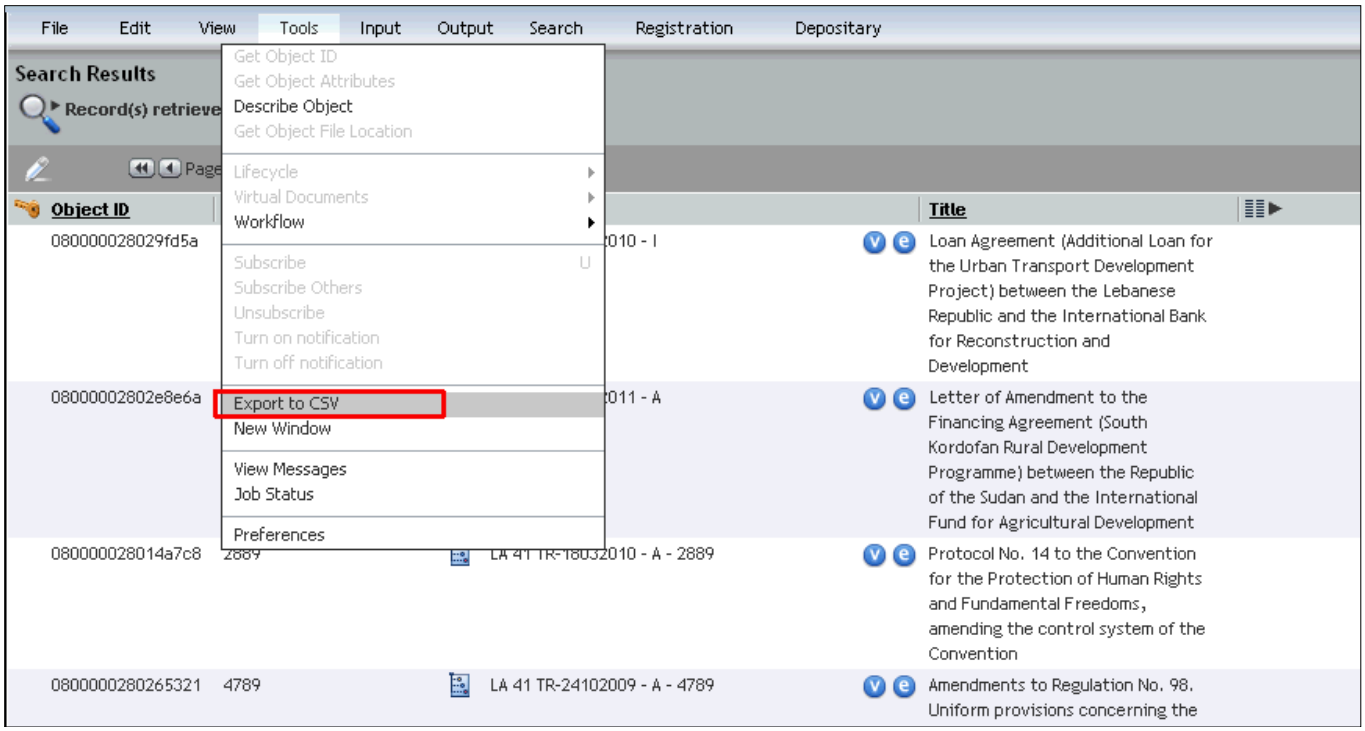


6.22 Export to CSV

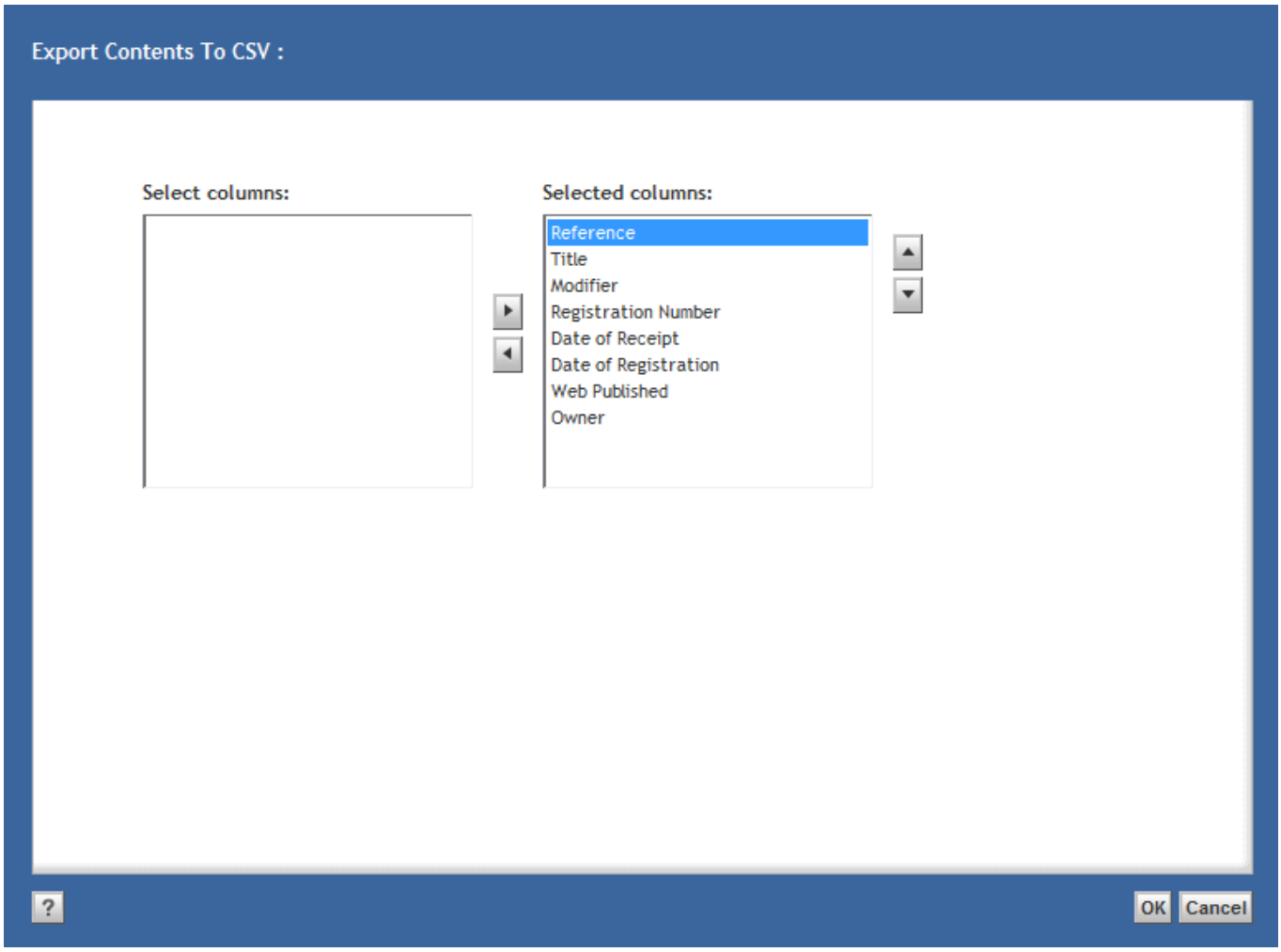
The 'Export to CSV' option allows the user to fetch the search result of an object as a report in excel format.

To export the search result to CSV

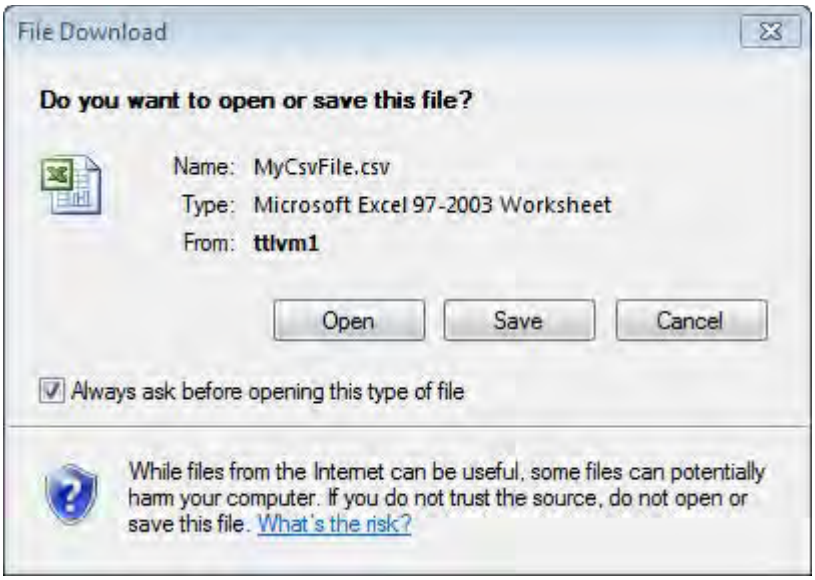
1. Search for an object (for example, an action or a treaty). The search result is displayed.



2. From the 'Tools' menu, select 'Export to SCV' option. The 'Export Content to SCV' window is displayed.



3. Set the column preference as required and click 'OK' to save your preferences. The 'File Download' dialog box is displayed.



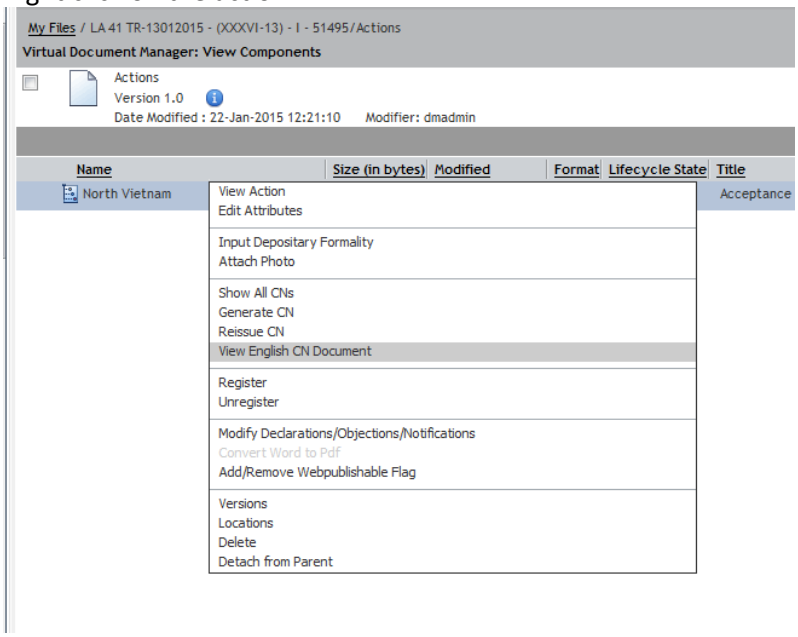
4. Click 'Open' to open the report and click 'Save' to save the excel report to your computer.

6.23 View English CN Document

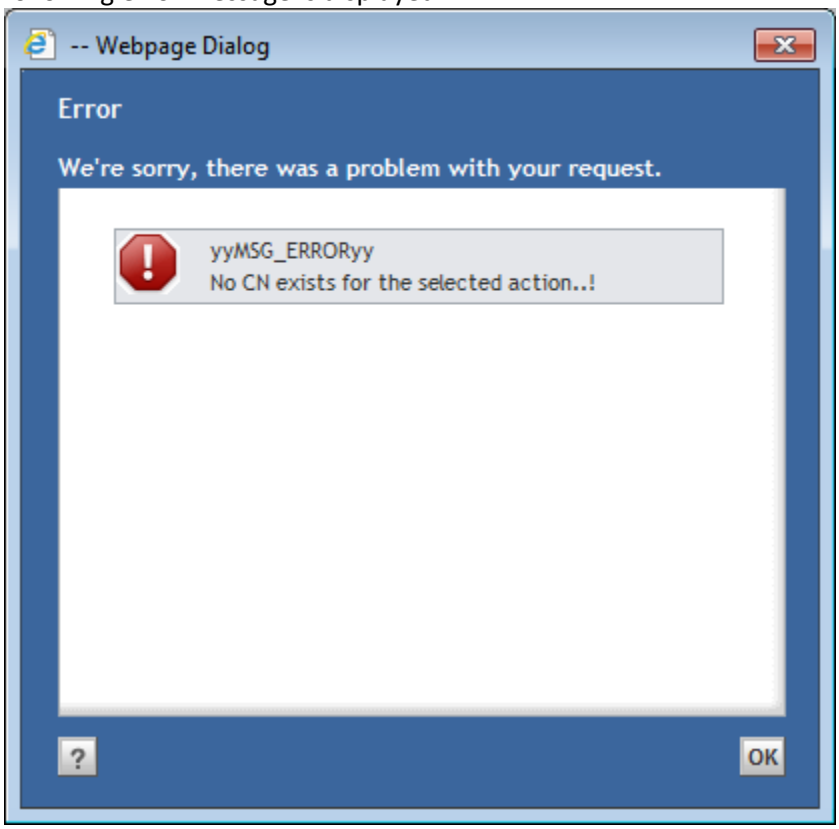
View English CN Document is associated with the right click for context menu of actions. This feature enables to open the CN Document in English

To View English CN Document

1. Select Action
2. Right click on the action.



3. Click on 'View English CN Document'
4. If CN Document exists, then the document will be displayed. If no CN exists, then the following error message is displayed.

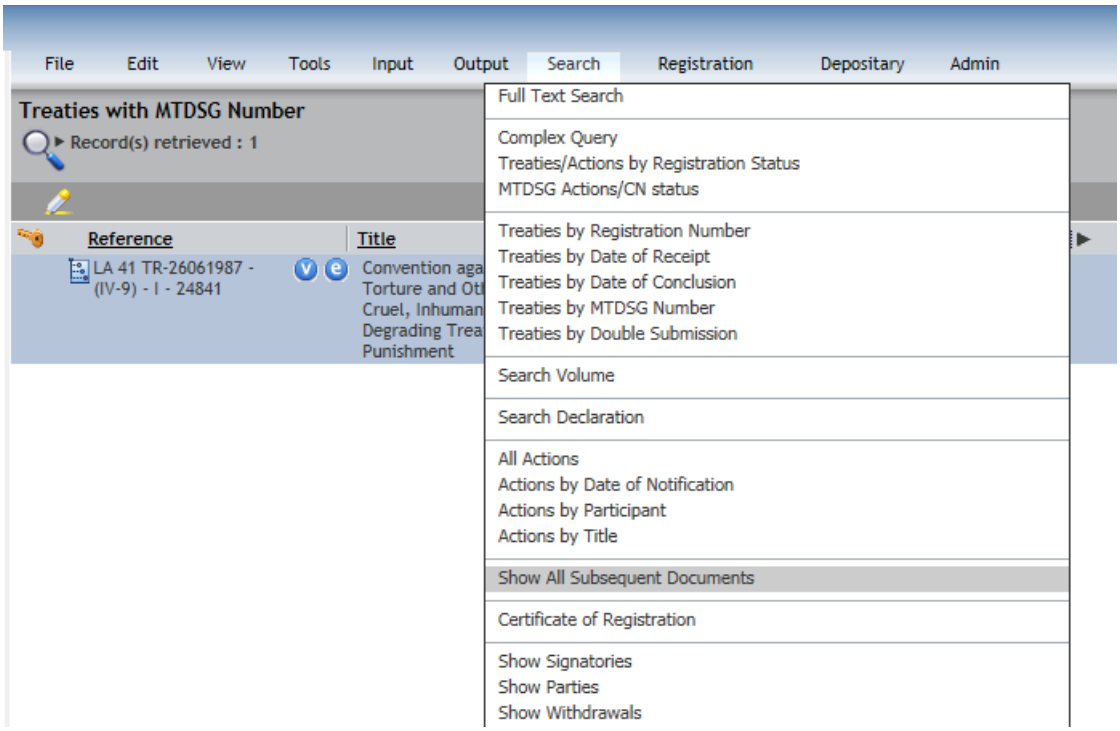


6.24 Show All Subsequent Documents

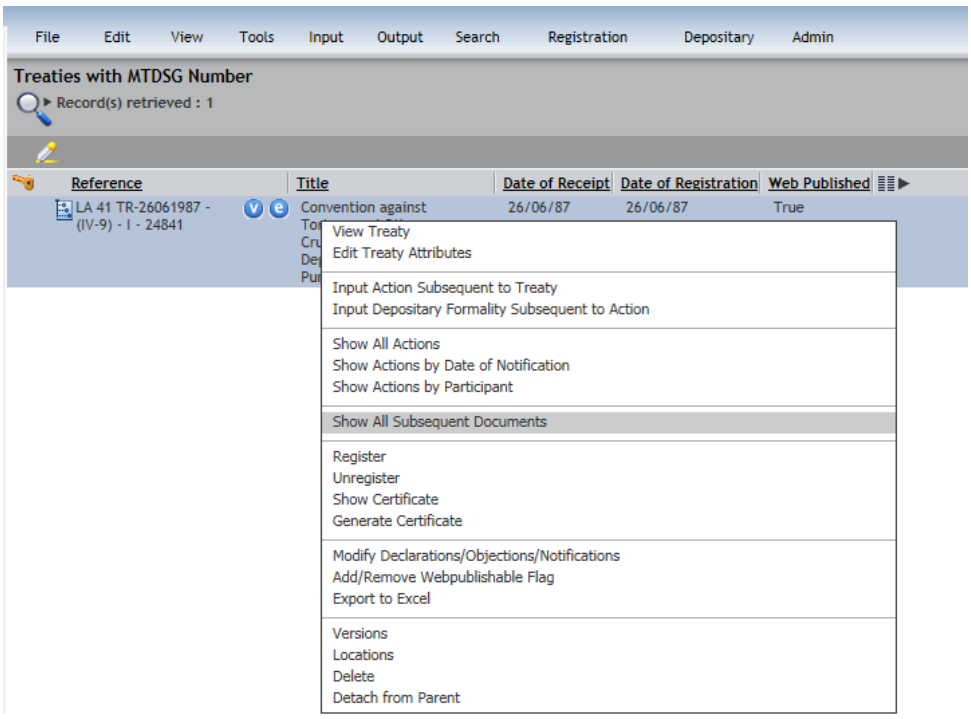
This option enables you to search all the subsequent documents of a selected Treaty/Action.

To search all the subsequent documents of Treaty/Action:

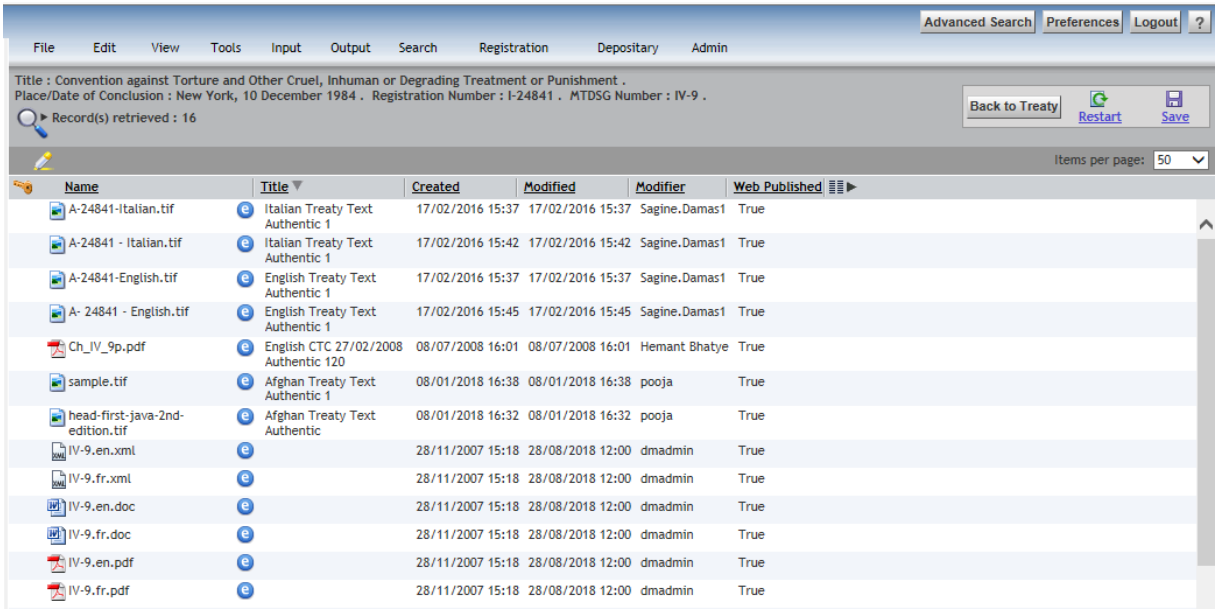
1.Select Treaty/Action.
2.Go to Search→Show all Subsequent Documents.



3. Or right click on the treaty and select Show All Subsequent Documents submenu from context menu.



4. After selection of Show All Subsequent Documents submenu, the following screen will display the results.



5. If we will select Treaty to show all the subsequent documents then we will able to see Back to Treaty button. On click of **Back to Treaty** button we will be redirected to the treaty screen.

6. If we will select an Action to show all the subsequent documents, then we will able to see the 'Back to Action' button.

7 Registration Module

The Registration section deals with all treaties (Bilateral or Multilateral) that are deposited with UN. A legal assistant registers and generates a certificate of registration (CR),a letter or a checklist.

The registration process comprises of assigning a category (document disposition), a number and a date.

Note: The subject terms are mandatory for the registration of a treaty.

Document Disposition

For original agreements, the document disposition depends on which participants concluded the treaty:

- If one of the participants is a member state, the treaty is registered with the United Nations.

- If none of the participants is a member state, the treaty is filed and recorded with the United Nations.
- Treaties that were registered with the League of Nations (before 1945) have the document disposition as 'registered with the League of Nations'.
- Treaties concluded before 1945 are filed and recorded.

For subsequent agreements or actions, the following rules apply:

- An action always has the same document disposition as the parent.
- If it is subsequent to a treaty registered with the UN or filed and recorded, it has the same document disposition as the parent. An agreement subsequent to an agreement registered with the League of Nations (LoN) is registered as an original agreement.

Registration Number

A sequential number is assigned when treaties and actions are registered, or filed and recorded. Different sequences are used if the treaty is registered or filed and recorded. If an original agreement is registered, it is assigned the next available number. For example, the next available number can be 36221 for treaties registered and 1321 for treaties filed and recorded.

Note: Subsequent agreements and actions get the same number as the parent.

Certificate of Registration

After a treaty is registered, a certificate of registration is sent to the submitter certifying that the treaty was registered. This is not done for actions, and it is not done for treaties filed and recorded. If the submitter is 'ex-Officio' a certificate of registration is not issued.

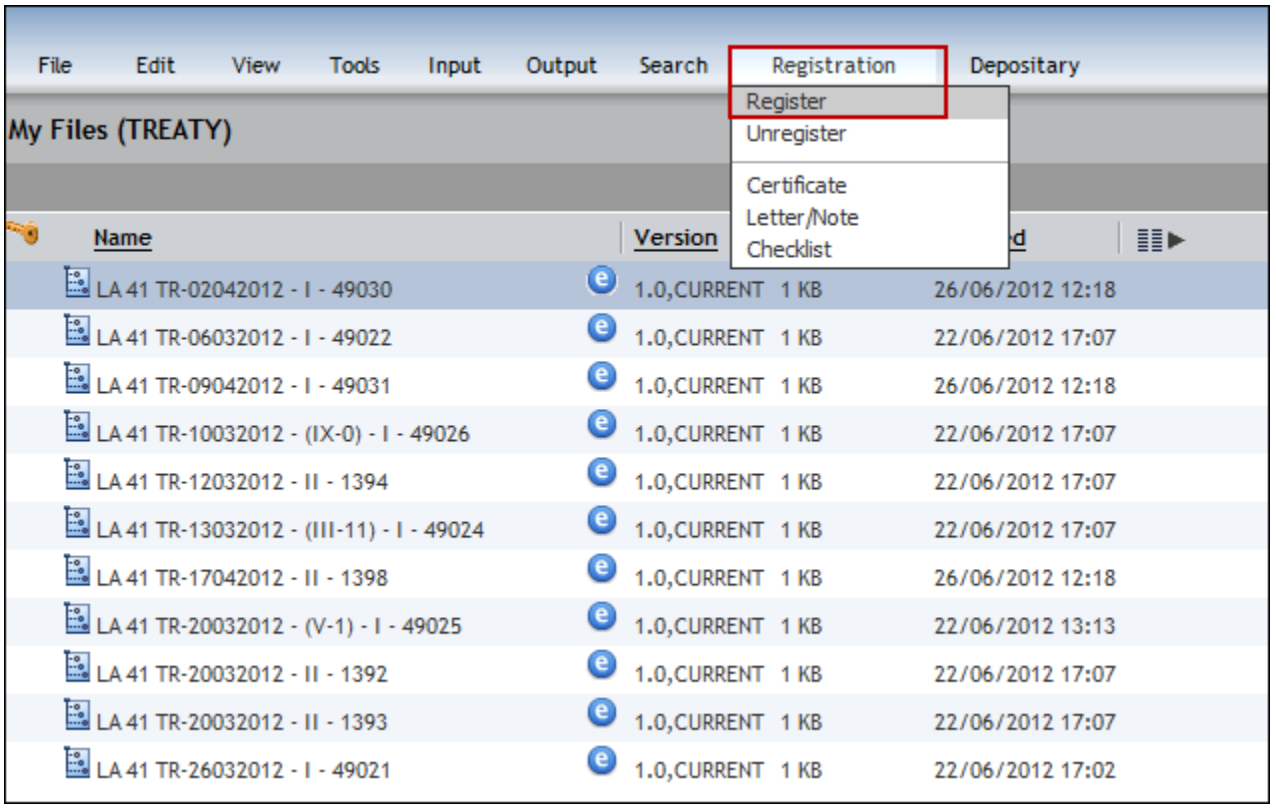
7.1 Registration Functionality

A treaty must be registered, if it fulfils all required criteria. An action can also be registered separately, if it fulfils all required criteria. This option enables you to register all bilateral or multilateral treaties after a final review / approval by a legal officer.

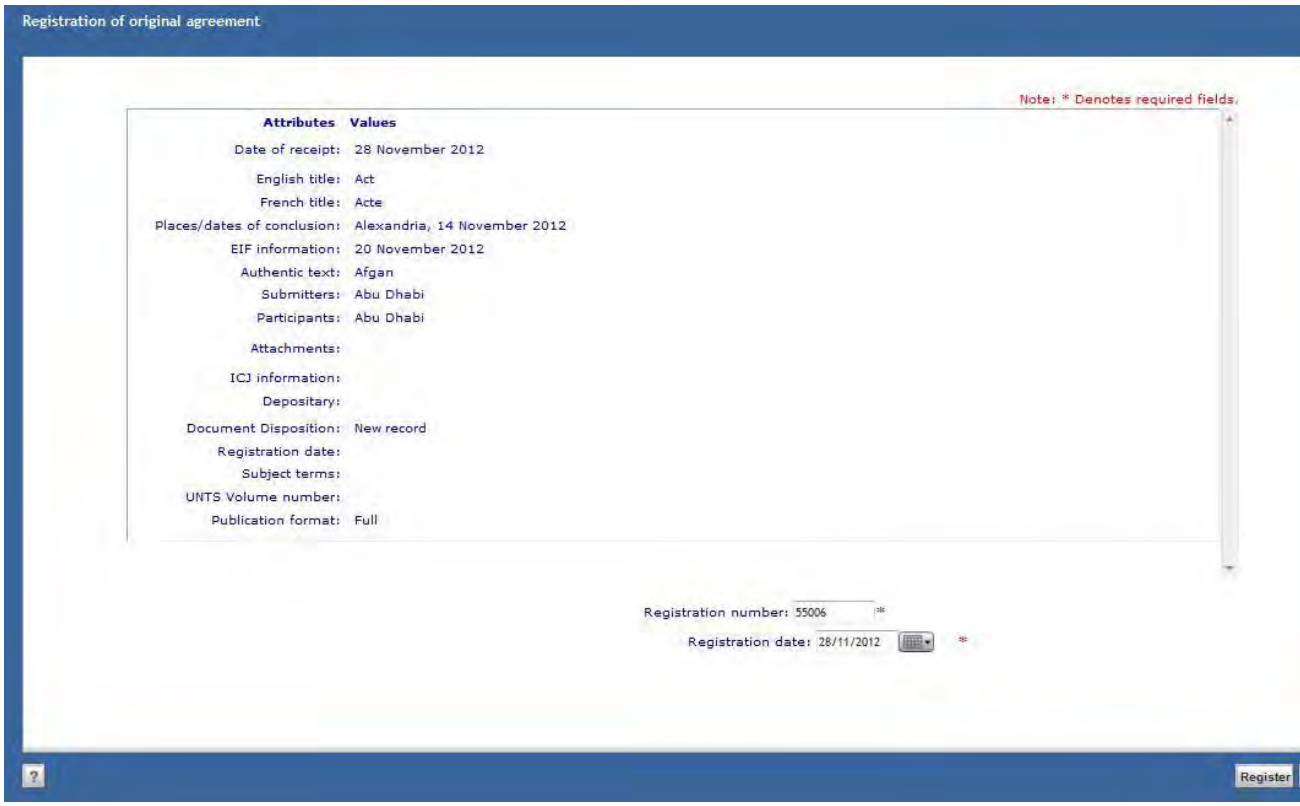
Note: The subject terms are mandatory while registering a treaty.The treaty registration process automatically web publishes all the child objects under the treaty. However, this process does not web publish those objects which have been already web published previously, in order to avoid unnecessary email notification to the users.

To register a treaty:

1. Select Treaty to register.

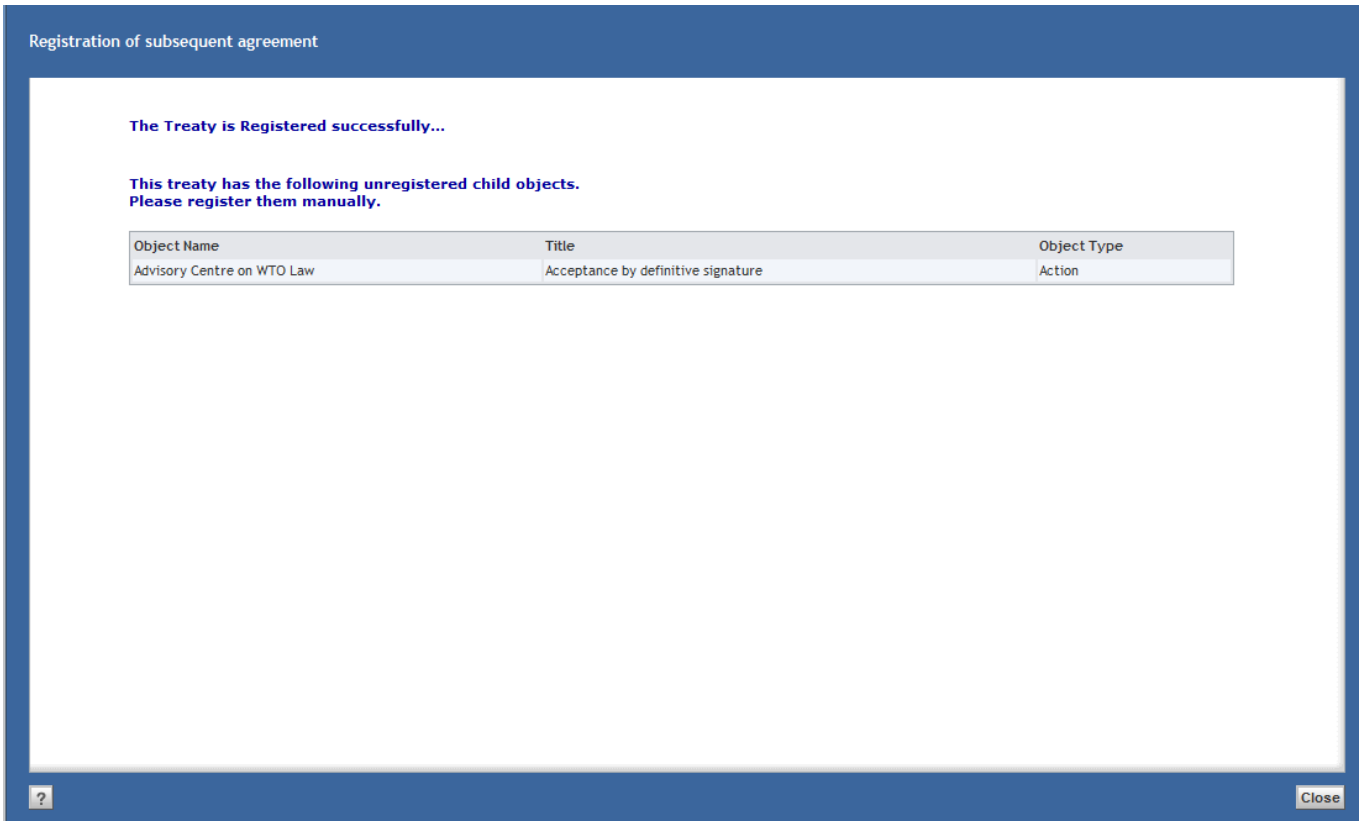


2. From the Registration menu, select ‘Register’.



When a treaty is registered, a message is displayed that the treaty has been successfully registered. In case there are child objects which are unregistered then the following message is displayed: "This treaty has the following unregistered child objects. Please register them manually."

Note: If a participant has changed the name after the treaty creation and before registration, the ‘participant type’ is retrieved based on the treaty's date of conclusion

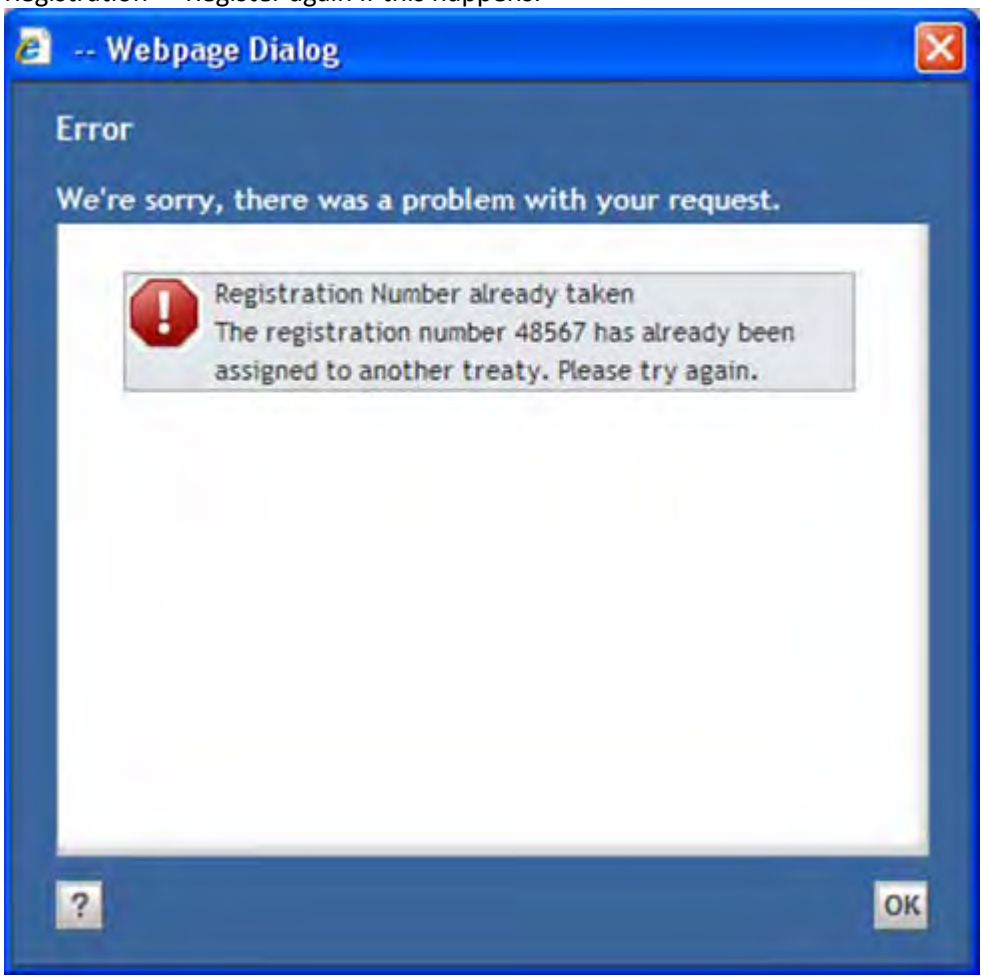


Note: A treaty cannot be registered if certain mandatory fields are missing. Edit the treaty record and enter the relevant missing information.

The following section displays all the mandatory treaty field names and can generate a certificate or create a model letter.

- **Registration Number:** Displays the 'Registration Number'. Different sequences numbers are generated for treaties that are 'registered', and 'filed and recorded'.
- **Registration Date:** Enter a 'Registration Date'. This is the date on which the treaty is registered and recorded.
- Click '**Register**' to register selected treaty or action. The registration number is displayed. The Registration date and Number are editable by the user. It may happen that two people are trying to register different treaties at the same time; then when the user clicks on the Register button, the system checks again if the suggested number is valid number for use at that moment. If not, the system shows an appropriate message. This is to avoid duplicate registration numbers. The user should select the treaty and invoke

Registration -> Register again if this happens.



Note: The Registration Number field is grayed out for actions / subsequent agreements (For any document disposition) since they MUST get the same registration number as that of the parent treaty.

7.1.1 Registration of LON treaties

The registration screen provides a checkbox labeled 'Registered by League of Nations'. The checkbox is not checked by default for actions/sub agreements under LON treaty. If this checkbox is selected, then the system clears the suggested registration number. A note appears below to prompt the user to enter the registration number manually.The document disposition of the record should be set to "League of Nations" when the 'Register' button is clicked.
The following validations are performed in this screen:

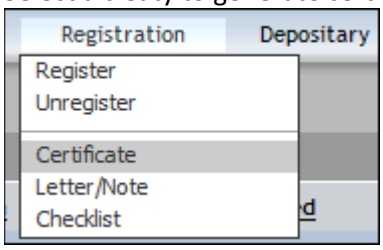
1. The date of registration entered by the user should be before "31/07/1946" if the treaty was registered with League of Nations.
2. If a treaty with registration number entered by the user and document disposition LON already exists in the system, an error message is displayed.
3. A text box for Volume number is shown. This is mandatory. This is necessary since this treaty will not be tabulated as it has already been registered.
   For subsequent LON treaties:
   In case of a subsequent object to LON, the LON checkbox is displayed, shown for both treaties and actions. IF the checkbox is checked, the system will assume that the user is entering an old LON record. As a result, the validations for the date of registration & volume number will be applied. If not, volume number should not be mandatory AND the user should enter a date of registration that is greater than the LON cutoff date (31-Jul-1946).

7.2 Certificate of Registration (CR)

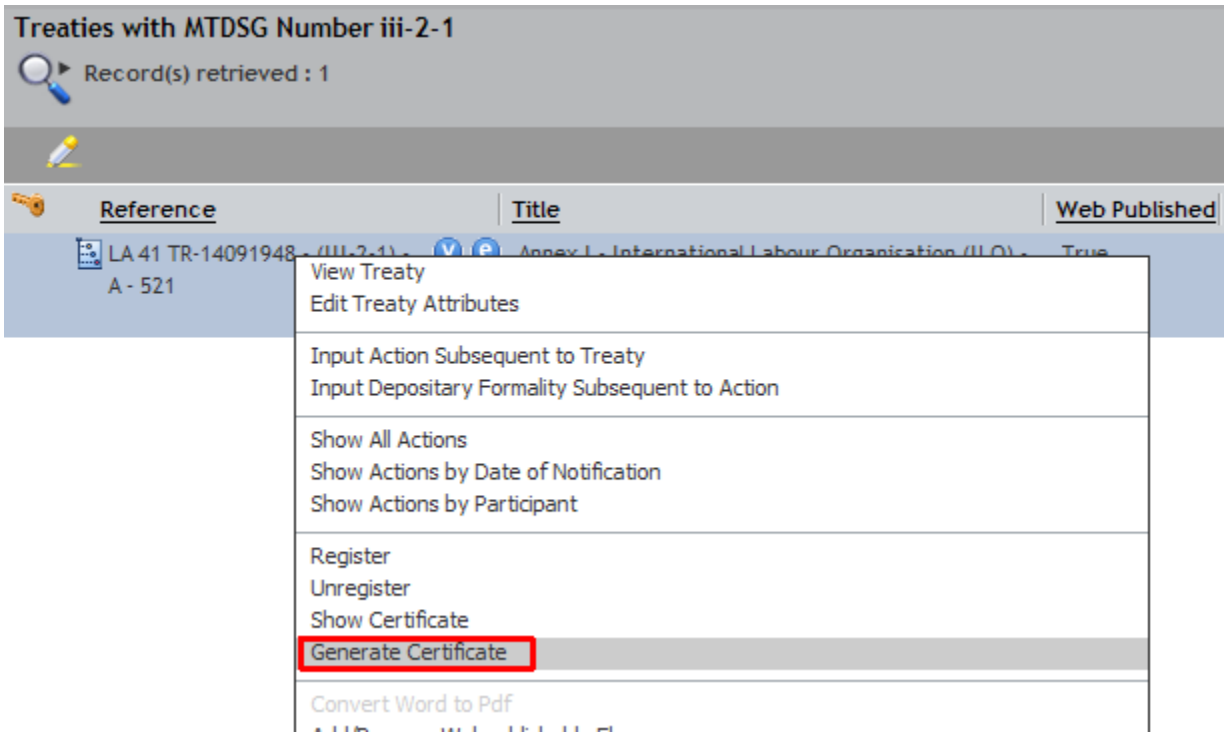
The 'Certificate' option enables you to generate a Certificate of Registration (CR) for a registered Treaty. A certificate of registration is sent to the submitter, certifying that the treaty has been registered. This is not done for actions, or for treaties 'filed and recorded'. A Certificate of Registration.doc file is created under the folder associated with the treaty.

To generate a certificate:

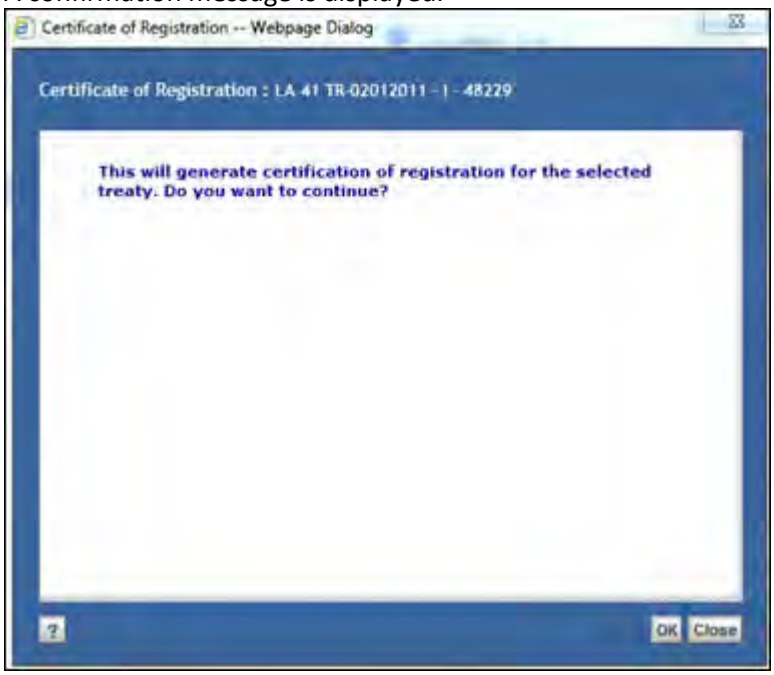
1. Select a treaty to generate certificate.



2. From the Registration menu, select 'Certificate' OR right click the treaty and choose Generate certificate.



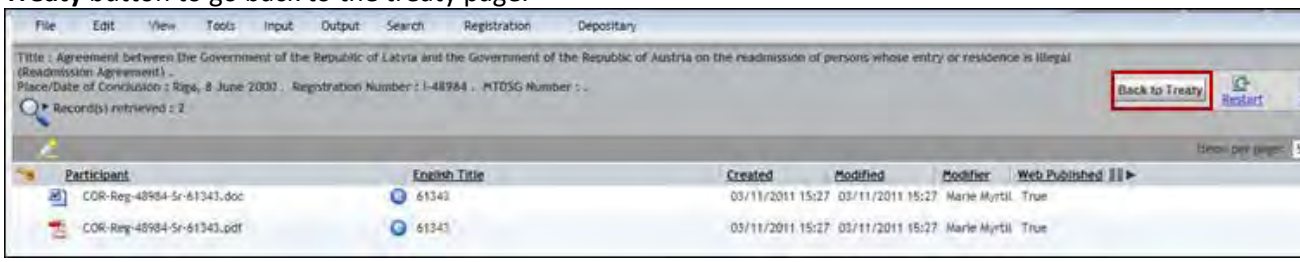
3. A confirmation message is displayed.



4. Click OK.

5. Click OK. The document is generated and opened .

6. The generated Certificates are displayed in the view after clicking OK. You can click **Back to Treaty** button to go back to the treaty page.



7. If the Treaty being registered has a 'Depository' specified, then the usual reference to Article 102 of the UN Charter is replaced with the following phrase:

   "The following international agreement has been registered with the Secretariat of the United Nations:"

   A sample is shown below:

Certificate of registration

The Secretary-General of the United Nations

hereby certifies that the following international agreement has been registered with the Secretariat of the United Nations:

Certificat d'enregistrement

Le Secrétaire Général de l'Organisation des Nations Unies

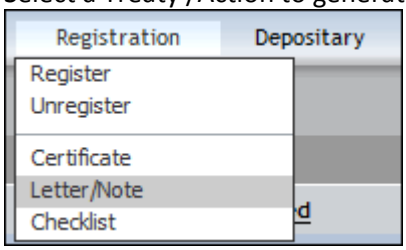
certifie par la présente que l'accord international indiqué ci-après a été enregistré au Secrétariat des Nations Unies :

7.3 Letter

This option enables you to generate letters for correspondence and further edited, before sending to submitter (s). The generated letter is displayed under the "Other documents" folder.

To generate a letter:

1. Select a Treaty /Action to generate a Letter.

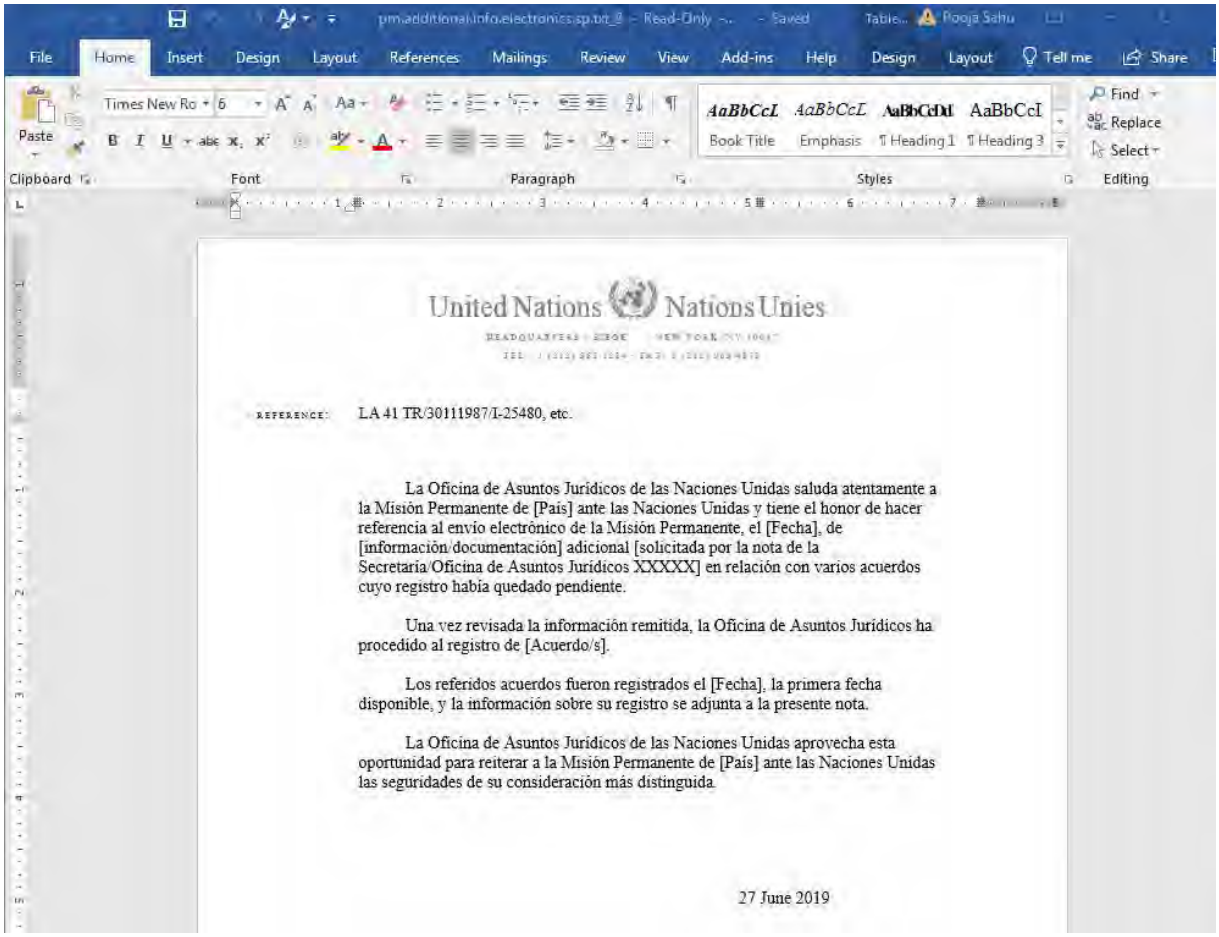


2. From the Registration menu, select 'Letter/Note'. The following screen is displayed.

Model of letter: Letter Actions **: letter.actions.en.txt**

Language:

- Letter Actions
- Letter Actions Electronic Submission
- Letter Treaties
- Letter Treaties Electronic Submission
- Permanent Mission Actions
- Permanent Mission Actions Electronic Submission
- Permanent Mission Actions Spanish
- Permanent Mission Actions Spanish Electronic Submission
- Permanent Mission Additional Information
- Permanent Mission Additional Information Electronic Submission
- Permanent Mission Additional Information Spanish
- Permanent Mission Additional Information Spanish Electronic Submission
- Permanent Mission Sent to Translation
- Permanent Mission Sent to Translation Electronic Submission
- Permanent Mission Translation Received
- Permanent Mission Treaties
- Permanent Mission Treaties Electronic Submission
- Permanent Mission Treaties Spanish
- Permanent Mission Treaties Spanish Electronic Submission
- Permanent Mission Various
- Permanent Mission Various Electronic Submission
- Permanent Mission Various Spanish
- Permanent Mission Various Spanish Electronic Submission
- UNTS-Letter(Treaty)



United Nations Nations Unies

REFERENCE: LA 41 TR/30111987/I-25480, etc.

La Oficina de Asuntos Jurídicos de las Naciones Unidas saluda atentamente a la Misión Permanente de [País] ante las Naciones Unidas y tiene el honor de hacer referencia al envío electrónico de la Misión Permanente, el [Fecha], de [información/documentación] adicional [solicitada por la nota de la Secretaría/Oficina de Asuntos Jurídicos XXXXX] en relación con varios acuerdos cuyo registro había quedado pendiente.

Una vez revisada la información remitida, la Oficina de Asuntos Jurídicos ha procedido al registro de [Acuerdo/s].

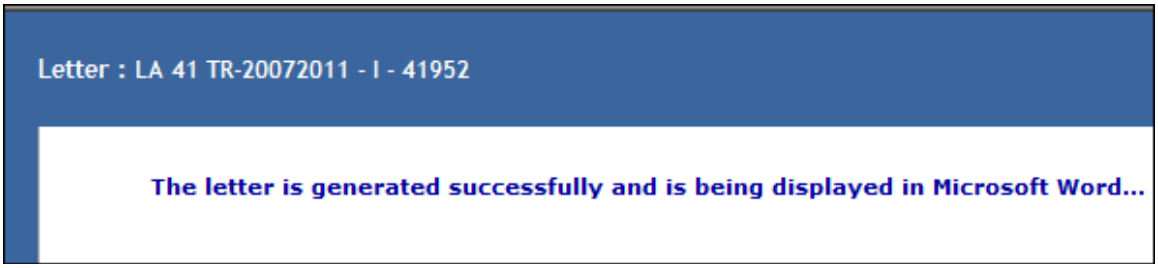
Los referidos acuerdos fueron registrados el [Fecha], la primera fecha disponible, y la información sobre su registro se adjunta a la presente nota.

La Oficina de Asuntos Jurídicos de las Naciones Unidas aprovecha esta oportunidad para reiterar a la Misión Permanente de [País] ante las Naciones Unidas las seguridades de su consideración más distinguida.

27 June 2019

3. Select a ‘Model Letter’ from the drop-down list.
4. Select a ‘Language’. The letter of correspondence is in the selected language.
5. Click Ok.

Note: When the letter is generated successfully, then a confirmation message is displayed.



7.3.1 International organisation letter templates

This option enables you to generate a letter for an international organization . The generated letter is displayed under the “Other documents” folder.

Note: For more information, see section8.3 Letter

List of letter templates

1.Letter Actions
2.Letter Actions Electronic Submission
3.Letter Treaties
4.Letter Treaties Electronic Submission
5.Permanent Mission Actions
6.Permanent Mission Actions Electronic Submission
7.Permanent Mission Actions Spanish
8.Permanent Mission Actions Spanish Electronic Submission
9.Permanent Mission Additional Information
10.Permanent Mission Additional Information Electronic Submission
11.Permanent Mission Additional Information Spanish
12.Permanent Mission Additional Information Spanish Electronic Submission
13.Permanent Mission Sent to Translation
14.Permanent Mission Sent to Translation Electronic Submission
15.Permanent Mission Translation Received
16.Permanent Mission Treaties
17.Permanent Mission Treaties Electronic Submission
18.Permanent Mission Treaties Spanish
19.Permanent Mission Treaties Spanish Electronic Submission
20.Permanent Mission Various

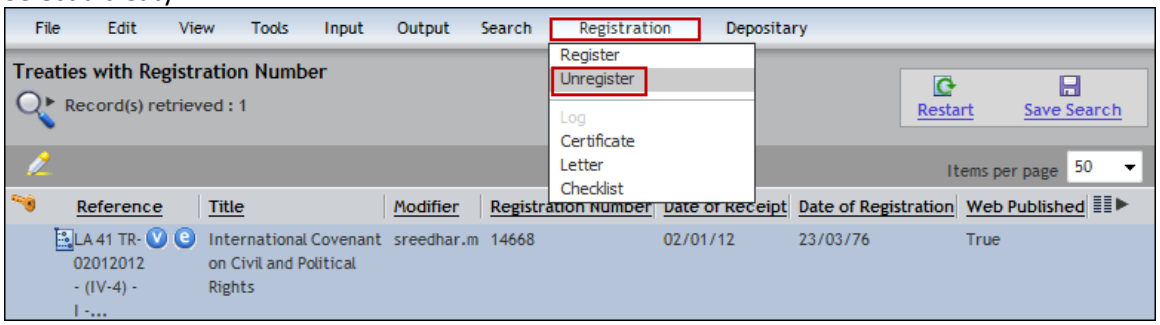
21.Permanent Mission Various Electronic Submission
22.Permanent Mission Various Spanish
23.Permanent Mission Various Spanish Electronic Submission
24.UNTS-Letter(Treaty)

7.4 Unregister

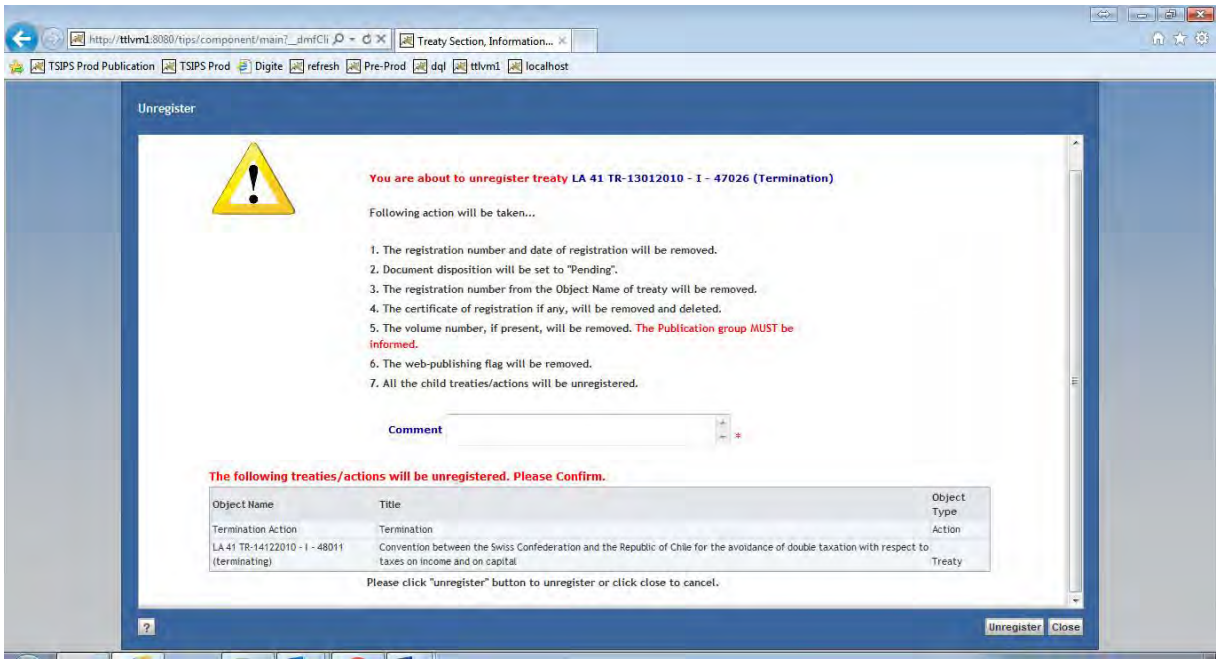
This option allows you to unregister a registered treaty or an action. The Unregister menu should be available only for those users having the 'Unregister' role.

To unregister a treaty

1. Select a treaty.



2. On the 'Registration' menu, click 'Unregister'. The 'Unregister' page is displayed.

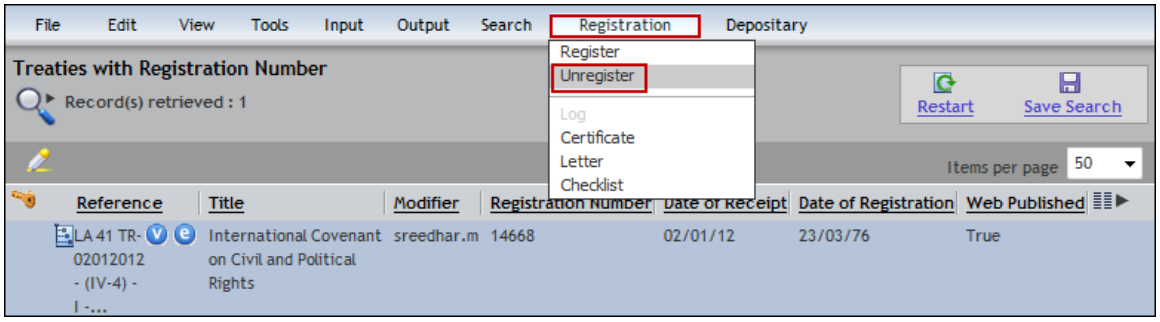


3. Enter your comments in the 'Comment' field. This is a mandatory field.
4. Click 'Unregister' to unregister a treaty. Treaties and Actions will be unregistered. UNTS documents for the treaty/action will be deleted, if any. The volume number of the treaty/action will be removed. Click 'Close' to cancel and close the screen.

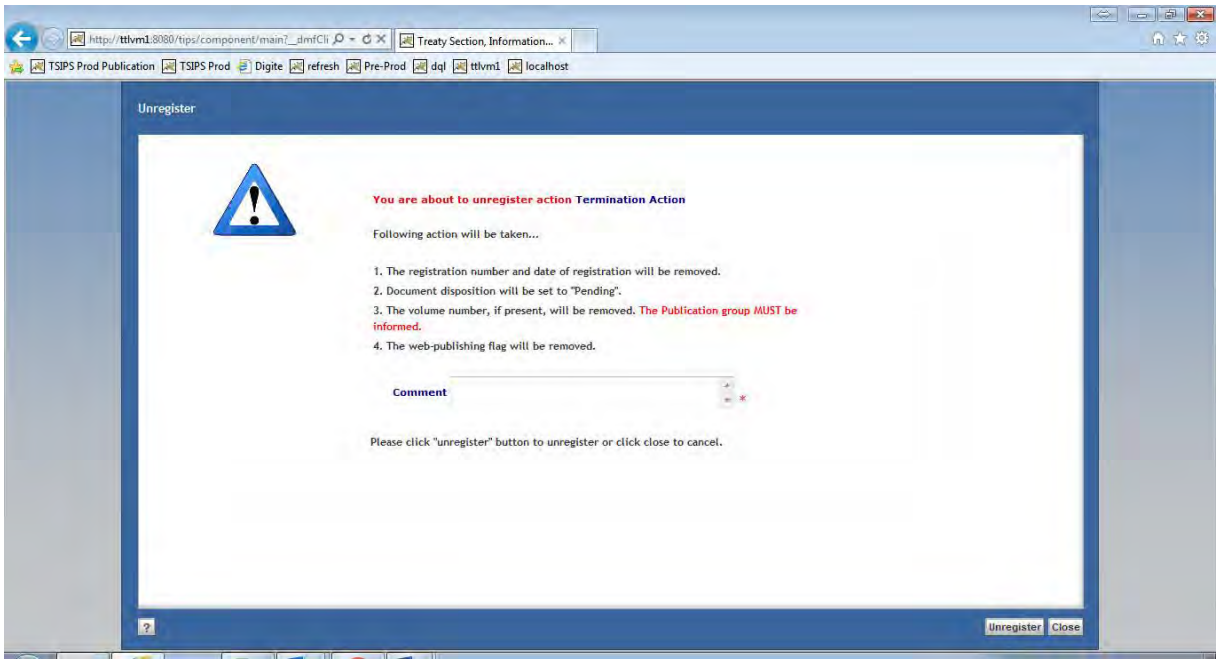
   Note: When a treaty is unregistered, the subsequent treaties and actions are also unregistered. The user gets a warning screen before continuing.

To unregister an action:

1. Select an action.



2. On the 'Registration' menu, click 'Unregister'. The 'Unregister' page is displayed.



3. Read the actions, enter your comments in the 'Comment' field and click 'Unregister' to unregister an action. This is a mandatory field.
   Or

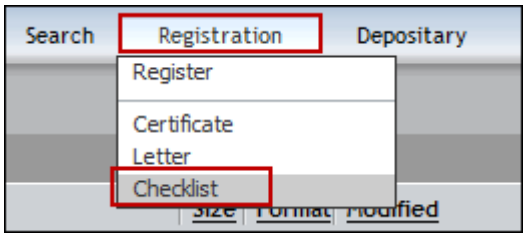
Click ‘Close’ to cancel and close the screen.

7.5 Checklist

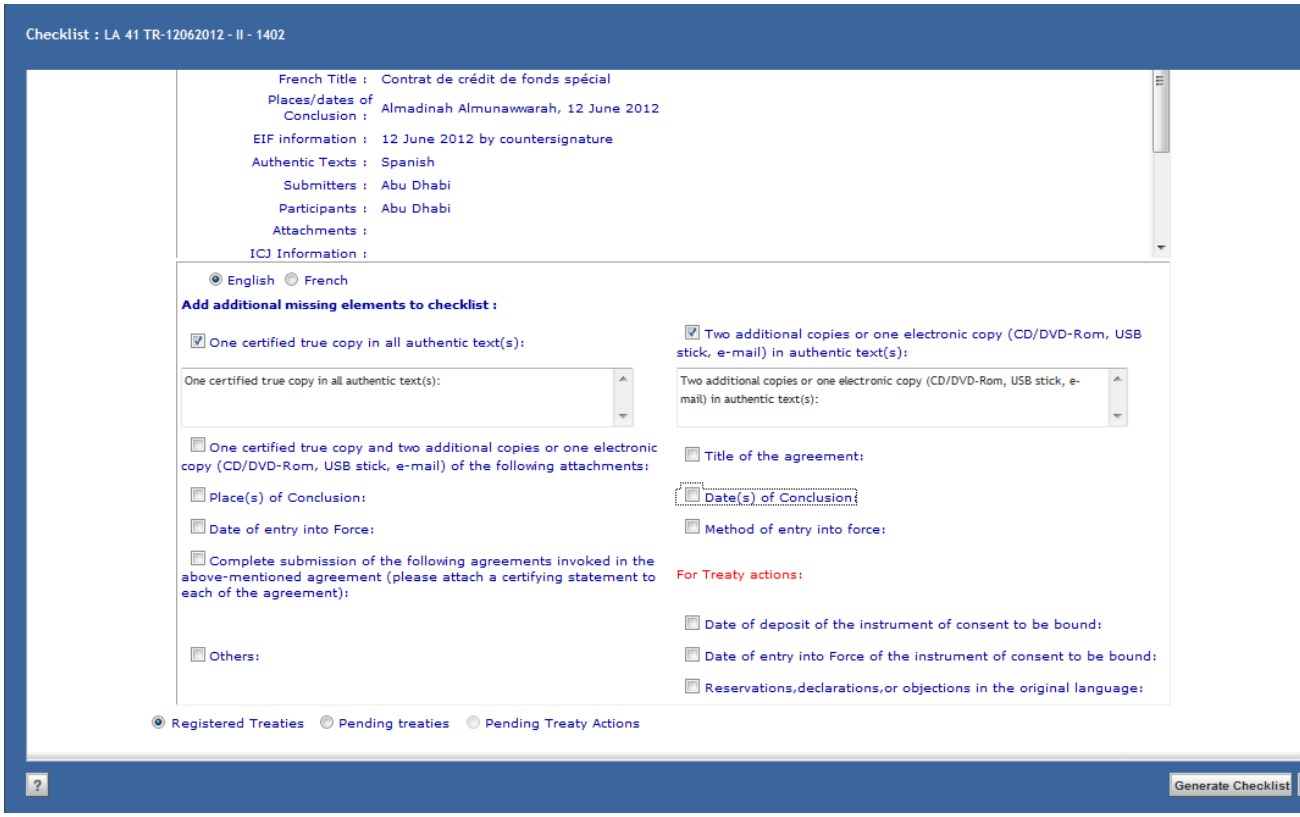
If the documents received are incomplete, missing or any other further information is required, the checklist is generated, edited and sent to the submitter. After the checklist is generated, it is displayed under the “Other documents” folder.

To generate a check list:

1. Select a Treaty /Action to run a checklist.



2. From the Registration menu, select ‘Checklist’.

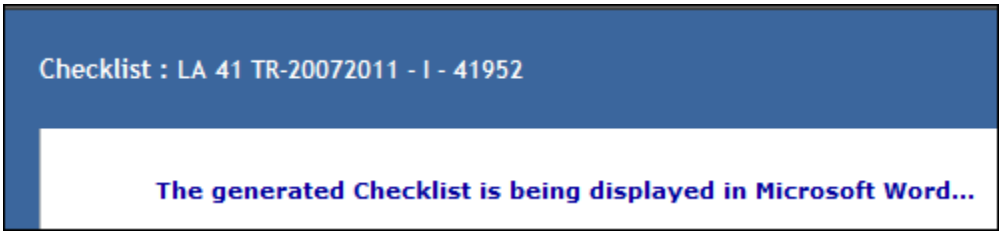


3. The above screen enables you to add additional elements to the checklist .

Note: Every check box is accompanied by a multiline text box, for any additional information the user might want to enter. This text box has at least two lines. The check boxes selected, or the information entered by the user is reflected in the generated letter. Also, all the elements in the layout are present in the final letter irrespective of whether they are selected or not.

4. A radio button is provided in order to select the type of template. There are 3 templates as "Pending treaties", "Registered Treaties", and "Pending Treaty Actions". Click 'Generate Checklist' to generate checklist for the selected treaty.
5. Click 'Close' to close the screen.

Note: When the checklist is generated successfully, a confirmation message is displayed.

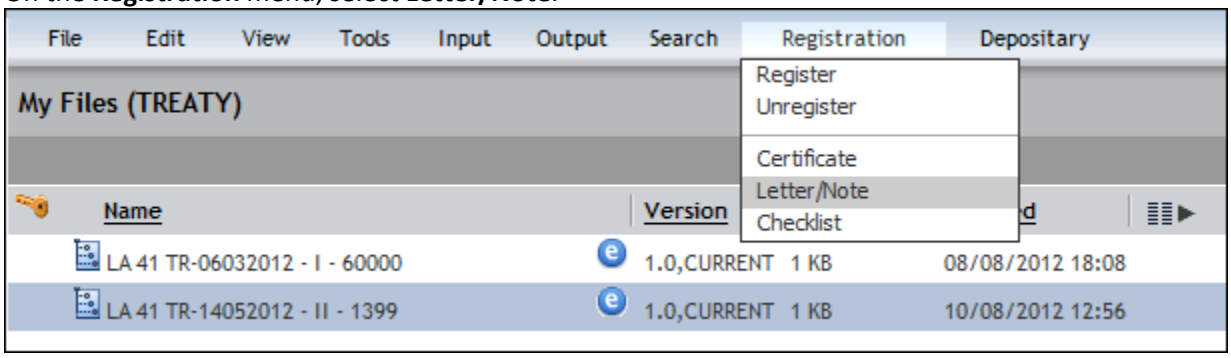


7.6 Memo

This template is for the inter-office memoranda in English and French, and are to be used for ex officio registration, filing and recording. Memo template could not be generated if the submitter is not ex-officio.
The Memo template is available only for treaties.

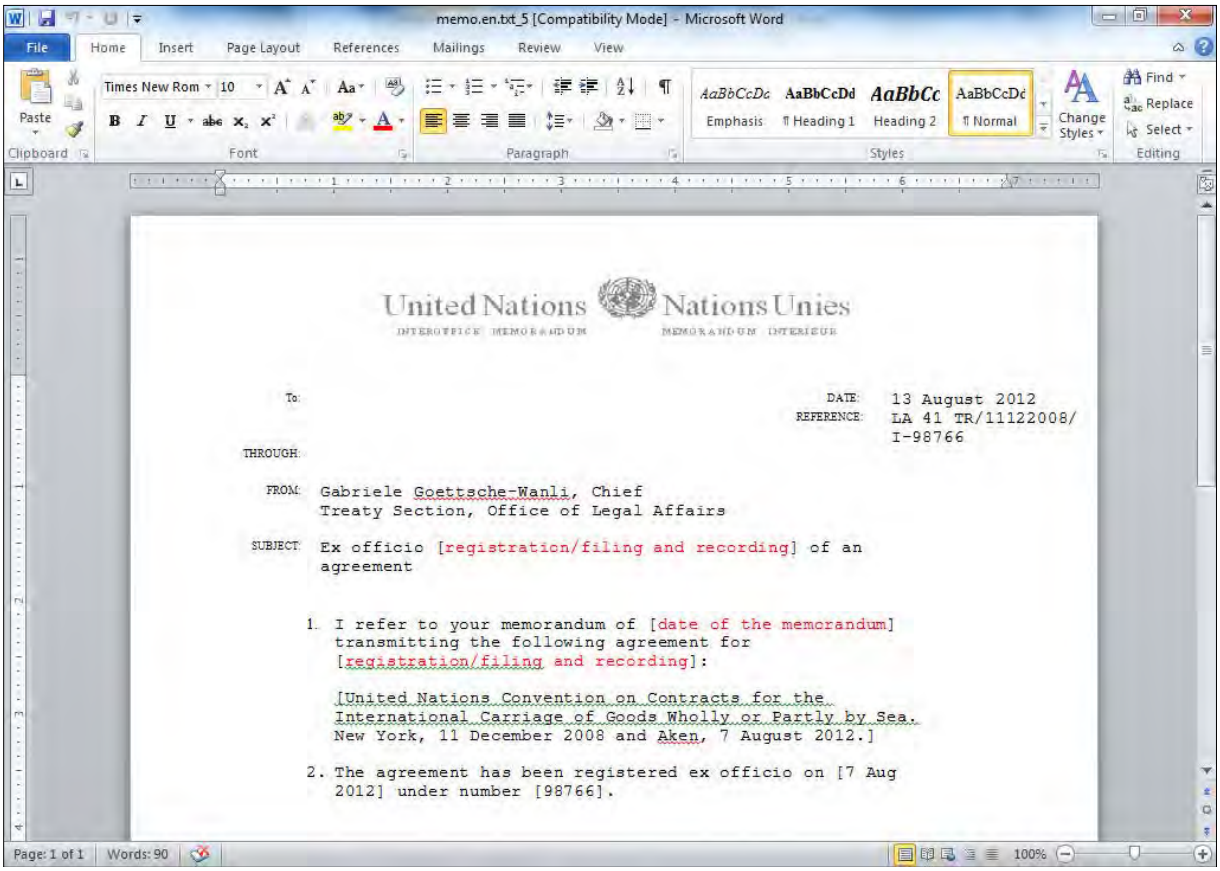
To generate a memo:

1. Select a treaty.
2. On the **Registration** menu, select **Letter/Note**.



3. Select memo from the Model of letter drop-down list.

4. Select a language.
5. Click **Ok**. The memo is displayed in MS WORD.



Note: The text in red is to be replaced/ filled manually. The rest of the fields in square brackets are generated automatically.

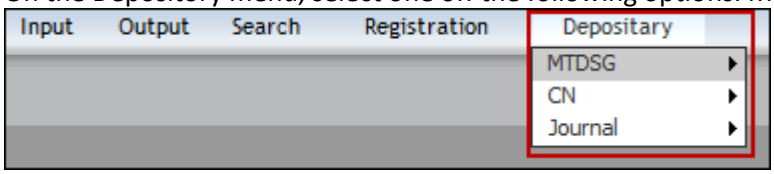
8 Depositary Module

The depositary function displays the following options:

- **MTDSG**
- CN
- Journal

To access the depository functions:

- On the Depository menu, select one off the following options: MTDSG, CN, Journal



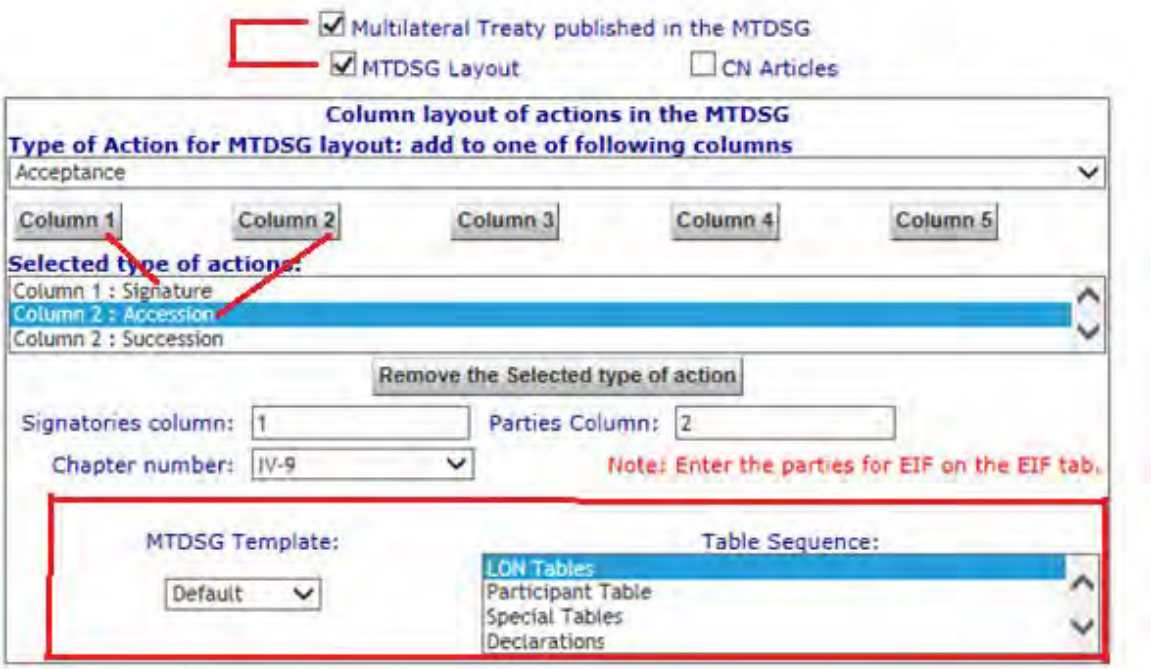
8.1 MTDSG - Multilateral Treaties Deposited with the Secretary-General

Some multilateral treaties are deposited with the UN Secretary-General. The MTDSG publication provides information on the status of over 500 major multilateral instruments deposited with the Secretary-General of the United Nations.

Generally, all the actions associated with multilateral treaties have a CN (circular notification) and are posted on the treaties.un.org website. The chapters of the MTDSG treaties are in roman numerals.
An MTDSG treaty is identified by a unique MTDSG number. This number comprises of Chapter number, Subchapter (if any), Treaty number & amendment number (if any) separated by dashes. Some examples of MTDSG numbers are: VI-2, V-3, XI-A-1, III-2-12a, XI-B-16-99. These numbers are stored into the master table rt_chapter_subchapter. A new MTDSG chapter number must be created in this table in order for it to be assigned to a treaty.

8.1.1 MTDSG Document Composition

The information of an MTDSG treaty is presented in a specific document format. Each treaty has its own documents created. These documents are updated by the MTDSG job after any change is made in Tips that relates to MTDSG data. The document contains various sections such as header, participant table, special tables, Declarations, objections, territorial applications, end notes. The sequence of these sections for a particular treaty is configurable by changing the MTDSG templates available on the Treaty screen -> Type of agreement tab. Every template has a predefined sequence. A user can choose any one of the existing templates.



8.1.1.1 Header

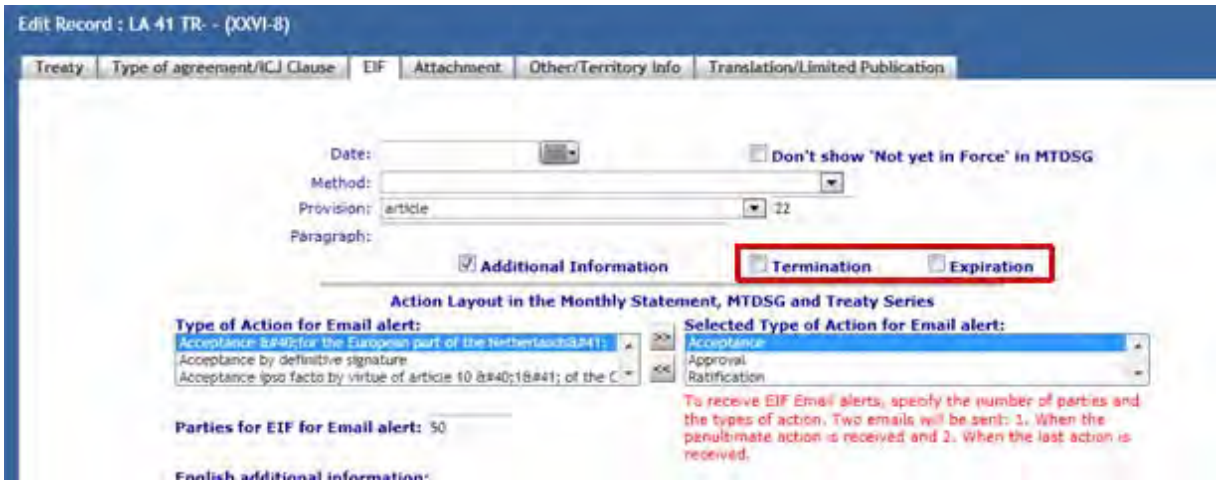
The header contains the Entry into force information, Registration details, Status field that indicates the number of parties & signatories. The parties / Signatories are determined by the Party/Signatory checkbox in the action screen. The Text / Note can be updated by accessing the Depositary -> Text/Note menu The links to the UNTS volume and CNs are generated automatically by the system provided the text is present in standard format such as *vol. 2666, C.N.100.2014*

4 . International Covenant on Civil and Political Rights

New York, 16 December 1966

Entry into force	: 23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41 (Human Rights Committee), in accordance with paragraph 2 of the said article 41.
Registration	: 23 March 1976, No. 14668
Status	: Signatories : 74. Parties : 168
Text	: United Nations, *Treaty Series*, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of the authentic Spanish text); depositary notification C.N.782.2001.TREATIES-6 of 5 October 2001 [Proposal of correction to the original of the Covenant (Chinese authentic text)] and C.N.8.2002.TREATIES-1 of 3 January 2002 [Rectification of the original of the Covenant (Chinese authentic text)].
Note	: The Covenant was opened for signature at New York on 19 December 1966.

If the treaty is terminated or expired, nothing appears after the header. An MTDSG treaty can be terminated/expired by using the checkboxes available on Treaty screen -> EIF tab



8.1.1.2 Participant Table

The participant table shows the dates of notification of all the web published actions under the treaty, that have the type of action configured in the Action Classification table, as shown in the screenshot in section 9.1.1. If the action classification is not present, the participant table is not shown. Typically, there are 2 columns – one is 'signature' and the other one is 'party'. However, there can be additional columns that can be configured on the Treaty screen -> Type of agreement tab.

Participant	Signature	Accession(a), Succession(d), Ratification
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Andorra	5 Aug 2002	22 Sep 2006
Angola		10 Jan 1992 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		23 Jun 1993 a
Australia	18 Dec 1972	13 Aug 1980
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		20 Sep 2006 a
Bangladesh		6 Sep 2000 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize		10 Jun 1996 a
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina 1		1 Sep 1993 d
Botswana	8 Sep 2000	8 Sep 2000
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cabo Verde		6 Aug 1993 a
Cambodia 2, 3	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a

Note:
The actions that have the document disposition set to Pending / Not received / For information are not included in the participant table, even if they are web published.

Withdrawal/Denunciation:
If a participant has a web published withdrawal action, all the dates for that participant are shown in brackets, indicating that they are no longer valid. Such participant is not counted against party/signatory of the treaty. **The withdrawal / denunciation action is considered only after its date of effect**. E.g. if the date of effect of withdrawal action is greater than today, the brackets won't appear.

Exceptions

- Sometimes there are multiple actions with the same type by a participant. E.g. 2 ratifications/accessions. In this case, only one of the actions is considered randomly. To correct this, the user should be un web publish the incorrect action.
- If there is a legitimate action received after the withdrawal, it will still be shown in brackets. To correct this, the actions should be correctly web-published.
- The withdrawal action can be un-web-published in order to reverse a withdrawal. This way, the existing web published actions are re-instated and not shown in brackets.
- In case of Barbados, XIX-37, we should Un-Web-publish the Withdrawal and the old ratification and Web-publish all the other actions.
- In case of Guyana IV-5 , all the actions were Un-Web-published except the latest accession and a note was added to the end explaining the history of old actions.

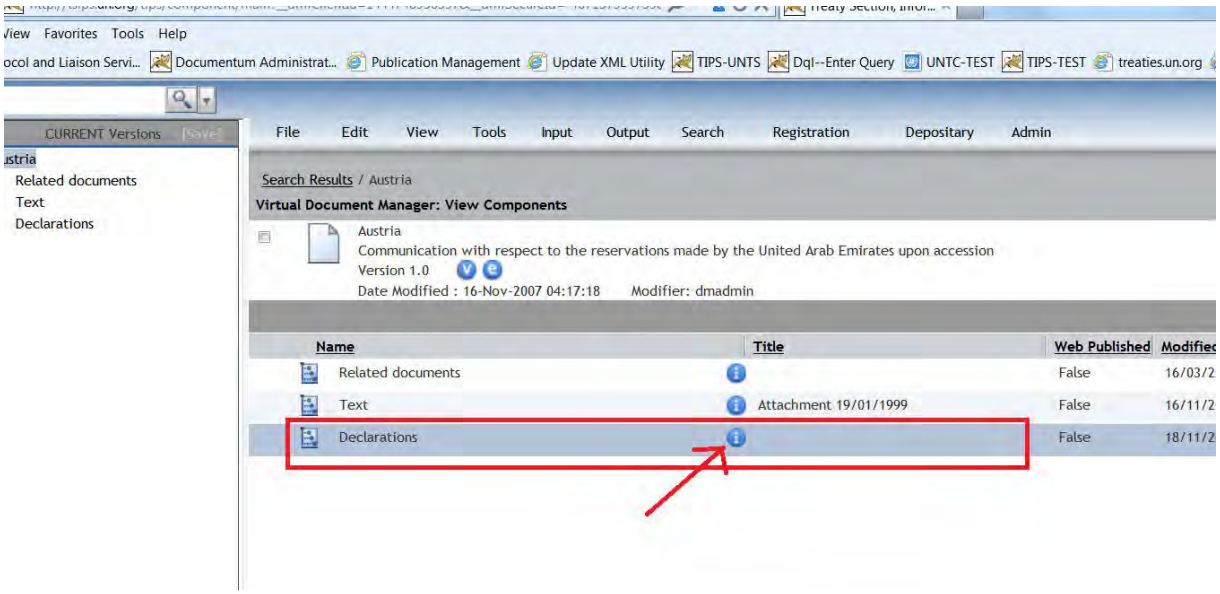
8.1.1.3 Special Tables

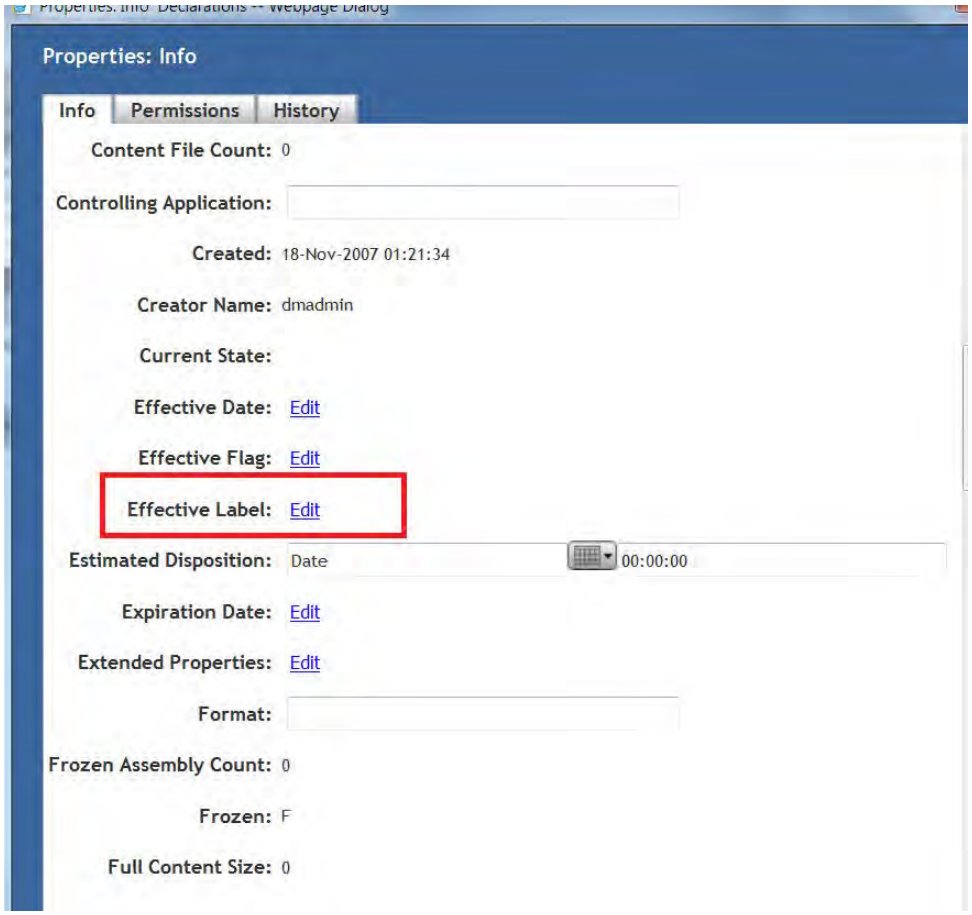
Some old treaties don't have a regular participant table. But the information is present in form of a free form table. Such a table is configurable in Tips using Depositary -> MTDSG -> Special Table

8.1.1.4 Declarations/Objections/Notifications

These sections include the declarations made by the participants of the treaty. The declarations are attached under the actions. These can be updated by selecting an action and using Depositary -> MTDSG -> declarations

Check the properties of the declarations/reservations added to TIPS since 1990s. To remove or update them, use edit function, as shown in below screenshots.


View Favorites Tools Help
Documentum Administrat...
Publication Management
Update XML Utility
TIPS-UNTS
DqI--Enter Query
UNTC-TEST
TIPS-TEST
treaties.un.org
CURRENT Versions
Related documents
Text
Declarations
File Edit View Tools Input Output Search Registration Depositary Admin
Search Results / Austria
Virtual Document Manager: View Components
Austria
Communication with respect to the reservations made by the United Arab Emirates upon accession
Version 1.0
Date Modified : 16-Nov-2007 04:17:18 Modifier: dmadmin
Name
Title
Web Published
Related documents
False
Text
Attachment 19/01/1999
False
Declarations
False


Properties: Info
Info
Permissions
History
Content File Count: 0
Controlling Application:
Created: 18-Nov-2007 01:21:34
Creator Name: dmadmin
Current State:
Effective Date: Edit
Effective Flag: Edit
Effective Label: Edit
Estimated Disposition: Date 00:00:00
Expiration Date: Edit
Extended Properties: Edit
Format:
Frozen Assembly Count: 0
Frozen: F
Full Content Size: 0

8.1.1.5 End Notes

"End notes" is the last section in the MTDSG document. End notes can be manipulated by selecting a treaty and invoking Depositary -> MTDSG -> End notes

8.1.2 Special MTDSG Treaties

The MTDSG treaties with MTDSG number I-2 and I-4 are special cases that are handled differently. The actions received from the participants on these treaties are **created and registered as treaties**. This is to make them appear in the Monthly Statements and UN Treaty Series. For MTDSG, the special tables under I-2 and I-4 must be updated using **Depositary -> MTDSG -> Special Tables**. These treaties have no action classification defined for them. So the standard participant table is not generated in the MTDSG document. The declarations by the participant can be added as end notes in the respective treaties (I-2, I-4). If you need the declaration section to appear in the MTDSG document, the action must be created under I-2 / I-4, and web published and then the declaration should be created under the action using **Depositary -> MTDSG -> Declarations**. This action cannot be registered because the parent treaty is not registered. Hence the action itself won't appear in MS/UNTS.

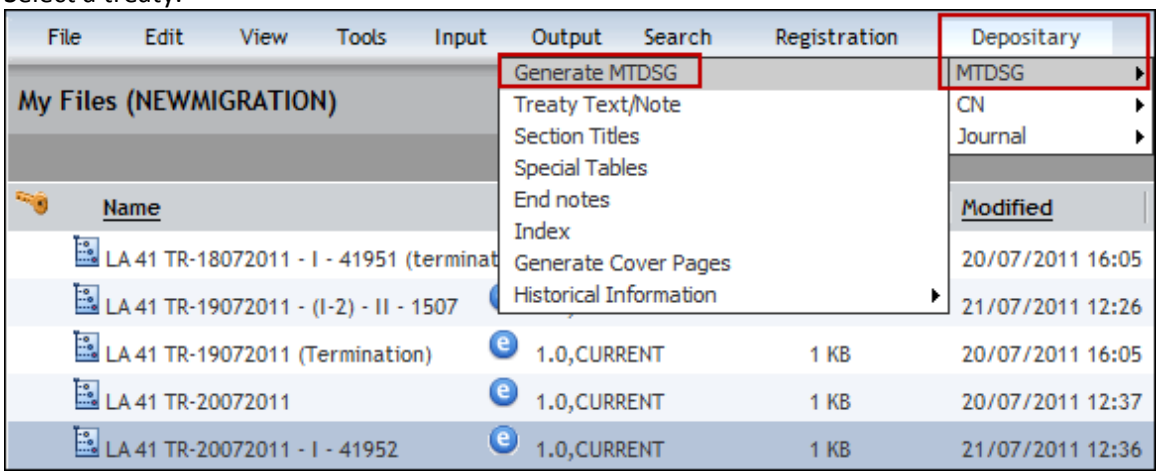
8.1.3 Generate MTDSG

This process creates the MTDSG documents for a treaty - two XML, two Word and two PDF files in English as well as French format. All the six generated documents are attached under the treaty under Publication\MTDSG object. The scheduled MTDSG job automatically generates these MTDSG documents of treaties that are modified (in general, it is not required to use this functionality, only in exceptional circumstances when a manual generation is immediately required).

Note: Aspose is used to generate all the PDF documents from Word.

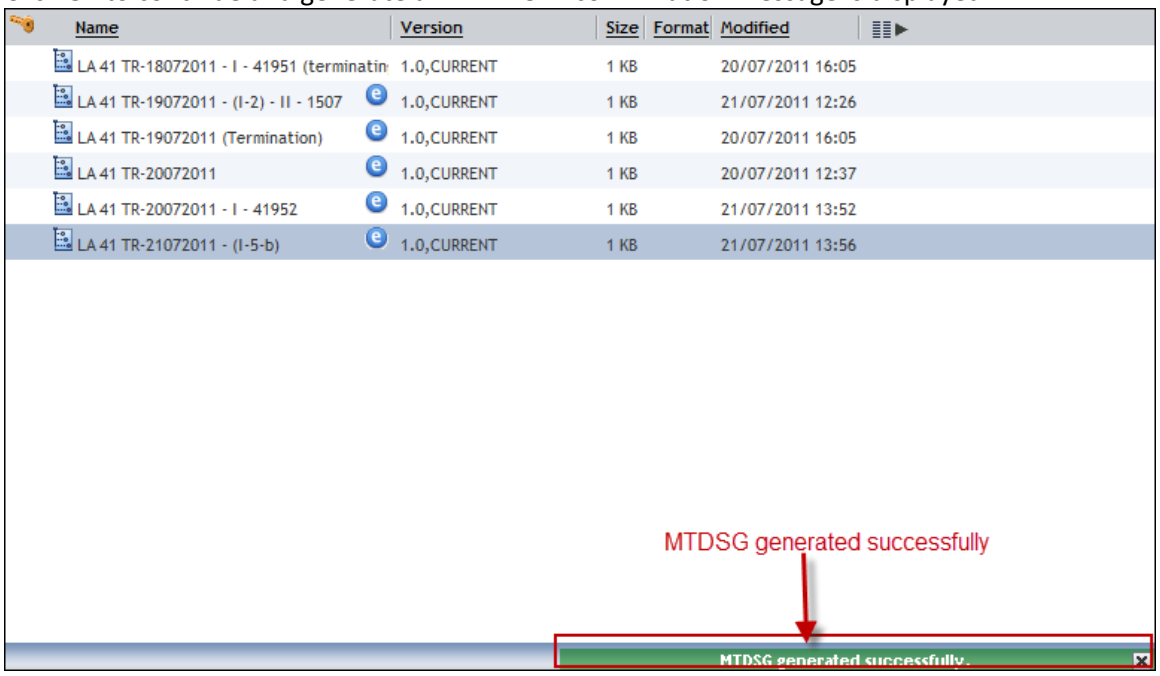
To generate MTDSG:

1. Select a treaty.



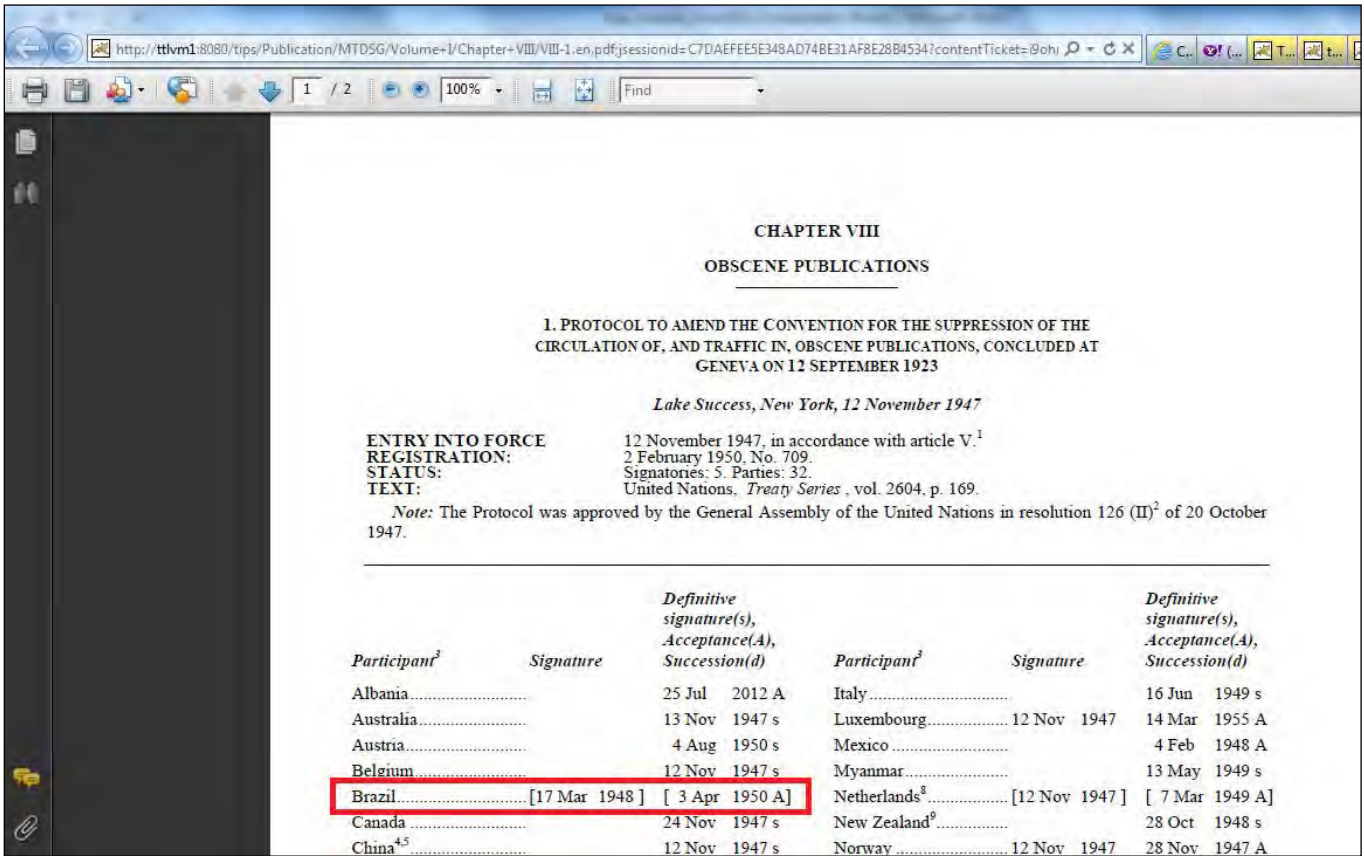
2. From the Depository menu, select MTDSG > Generate MTDSG. The MTDSG XML Generation screen is displayed.

3. Click Ok to continue and generate an xml file. A confirmation message is displayed.



Note: When an MTDSG report is generated, an e-mail is sent to the staff members mentioned in “mtdsg.job.mail.to” parameter in C:\migutil.properties file on the content server; the report displays the formality row in the ‘Modification column’ and the ‘Type of Action’ column describes the type of action.

Bible Number	Modification	Participant	Modified by	Status	Error
IV-4	Action	Trinidad and Tobago	Ofelia Ortiz	SUCCESS	
XI-B-16-126	Treaty		Taina Glaude	SUCCESS	
XI-B-16-125	Treaty		Taina Glaude	SUCCESS	
XI-A-16	Action		Ofelia Ortiz	SUCCESS	
XI-A-16	Action		Ofelia Ortiz	SUCCESS	
XXVII-8-b	Action	Jordan	Ofelia Ortiz	SUCCESS	
IV-4	Action	Trinidad and Tobago	Ofelia Ortiz	SUCCESS	



CHAPTER VIII

OBSCENE PUBLICATIONS

1. PROTOCOL TO AMEND THE CONVENTION FOR THE SUPPRESSION OF THE CIRCULATION OF, AND TRAFFIC IN, OBSCENE PUBLICATIONS, CONCLUDED AT GENEVA ON 12 SEPTEMBER 1923

Lake Success, New York, 12 November 1947

ENTRY INTO FORCE: 12 November 1947, in accordance with article V.[1]
REGISTRATION: 2 February 1950, No. 709.
STATUS: Signatories: 5. Parties: 32.
TEXT: United Nations, *Treaty Series*, vol. 2604, p. 169.

Note: The Protocol was approved by the General Assembly of the United Nations in resolution 126 (II)[2] of 20 October 1947.

Participant[3]	*Signature*	*Definitive signature(s), Acceptance(A), Succession(d)*	*Participant*[3]	*Signature*	*Definitive signature(s), Acceptance(A), Succession(d)*
Albania		25 Jul 2012 A	Italy		16 Jun 1949 s
Australia		13 Nov 1947 s	Luxembourg	12 Nov 1947	14 Mar 1955 A
Austria		4 Aug 1950 s	Mexico		4 Feb 1948 A
Belgium		12 Nov 1947 s	Myanmar		13 May 1949 s
Brazil	[17 Mar 1948]	[3 Apr 1950 A]	Netherlands[8]	[12 Nov 1947]	[7 Mar 1949 A]
Canada		24 Nov 1947 s	New Zealand[9]		28 Oct 1948 s
China[4,5]		12 Nov 1947 s	Norway	12 Nov 1947	28 Nov 1947 A

Note: The MTDSG documents are transferred immediately to the website when generated manually or by the MTDSG job.

If no MTDSG treaty is processed by MTDSG job then the following mail will be sent:

Subject: MTDSG Job Generation Report

Greetings from TIPS,

No MTDSG treaties processed by the job after 27-11-2017.

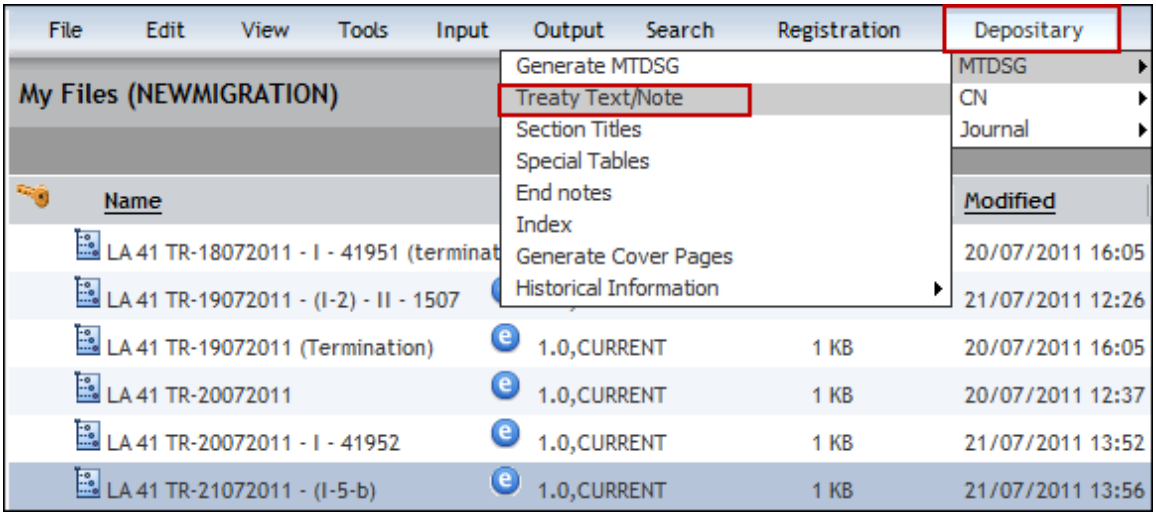
Note: When creating a new MTDSG treaty, a record needs to be created in the Chapter Subchapter registered table first using the Admin -> Registered Tables screen to introduce the new MTDSG number. For more information, see Registered Tables

8.1.4 Treaty Text/ Note

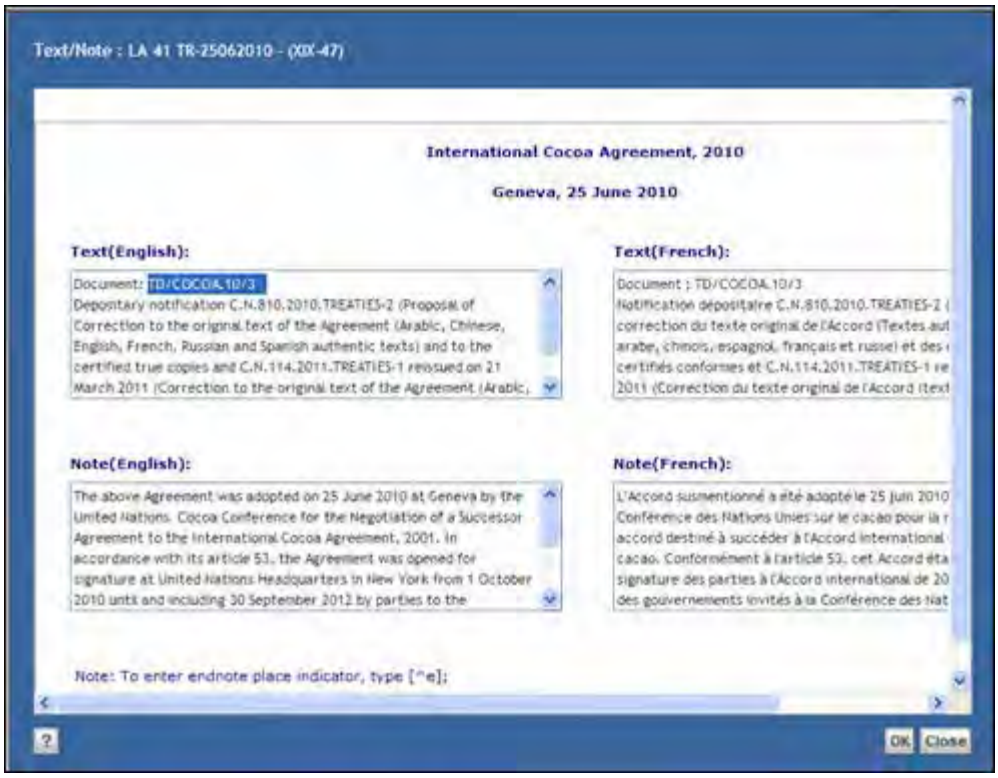
This module allows you to add text and notes for the selected treaty. The texts and notes are posted on the website.

To add text or note:

1. Select a treaty.

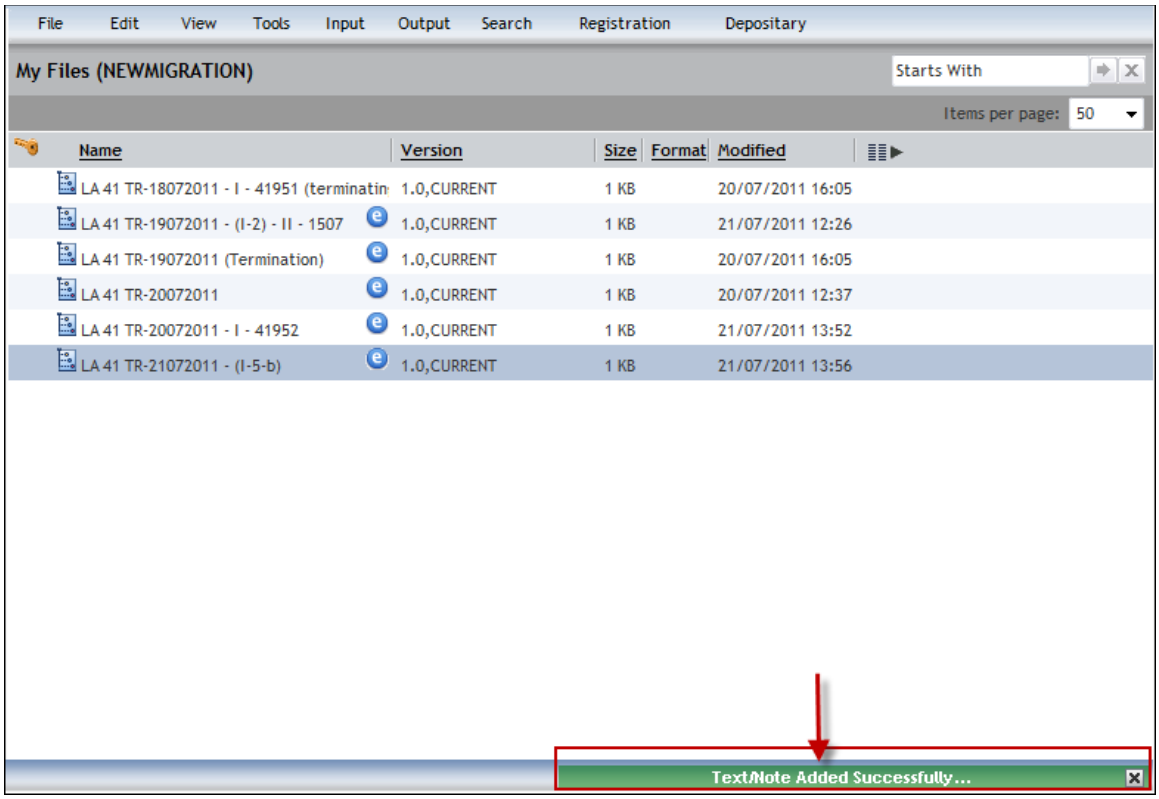


2. On the Depository menu, select MTDSG > Treaty Text/Note.



3. When a treaty has been assigned a volume number, then the MTDSG text is updated automatically.
4. Click 'OK'. A confirmation message is displayed.

Note: You can create placeholders for the endnotes on this page. To customize a placeholder for a footnote, enter the following script in the text box where you want the footnote to appear: **[^e];**.

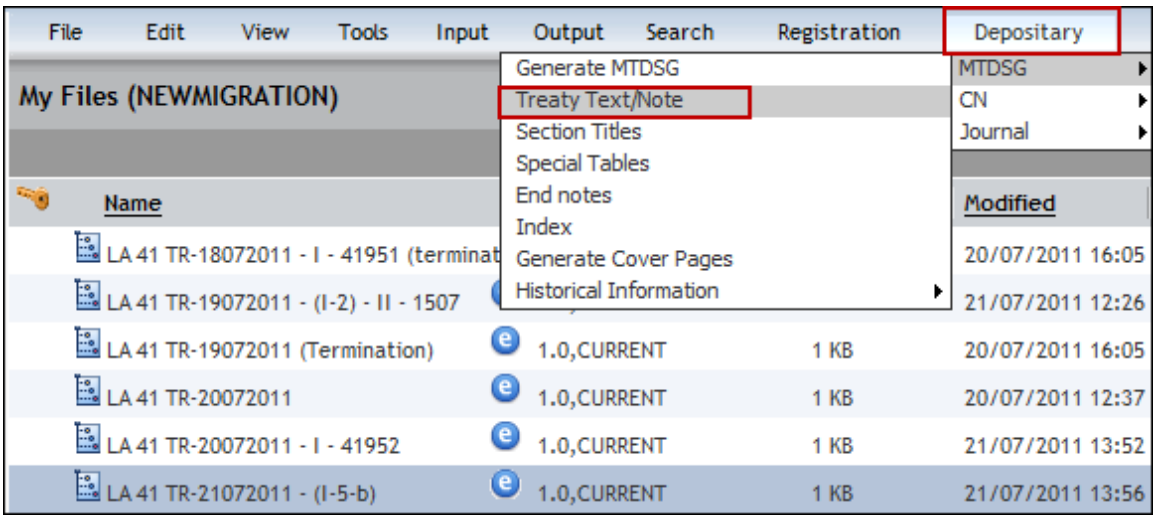


8.1.5 MTDSG Text/Note Links

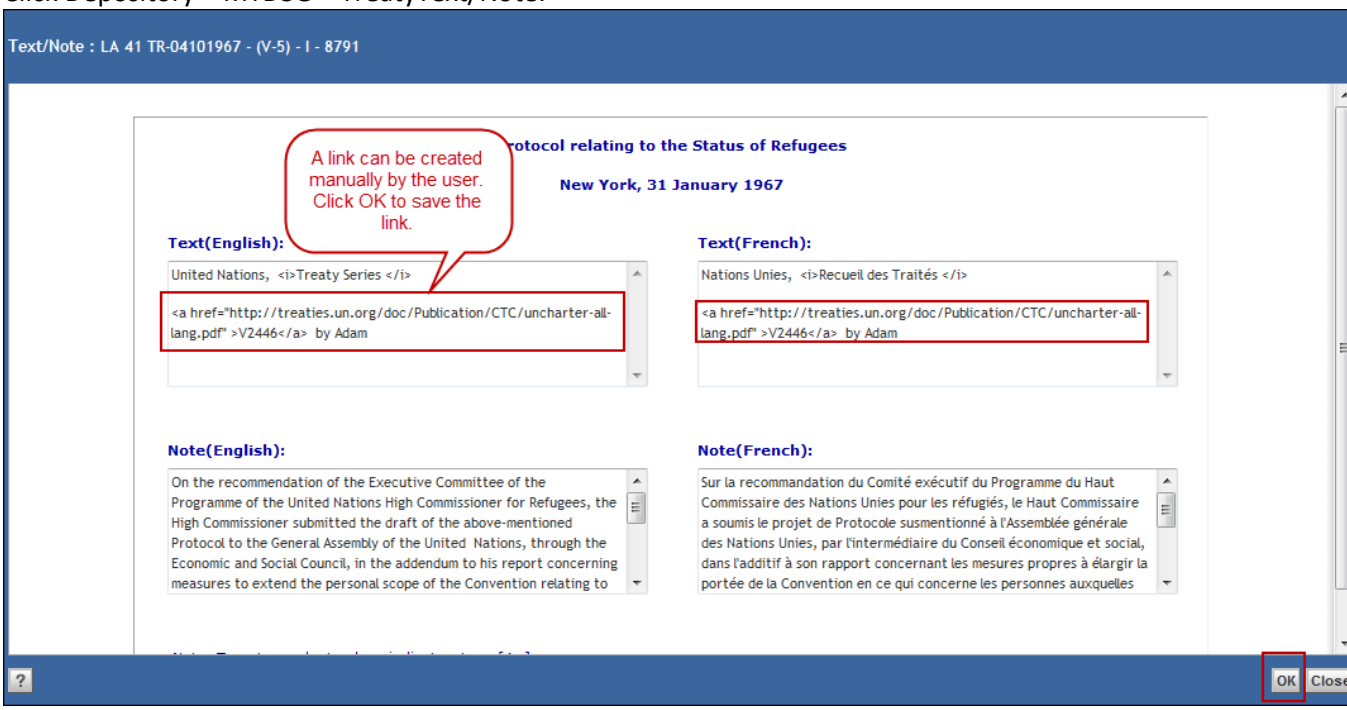
Some of the MTDSG texts are adopted at the Conferences, which publish them in their own publications (reports, working papers, decisions, etc). These are made available on the UNTC website for reference until they are reproduced in the UNTS volume (at this point it gets replaced with the UNTS volumes and page reference). These are displayed as links. You can click the link to access such documents to the outside source

To add link to text or note:

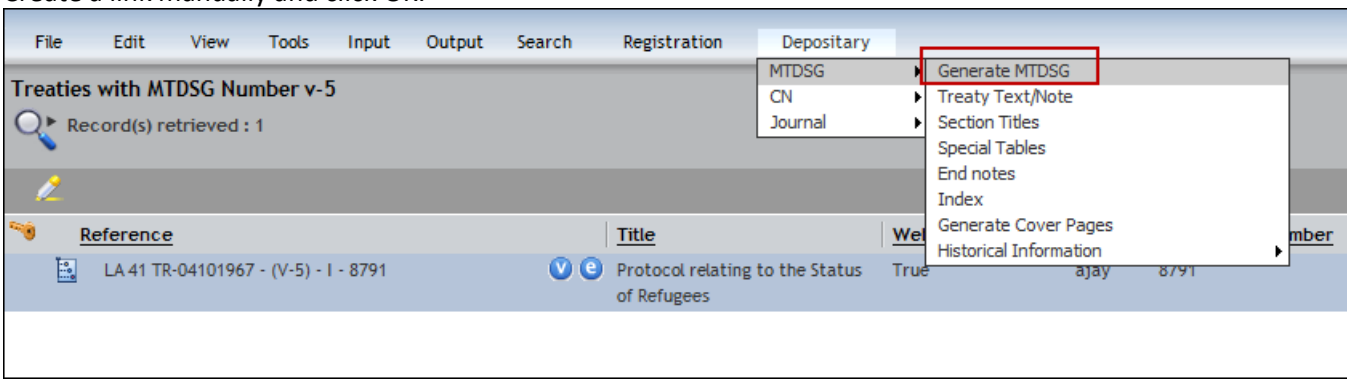
1. Select a treaty.



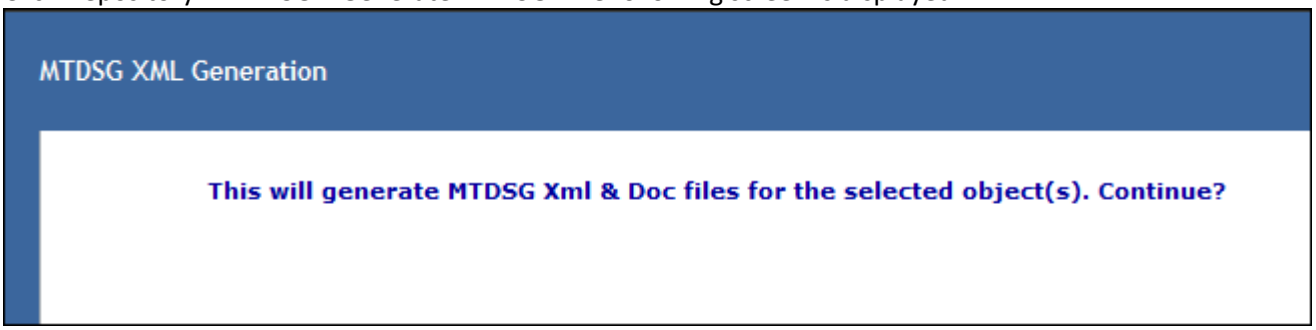
2. Click Depository > MTDSG > TreatyText/Note.



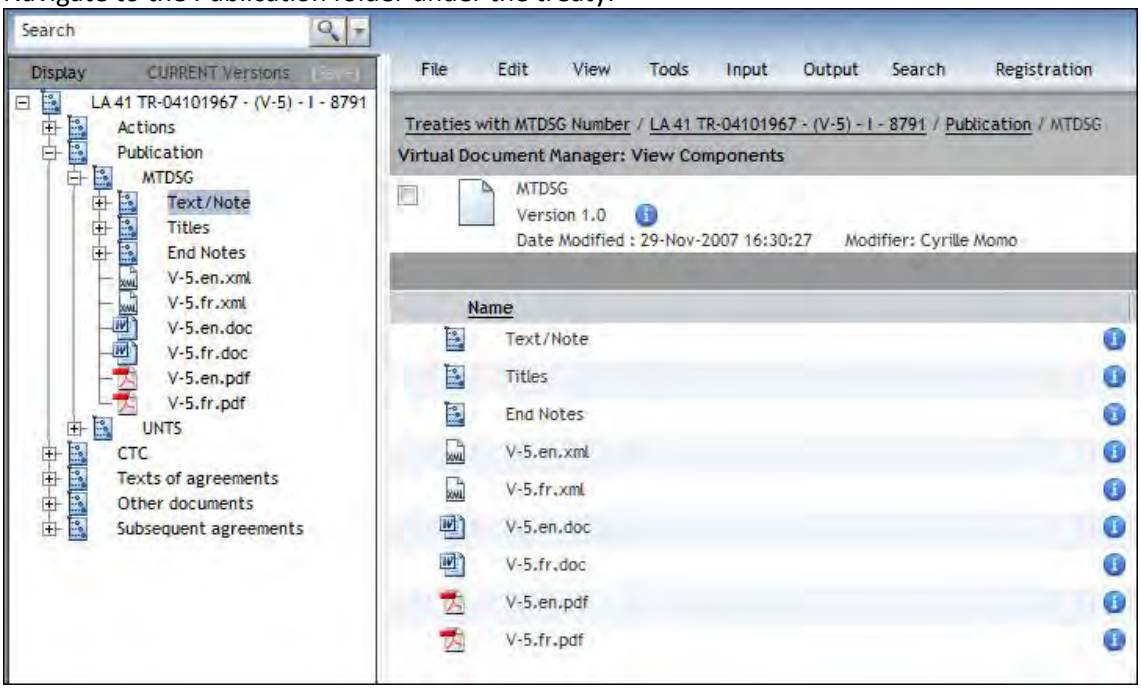
3. Create a link manually and click OK.



4. Click Depository > MTDSG > Generate MTDSG. The following screen is displayed.

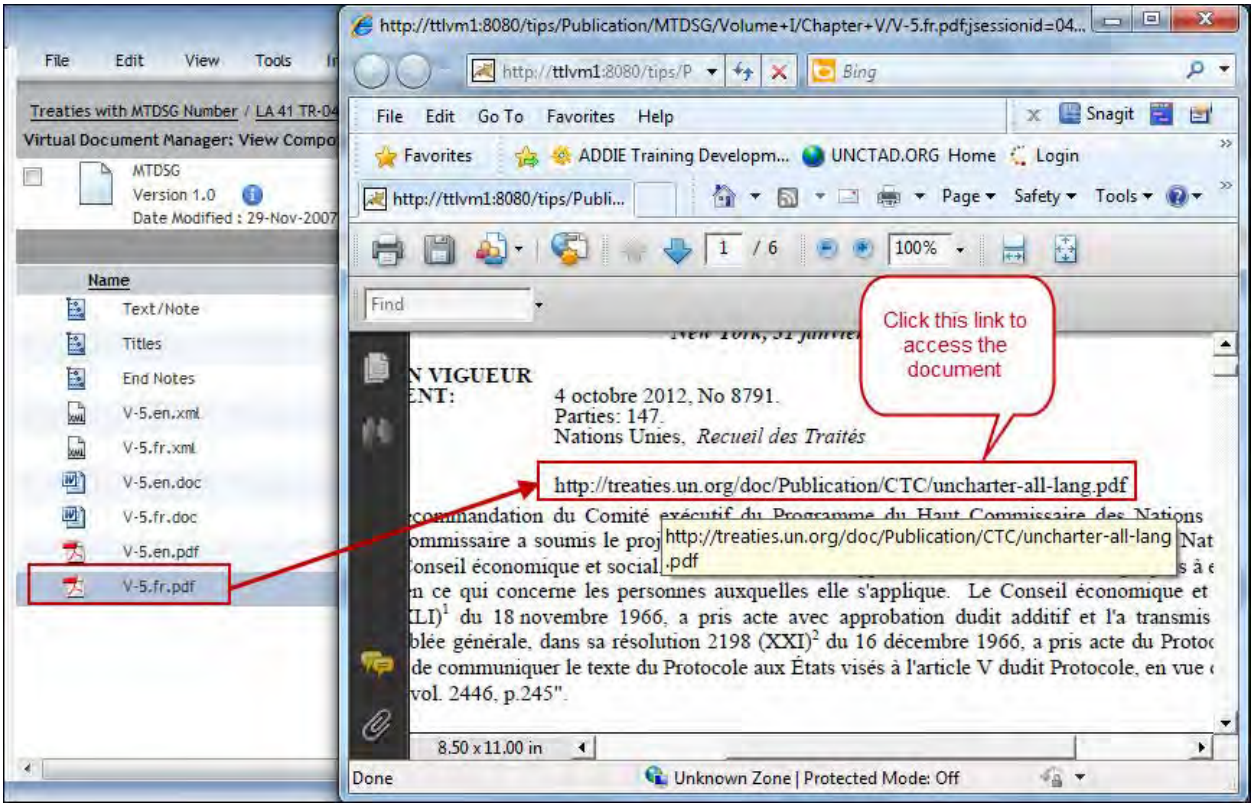


5. Click OK to generate the MTDSG document.
6. Navigate to the Publication folder under the treaty.



7. Click MTDSG. The documents generated are displayed in the MTDSG folder.

8. Click the document to view the link.



Automatic Links to CNs in the Text/Note

The system creates hyperlinks to any CN references present in the Text/Note section automatically. For this to work correctly, the CN number reference must be present in the format C.N.xxx.yyyy.TREATIES, where xxx is the CN number and yyyy is the CN year. E.g. C.N.100.2014.TREATIES-1 will create a reference to CN 100 2014. Note that the word TREATIES is not mandatory.

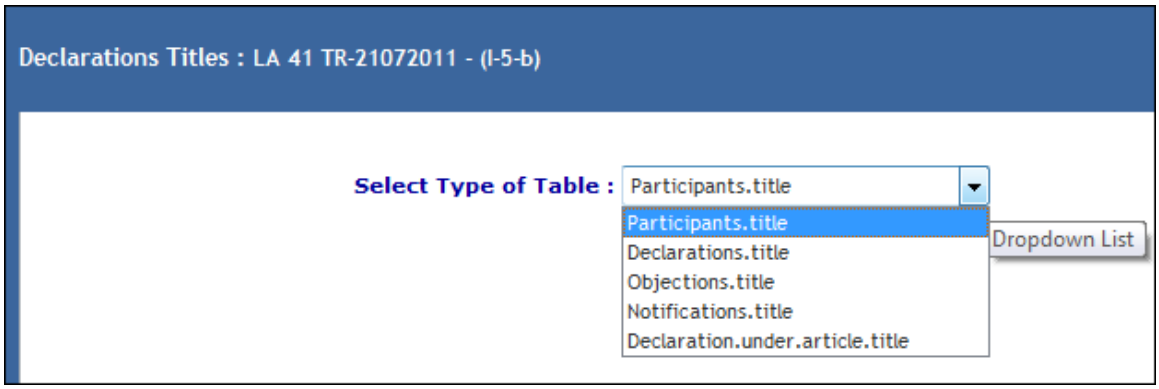
In case the CN is reissued or cancelled, the text should be C.N.100.2014.Reissued.01012014 to create a link to the corresponding reissued CN. In this example, the word Reissued and the timestamp (ddmmyyyy format) must be same as in the reissued CN filename. The same logic is applicable to a cancelled CN.

8.1.6 Section Title

All the above mentioned sections can have various titles. The default titles are given to Declarations and Reservations, Objections, Notifications and Declarations under article. The sequence of all the sections for a particular treaty is configurable by setting a particular MTDSG template for the treaty. This can be done on the Agreement Type table of the treaty screen. Every template has a predefined

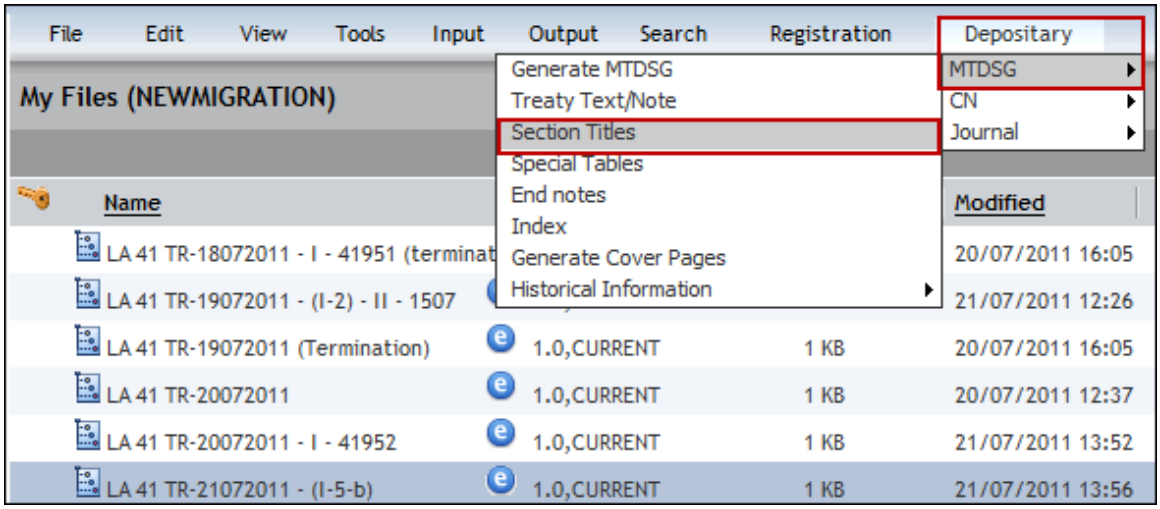
sequence which is displayed in the list box next to the template. A user must one of the existing templates.
This module allows you to modify the section title for a treaty. By default, the following titles are displayed:

- Participants
- Declarations
- Objections
- Notifications
- Declaration under articles

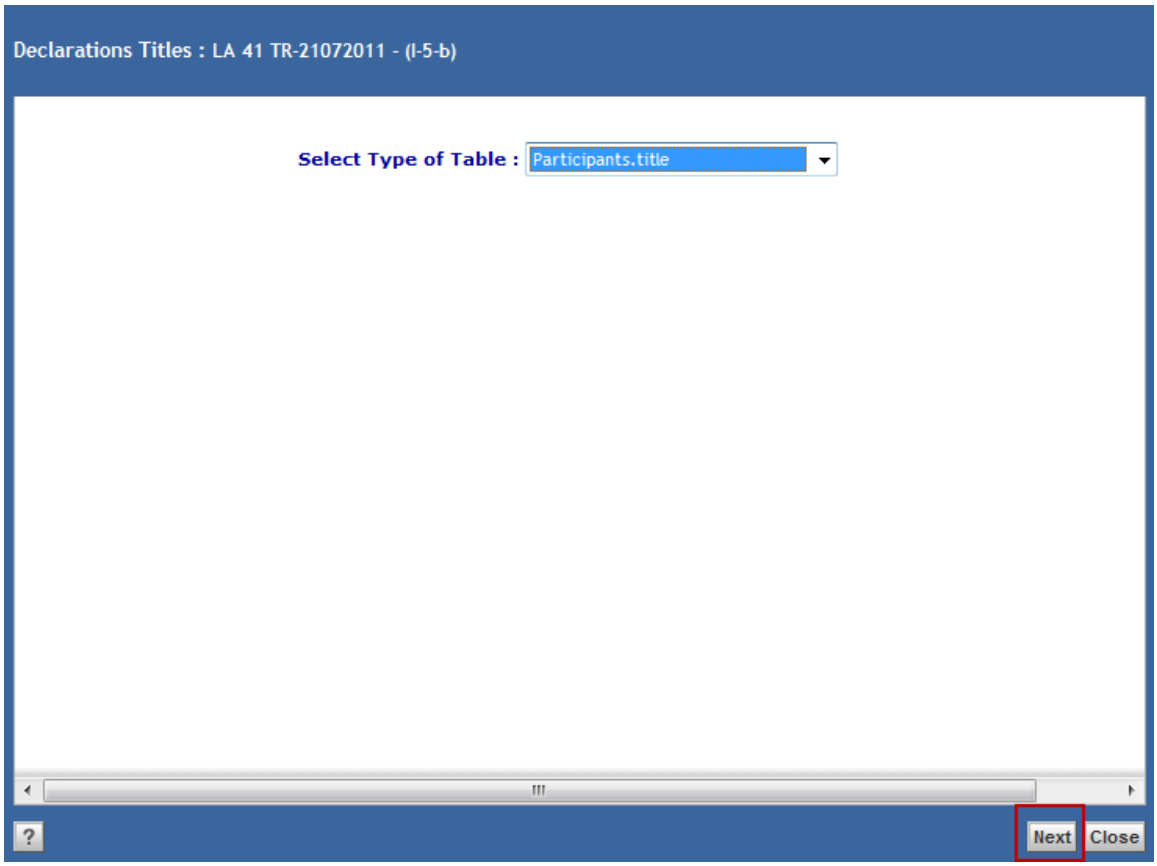


To add a section title:

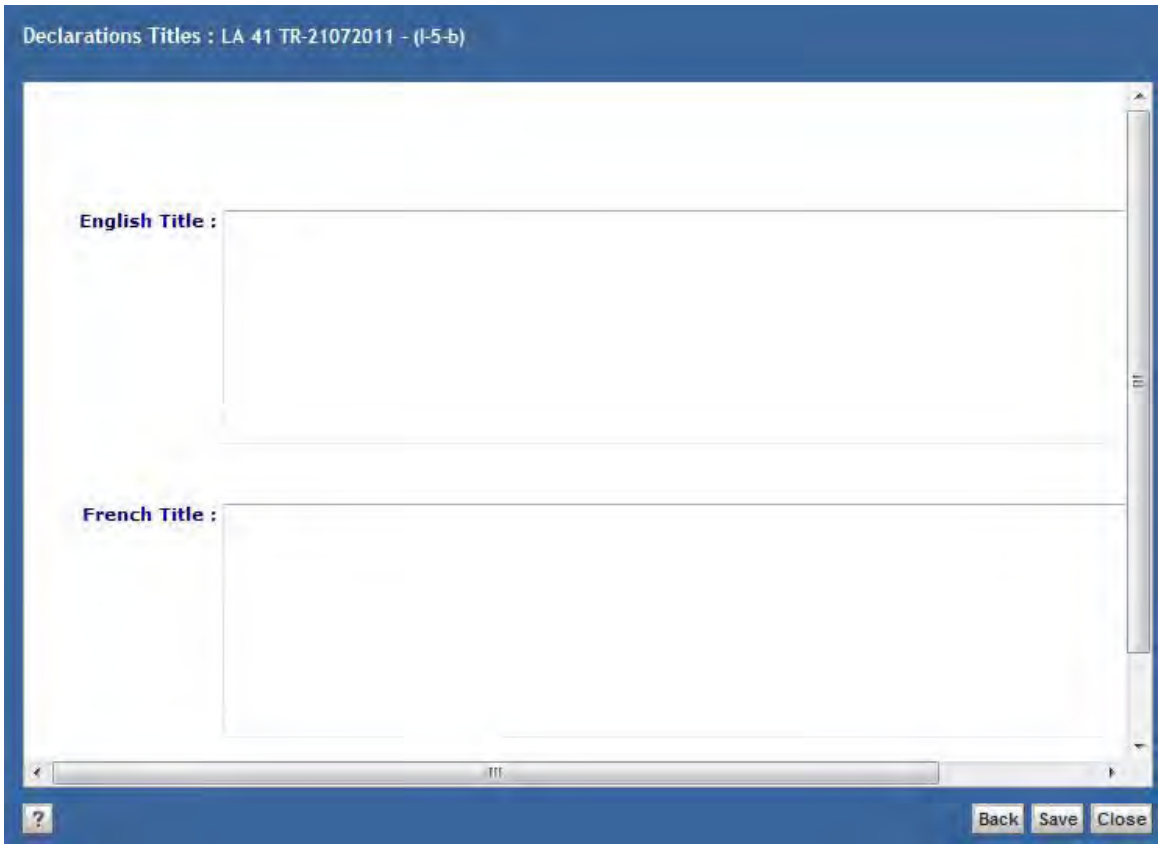
1. Select a treaty.



2. On the Depository menu, select MTDSG > Section Titles. The following screen is displayed.

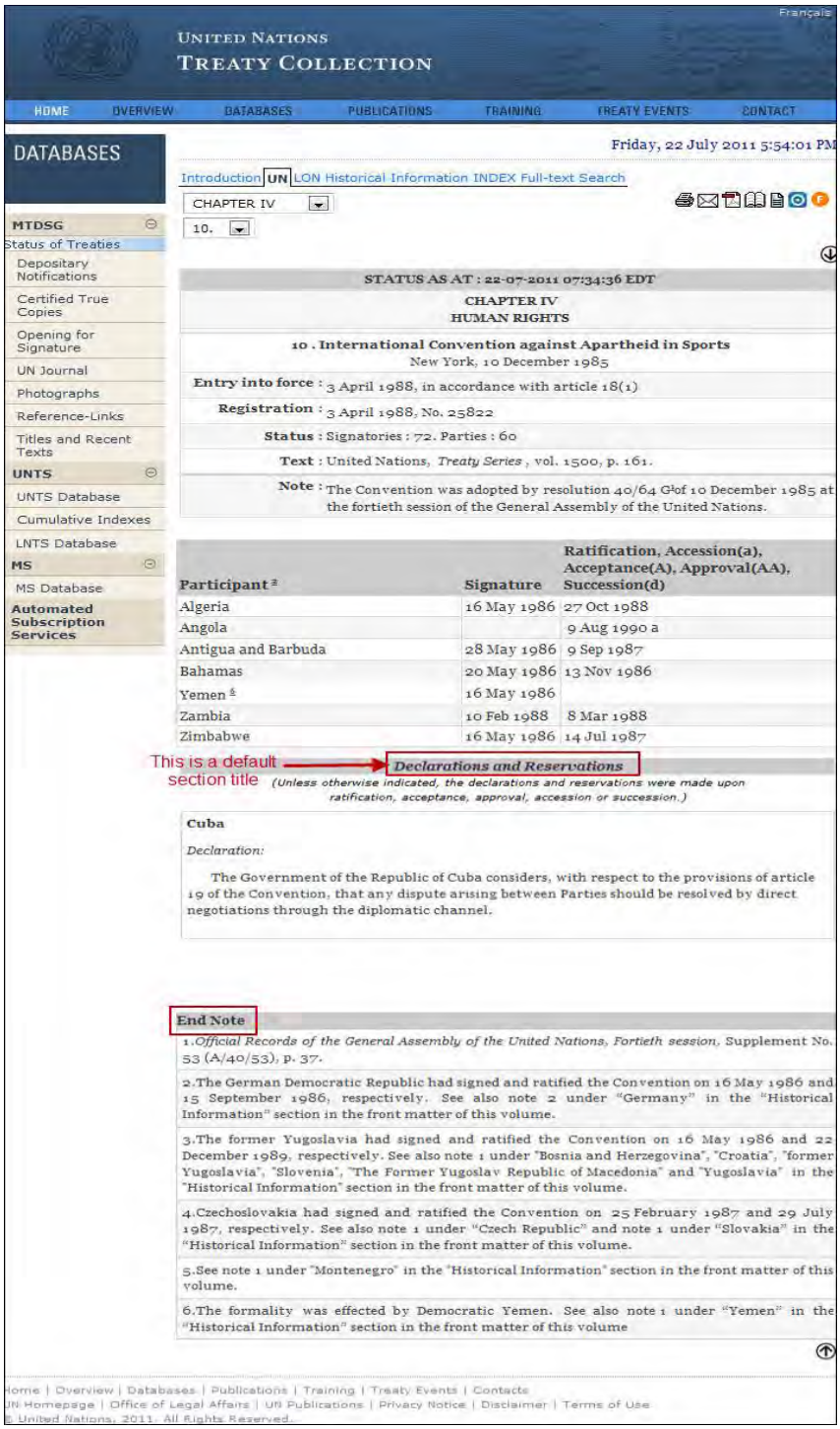


3. Select a type of table from the drop-down list, and then click ‘Next’.



4. Enter the ‘English Title’ and the ‘French Title’.
5. Click ‘Save’ to save the Declaration titles.
6. Click ‘Close’ to close the screen.

The following screenshot depicts a section title in the MTDSG publication.



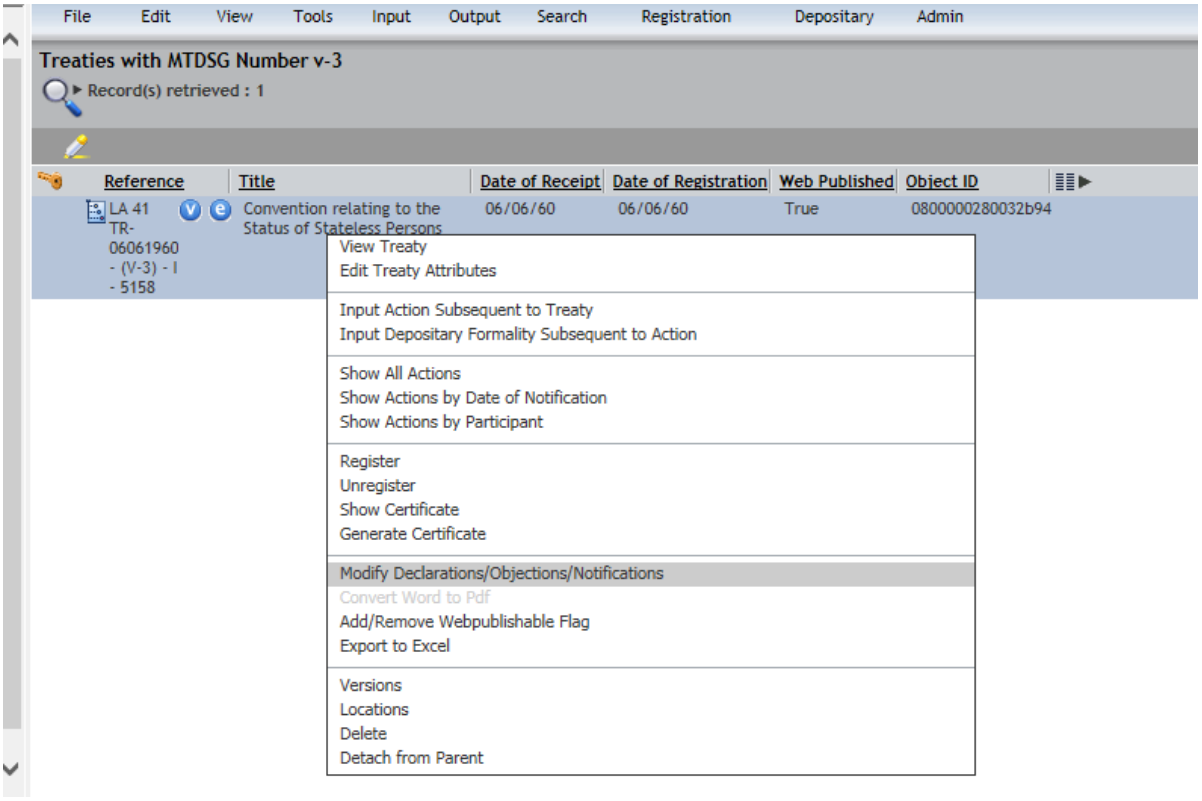
8.1.6.1 Declarations/Reservations/Objections

Texts of declarations, reservations and objections are posted against their action in TIPS.

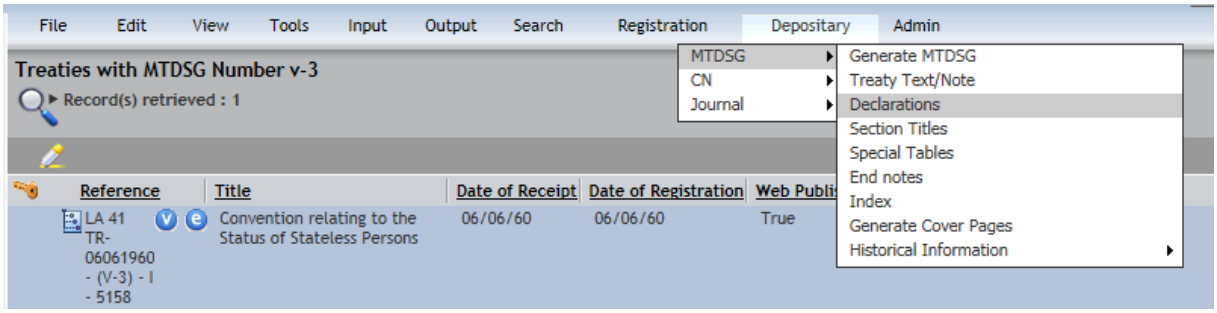
To add declarations:

1. Select an MTDSG treaty or an action.

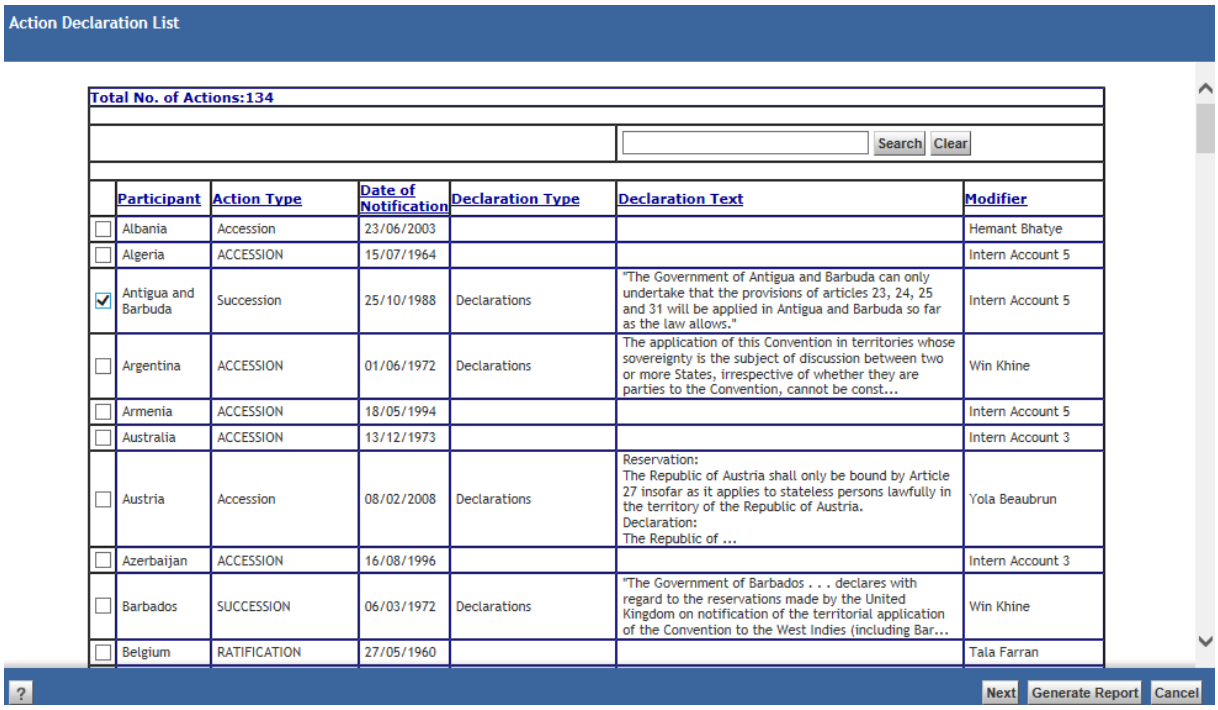
2.1. Right-click the treaty or action and select Modify Declarations/Objections/Notifications.



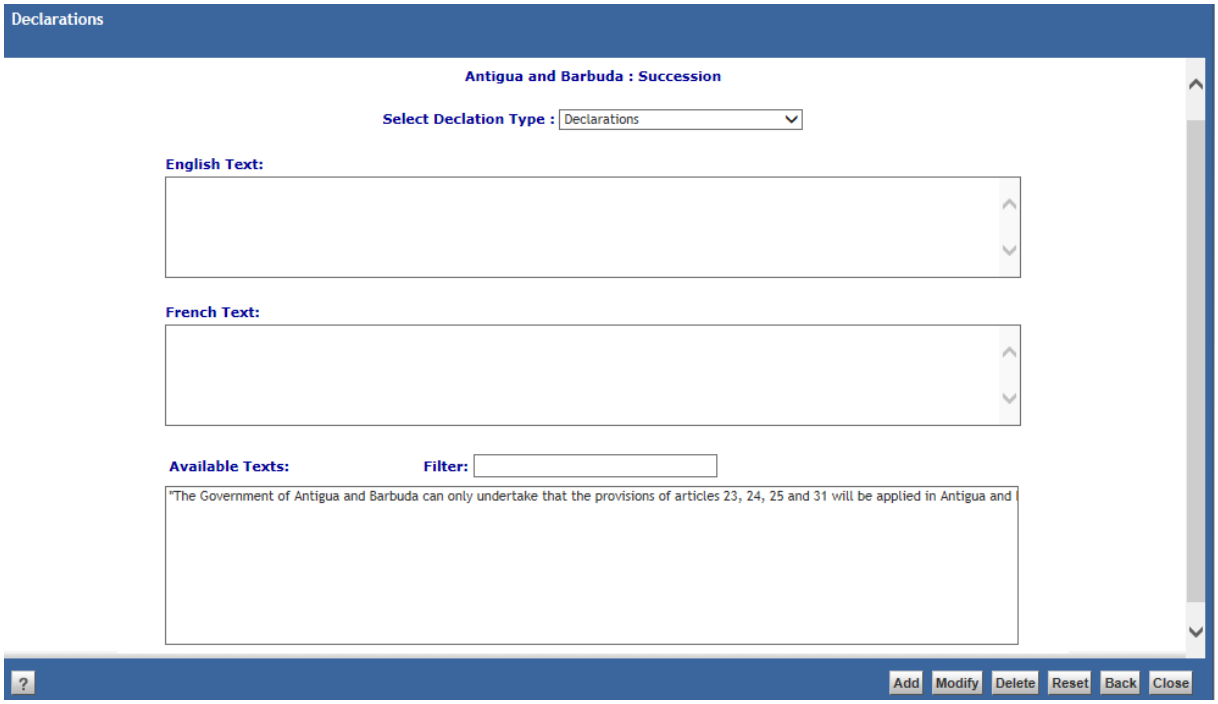
2.2 Or Click the treaty or action and go to Depository→MTDSG→Declarations



3. The following page (see image below) will be displayed by either one of the above steps. If you are selecting a treaty, then it will display all the associated actions. If you are selecting an action ,then a particular action will be displayed.



Click on 'Next' button to display the screen shown below. After that, select any declaration type (by default it will be Declarations).



4. Now you can add, modify or delete the declaration text for the selected declaration type.
5. Enter the text for the declaration in the 'English Text' and the 'French Text' text boxes respectively.
6. If there are any available texts, then they will be displayed in the 'Available Texts' text box.
7. Click 'Add' to add the text. The added text is displayed in the 'Available Texts' section.
8. Click 'Back' to go back to the previous page.

Note: You can modify the text by selecting an entry from the 'Available Texts' list; click 'Modify' after you edit the entry. Similarly, you can select an entry form the 'Available Texts' list and click 'Delete' to delete the entry.

8.1.6.2 Changing the format of the text

You can change the format of the text to Italics, or change the alignment of the text by following some markups. For example, if you want to make the text bold, then the following markup must be used: ** Type the text **. The closing tag contains a back slash. The following type of markups can be used:

- <i> - Italics
- <title> - Title
- - Bold
- <left> - Left alignment
- <right> - Right alignment

- <table> - The table tag can be used to add data in tabular format. Each row should be started on a new line and the column data should be separated by a 'pipe' character - |. You can use the formatting tags inside a table. An example of table is given below:

  <table>
  val1|val2|val3 - Note that the header is made bold.
  Val1|val2|val3
  val4|val5|val6
  </table>
  This appears as follows on the website:

Cuba

The Government of the Republic of Cuba declares that article 10 of the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and article 7 of the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933, as amended in the annex to the Protocol done at Lake Success, New York, on 12 November 1947, are discriminatory in that they deny States which are not Members of the United Nations and to which the Economic and Social Council does not officially communicate the Conventions as amended by the Protocol the right to accede to the Conventions as so amended, this being contrary to the principle of sovereign equality of States.

Second paragraph with an empty line above...

val1	**val2**	**val3**
val1	val2	val3
val1	val2	val3

- Texts in original languages are to be placed between quotation marks.

8.1.6.3 Other considerations for declarations and reservations

- Texts of declarations and reservations are dated only if they are not made upon consent to be bound actions (ratification, accession, etc.). Dates are placed above the texts of declarations, reservations or objections and are aligned on the right margin. To enter a date, use the following markup: <right>8 April 2004</right>
- Titles to declarations and reservations may be used to convey supplemental information to texts, particularly when placeholders in a table are general, and texts may refer to several different clauses of a treaty. To enter a title, use the following markup: <title>Interpretative declaration</title>
- Dates and titles are always used with objections.
- Texts in original languages are to be placed between quotation marks.
- If an action has an action attachment object without any document attached to it, the header does not appear in the UNTS document. Such a case is highlighted in the UNTS report.

8.1.6.4 Declaration withdrawal or Partial withdrawal

- Create a 'withdrawal' action (under the original action that has the declaration to be withdrawn);

- Create CN under the withdrawal action
- Find the old action with the original declaration, then:
  - For partial withdrawal : Modify declaration
    - Copy text of original declaration to Notepad
    - Delete the parts of the declarations to withdraw and modify the record.
    - Create an end note with the text copied in Notepad and add the relevant narrative explaining the circumstances of the withdrawal and associate it with the Treaty record (select Treaty then select menu item Depositary>MTDSG>End notes); select location of end note as Declarations and link it to the relevant Participant.

  - For withdrawal :
    - Copy text of original declaration to Notepad.
    - Delete declaration.
    - Create an end note with the text copied in Notepad and add the relevant narrative explaining the circumstances of the withdrawal and associate it with the Treaty record (select Treaty then select menu item Depositary>MTDSG>End notes -> select location of end note as Declarations and link it to the relevant Participant.

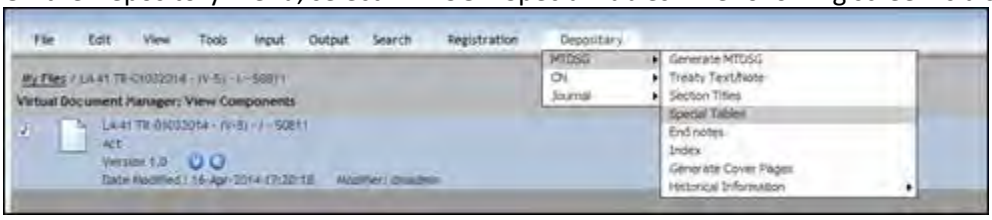
8.1.7 Special Tables

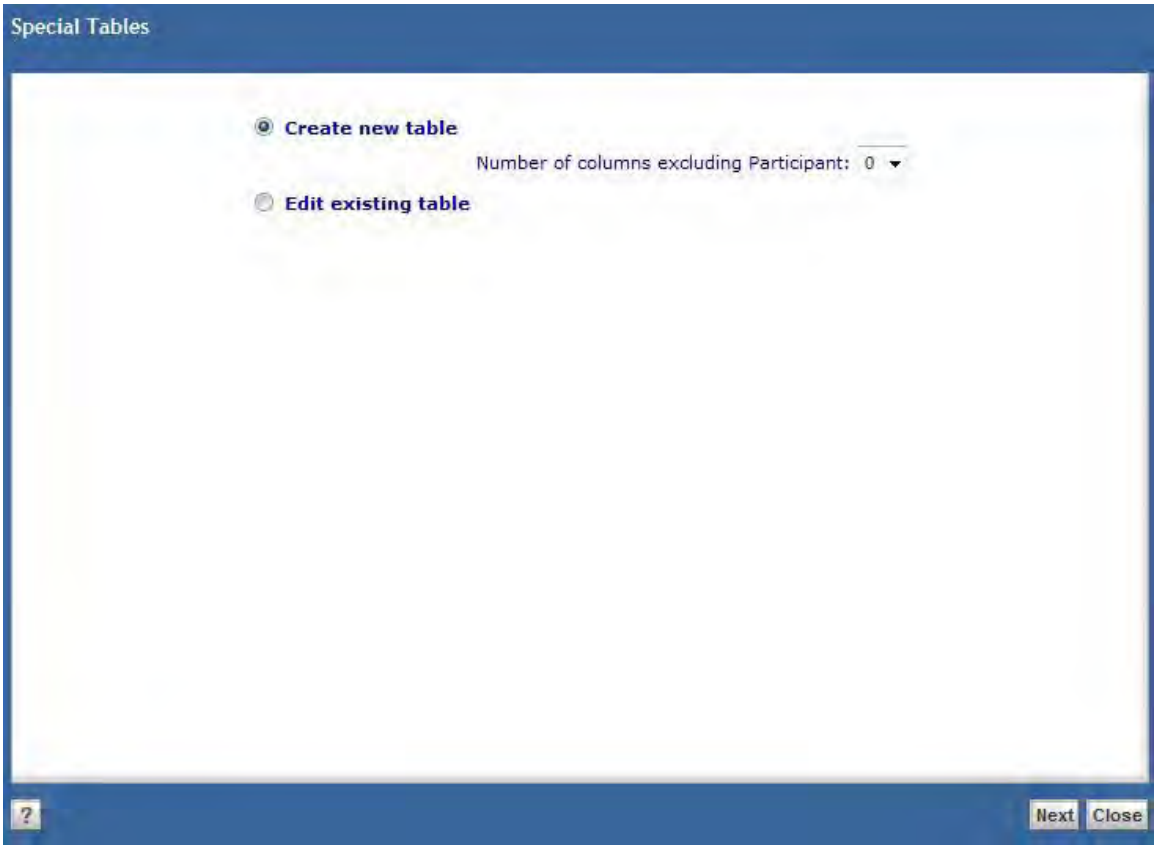
Special tables are the custom edited tables in MTDSG, that is, these tables can be edited manually. Only a few treaties have special tables. The 'Special Tables' option enables you to create a new table or edit an existing table. Some of the MTDSG tables have some tables which have certain participant data which is not stored anywhere else. The following screenshot depicts the special table in an MTDSG publication.

Participant	Signatures of the Convention	Signatures of the Protocol of the Powers not represeted at the Opium Conference	Ratification of the Convention and accessions	Signatures of the Protocol relative to the bringing into force of the Convention (dates of the entry into force)
Afghanistan			May 5, 1944	
Albania		Feb 3, 1925	Feb 3, 1925	Feb 3, 1925
Argentina		Oct 17, 1912	Apr 23, 1946	
Austria			Jul 16, 1920*	Jul 16, 1920*
Belgian Congo and Mandated Territory of Ruanda-Urundi (a)			Jul 29, 1942	

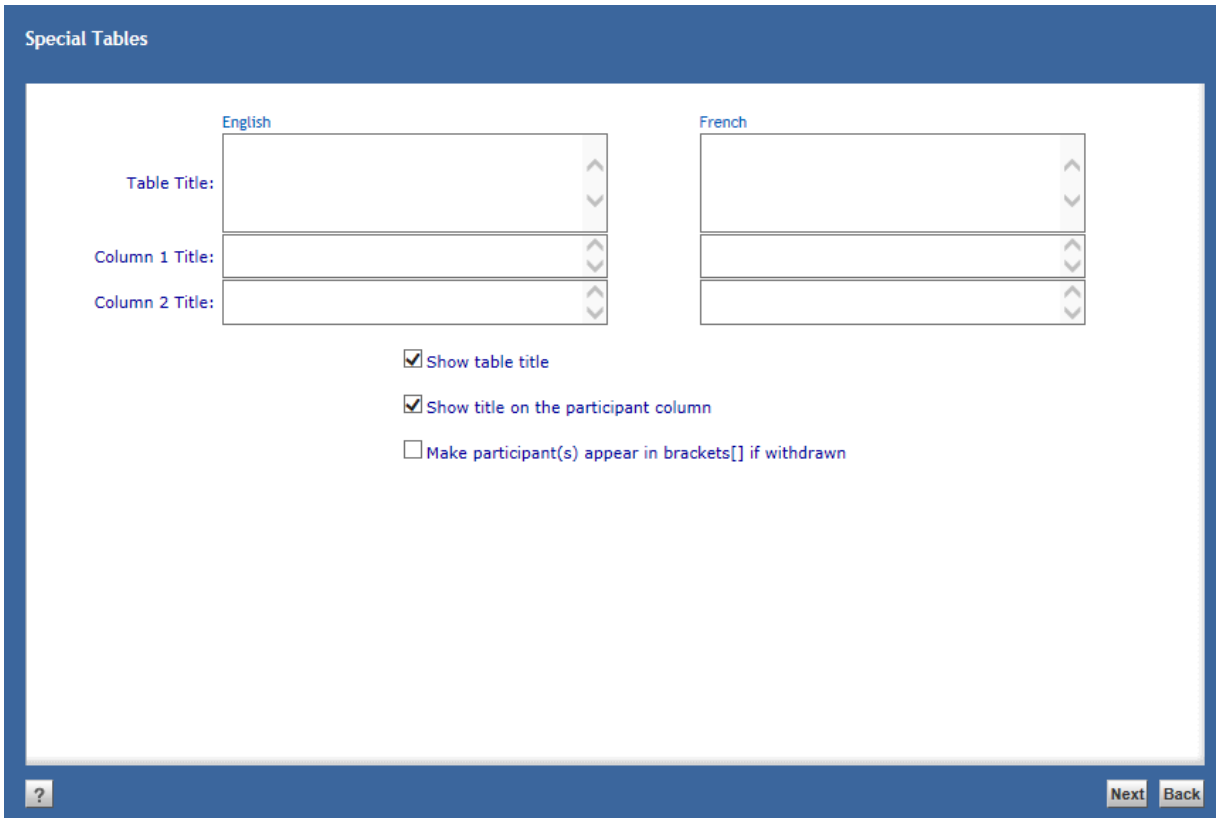
To add/edit special tables:

1. Select a treaty.
2. On the Depository menu, select MTDSG > Special Tables. The following screen is displayed.



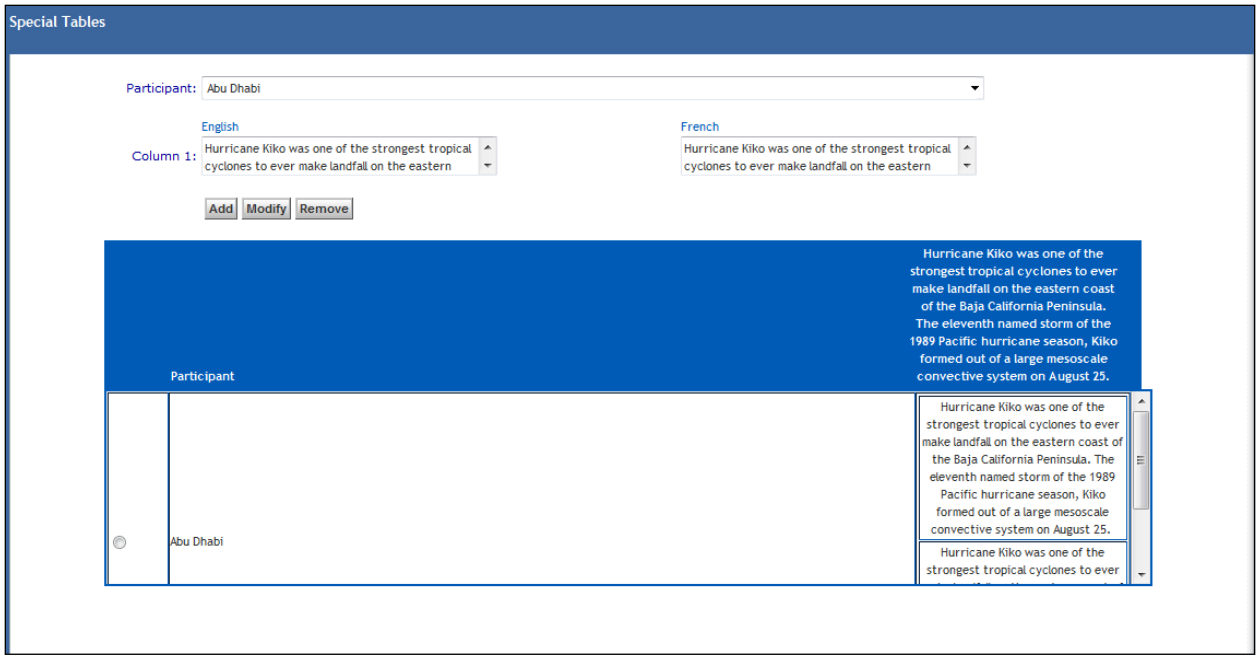


3. You can select from the following two options:
   a) **Create new table** – If you select this option, then select number of columns for the table from the 'Number of columns excluding Participant' drop-down list.
   b) **Edit existing table** – If you select this option, select the table you want to edit from the 'Table' drop-down list.
4. Click 'Next'. The following screen is displayed:



Note: You can add multiple lines of text in the rows.

5. Enter a title for the table in the 'Table Title' field.
6. Enter titles for the columns in the respective fields.
7. If We check 'Show table title' check box, then only the title of the table will get displayed in MTDSG.
8. If We check 'Show title' on the participant column check box, then only title on the participant column will get displayed in MTDSG.
9. Select the 'Make participant(s) appear in the brackets [] if withdrawn' check box to make the participant's name appear in brackets if the participant wants to withdraw a treaty.
10. Click Next. The following screen is displayed:



11. Select a participant from the 'Participant' drop-down list.
12. Enter the title for the participant's table in the 'Column' field.
13. Click 'Add' to add the table. The participant's name and the column titles are displayed.
14. You can select the participant and modify the details. Click 'Modify' to view the modified details.
15. Select the participant and click 'Remove' to remove the participant's table.
16. Click 'Save Table' to save the table; or click 'Remove Table' to delete the tables. A confirmation message is displayed.

Note: Make sure that you save the table.

8.1.8 End Notes / Foot Notes

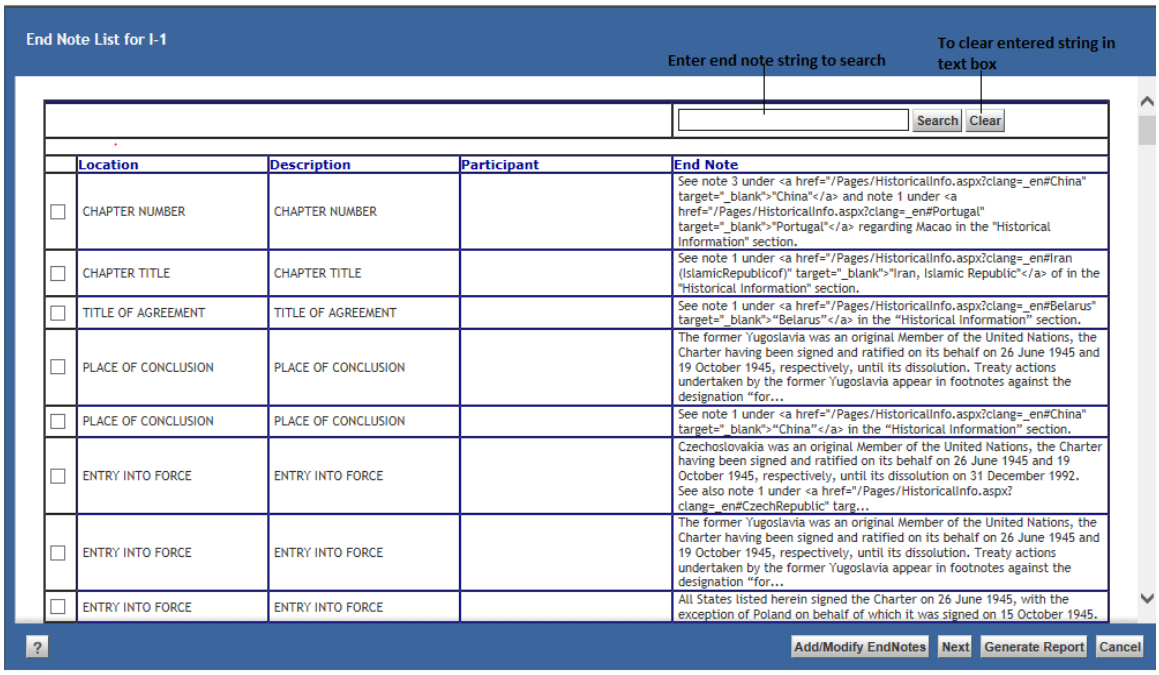
Entire MTDSG document can have end note references at various locations. This option allows you to add end notes to a treaty.

The following screenshot depicts the end note in the MTDSG publication.

End Note	
1	Czechoslovakia was an original Member of the United Nations, the Charter having been signed and ratified on its behalf on 26 June 1945 and 19 October 1945, respectively, until its dissolution on 31 December 1992. See also note 1 under "Czech Republic" and note 1 under Slovakia" in the Historical Information section.
2	The former Yugoslavia was an original Member of the United Nations, the Charter having been signed and ratified on its behalf on 26 June 1945 and 19 October 1945, respectively, until its dissolution. Treaty actions undertaken by the former Yugoslavia appear in footnotes against the designation "former Yugoslavia". See note 1 under Bosnia and Herzegovina" , "Croatia", "former Yugoslavia", "Serbia and Montenegro" , "Slovenia" , "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section.
3	All States listed herein signed the Charter on 26 June 1945, with the exception of Poland on behalf of which it was signed on 15 October 1945.
4	See note 1 under "Belarus" in the "Historical Information" section.
5	See note 1 under "China" in the "Historical Information" section.

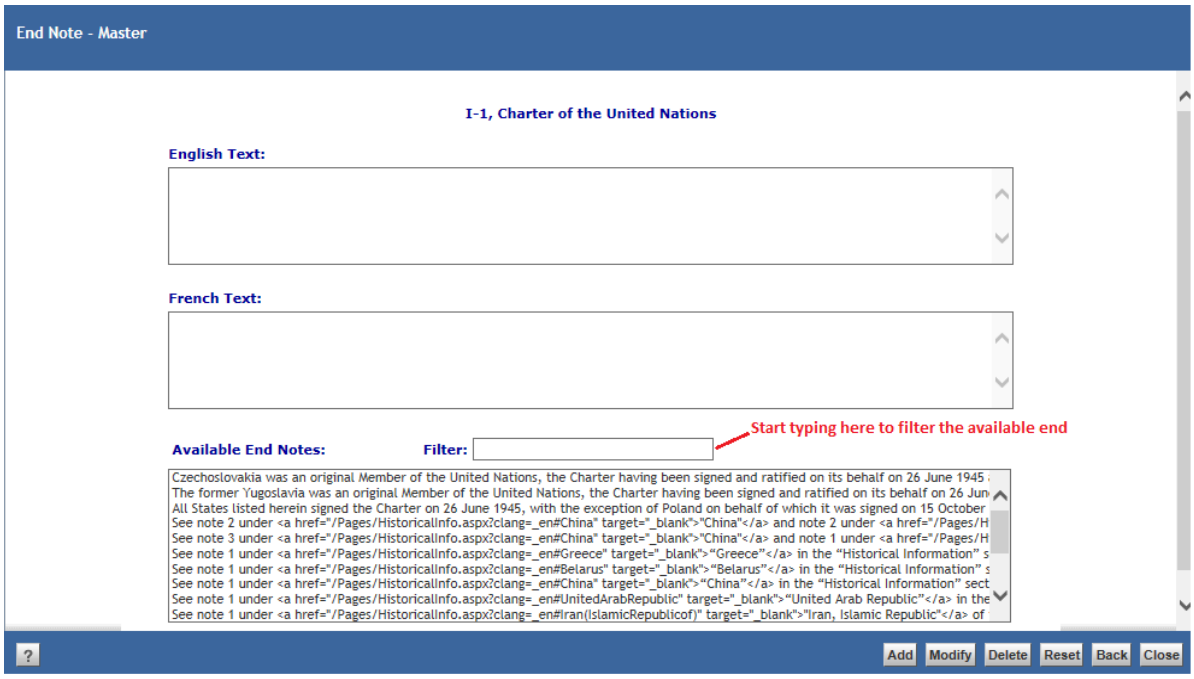
Note: To customize a placeholder for a footnote, enter the following script in the text box where you want the footnote to appear: **[^e];**

1. Select a treaty.
2. From the Depository menu, select MTDSG > End Note. The following screen is displayed.



There are 4 buttons on the screen:

1. Add/Modify EndNotes Button: If we click on this button the following screen will be displayed.



To add an end note:

1. Write an End note in English and French Text boxes and click on add button.

To modify an end note:

1. Select the text in the 'Available End Notes' section. The selected footnotes populate in the upper boxes with the corresponding editable footnote.
2. Modify the text.
3. After modification is done, click the 'Modify' button.

To delete an end note:

1. Select the text in the 'Available End Notes' section and click 'Delete' to delete the text.

To clear the content:

1. Click 'Reset' to clear the contents of the text box and add a new end note.

To go back to the previous screen:

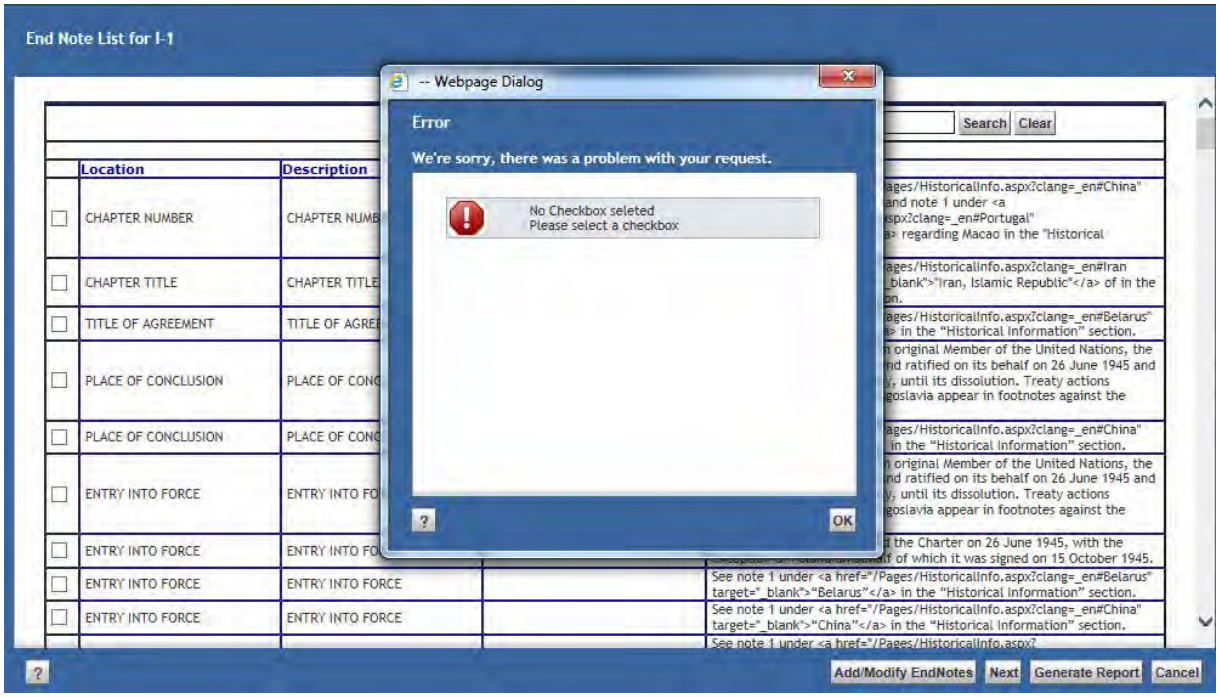
5. Click on Back button to go the previous screen.

To close the screen:

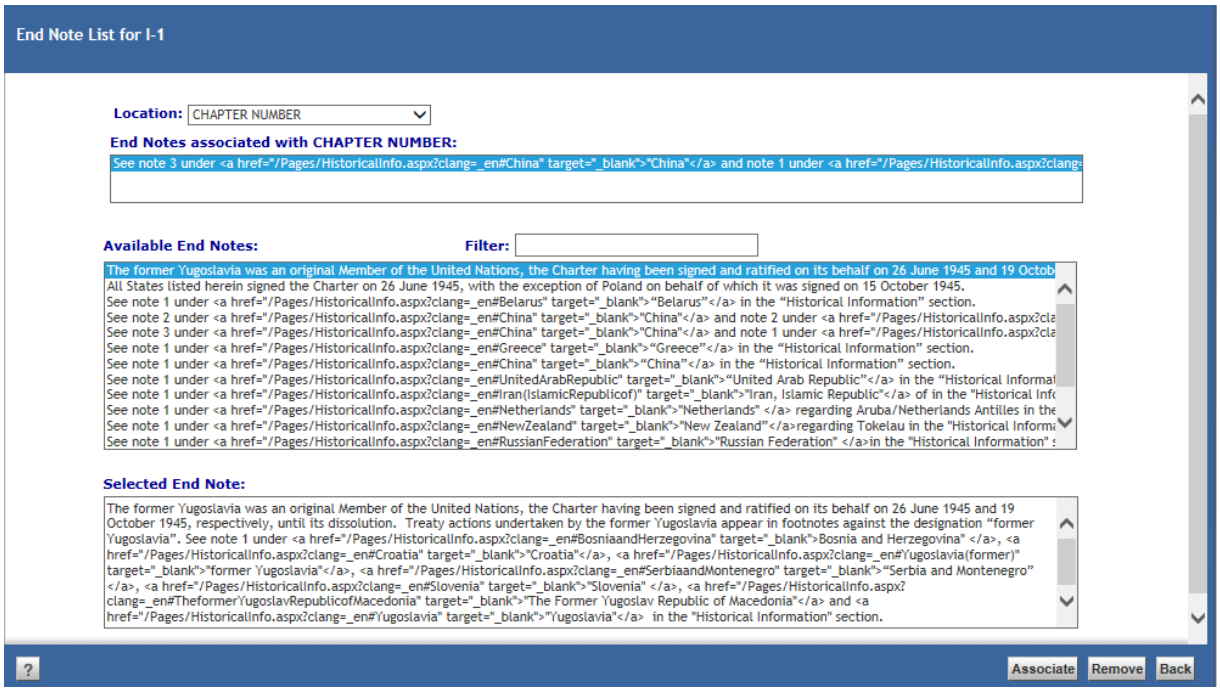
1. Click on Close button to close the End note screen.

2. Next Button:

1. We have to select a record (thru the check box on the left column), otherwise we will get the following Error:



2. If we select any check box and click on Next button following screen will get displayed:
e.g. If we select CHAPTER NUMBER location and click on the 'Next' button, then the end notes associated with the record will get displayed in the End Notes field, associated with CHAPTER NUMBER field.



Associate Endnotes

You can associate an endnote with specific elements of a treaty; locations and sub-locations such as, chapter number, chapter title, EIF, etc.
The end notes that are already associated with the location and are displayed in the 'End Notes associated with <location>' section.
Endnotes could be filtered by typing in the Filter Text box.
Select the end note from the 'Available End Notes' section and click 'Associate'

Remove Endnotes:

Select the end note and click 'Remove' to disassociate the end note with the current location.

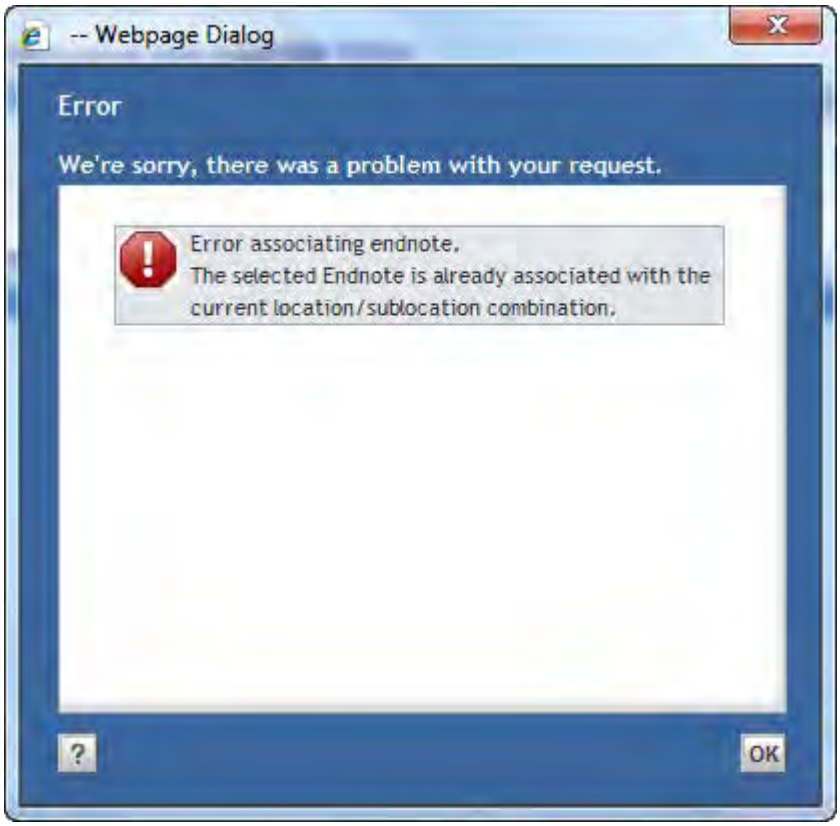
Note: a subsequent drop-down list is displayed depending on the Location you select. The 'Location' drop-down list is a menu which lets you specify in subsequent drop-down list or a text box on the right with which specific element a footnote must be associated with. See the following screenshot:

- When adding endnotes to participants under the participant table or declarations, the user must choose the correct participant in case there are actions by the old name as well as new name of the participant. E.g. XXVII-15, there are Signature & Approval actions by European Community and a

Notification under article 22 action by European Union which happens to be the new name of European Community. Due to this, the participant table shows European Union. Now if you want to add an endnote to this “European Union” in the participant table, you must choose “European Community” when associating endnote because the actions present in the participant table are originally by European Community.

Note: You can associate multiple end notes to a location/sublocation.

If an end note is already associated with the current location, then the following message is displayed.

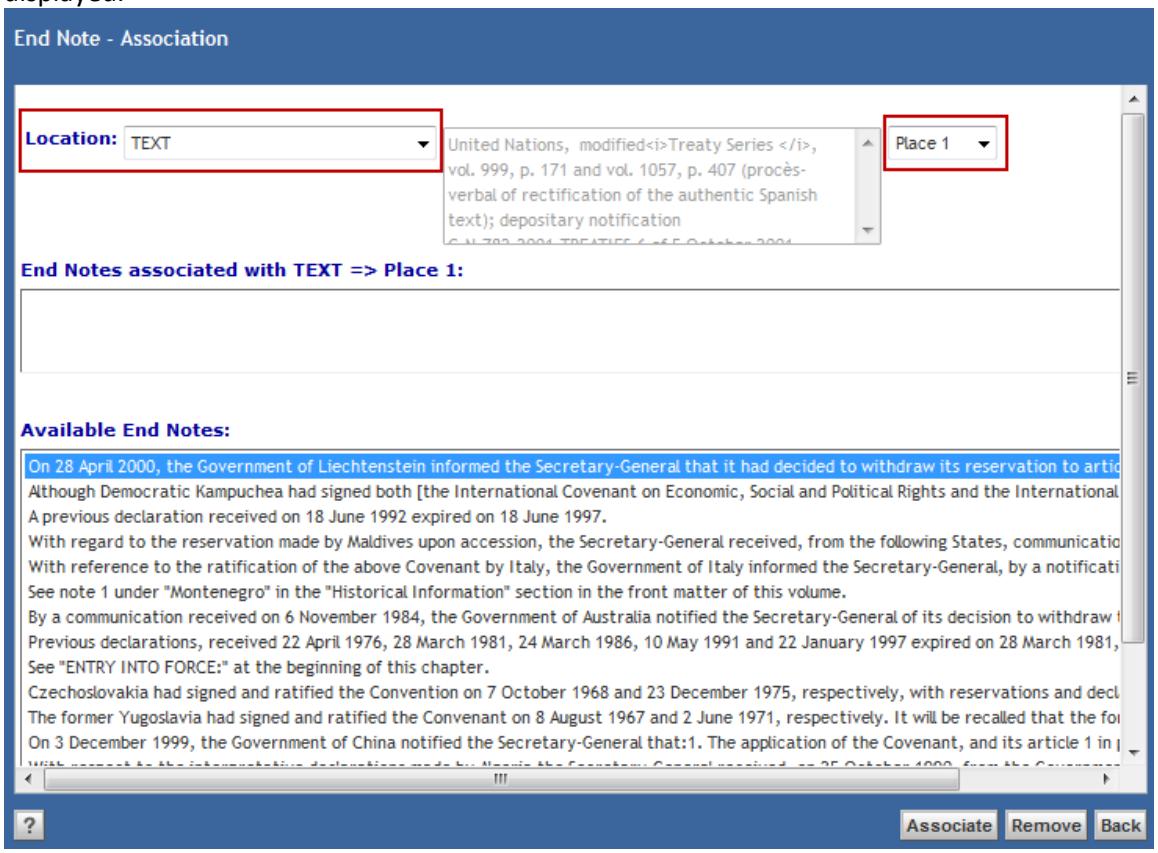


1. Click ‘OK’ to close the dialog box.

End Note Location: Text

Note: An end note can also be at a text location, that is, it can be located anywhere within the text.

If you select text as a location from the Location drop-down list, then a 'Place' drop-down list is displayed.



The 'Place' drop-down list becomes a placeholder for the end note.

End Note Location: LON

Note: An end note can also be in the LON treaty, that is, it can be located anywhere within the LON.

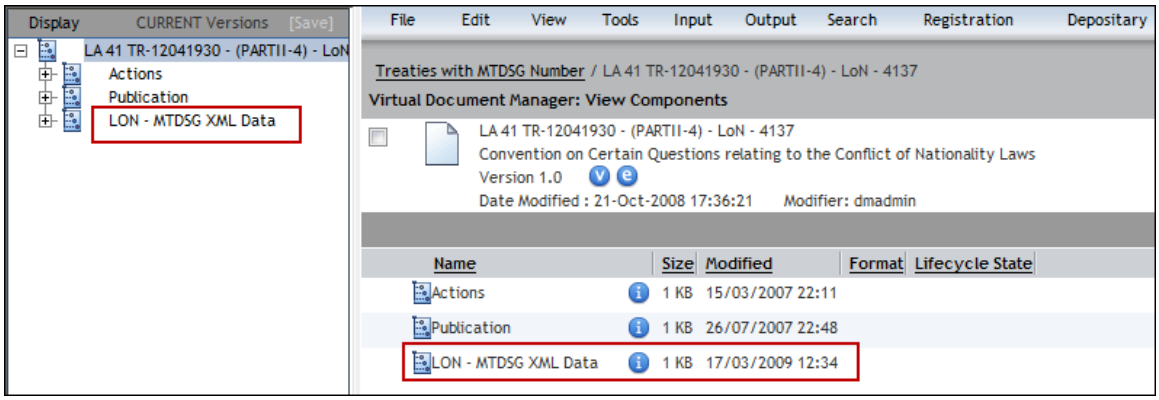
Note: Some XMLs related to MTDSGs were imported from SGML files (originally in Frame Maker), and they don't have an associated special table.

- These files contain SGML tags and have to be edited manually, using the tags already used (these tags are processed by TIPS code and create an XML file- to be transferred to the website, and a PDF, also to be transferred to the website)

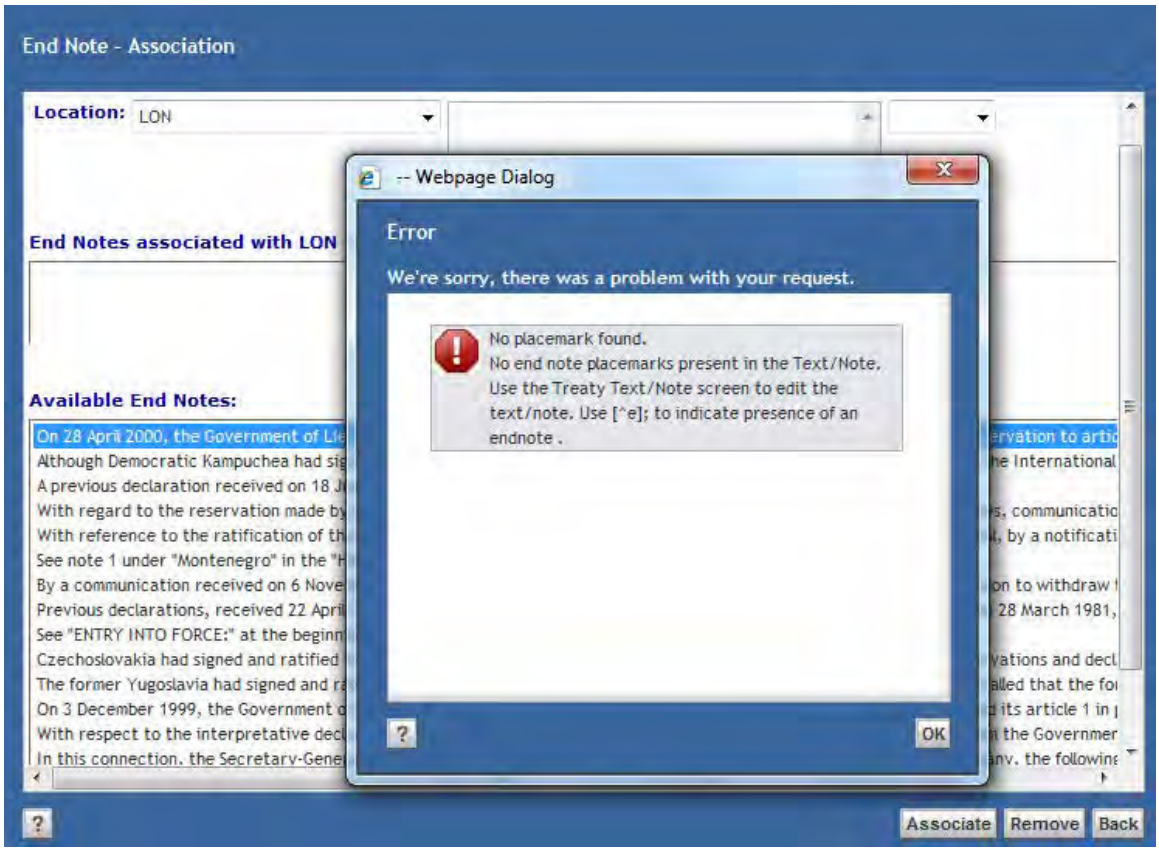
- Other small adjustments are possible, such as using a space and a tab for data right alignment for dates

- The XML file names have NO XML extension in the file name (such as Part II-1.fr or Part II-1.en)

A place holder must be defined in the LON treaty. The xml file can also contain these placeholders.

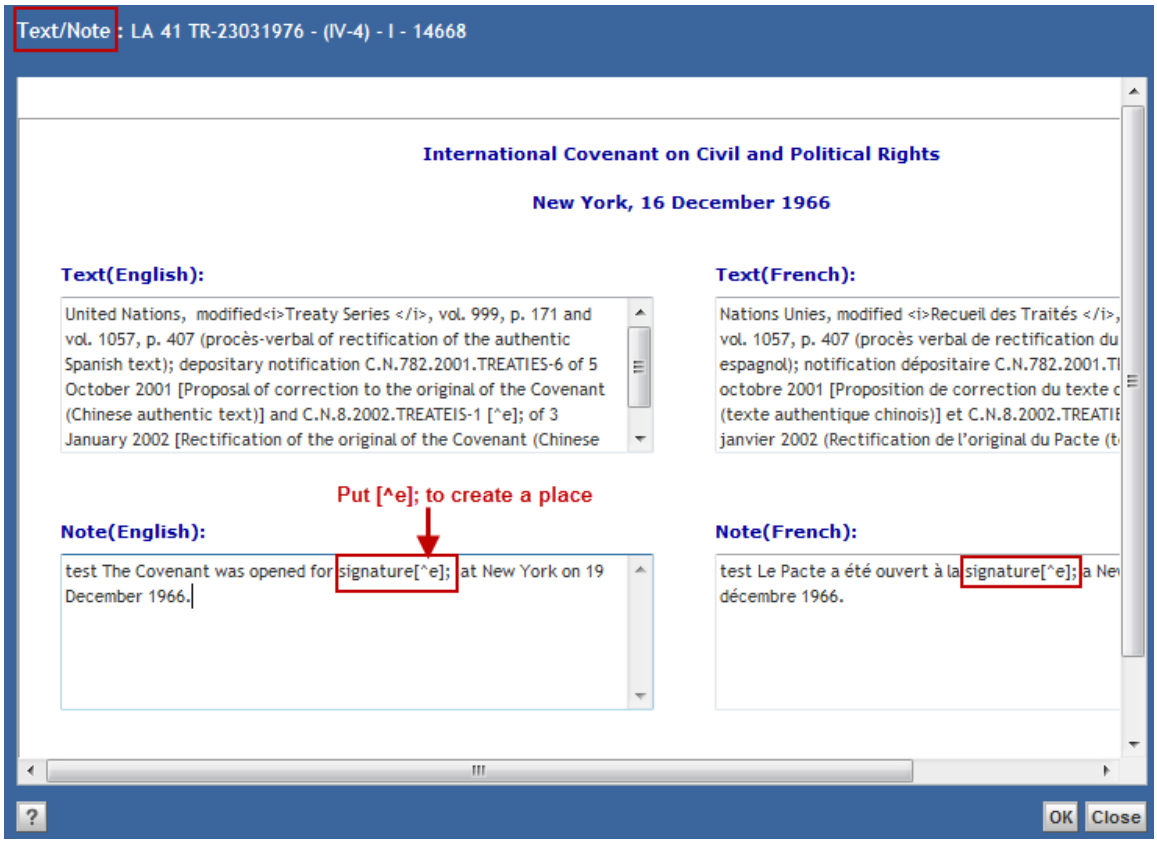


If a place holder is not defined, then the following error message is displayed.



Creating Placeholders

1. From the Depository menu, select MTDSG > Treaty Text/Note. The following screen is displayed.



2. Type [^e]; to create a placeholder. The 'Place' drop-down list is displayed according to the number of placeholders created in the treaty.

Note: To customize a placeholder for a footnote, enter the following script in the text box where you want the footnote to appear: **[^e];**

Formatting End Notes

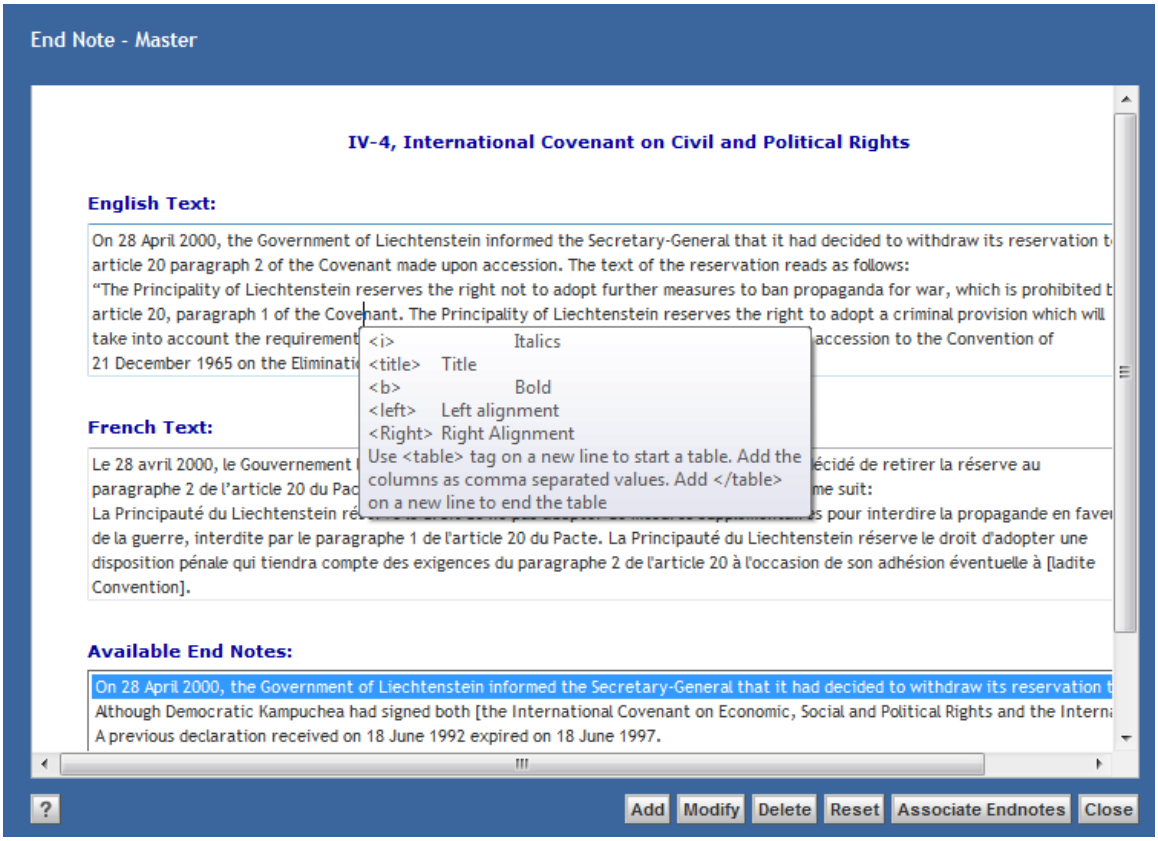
You can change the format of the text to Italics, or change the alignment of the text by following some markups. Every markup tag is a command placed between "angle brackets"—a left bracket (<) and a right bracket (>). The markups that can be used to format the text can be viewed when you point to the text.

Markup tags are always used in pairs. If you want to make the text bold, then the following markup must be used: **** Type the text . The closing tag contains a back slash. The following type of markups can be used:

- <i> - Italics

- <title> - Title
- <b> - Bold
- <left> - Left alignment
- <Right> - Right alignment
- <table> - To add a table

Note: To customize a placeholder for a footnote, enter the following script in the text box where you want the footnote to appear: **[^e];**



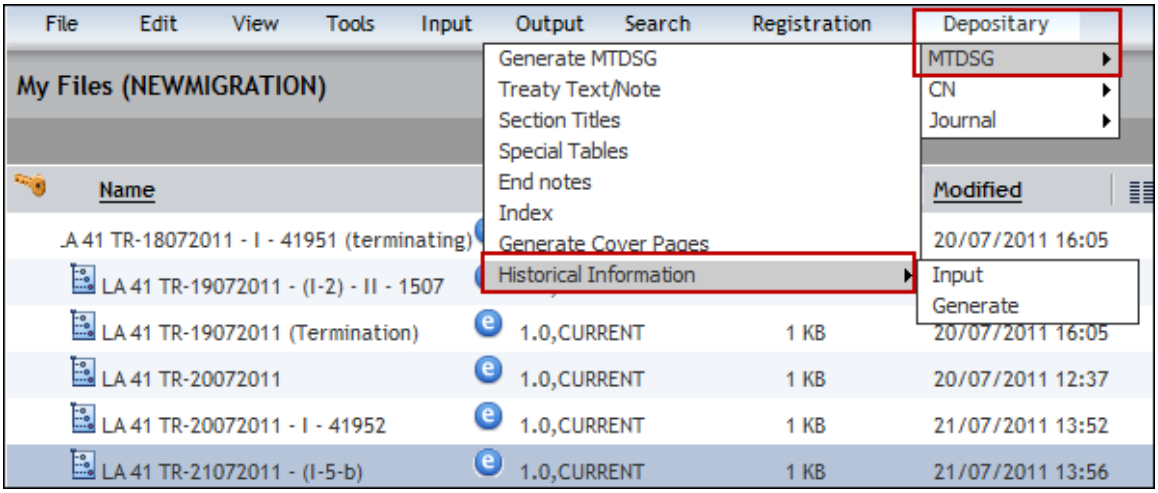
8.1.9 Historical Information

The MTDSG publication has a section in the beginning after the introduction section, named 'Historical Information'. The entire History Information is maintained in the repository in the following cabinet/folder: /Publication/MTDSG/Historical Information.

The Historical Information section displays the participant name and the notes associated with that participant.

To add/modify the Historical Information section:

1. Select a treaty.

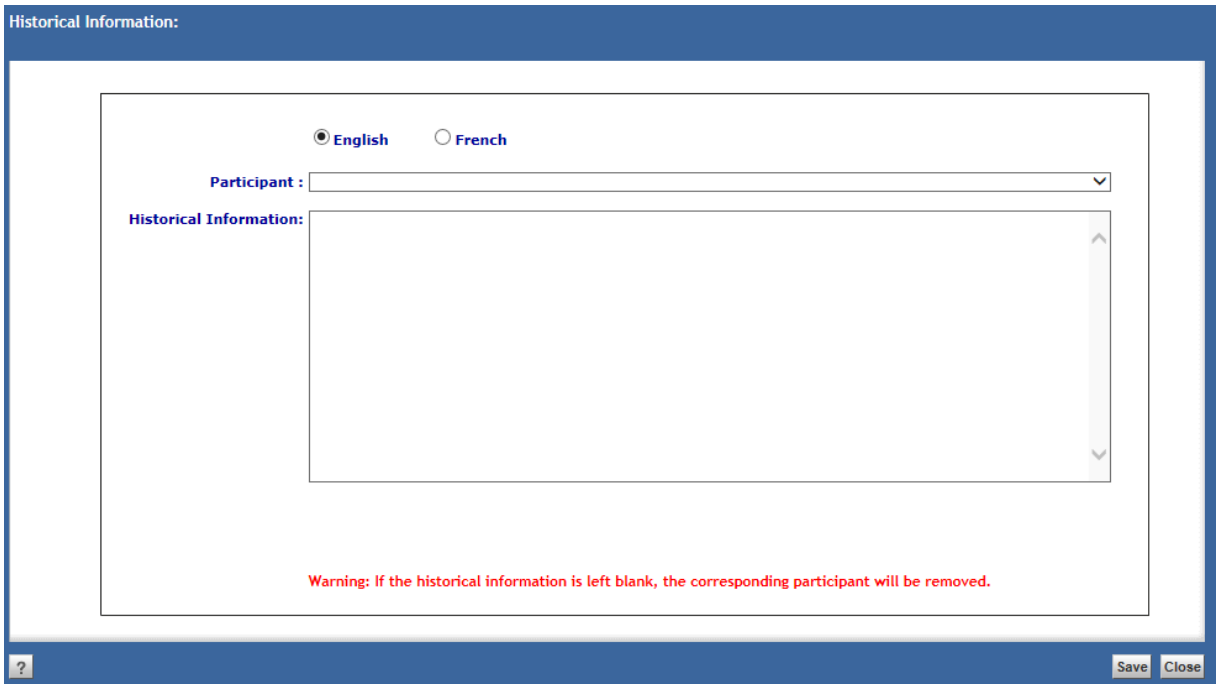


2. From the Depository menu, select MTDSG > Historical Information.

Input

To add information:

1. On the Depository menu, select MTDSG > Historical Information > Input. The following screen is displayed:



2. Select either the 'English' or the 'French' language.
3. Select a participant from the 'Participant' drop-down list.
4. Enter the information about the participant in the 'Historical Information' text box.
5. Click 'Save' to save the information. A confirmation message is displayed.

6. To remove the history information for a participant, locate the participant, delete all text and click on save. The following message will be displayed:

7. Click 'Close' to close the screen.

8.2 Circular Notification (CN)

CN is a document that is generated by users when a participant registers an action against a treaty. It's also referred to as Depositary Notification.

> **Note:** A CN cannot be generated for an action having document disposition: For information / Pending / Not received.

The CN's are usually generated only for MTDSG treaties or a treaty subsequent to an MTDSG treaty. The CN document includes the details of the action, participant name, and the MTDSG treaty

reference (mentioned in the top right corner) for which it is created and any additional information if supplied in the CN Articles of the parent treaty or any static text added in CN Static Text.

The CN's header image (UN logo), Signature image and Footer text are stored in /Infrastructure/CNSignature, and /Infrastructure/CNFooter respectively, which are imported into the CN document at the time of generation. Any changes to these documents in the repositary are reflected in future CNs. If these documents are not present in the repositary, default values are supplied by the application.

If a CN is generated under a subsequent action (action under another action), a reference to the top most action is created as a footnote.

After CN generation, English & French Word files,as well PDF files, are saved into /Publication/CN/<Year> and attached under related documents, under the selected action.The cn_year, cn_number is updated or inserted into rt_cn_numbers table. The generated Word documents are immediately checked out and opened on the user's PC for subsequent changes. The user should check in the changes or perform a Cancel checkout if there are no changes. If there are any changes made to the Word document, the user must check in the Word files. The PDF files are automatically generated.

This option allows the user to generate a notification related to a particular action that exists. The Circular Notification function displays the following options:

- Generate CN
- Reissue CN
- Report
- Add CN Static Text
- Erase CN

The Erase CN functionality is displayed when you navigate to the CN.

This option enables you to generate a circular notification document.
You receive an e-mail notification when a CN is issued, see sample below:

From: depositorycn@un.org [mailto:depositorycn@un.org]
Sent: 09 December 2011 18:05
To: Prashant Tulapurkar
Subject: Serbia:Accession

UNITED NATIONS
TREATY SECTION • OFFICE OF LEGAL AFFAIRS

December 09, 2011

Dear Prashant Tulapurkar,

The following Depositary Notification has been issued:

Subject : Refugees and Stateless Persons
Title : Convention on the Reduction of Statelessness

Action : Serbia:Accession
Reference : C.N.782.2011.TREATIES-7 (Depositary Notification)

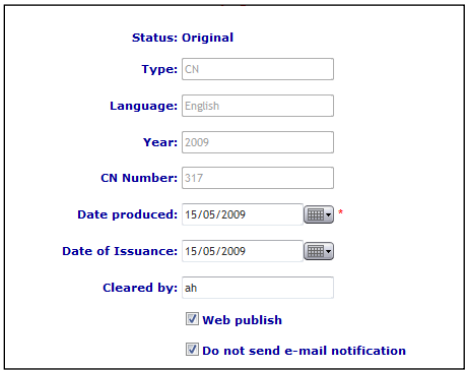
Please follow the links below in order to view the related documents.

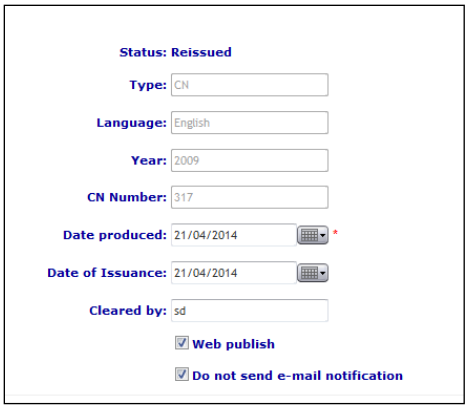
Web Link :

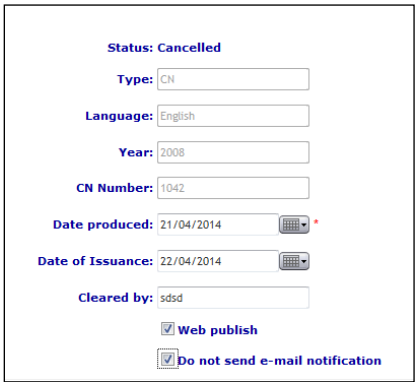
English: http://treaties.un.org/doc/Publication/CN/2011/CN.782.2011-Eng.pdf

To update your subscription information or discontinue receipt of these notifications, please login to your profile online at http://treaties.un.org/Pages/CN_Subscription.aspx
Treaty Section / OLA

A new column has been introduced into CN object namely cn_status that indicates if a CN is original, cancelled, reissued. This is updated accordingly after the standard generation, reissue or cancellation. The values are a part of a new master table called rt_cn_status. This is created on both TIPS and UNTC databases.







Note: For sub-chapters XI-B-16-x the CN has a customized layout as shown below.

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: C.N.936.2013.TREATIES-XI.B.16.6 (Depositary Notification)

AGREEMENT CONCERNING THE ADOPTION OF UNIFORM TECHNICAL PRESCRIPTIONS FOR WHEELED VEHICLES, EQUIPMENT AND PARTS WHICH CAN BE FITTED AND/OR BE USED ON WHEELED VEHICLES AND THE CONDITIONS FOR RECIPROCAL RECOGNITION OF APPROVALS GRANTED ON THE BASIS OF THESE PRESCRIPTIONS

GENEVA, 20 MARCH 1958

REGULATION NO. 6. UNIFORM PROVISIONS CONCERNING THE APPROVAL OF DIRECTION INDICATORS FOR POWER-DRIVEN VEHICLES AND THEIR TRAILERS

ADOPTION OF AMENDMENTS TO REGULATION NO. 6 [1]

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

Within the period of six months following the date of depositary notification C.N.225.2013.TREATIES-XI.B.16.6 of 3 May 2013, none of the Contracting Parties applying Regulation No. 6 expressed disagreement with the proposed amendments. Therefore, in accordance with paragraph 2 of article 12 of the Agreement, the proposed amendments are considered to be adopted and are binding upon all Contracting Parties applying Regulation No. 6 as of 3 November 2013.

The above action was effected on 3 November 2013.

21 November 2013

[1] Refer to depositary notification C.N.225.2013.TREATIES-XI.B.16.6 of 3 May 2013 (Proposal of Amendments to Regulation No. 6).

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at http://treaties.un.org, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at http://treaties.un.org.

8.2.1 Composition of CN

The CN contains the following fields:

1. UN logo

2. CN reference line that includes CN number, year and MTDSG chapter of the treaty

3. Main (parent) treaty title

4. Immediate Parent treaty title - in case the CN is under an action to a subsequent treaty.

5. Parent Treaty Conclusion place/date

6. Action Participant & Title (with a reference to parent CN footnote if needed)

7. Hardcoded text line – 'The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:'

8. CN Static Text if specified for the current action type using Depositary -> CN -> Add static text

9. Notification line for action – 'The action was effected on <action date of notification>'

10. Contents of all document attachments are under the action.

11. Effect information line is based on the following logic -

If Action's date of effect is mentioned {
    If Action type is Succession {
Print - The action becomes / will become / became effective for <action participant> on <date of effect of action>
    } else {
Print - <treaty type> will enter / enters / entered into force for <action participant> on <date of effect of action>
    }
}

followed by CN article(s) mentioned in treaty

12. The CN footnote referring to the parent action's CN (Applicable only for child action's CN)

13. Date of Creation (Right aligned)

14. Image of the Signature imported from /Infrastructure/CNSignature/chiefsign.tif (Right aligned)

15. Footer text imported from Infrastructure/CNFooter

8.2.2 Create Circular Notification

This option helps you to generate a notification document related to an existing action. Every Circular Notification document is distributed electronically by email, in PDF format.

The Create function displays the following options:

- Generate CN
- Reissue CN
- Generate Cancelled CN

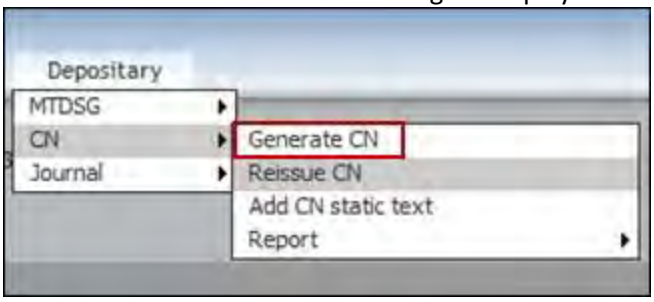
8.2.2.1 Generate CN

This option enables you to create a CN for a selected action of multilateral treaties. These multilateral treaties should have the MTDSG information present.

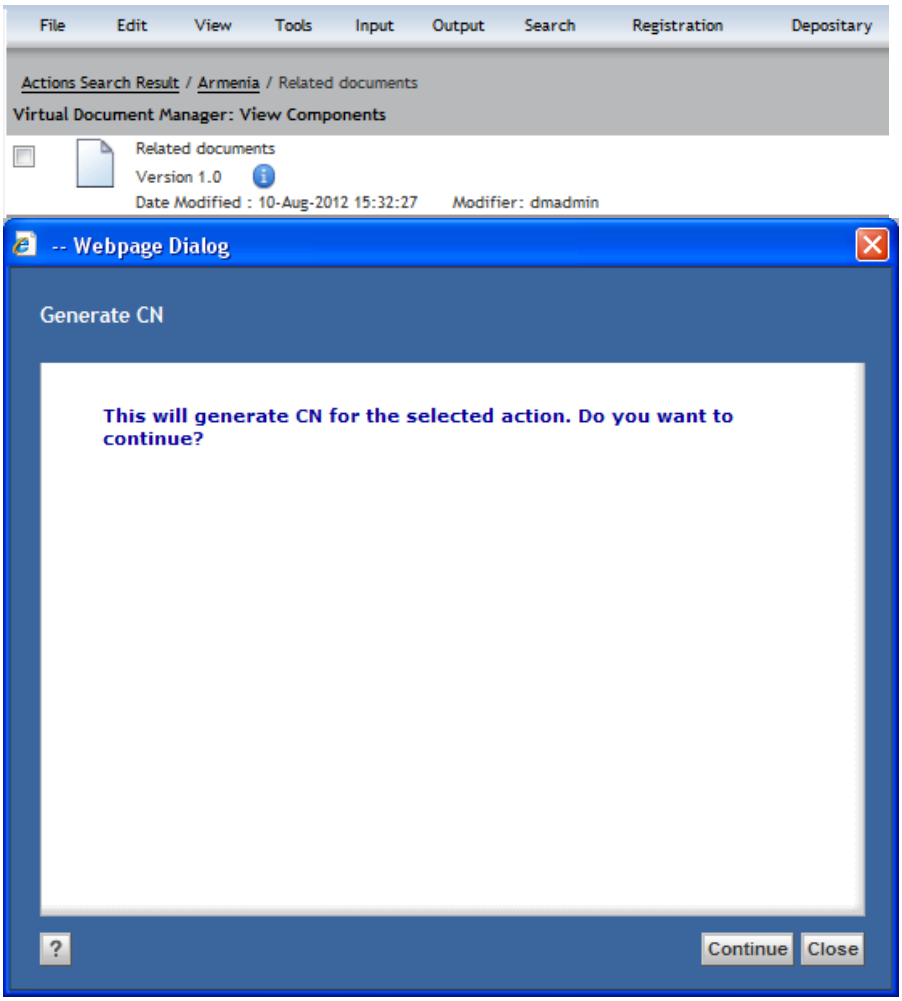
> **Note:** If a CN has been erased, then the same CN number is reused, which means the erased CN number can be assigned to some other actions using the 'Selected Action' option.

To create a CN to an action:

1. On the Depository menu, select CN > Generate CN or right click on an action and choose Generate CN. A confirmation message is displayed.

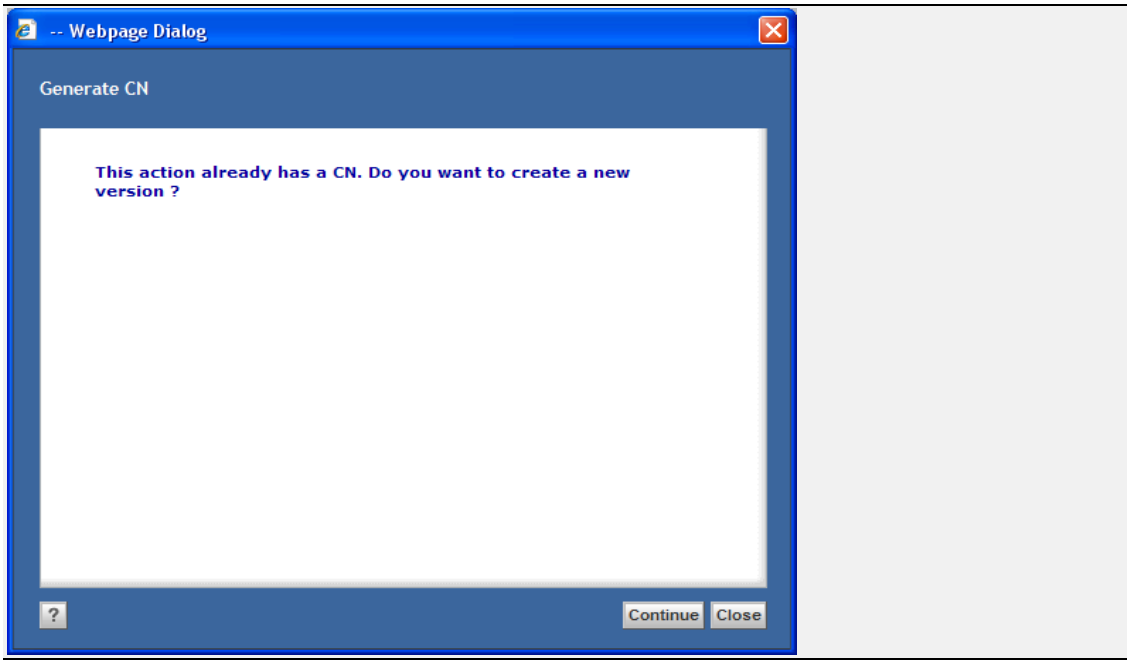


2. Click 'Continue' to generate a Circular Notification document, which is attached to that action under 'Related documents' folder.

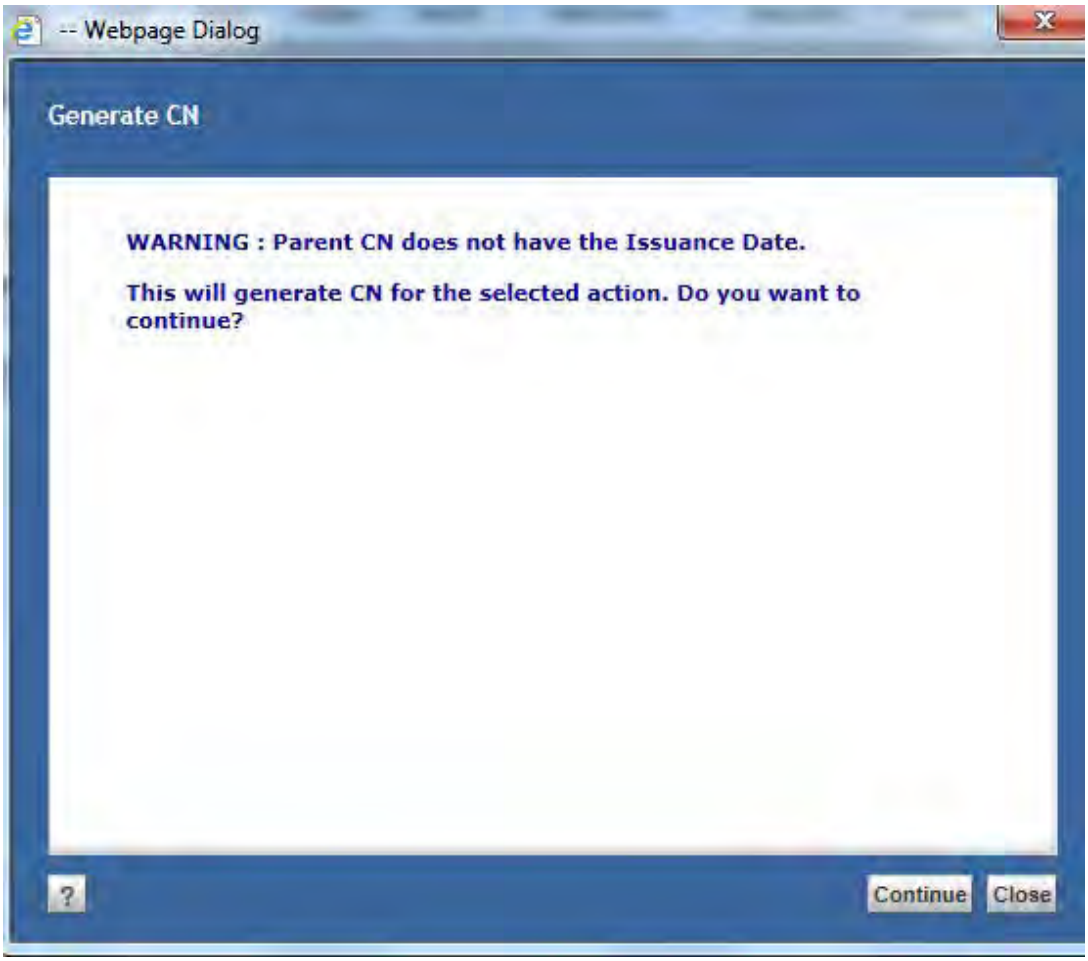


MS Word and PDF files are generated for CN in English and French.

Note: If the CN exists for that action, the following message is displayed:



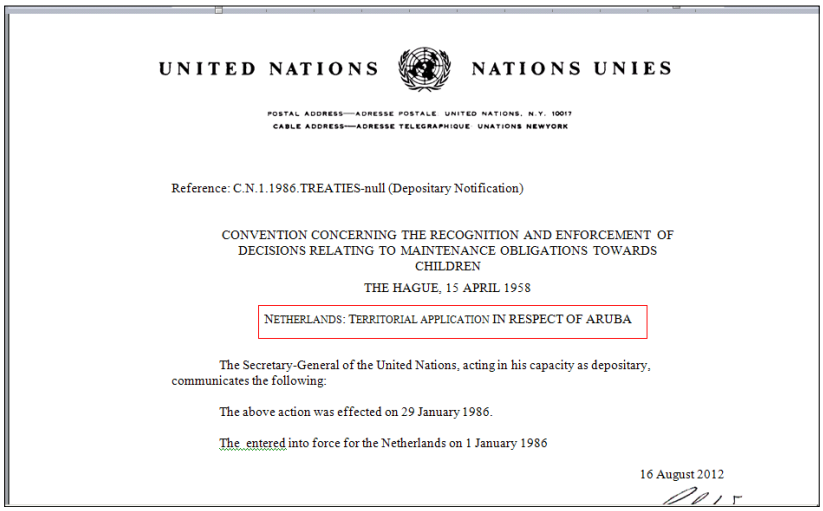
3. If parent CN doesn't have an issuance date, then the following warning message will be displayed:



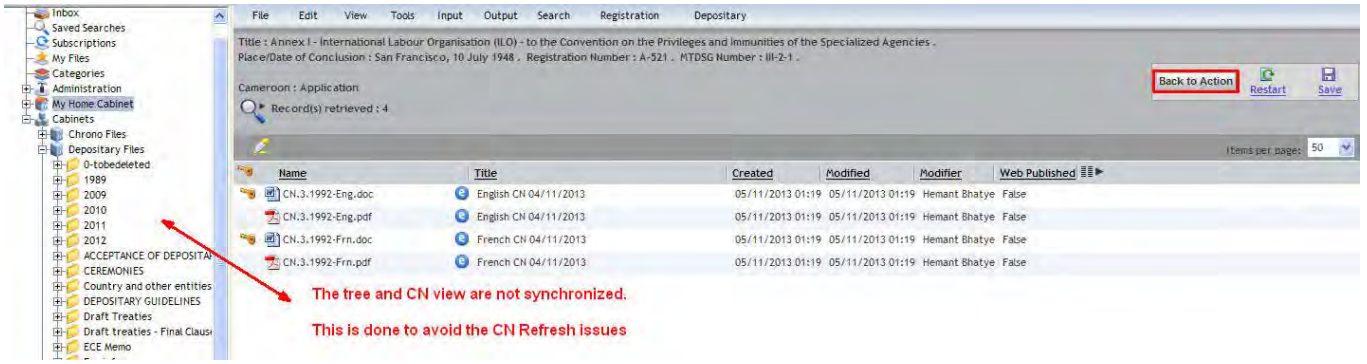
4. Click 'Continue' to create a new version. The following message is displayed and the English and French CNs are displayed in MS Word.

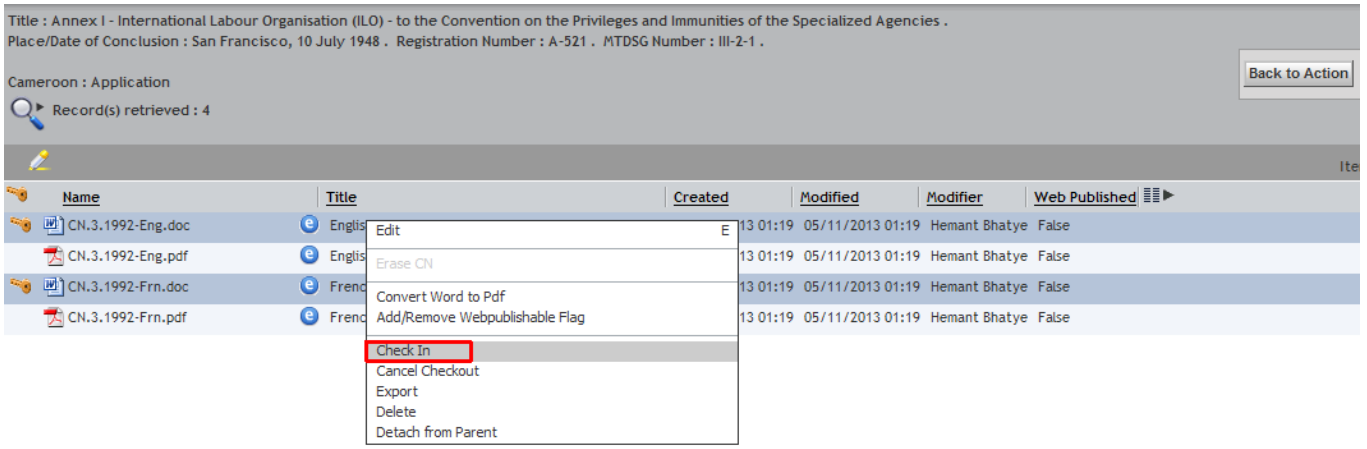
The generated CN is displayed, see sample below:

The sample CN generated for territorial application is displayed below:



After CN generation, the return screen shows the following CN files view with the generated CNs, the Word documents being checked out. Once the CN modification is done, the user can invoke checkin CNs from this view.





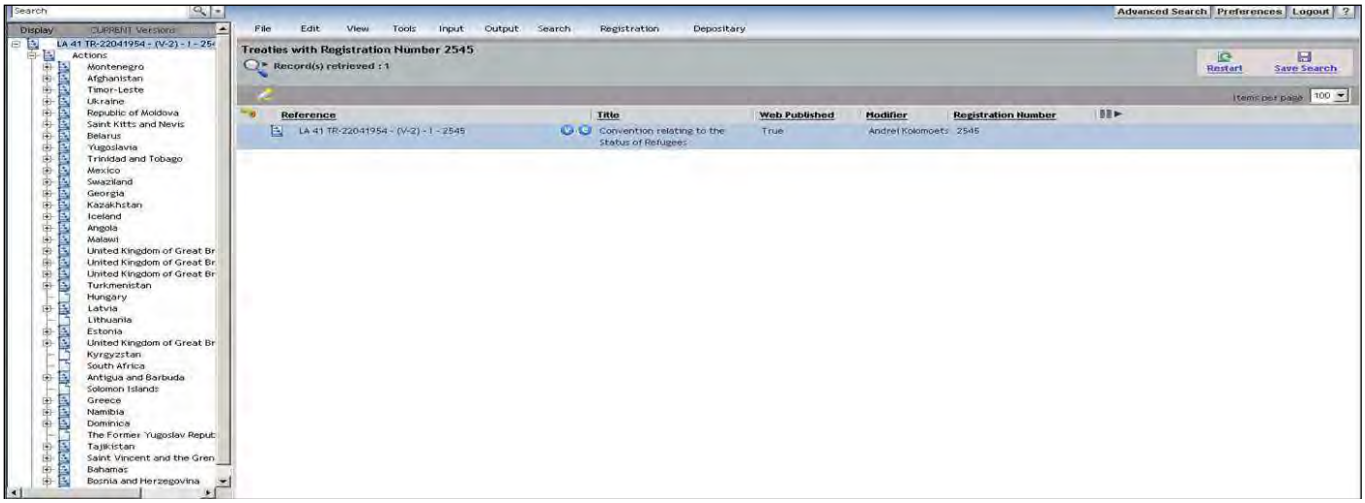
The **Back to Action** button can be used to go back to the Action. One should avoid double clicking the action to view the Action tree structure while working on the CNs in order to avoid the CN refresh issues that are related to WebTop.

When CN is generated and the web–publishing flag is set to 'True', a notification is sent to all subscribers that have opted for CN notifications.

> **Note:** When a CN which is already webpublished is modified, and if the user doesn't select the chek box "Do not send email notification", a dialog box appears and the the following message is displayed:
> "This CN has already been web-published. Are you sure you want to send an Email notification for the updated CN?"
> There are two buttons as "Yes, Send it" & "No, Do not send it". The notify attribute is updated as per user's action according to current functionality.
> The Web Published column is displayed by Default for all object types. Search results for virtual documenst already displays such column.

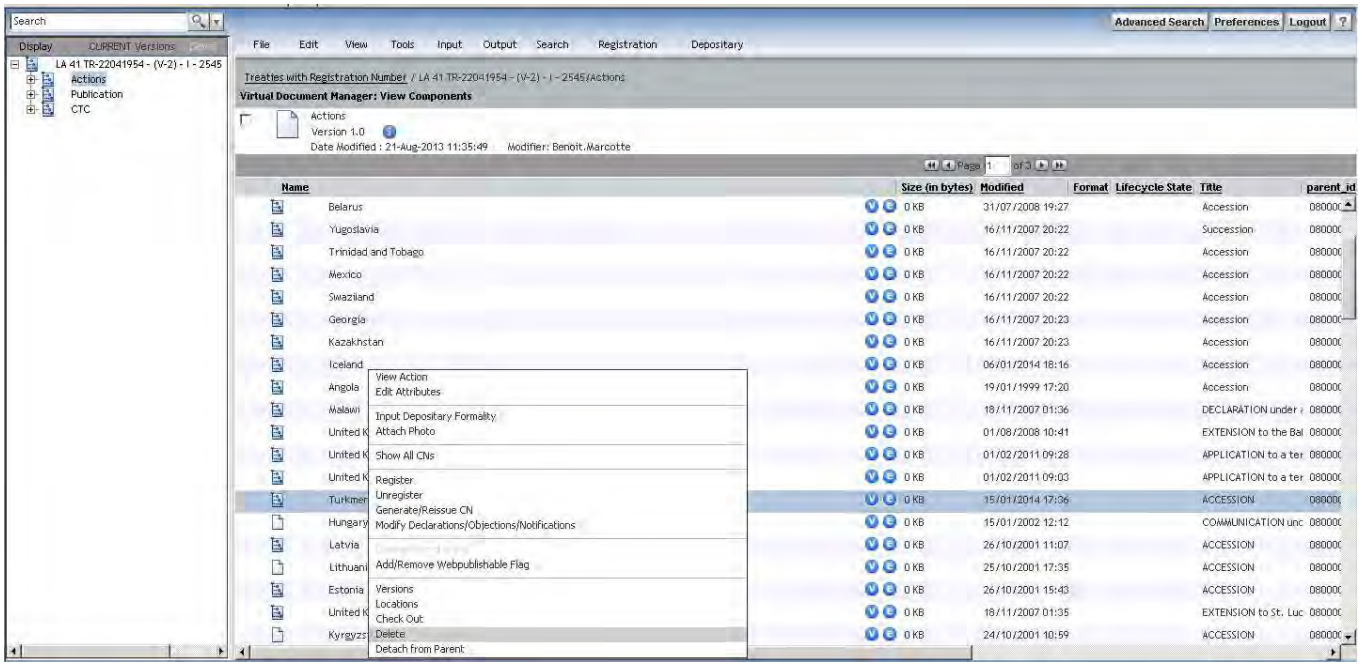
Note: CN PDF is updated automatically immediately after the user checks in the Word document. A message (error or confirmation) will be displayed on right side of screen (green/red).

You cannot delete an object that has a CN as a child object or delete a CN itself. The system shows a warning message restricting the action.
To delete an object that has CN as a child, navigate to the treaty.

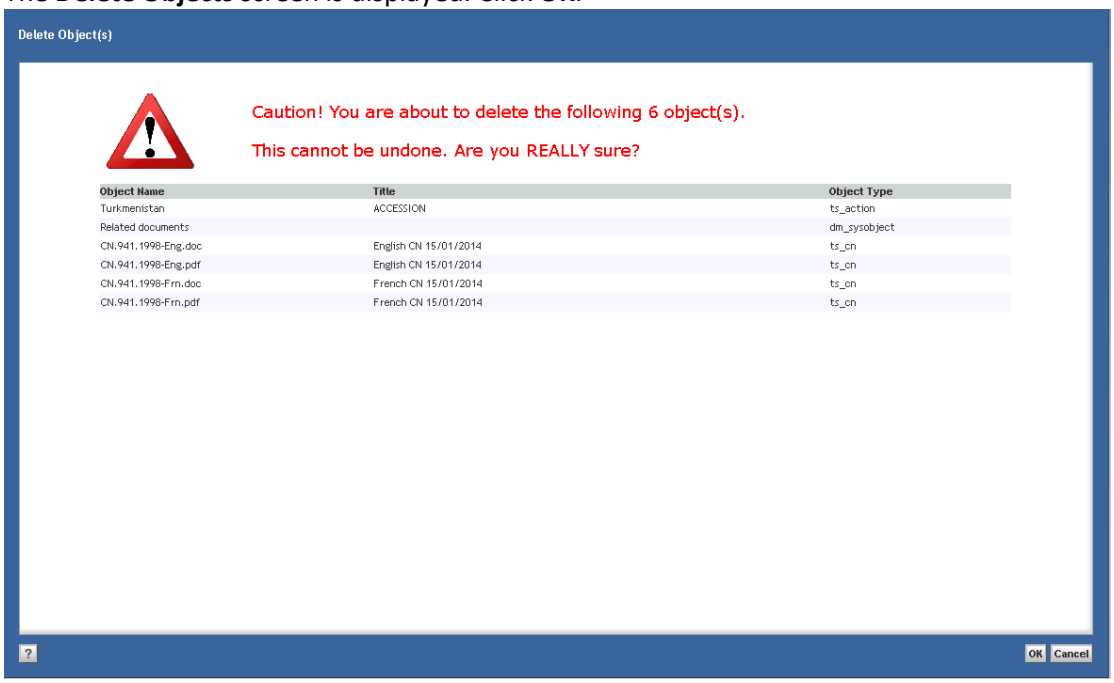


Navigate to **Actions**.

Click **Actions**.
Right-click a participant and click **Delete**.

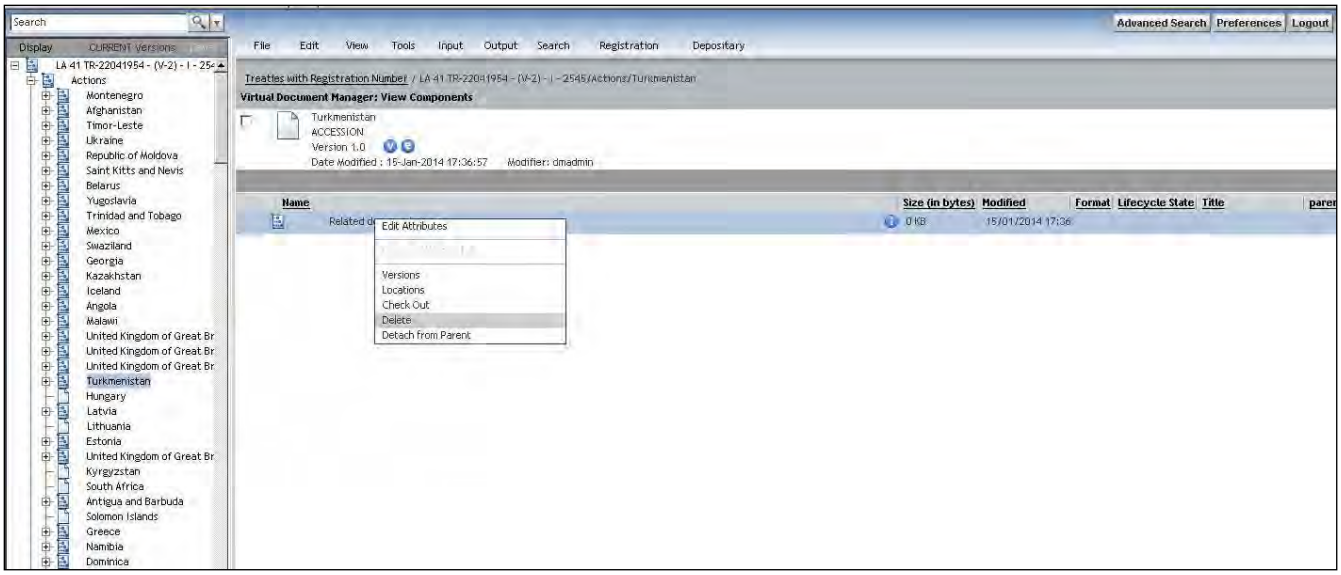


The **Delete Objects** screen is displayed. Click **OK**.

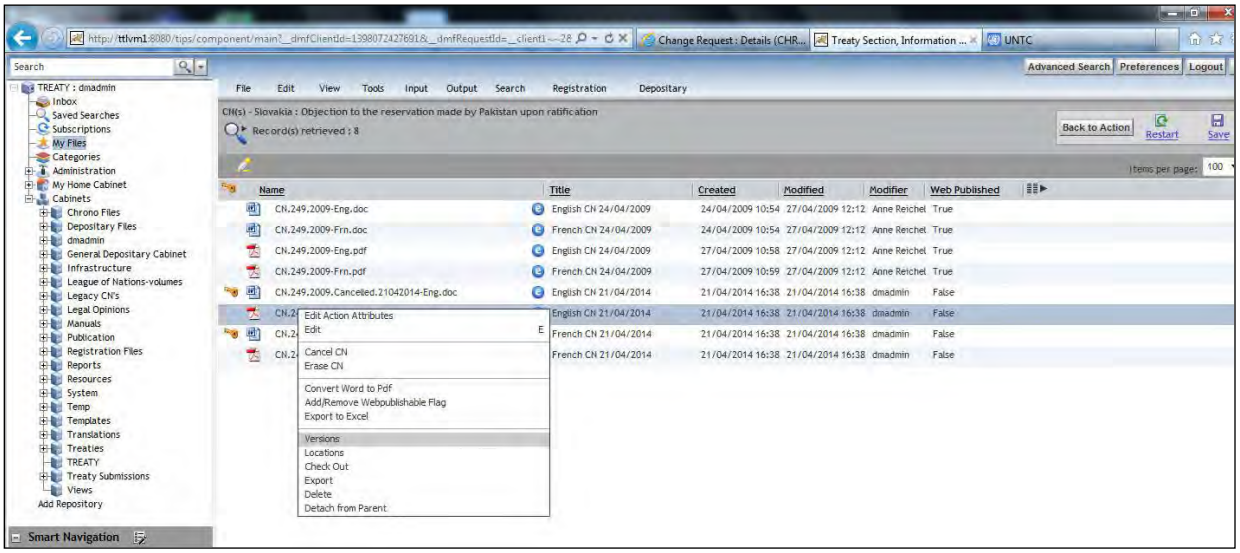


Click **OK**.

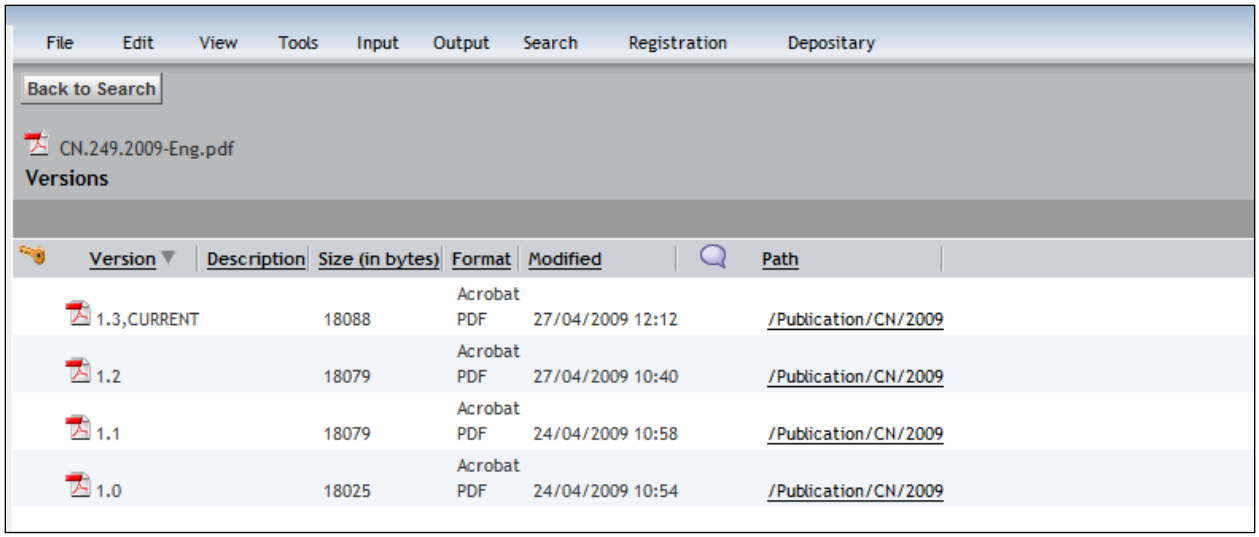
Similarly, you can also try and delete a CN.

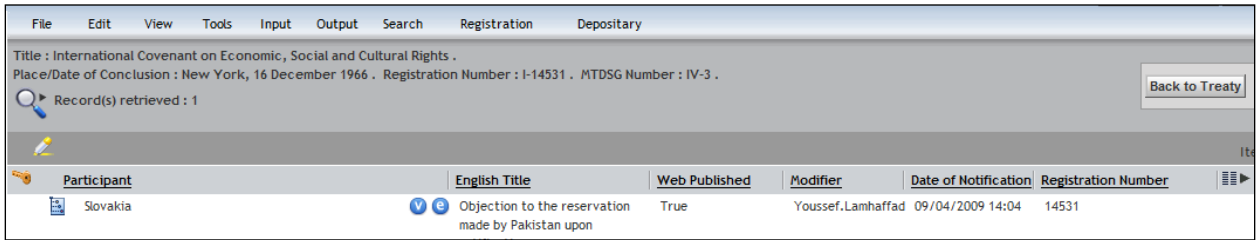


You can right-click the CN to check the version.



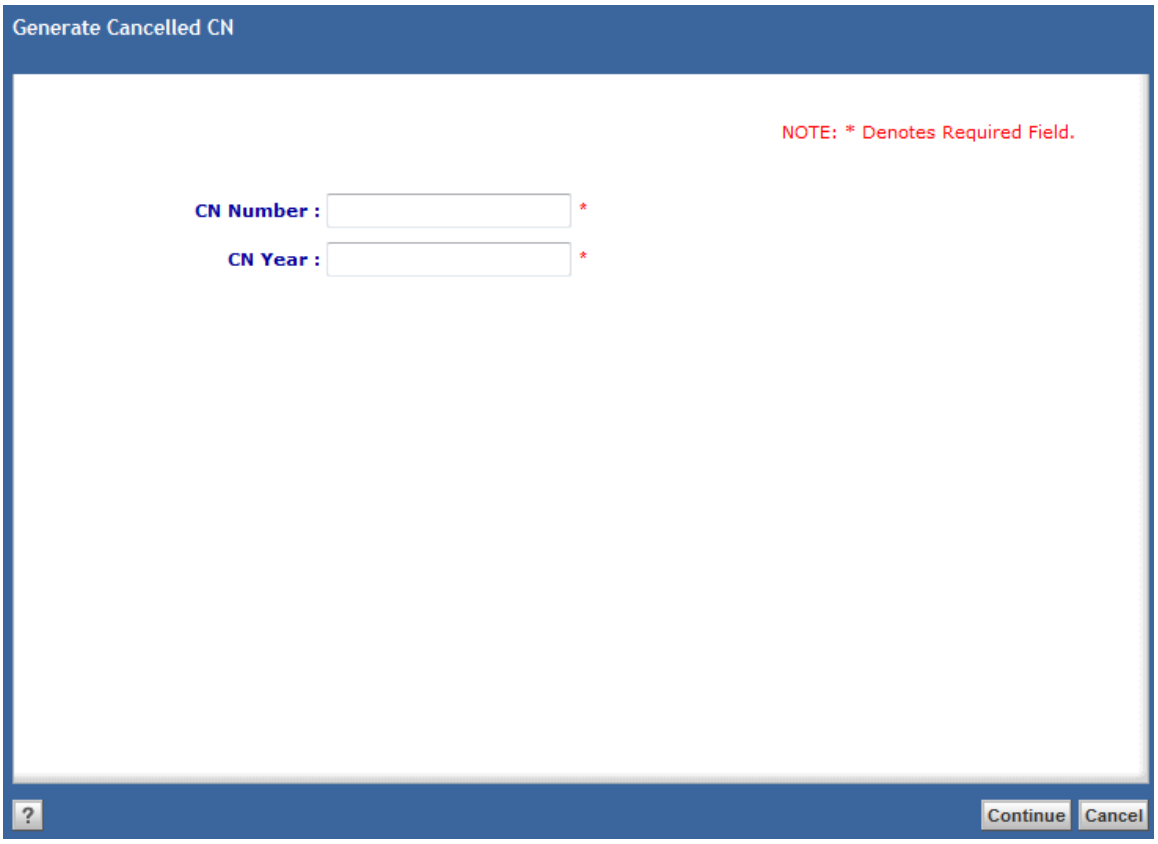
Click **Back to Search** to go to the previously carried out search results.





To generate a cancelled CN:

1. On the Depository menu, select CN > Generate Cancelled CN. The 'Generate Cancelled CN' page is displayed.
2. Enter the 'CN Number' and the 'CN Year' in the respective fields.



3. Click ‘Continue’. The following message is displayed and the cancelled CN is displayed in MS Word.

4. Click ‘Close’ to close the screen.

8.2.2.2 Reissue CN

To reissue a CN:

1. Click **Depository** > **CN** > **Reissue CN**.

2. When a CN is reissued, 4 new CN objects are generated (word/pdf, eng/frn) instead of creating versions of an existing CN. These CNs have the same number/year as the original CN but the filename have “Reissued” and the date stamp. E.g. if CN 100 2013 is reissued on March 1, 2014, the CN English Word CN filename would be CN.100.2013.Reissued.01032014-Eng.doc.

Name	Title	Created	Modified	Modifier	Web Published
CN.317.2009-Eng.doc	English CN 15/05/2009	15/05/2009 10:40	15/05/2009 12:08	Anne Reichel	True
CN.317.2009-Frn.doc	French CN 15/05/2009	15/05/2009 10:40	15/05/2009 12:08	Anne Reichel	True
CN.317.2009-Eng.pdf	English CN 15/05/2009	15/05/2009 10:42	15/05/2009 12:08	Anne Reichel	True
CN.317.2009-Frn.pdf	French CN 15/05/2009	15/05/2009 12:06	15/05/2009 12:08	Anne Reichel	True
CN.317.2009.Reissued.21042014-Eng.doc	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:06	dmadmin	False
CN.317.2009.Reissued.21042014-Eng.pdf	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:06	dmadmin	False
CN.317.2009.Reissued.21042014-Frn.doc	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:06	dmadmin	False
CN.317.2009.Reissued.21042014-Frn.pdf	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:06	dmadmin	False

3. The previously issued CN(s) for the same number/year are marked as un-web-published. This may include the original and any reissued CNs in case the CN was reissued more than once.

Name	Title	Created	Modified	Modifier	Web Published
CN.317.2009-Eng.doc	English CN 15/05/2009	15/05/2009 10:40	21/04/2014 18:14	dmadmin	False
CN.317.2009-Frn.doc	French CN 15/05/2009	15/05/2009 10:40	21/04/2014 18:14	dmadmin	False
CN.317.2009-Eng.pdf	English CN 15/05/2009	15/05/2009 10:42	21/04/2014 18:14	dmadmin	False
CN.317.2009-Frn.pdf	French CN 15/05/2009	15/05/2009 12:06	21/04/2014 18:14	dmadmin	False
CN.317.2009.Reissued.21042014-Eng.doc	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Eng.pdf	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Frn.doc	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Frn.pdf	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True

4. The system displays “Reissued” as the first line of the CN.

Name	Title	Created	Modified	Modifier	Web Published
CN.317.2009-Eng.doc	English CN 15/05/2009	15/05/2009 10:40	21/04/2014 18:14	dmadmin	False
CN.317.2009-Frn.doc	French CN 15/05/2009	15/05/2009 10:40	21/04/2014 18:14	dmadmin	False
CN.317.2009-Eng.pdf	English CN 15/05/2009	15/05/2009 10:42	21/04/2014 18:14	dmadmin	False
CN.317.2009-Frn.pdf	French CN 15/05/2009	15/05/2009 12:06	21/04/2014 18:14	dmadmin	False
CN.317.2009.Reissued.21042014-Eng.doc	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Eng.pdf	English CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Frn.doc	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True
CN.317.2009.Reissued.21042014-Frn.pdf	French CN 21/04/2014	21/04/2014 18:06	21/04/2014 18:14	dmadmin	True

Note: On the UNTC website, the previously issued CNs for a reissued CN will not be displayed in searches as they are not web-published anylonger.

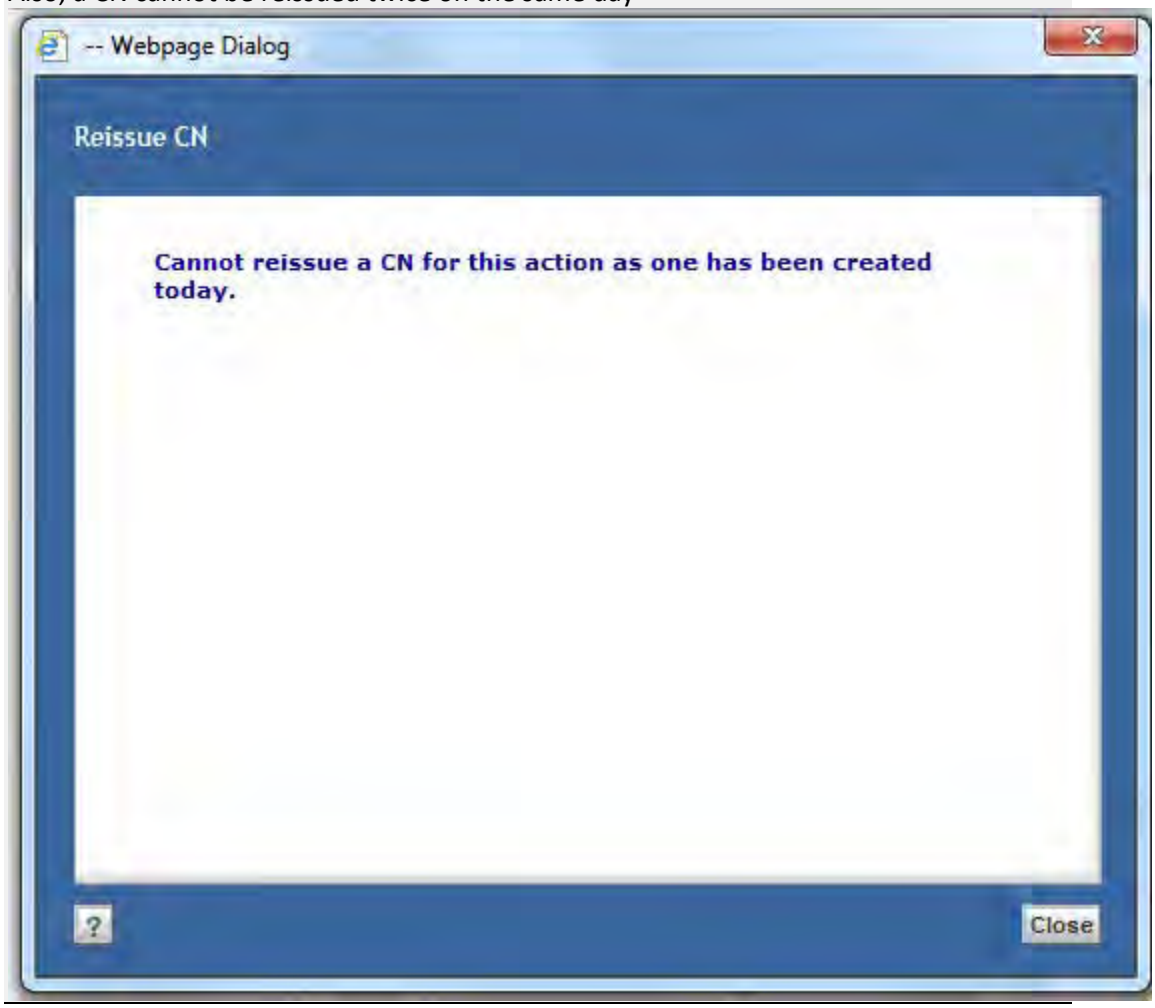
The transfer job (from Documentum repository to the website database) to preserve the old versions of CN files even if they are not web-published. These files are shown as links on the website, as ‘Previous Issues’, see image below.

Date of Issuance	CN Number	Participant	Action	Treaty Reference	Download PDF
16/04/2014	1423	Saudi Arabia	Adoption of a Protocol	XI-E-3-aa	English French
16/04/2014	53	Samoa	Acceptance	XI-E-3	English French
11/04/2014	475 (Reissued)	Japan	Withdrawal of reservation	IV-3	English French Previous Issues

https://ttlvm048/pages/ShowPreviousCNs.aspx?cnNumber=475&cnYear=2012 ...

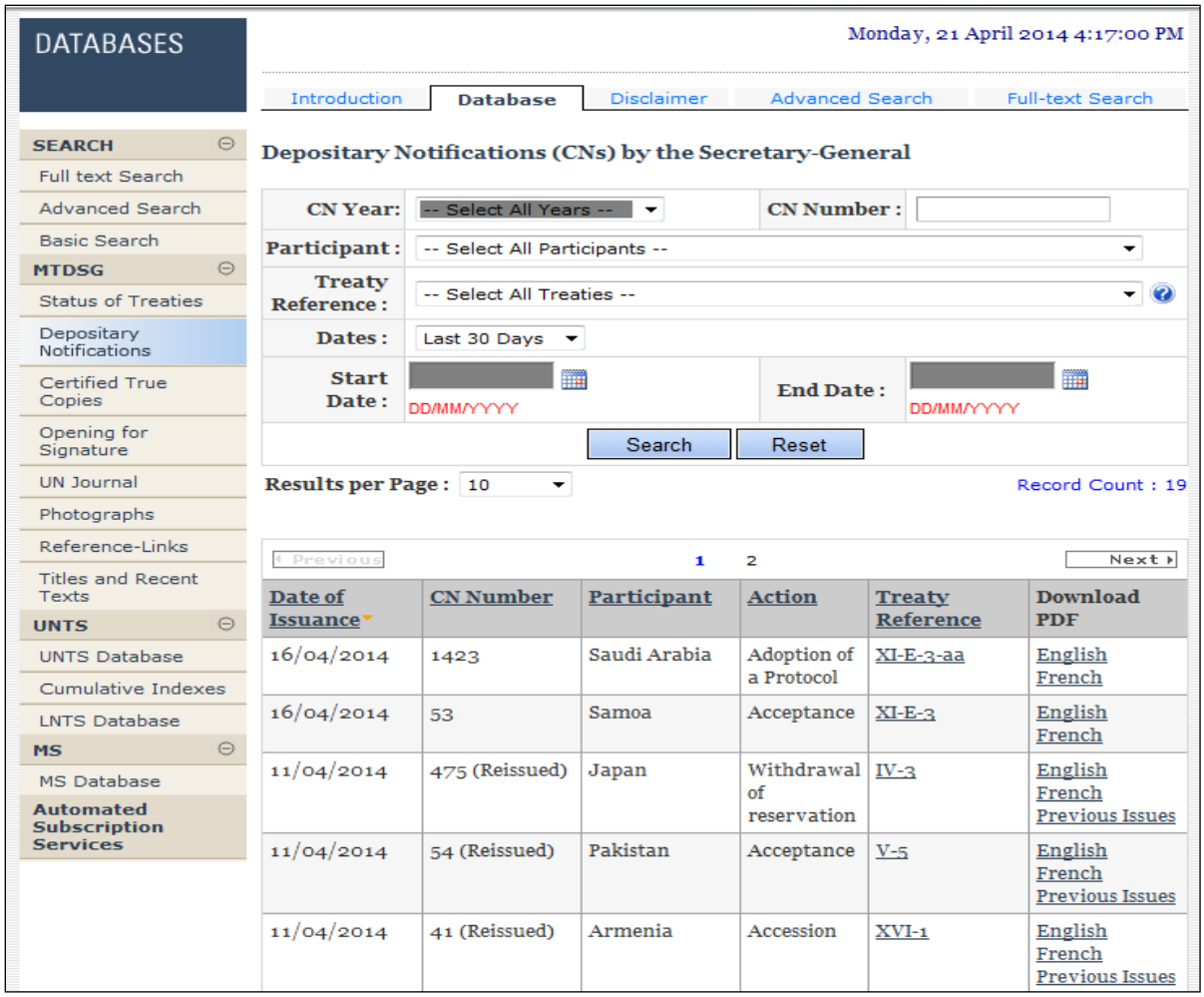
Date of Issuance	CN Number	Participant	Action	Treaty Reference	Download PDF
11/09/2012	475 (Original)	Japan	Withdrawal of reservation	IV-3	English French

Also, a CN cannot be reissued twice on the same day



5. The user cannot modify old CNs once the CN has been reissued. A message in Red is displayed on the CN Edit screen when user tries to edit an old CN.

CN status is displayed on the CNs page (on the website) when a CN is reissued or cancelled, see image below.

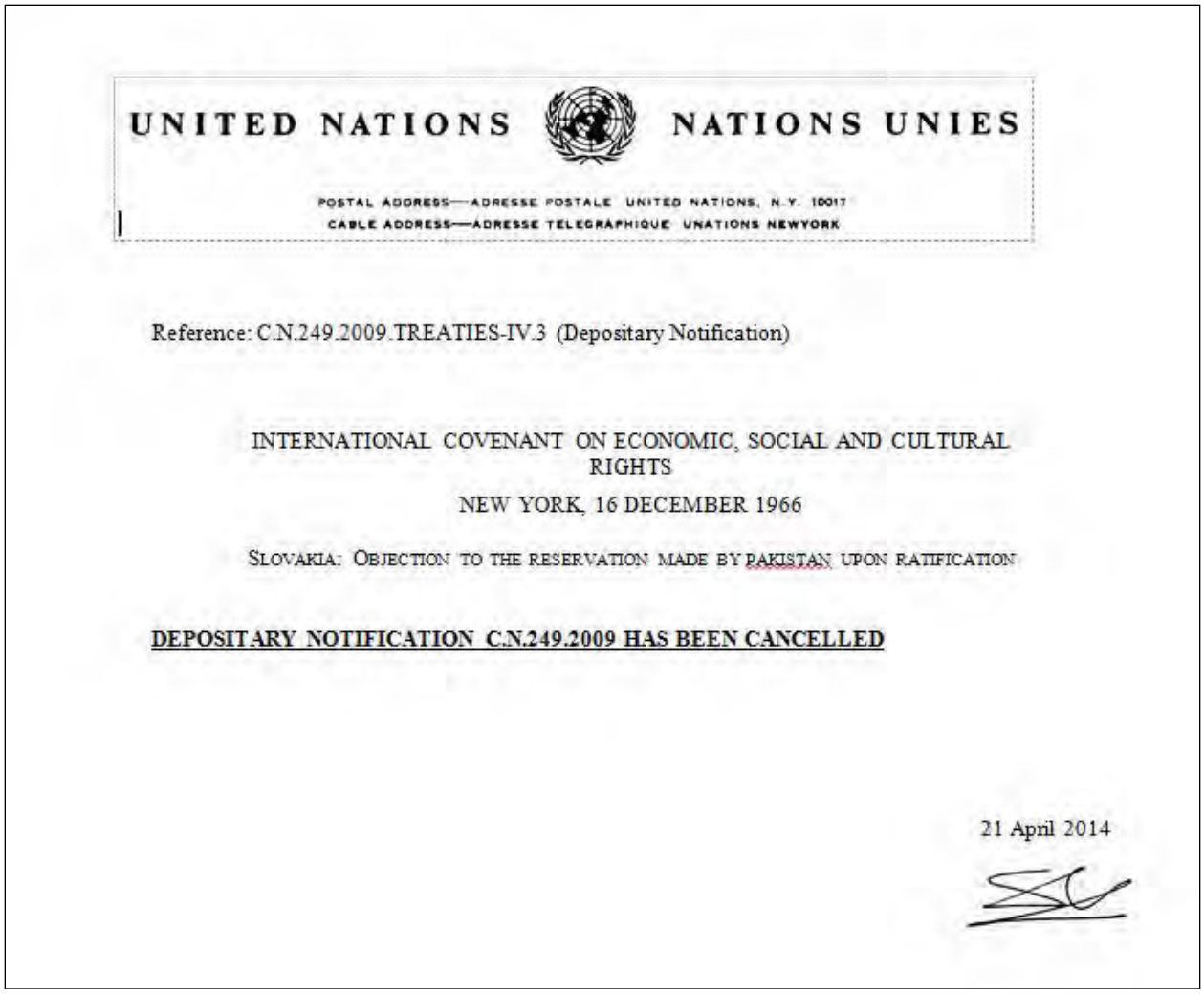


8.2.2.3 Cancel CN

You can cancel a selected CN. This generates 4 new CN objects (word/pdf, eng/frn). These CNs have the same number/year as the original CN but the filename should contain the word “Cancelled” and the date stamp. E.g. if CN 100 2013 is cancelled on March 1, 2014, the CN filename would be CN.100.2013.Cancelled.01032014-Eng.doc.

Note: This functionality is only available for the administrator.

The Cancelled CN includes details such as treaty MTDSG reference, treaty title, Action, etc., details similar to the regular CN.



UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

Reference: C.N.249.2009.TREATIES-IV.3 (Depositary Notification)

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

NEW YORK, 16 DECEMBER 1966

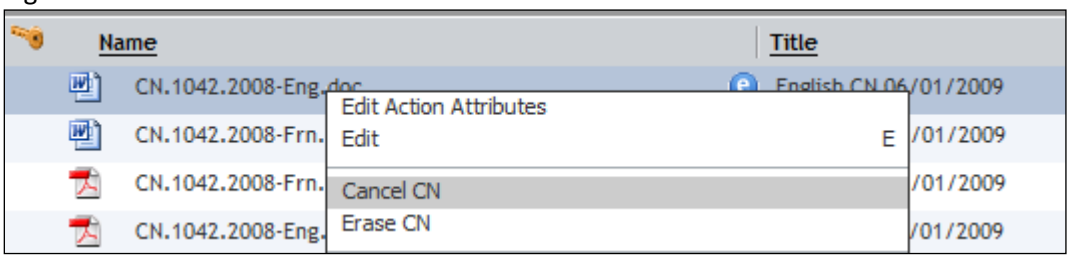
SLOVAKIA: OBJECTION TO THE RESERVATION MADE BY PAKISTAN UPON RATIFICATION

DEPOSITARY NOTIFICATION C.N.249.2009 HAS BEEN CANCELLED

21 April 2014

To cancel a CN:

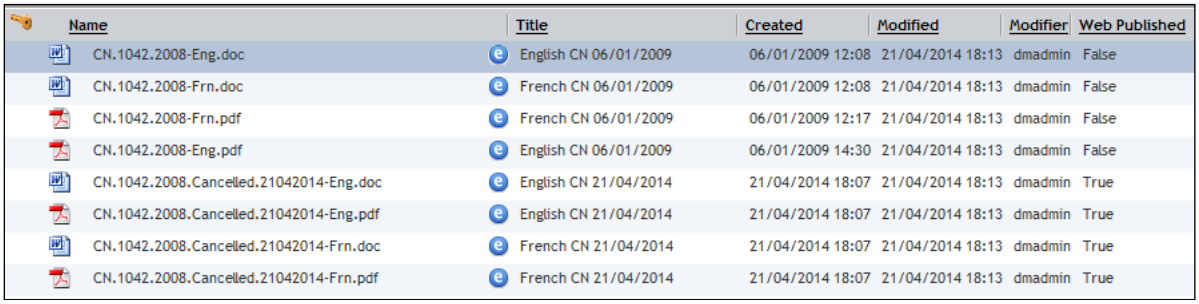
1. Right-click a CN and click **Cancel CN**.



This generates 4 new CN objects (word/pdf, eng/frn).

CN.1042.2008-Eng.doc	English CN 06/01/2009	06/01/2009 12:08	21/04/2014 18:13
CN.1042.2008-Frn.doc	French CN 06/01/2009	06/01/2009 12:08	21/04/2014 18:13
CN.1042.2008-Frn.pdf	French CN 06/01/2009	06/01/2009 12:17	21/04/2014 18:13
CN.1042.2008-Eng.pdf	English CN 06/01/2009	06/01/2009 14:30	21/04/2014 18:13
CN.1042.2008.Cancelled.21042014-Eng.doc	English CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13
CN.1042.2008.Cancelled.21042014-Eng.pdf	English CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13
CN.1042.2008.Cancelled.21042014-Frn.doc	French CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13
CN.1042.2008.Cancelled.21042014-Frn.pdf	French CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13

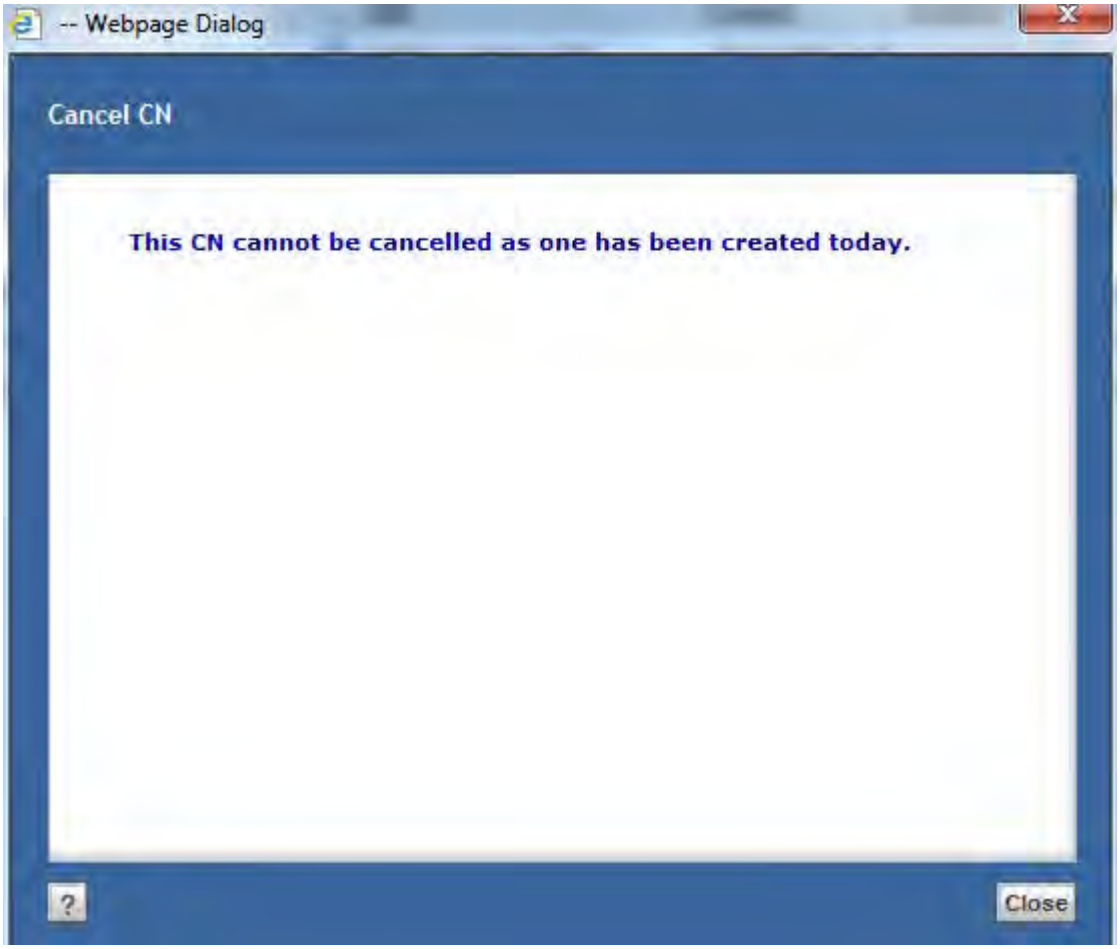
2. The previously issued CN(s) for the same number/year are marked as not web-published. This may include the original and any reissued CNs in case the CN was reissued more than once.



Name	Title	Created	Modified	Modifier	Web Published
CN.1042.2008-Eng.doc	English CN 06/01/2009	06/01/2009 12:08	21/04/2014 18:13	dmadmin	False
CN.1042.2008-Frn.doc	French CN 06/01/2009	06/01/2009 12:08	21/04/2014 18:13	dmadmin	False
CN.1042.2008-Frn.pdf	French CN 06/01/2009	06/01/2009 12:17	21/04/2014 18:13	dmadmin	False
CN.1042.2008-Eng.pdf	English CN 06/01/2009	06/01/2009 14:30	21/04/2014 18:13	dmadmin	False
CN.1042.2008.Cancelled.21042014-Eng.doc	English CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13	dmadmin	True
CN.1042.2008.Cancelled.21042014-Eng.pdf	English CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13	dmadmin	True
CN.1042.2008.Cancelled.21042014-Frn.doc	French CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13	dmadmin	True
CN.1042.2008.Cancelled.21042014-Frn.pdf	French CN 21/04/2014	21/04/2014 18:07	21/04/2014 18:13	dmadmin	True

3. On the UNTC website, the previously issued CNs for a reissued CN will not be displayed in searches as they are not web-published.

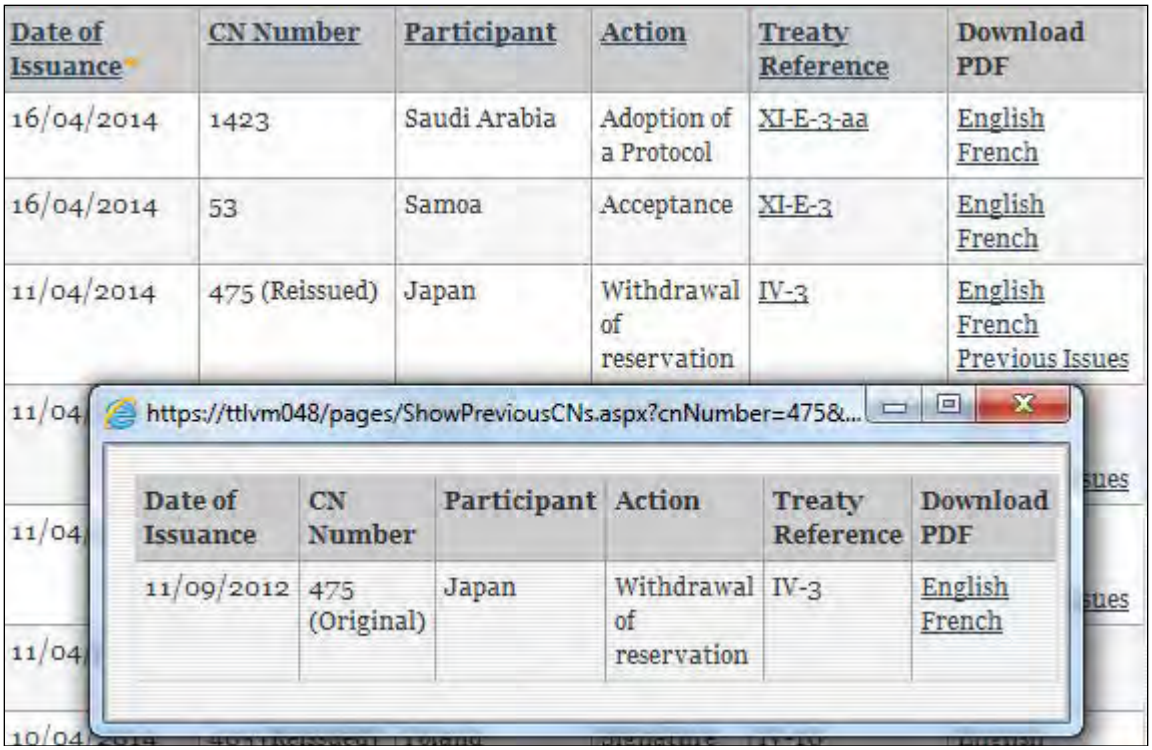
4. A cancelled CN cannot be cancelled again. A message is displayed. However, a cancelled CN could be reissued. A reissued CN could be cancelled.



The CN status is displayed on the CNs page (on the website) when a CN is reissued or cancelled.

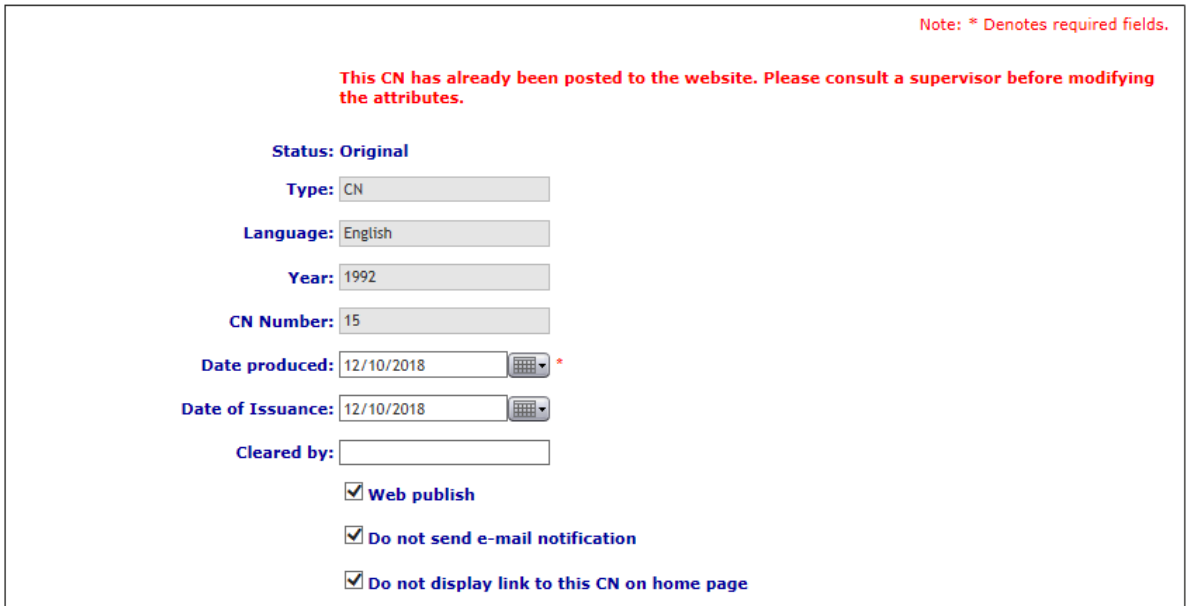
10/04/2014	277 (Cancelled)	Morocco	Ratification	IV-16	English French

On the website, a link to "Previous Versions" is created for a CN that has previously been issued. This link will open a screen that shows the links to previously issued CNs.

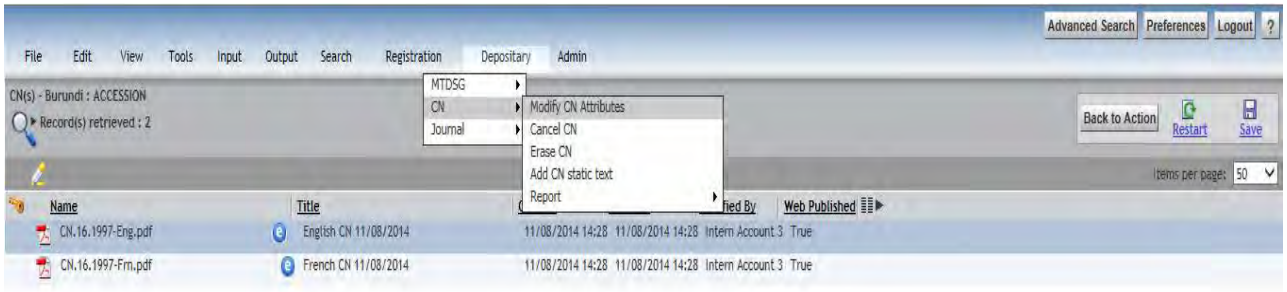


8.2.2.4 View/Edit CN

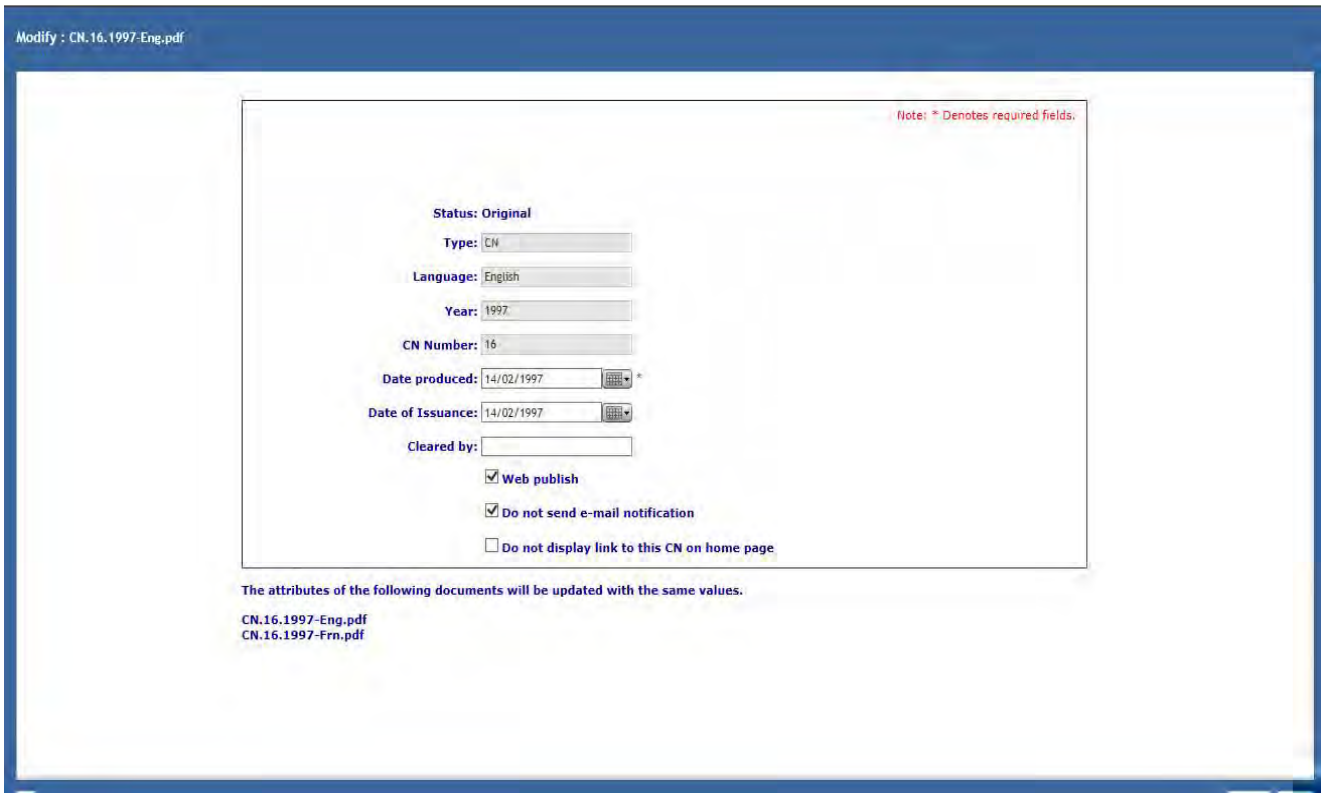
The multiple sets of CNs for an action can have the same number & year. The Edit CN function works in the Read only mode for old CNs, which means, if a CN has been reissued/cancelled, the user cannot modify the metadata of the old copies. The screen opens in Read Only mode. An indicative message is displayed.



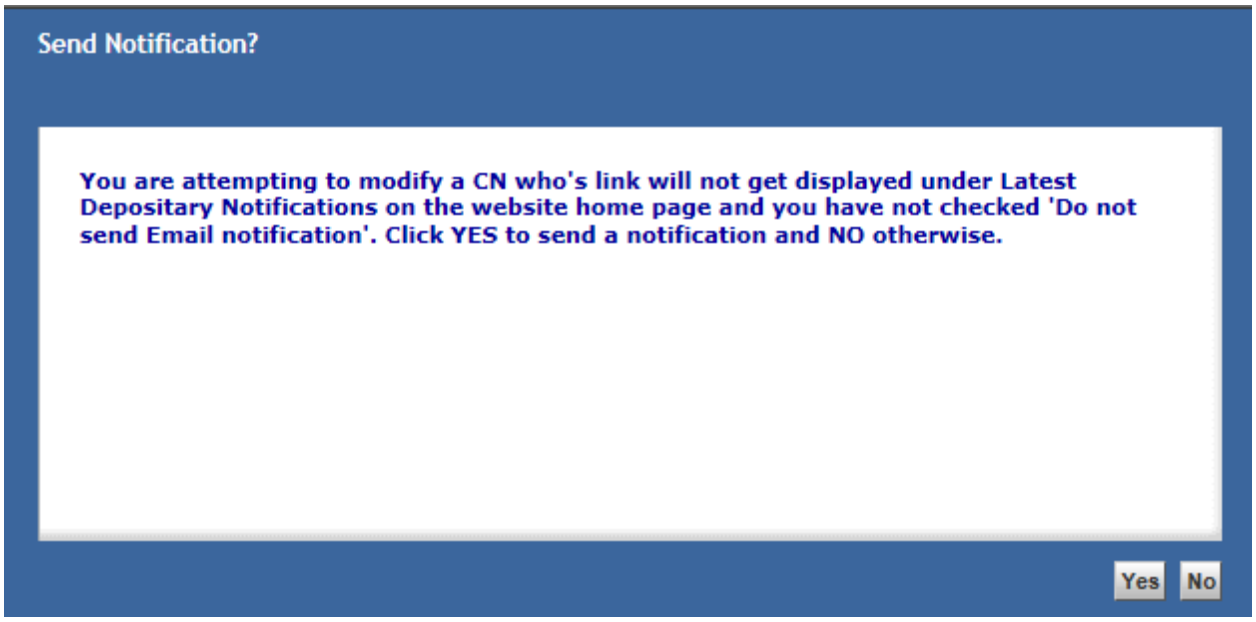
- In order not to display CNs on the website Homepage, follow the steps below
  1. Go to Depositary Menu →CN→Modify CN Attributes



  2. The following screen will get displayed. We have added a new Check box: 'Do not display link to this CN on home page'.



3. If we check the ‘Do not display link to this CN on home page’ check box, then the CN will not be displayed under the "Latest Depositary Notifications" on the website home page, and it will not get displayed for the ‘Latest 10 days’ search of Latest Notifications search section.
4. If web publish is set to True and ‘Do not display link to this CN on home page’ is set to True, and the ‘Do not send e-mail notification’ check box is unchecked, then we will get a Waring message :"You are attempting to modify a CN who's link will not get displayed under Latest Depositary Notifications on the website home page and you have not checked 'Do not send Email notification' “. Click YES to send a notification and NO otherwise." See image below.



5. If we click on yes, then 'Do not send e-mail notification' check box will get checked otherwise it will remain unchecked.

8.2.2.5 Generate CN – Regenerate a CN

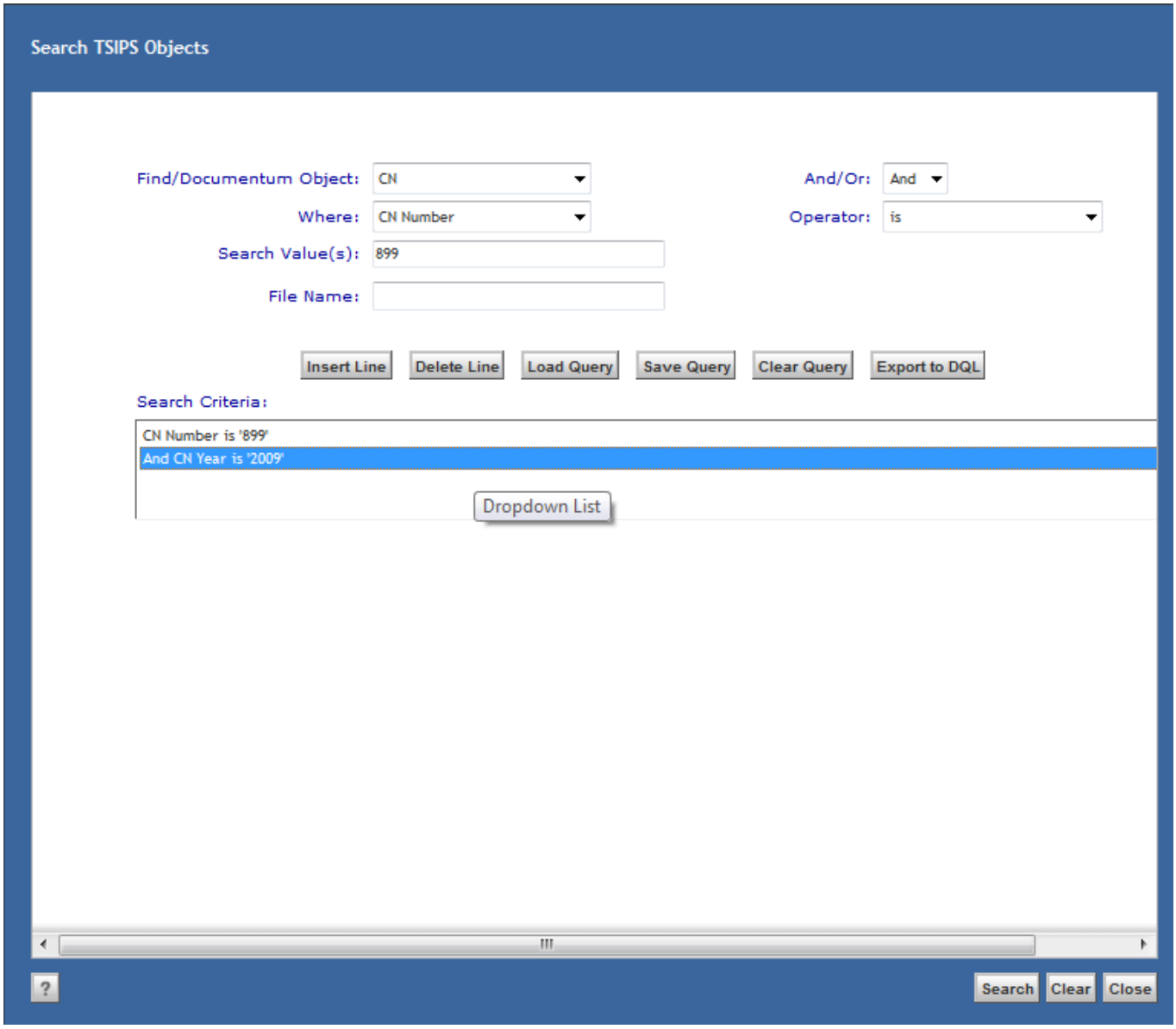
If the user invokes Generate CN on an action that already has a CN, the system regenerates the CN and **replace** the last CNs generated as versions. For example, if a CN has been issued only once, invoking Generate CN on the action would create new Documentum version of the 4 CN objects. In case the CN was reissued, (4 more CN objects in addition to original 4), Generate CN function replaces the Reissued CNs.

Name	Title	Created	Modified	Modifier	Web Published
CN.693.2008-Eng.doc	English CN 25/09/2008	21/04/2014 18:42	21/04/2014 18:42	dmadmin	True
CN.693.2008-Eng.pdf	English CN 25/09/2008	21/04/2014 18:42	21/04/2014 18:42	dmadmin	True
CN.693.2008-Frn.doc	French CN 25/09/2008	21/04/2014 18:42	21/04/2014 18:42	dmadmin	True
CN.693.2008-Frn.pdf	French CN 25/09/2008	21/04/2014 18:42	21/04/2014 18:42	dmadmin	True

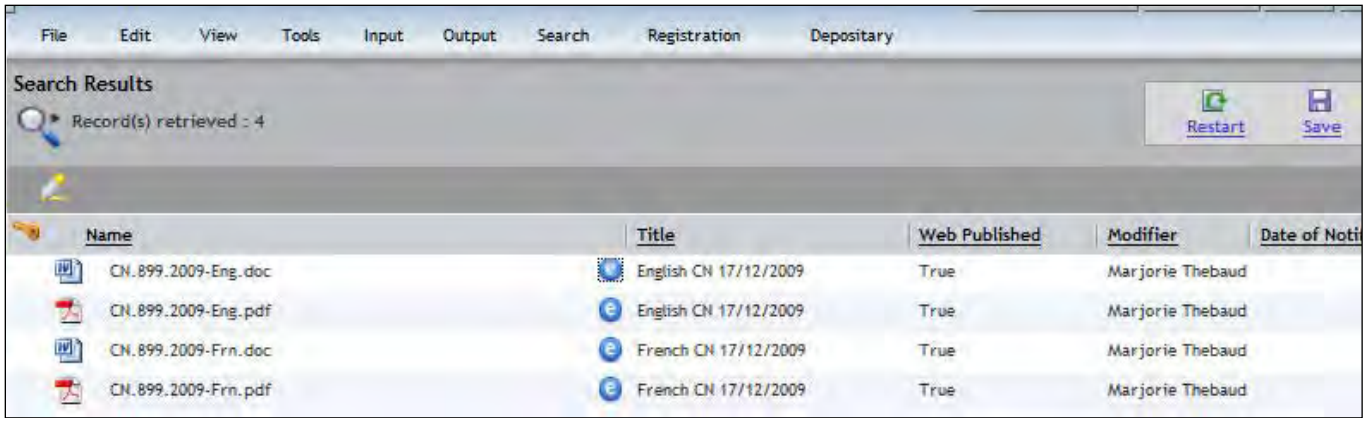
To Search CN using complex query:

5. On the Search menu, select Complex Query.
6. Select Object as CN. You can select CN number from the “Where” drop-down list. Enter required CN number in search value field. Similarly enter search criteria for the CN year.

7. Click the Search button at the bottom of the page.



The CN for the selected number and Year is displayed.



8.2.3 Report

The 'Report' option allows you to generate a report for the actions which contain Circular Notification documents.

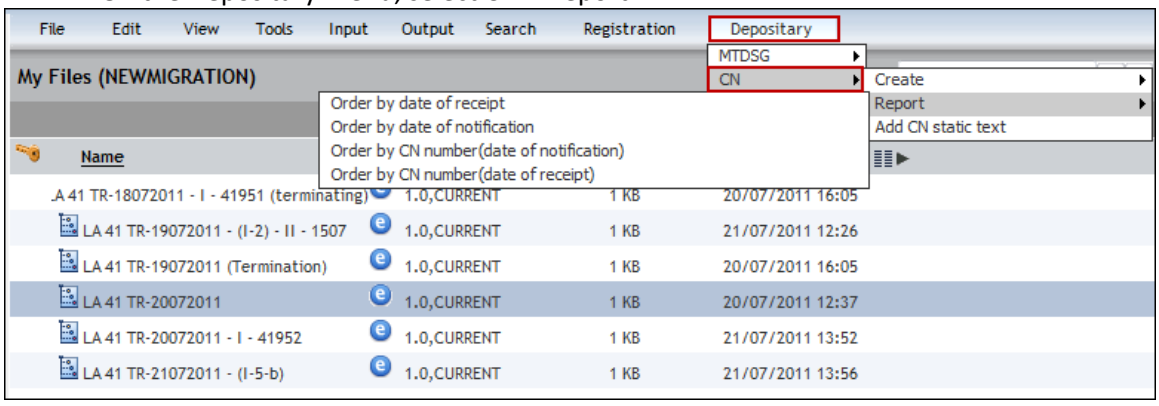
This option enables you to generate the following reports:

- Order by date of receipt
- Order by date of notification
- Order by CN Number (date of notification)
- Order by CN Number (date of receipt)

Note: The MTDSG Job displays a column called "CN Status" in the database and if the value is Yes, then a CN exists and is released for the action that triggered the MTDSG generation. A null value signify that the release of the corresponding CNs is pending. The CN Status field has been added to mtdsg_job and mtdsg_job_history tables.

To generate reports:

- On the Depositary Menu, select CN > Report.

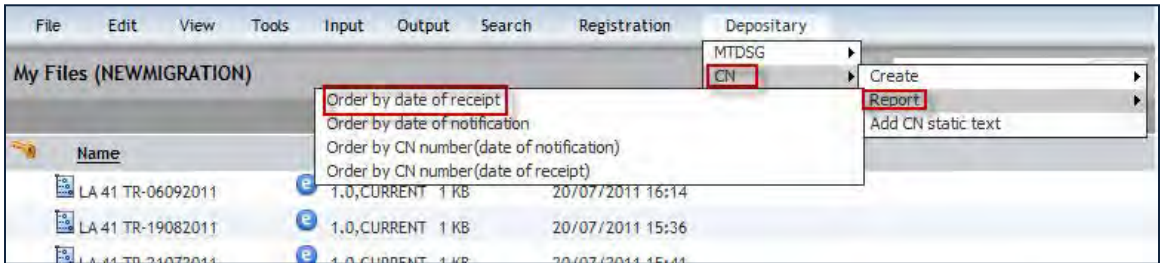


8.2.3.1 Order by date of receipt

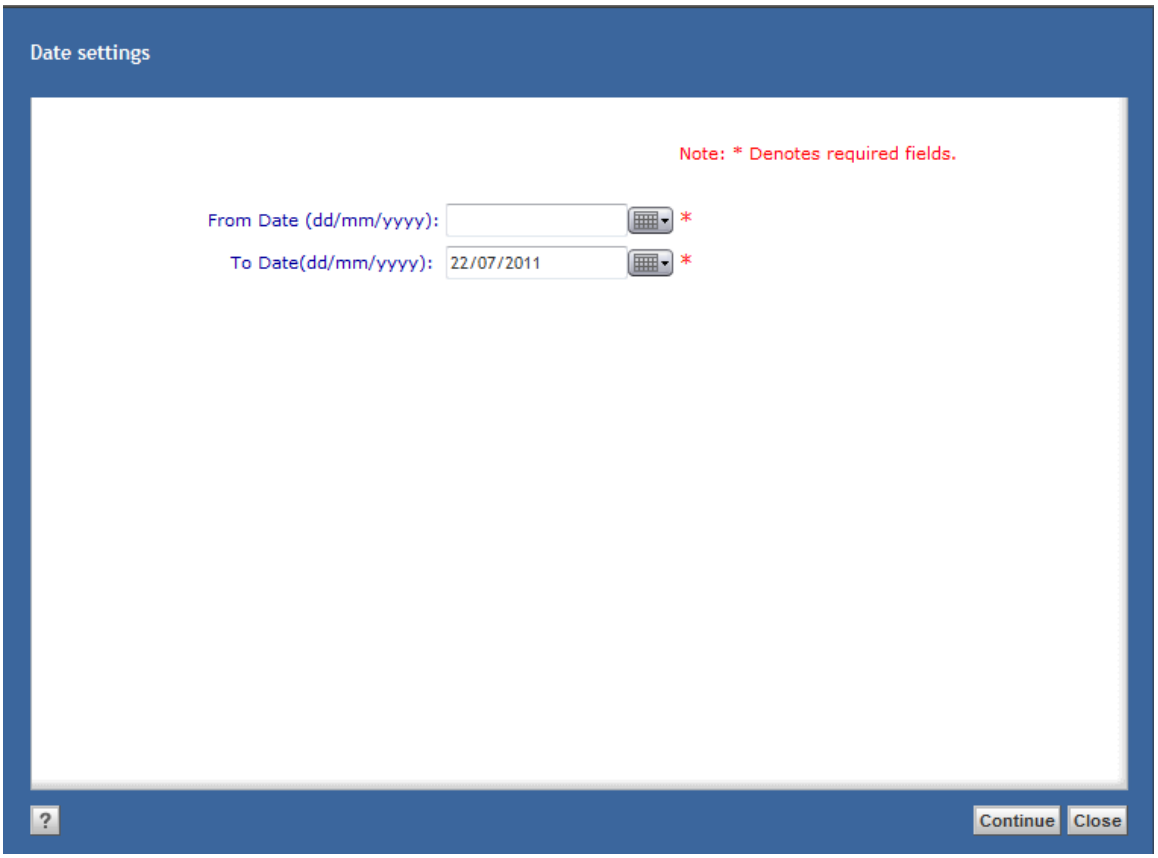
The Order by date of receipt option allows you to generate a report for the actions sorted by the date of receipts of the actions.

To generate the report- Order by date of receipt:

1. On the Depositary Menu, select CN> Report> Order by date of receipt



2. Click  icon to select and enter a date in the 'From Date' field.
3. Click  icon to select and enter a date in the 'To Date' field.



4. Click 'Continue' to generate the following report.
5. Click 'Close' to close the screen.

CN log from 1 May 2017 to 1 June 2017

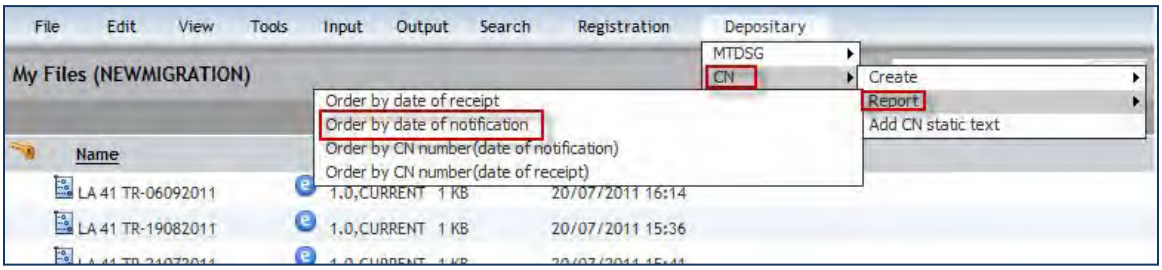
Date of action	Conv. No.	Type of Action	Doc Dispo	CN No.	Action No.	Date of CN	CN prepared by	Cleared by	Date of release	Date of receipt
3 May 2017	XXVI-2(EIF)	Brazil: Communication	New record	140 (1.0)	2	23 May 2017	Rushikesh Deshpande			2 May 2017
6 May 2017	XXVI-2(EIF)	Romania: Communication	New record	141 (1.0)	3	23 May 2017	Rushikesh Deshpande			6 May 2017
9 May 2017	XXVI-2(EIF)	Norway: Communication	New record	142 (1.0)	4	24 May 2017	Rushikesh Deshpande			9 May 2017

8.2.3.2 Order by date of notification

The Order by date of notification option allows you to generate a report for the actions sorted by the date of notification of the actions.

To generate a report:

1. On the Depositary Menu, select CN > Report> Order by date of notification.



2. Click icon to select and enter a date in the 'From Date' field.
3. Click icon to select and enter a date in the 'To Date' field.
4. Click 'Continue' to generate the following report.
5. Click 'Close' to close the screen.

CN log from 2 January 2017 to 2 February 2017

Date of action	Conv. No.	Type of Action	Doc Dispo	CN No.	Action No.	Date of CN	CN prepared by	Cleared by	Date of release	Date of receipt
4 Jan 2017	XXVII-7-d(EIF)	Cyprus: Ratification	Registered	2 (1.0)	1	4 Jan 2017	Katia Monsanto	dh ah	4 Jan 2017	4 Jan 2017
9 Jan 2017	XXVII-7-d(EIF)	Azerbaijan: Ratification	Registered	5 (1.0)	2	10 Jan 2017	Katia Monsanto	dh ah	10 Jan 2017	9 Jan 2017
9 Jan 2017	IV-4(EIF)	Turkey: Notification under article 4 (3)	Registered	4 (1.0)	1	10 Jan 2017	Valerie Villarruz	dh-ah-sv	10 Jan 2017	9 Jan 2017

8.2.3.3 Order by CN Number (date of notification)

This option enables you to generate CN report for date of notification by entering the date range.

To generate a report:

1. On the Depositary menu, select CN > Report > Order by CN Number (date of notification.)

2. Click icon to select and enter a date in the 'From Date' field.
3. Click icon to select and enter a date in the 'To Date' field.
4. Click 'Continue' to generate the following report.
5. Click 'Cancel' to close the screen.

CN log from 1 March 2016 to 10 May 2016

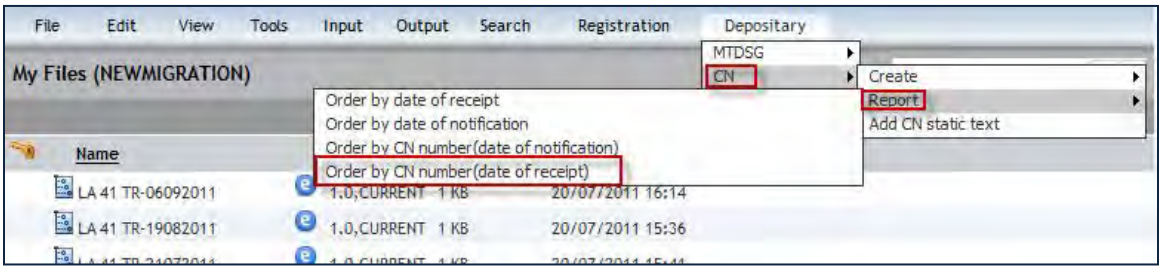
CN No.	Action No.	Date of CN	CN prepared by	Cleared by	Date of release	Date of action	Conv. No.	Type of Action	Doc Dispo	Date of receipt
70 (1.0)	2	1 Mar 2016	Benoit.Marcotte	dh ah	1 Mar 2016	1 Mar 2016	IV-9(EIF)	Fiji: Signature	New record	1 Mar 2016
72 (1.0)	2	1 Mar 2016	Valerie.Villarruz	dh ah	1 Mar 2016	1 Mar 2016	XVIII-10-a(EIF)	The former Yugoslav Republic of Macedonia: Ratification	Registered	1 Mar 2016

8.2.3.4 Order by CN Number (date of receipt)

This option enables you to generate CN report for date of receipt by entering the date range.

To Generate the Report - Order by CN Number (date of receipt):

1. On the Depositary menu, select CN > Report > Order by CN Number (date of receipt)



2. Click icon to select and enter a date in the 'From Date' field.
3. Click icon to select and enter a date in the 'To Date' field.
4. Click 'Continue' to generate the following report.
5. Click 'Cancel' to close the screen.

CN log from 1 June 2017 to 1 July 2017

CN No.	Action No.	Date of CN	CN prepared by	Cleared by	Date of release	Date of action	Conv. No.	Type of Action	Doc Dispo	Date of receipt
143 (1.0)	43	27 Jun 2017	amol		27 Jun 2017	27 Jun 2017	IV-4(EIF)	Residual Special Court for Sierra Leone: Acceptance	Registered	27 Jun 2017
145 (1.0)	45	5 Oct 2017	Ashish Khandelwal		6 Oct 2017	27 Jun 2017	IV-4(EIF)	Albania: Ratification	New record	27 Jun 2017
147 (1.0)	1	28 Jun 2017	amol		28 Jun 2017	28 Jun 2017	XXVI-2-a(EIF)	Oman: Acceptance of declaration	Registered	28 Jun 2017

8.2.4 Summary Email for Pending Actions

A monthly summary email is sent to all members of the depository group for Actions/CN status for MTDSG treaties. It includes the following types of actions:

- Actions not registered / not web published
- Actions with CNs not web published

Only those actions which are modified over the past month are considered. The email is sent on the first day of each month. It includes the following columns:

- Action Name
- Action title
- Action date of registration
- Web publish status
- CN number
- CN year
- CN web published status

The report format is shown below:

Greetings from TIPS. The following Actions/CNs from the last month need to be reviewed and web-published.

Treaty Name	Participant	Action Type	Date of registration	Action Web Published Status	CN Number	CN Year	CN Web Published Status	CN Version
LA 41 TR-07082014 - (IV-9-p) - I - 51444	Oman	Acceptance		True	N/A	N/A	False	
LA 41 TR-21082014 - I - 51450	Participant_27Aug	Acceptance of application to a country		True	N/A	N/A	False	
LA 41 TR-21082014 - I - 51449	Nizam	Acceptance of accession		False	N/A	N/A	False	
LA 41 TR-01101995 - (XI-B-16-94) - A - 4789	AEA Technology, Harwell, United Kingdom	Application		True	N/A	N/A	False	
LA 41 TR-16062014 - (V-2) - I - 50820	Norway	Acceptance of annex		False	N/A	N/A	False	
LA 41 TR-16062014 - (V-2) - I - 50820	Oman	Acceptance by definitive signature		False	N/A	N/A	False	
LA 41 TR-21082014 - I - 51450	Oman	Acceptance by definitive signature		True	N/A	N/A	False	
LA 41 TR-21082014 - I - 51450	Participant_21Aug	Acceptance		True	N/A	N/A	False	

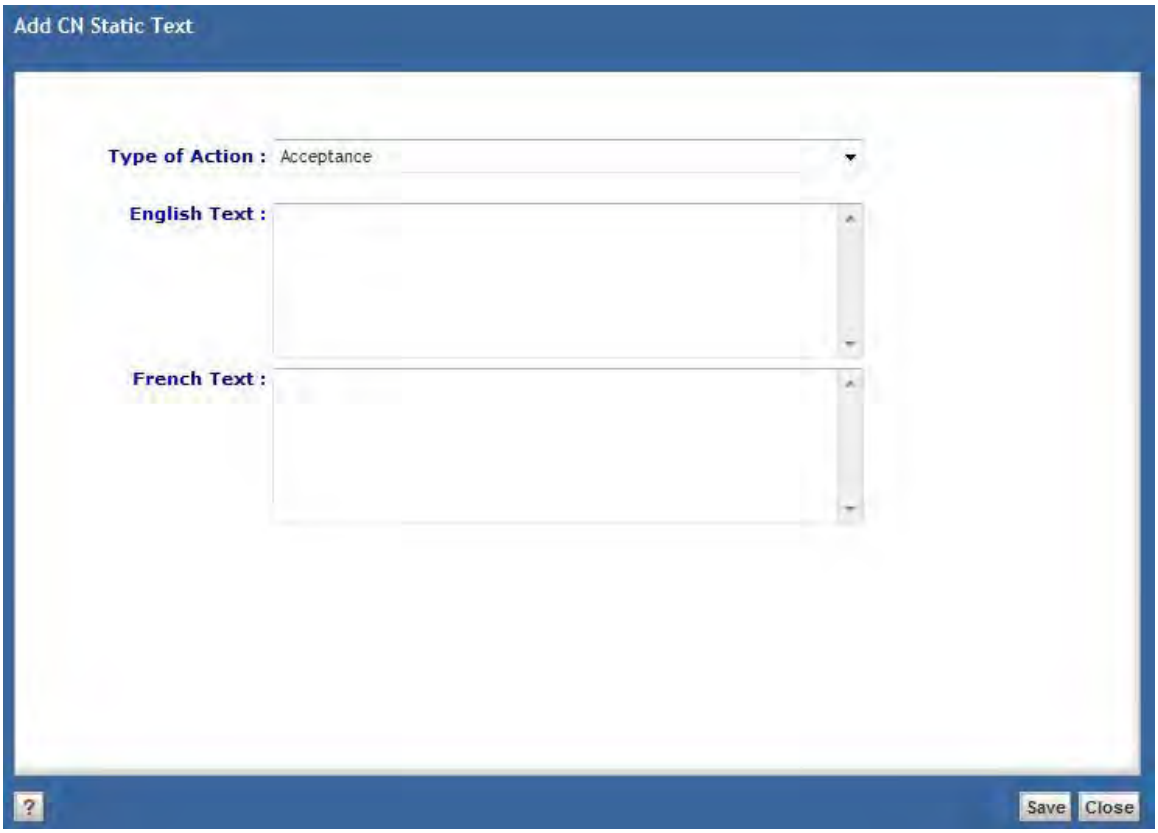
Note: Action/CNs status for Non MTDSG treaties are not included in this report

8.2.5 Add Static CN Text

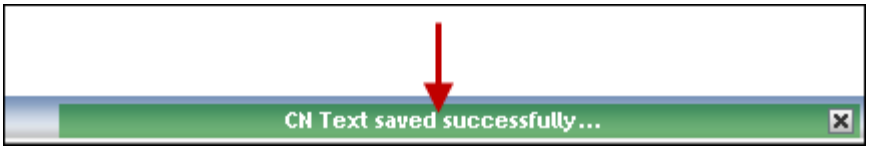
The static text is meant for a specific type of action. It is not dependent on a particular action or a treaty. It is only dependent upon the type of action. When you select that type of action for a particular treaty, then the text is retrieved and inserted in the CN, for that action or treaty.

To add static text to action types:

1. On the Depository menu, select CN > Add Static CN Text. The following screen is displayed.



2. Select a type of action from the 'Type of Action' drop-down list.
3. Enter the 'English Text' and the 'French Text' in the respective fields.
4. Click 'Save'. A confirmation message is displayed.

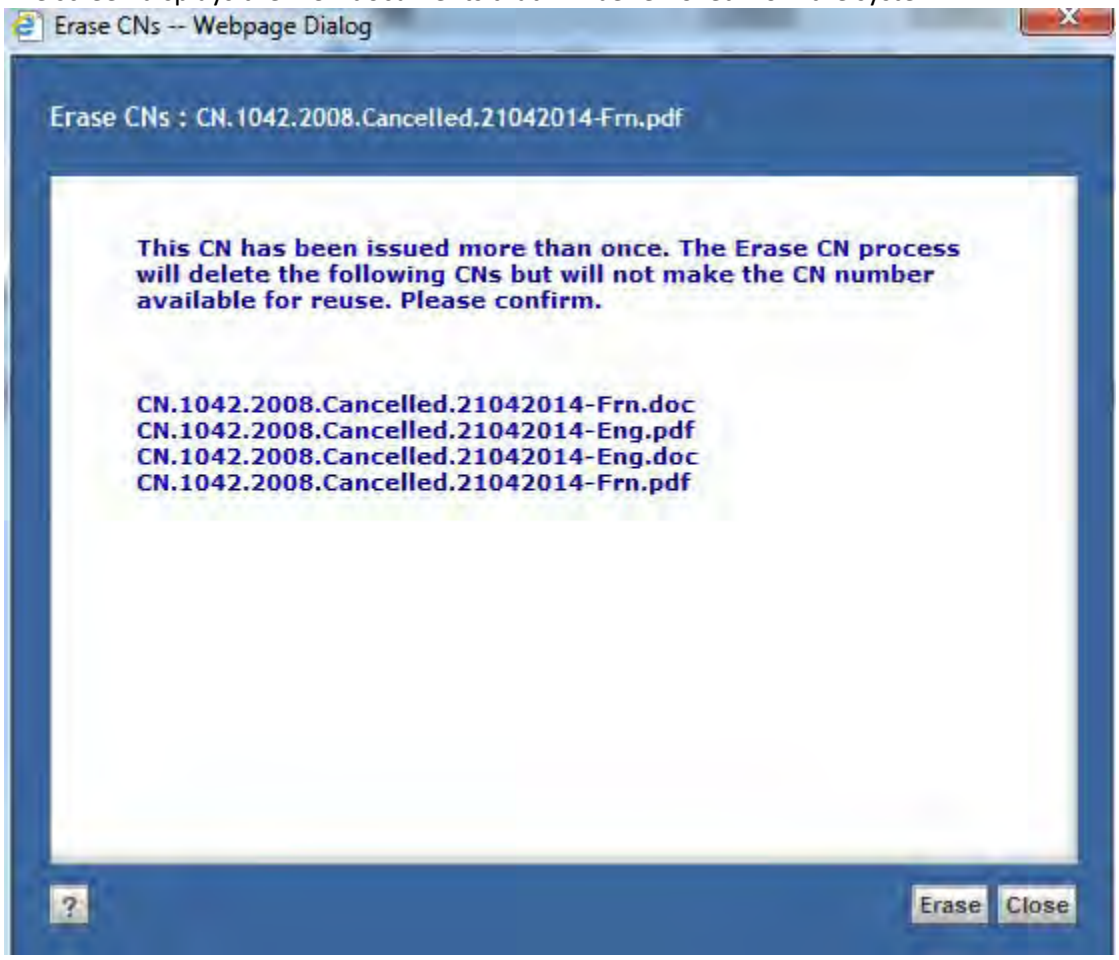


8.2.6 Erase CN

This option allows the administrator to erase a CN, so that the respective CN number can be assigned to other CNs.

- Erase CN screen displays an informative message if the selected CN is already transferred to the website.

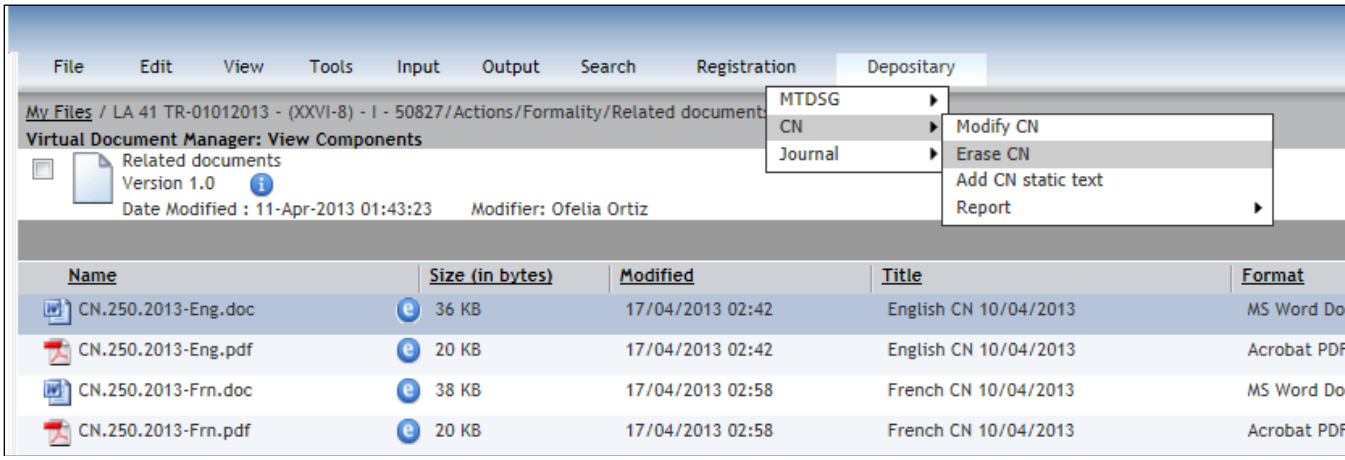
- The screen displays the 4 CN documents that will be removed from the system:



- In case a CN has been reissued/cancelled (there are more than 4 CN objects), the Erase CN function will NOT make the CN number available in the rt_cn_numbers table.
- This functionality is available only to the administrator.

To erase the CN number:

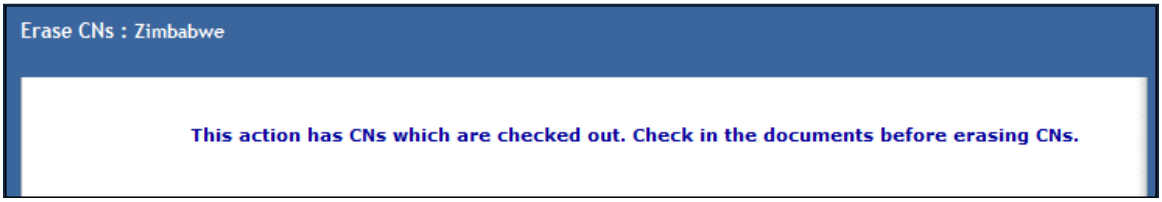
1. Navigate to the Treaty > Action, then select a CN.



2. On the Depository menu, select CN > Erase CN. The following message is displayed.

3. Click 'OK' to erase the CN number.

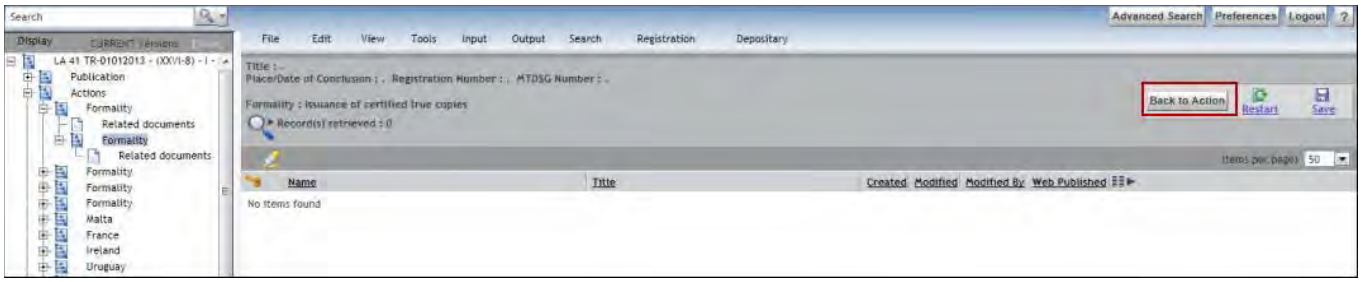
Note: If the CN's are checked out, then the following message is displayed:



Note: A CN number that has been erased, is reissued to a new CN.

Note: If one file associated with a CN is erased, all the documents related to that particular CN are also erased.

You can click **Back To Action** to go back to the Action, no CNs will be displayed.

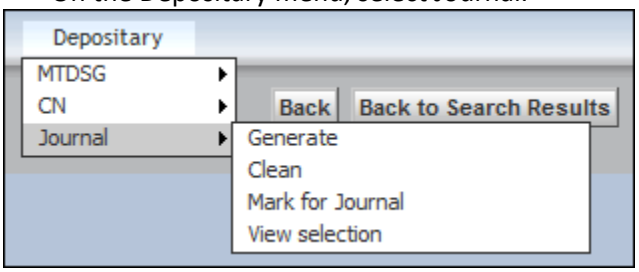


8.2.7 Journal

The publishable actions and /or information are published in the UN journal. The Journal is generated only if at least one action is modified. The Journal is published in English and French language. The Journal contains only the actions for ex-officio multilateral deposited with the Secretary General.

To generate a journal:

- On the Depositary menu, select Journal.



The 'Journal' option allows you to perform following tasks:

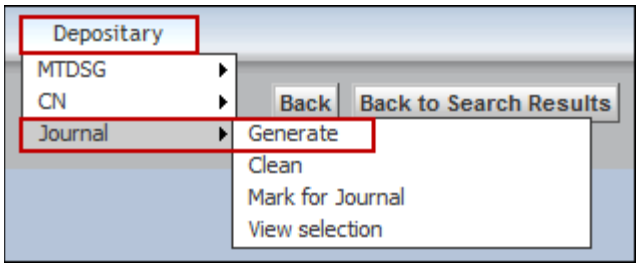
- **Generate Journal**
- **Clean**
- **Mark for Journal**
- **View Selection**

8.2.8 Generate Journal

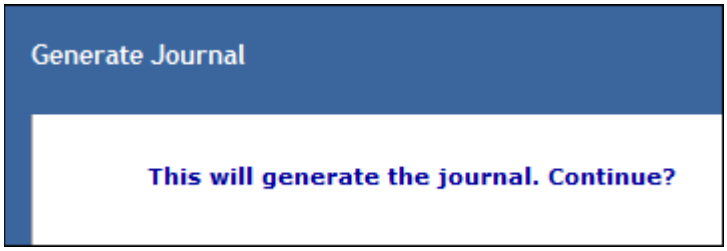
The 'Generate' option enables you to generate a journal for actions that have been "Marked for Journal".

To generate a Journal:

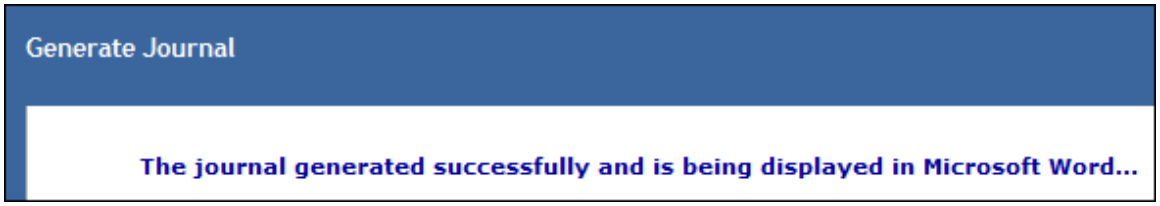
1. Select an action for which you want to generate a journal.



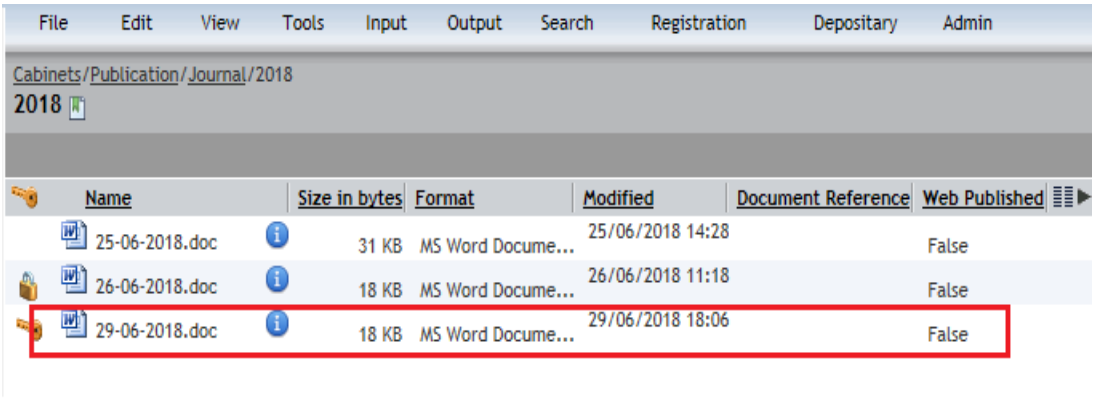
2. On the Depository menu, select Journal > Generate. A confirmation message 'This will generate the journal. Continue?' is displayed.



3. Click 'Continue' to generate a Journal. The following message is displayed and the Journal is displayed in MS Word.



4. Click 'Close' to close the screen.
5. Object name of the journal will be *current_date*.doc as given below.



6. Journal documents will get generated inside Publication→ Journal →*Current_year* folder as shown below.

7. If we generate a journal twice for the same date, then versions will be generated for the same document.

8.2.9 Clean

This option enables you to unmark the actions previously marked for the journal.

To unmark an action:

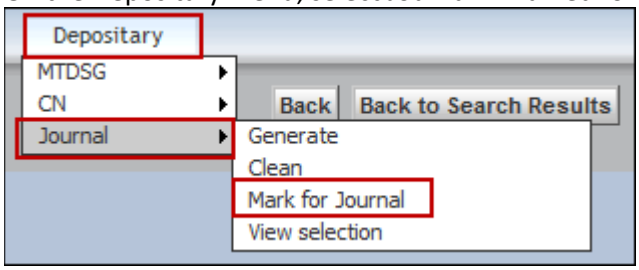
1. Select the 'Action' that you want to unmark.
2. On the Depositary Menu, select > Journal > Clean.

8.2.10 Mark for Journal

This option enables you to mark an action that will be included in the journal.

To mark an action:

1. On the Depositary menu, select Journal > Marked for Journal.



2. A confirmation message is displayed. Click 'Continue', to set the status to 'mark for journal'. This status remains set untill you invoke the clean option.
   Or

   Click 'Cancel' to close the screen.

8.2.11 View Selection

This option enables you to view all the actions marked for journal.

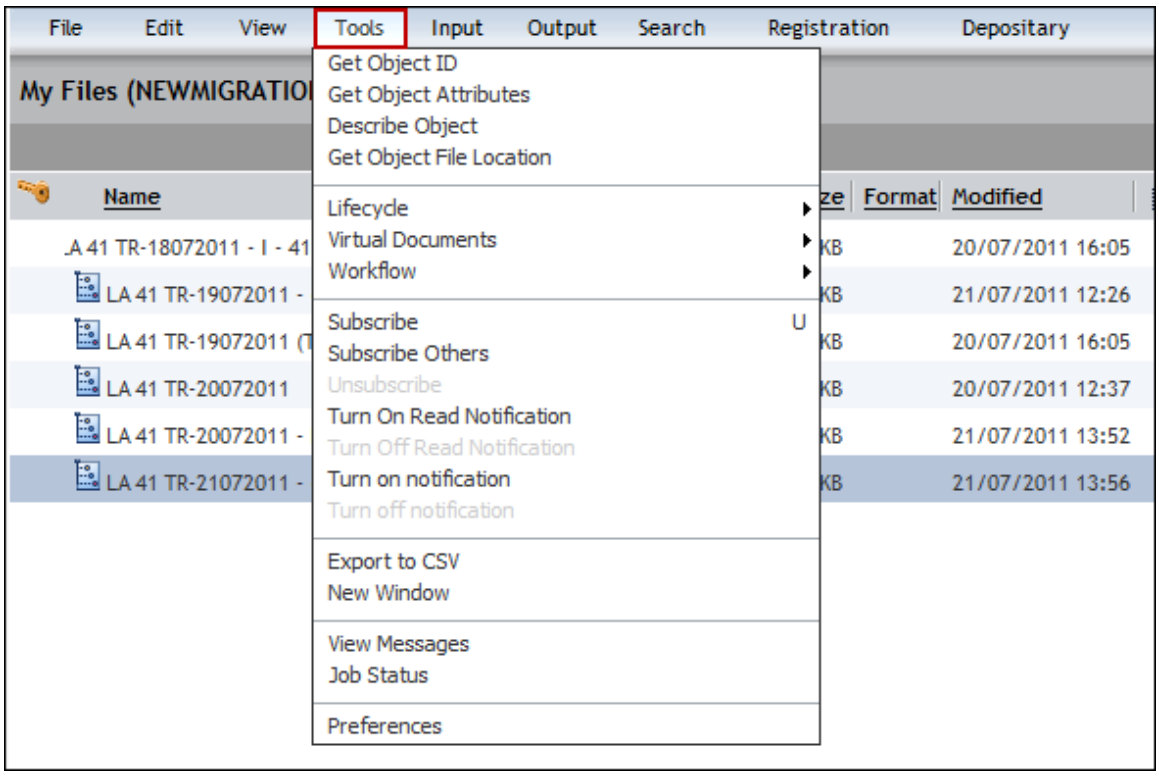
To view all the actions:

1. Select an action 'Action'
2. On the Depositary Menu, select Journal >View Selection.

9 Tools Module

The tools function facilitates Administrator to retrieve certain system information. The tools module can be invoked by selection on any objects. The Administrator can retrieve the following information:

- Get Object ID
- Get Object Attributes
- Describe Object
- Get Object File Location

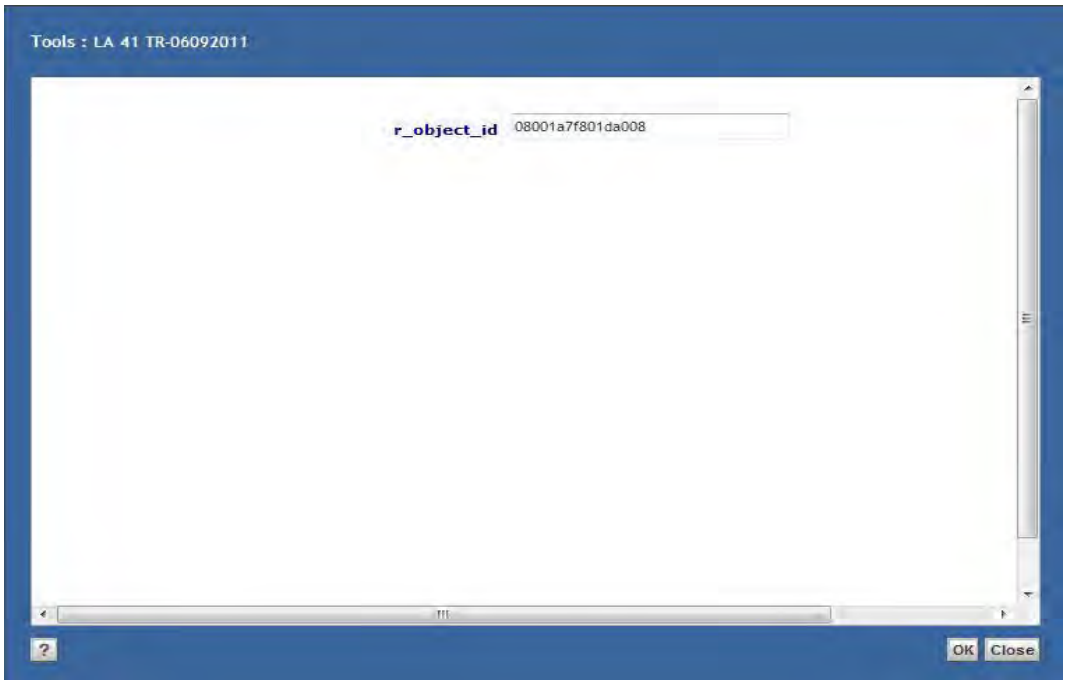


9.1 Get Object ID

The Object ID is the attribute associated with the object, which is unique across the repository. This option enables you to retrieve/display the “Object ID” of a selected object (e.g. treaty, action), which is used by the administrator.

To get the object ID:

1. Select an object, that is, treaty or an action
2. On the Tools menu, select Get Object ID. The following screen is displayed.



3. The ‘r_object_id’ field displays the object ID, which is unique across the repository.
4. Click ‘Ok’ to close the screen.
5. Click ‘Close’ to close the screen.

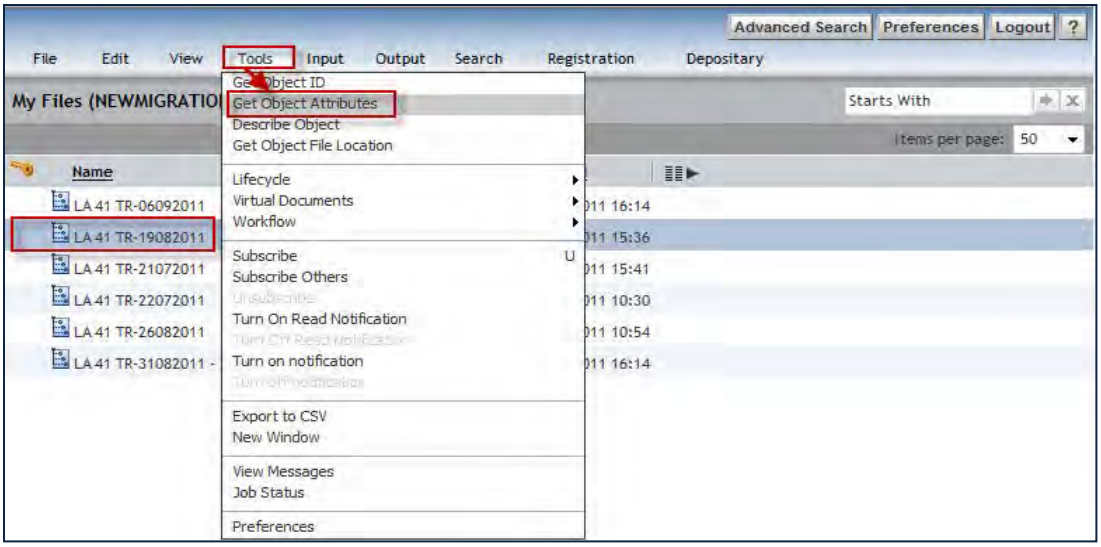
Note: the object ID value is a read only field, it cannot be changed by users.

9.2 Get Object Attributes

This option enables you to retrieve user attributes, system attributes, application attributes, and internal attributes information for a selected object.

To retrieve attributes of an object:

1. Select a ‘Treaty/Action’.
2. On the Tools menu, select Get Object Attributes.



3. The following confirmation message is displayed: "Do you want to view the attributes of the object selected?"
4. Click 'Continue' to confirm the message and view the attributes.
5. Click 'Close' to close the screen.

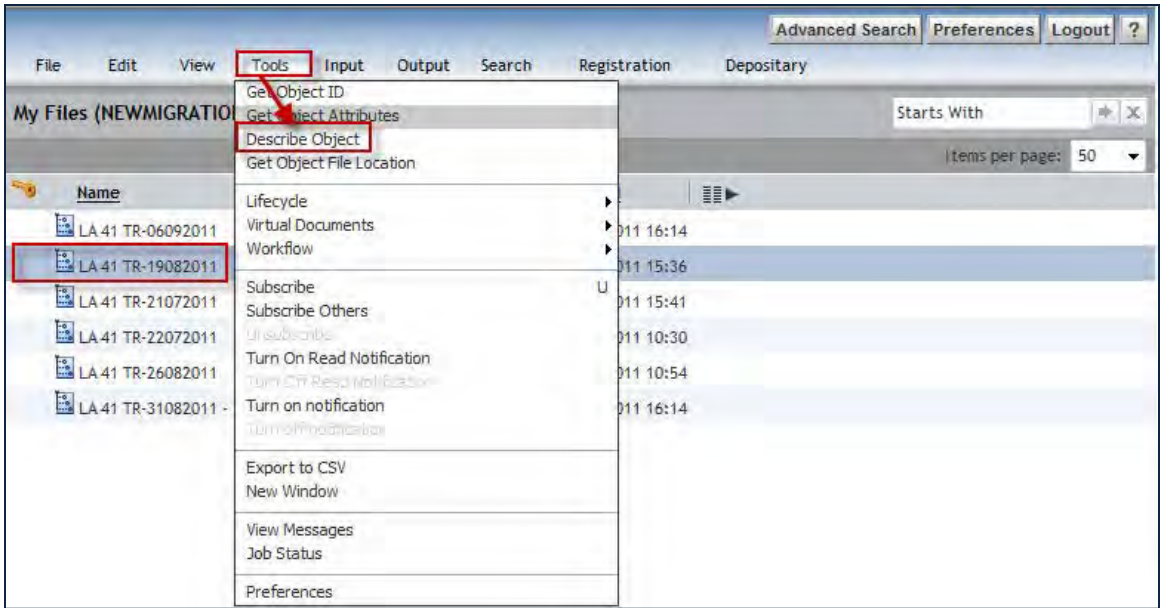
Note: The attributes are displayed separately in a word document file.

9.3 Describe Object

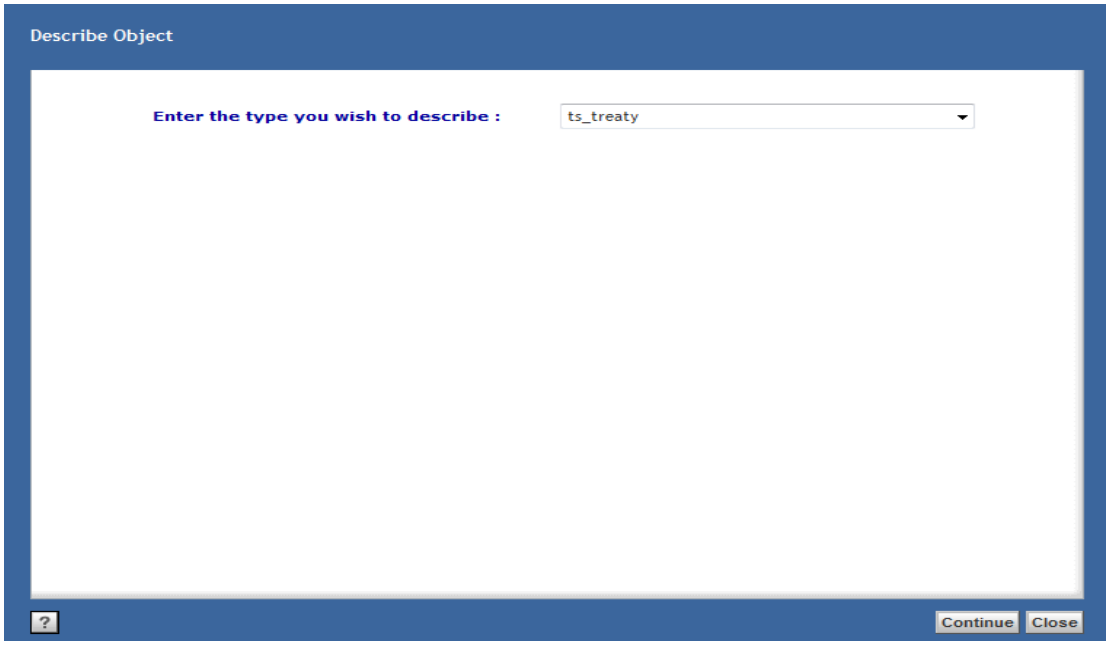
This option enables you to retrieve java object's attributes and data type.

To retrieve object attributes and data type:

1. On the Tools menu, select Describe Object.



The following screen is displayed.



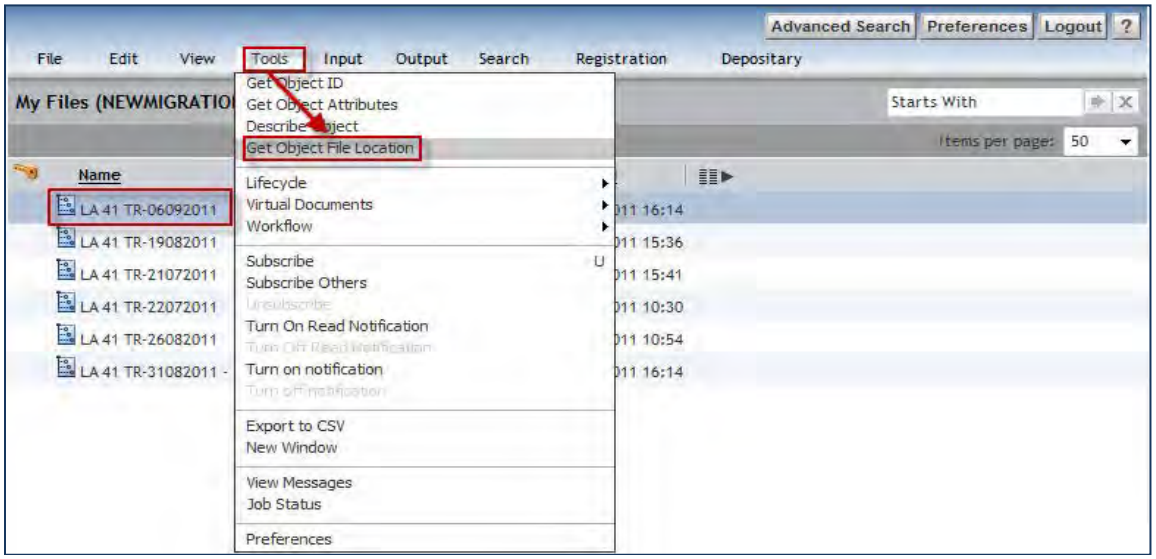
2. Select a type you wish to describe from the drop-down list.
3. Click 'Continue' to display the java object description in a word document.
4. Click 'Close' to close the screen.

9.4 Get Object File Location

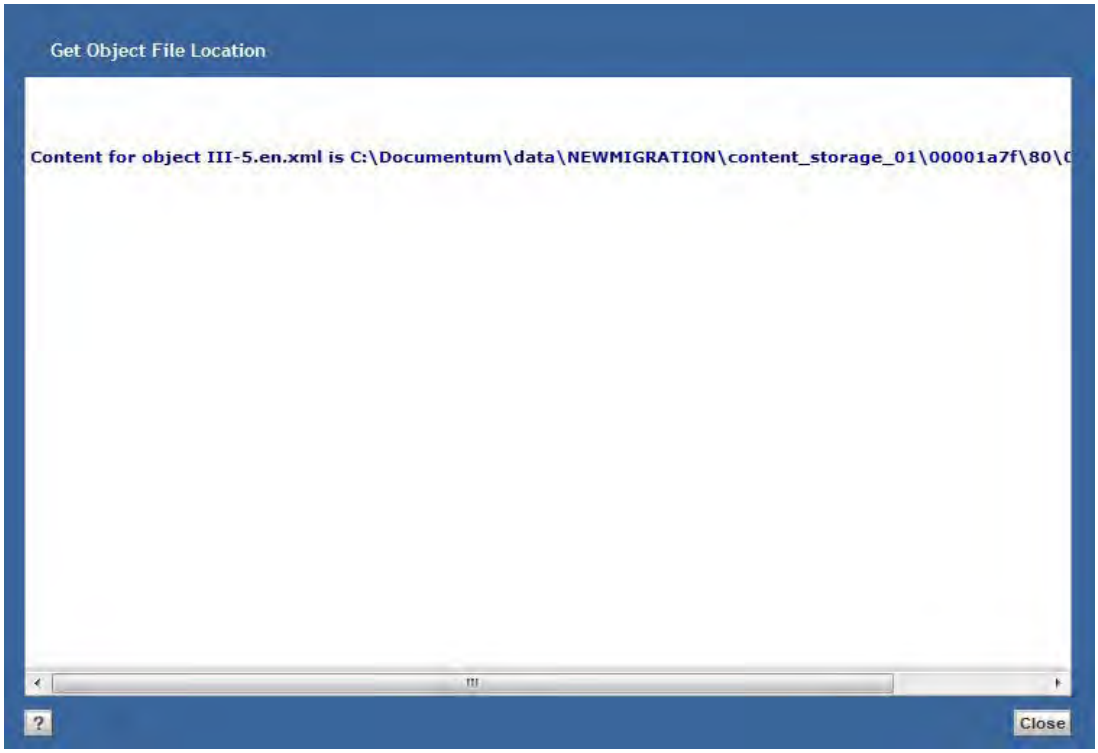
This option enables you to get the object file location, and displays the physical location of a selected document (e.g. Action attachment, CN).

To get the file location:

1. Select a 'Treaty/Action'.
2. On the Tools menu, select Get Object File Location.



3. The location for the selected object is displayed on the 'Get Object File Location' screen.



10 Admin Module

The admin menu displays the following options:

1. Registered Tables
2. Participant Management
3. Send Mails to UNTC Subscribers

10.1 Registered Tables

The register table contains the TIPS related tables that contain various data.

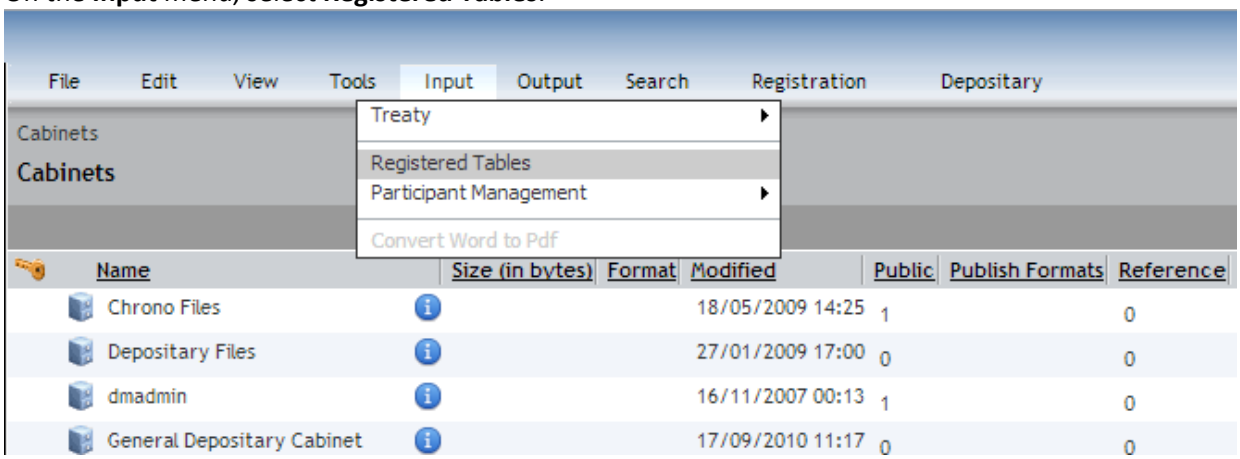
> **Note:** The register table (related to the Documentum platform) is known to the repository as an object and contains application specific data. The register tables are normal sql tables that need to be registered using a special registering query. Once the table is registered using dql, then the entry goes in dm_registered table and from there you can retrieve the object id of register table and give the permission to user who adds, modifies or deletes records from these tables. Every time you modify the register table data, you need not to re-register the table. But if you want to add or remove any column then you have to unregister and then follow the entire procedure for registering it, and assigning user permissions to tables.

The 'Registered Tables' option contains various tables that contain the TIPS related master data. The user can perform following actions on the master reference tables:

2. Add data
3. Modify data
4. Remove data

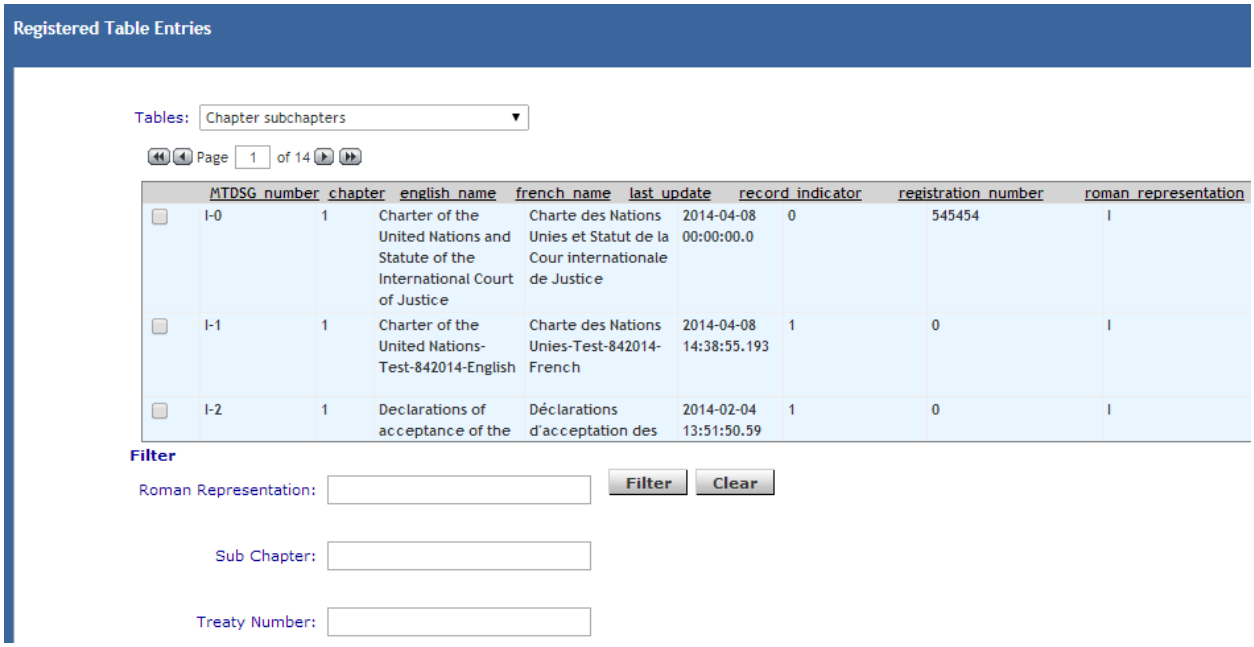
To perform action on the master reference tables:

1. On the **Input** menu, select **Registered Tables**.



2. Select a filter type from the **Tables** drop-down list.
3. Enter the name of the table in the 'English Name' field displayed under the 'Filter' section and click 'Filter' to search for the required table.

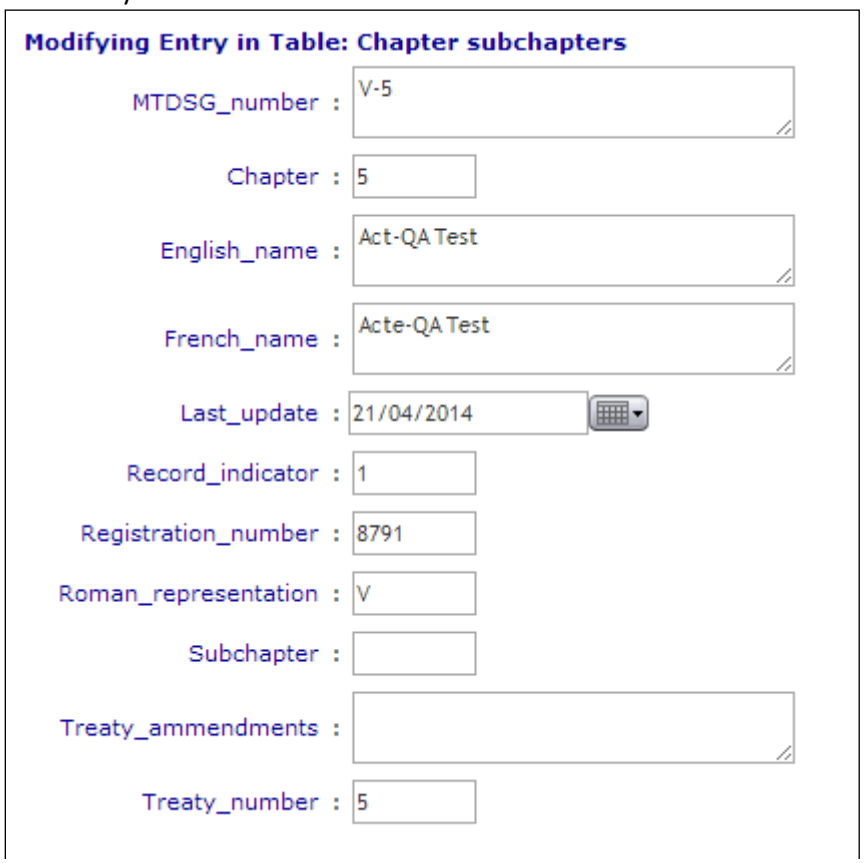
Note: If the user selects **Chapter Subchapter** option from the **Tables** drop-down list, the user gets the three filter options as displayed in the following screenshot. The user can use either one or all the three filter options to filter the table. Also, when you create a new MTDSG treaty, you must enter a new MTDSG number by creating a record in the **Chapter Subchapter** registered table first using the Input -> Registered Tables menu.



Note: The title of a MTDSG treaty is updated automatically in the chapter subchapter table when the user updates it through the treaty screen. This is essential to keep the treaty titles synchronized between the Treaty object and the rt_chapter_subchapter table. This table is mainly used to list all treaties in a particular chapter on the website.

Also, the MTDSG_number column on the rt_chapter_subchapter table is updated by the system automatically on the Registered Tables screen. This column is not editable. This is done in javascript on the keypress event of the 4 fields namely Roman representation, subchapter, treaty number or treaty amendment column. Whenever the user updates anything in these fields, the MTDSG_number column data is updated with the combined MTDSG number; so that the user doesn't have to update

it manually.

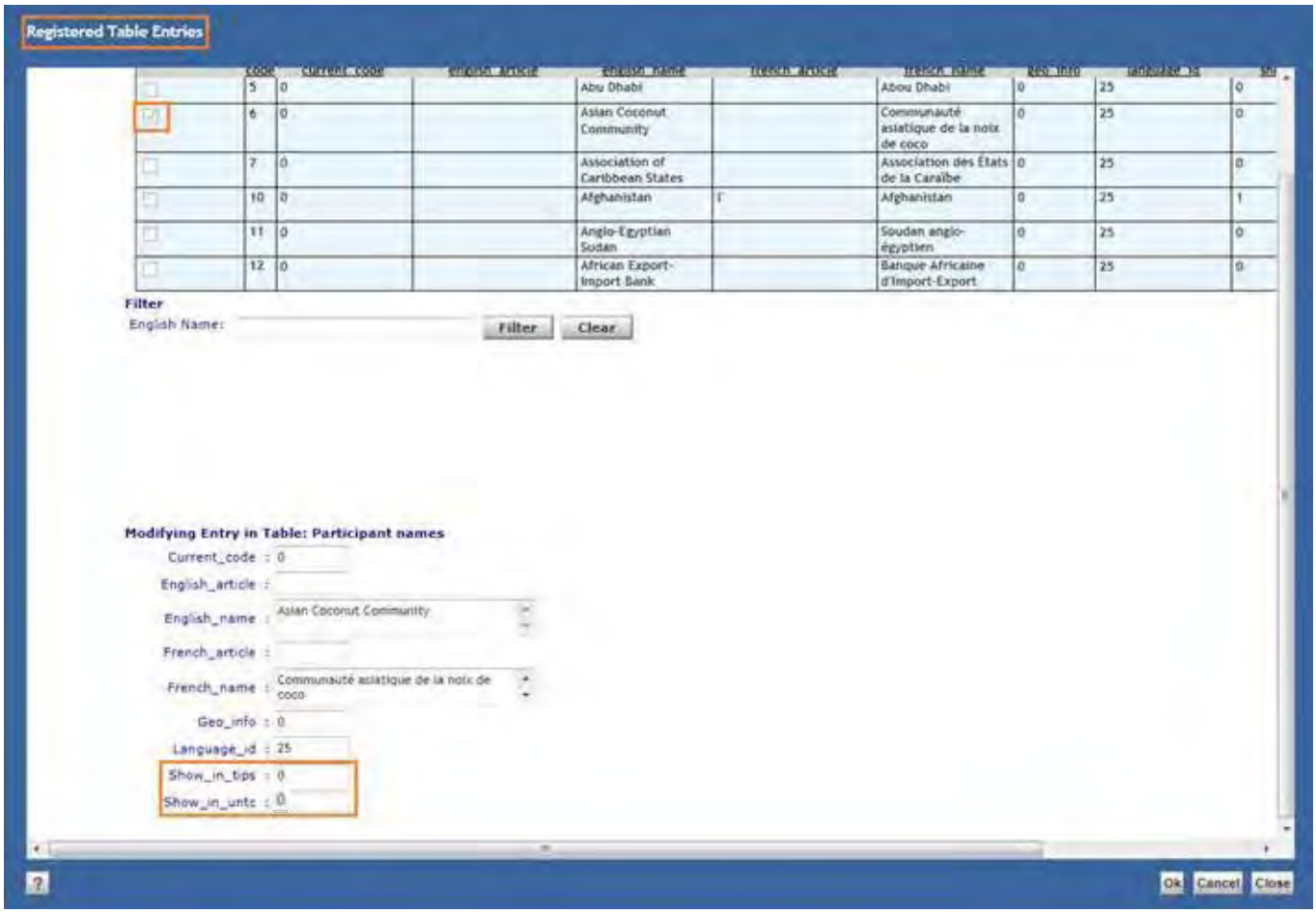


The MTDSG_number field label is renamed as MTDSG number.

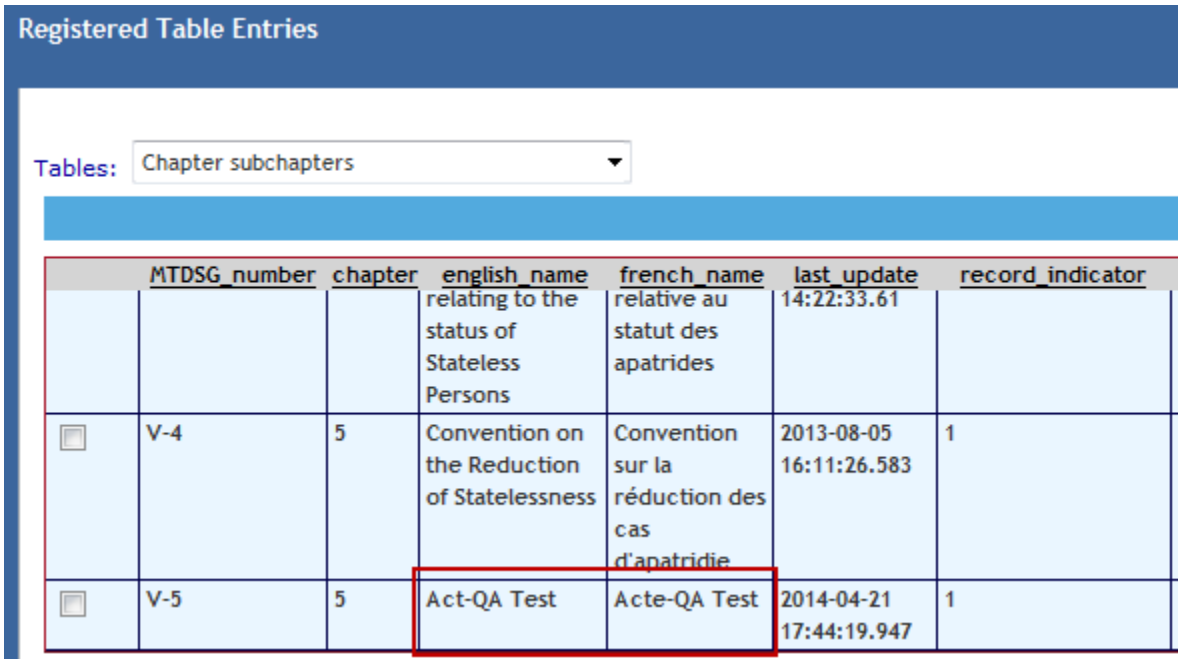
	MTDSG number	chapter	english name	french name	last update	record indicator	registration number
	V-0	5	Refugees and Stateless Persons	Réfugiés et apatrides	2008-05-05 00:00:00.0	0	0
	V-1	5	Constitution of the International Refugee Organization	Constitution de l'Organisation internationale pour les réfugiés	2010-10-25 00:00:00.0	1	283
	V-2	5	Convention relating to the	Convention relative au	2014-01-31 13:07:29.727	1	2545

Column Name	Description	Data Type	Values
chapter	Numerical chapter number	integer	10, 15
roman_representation	Chapter number in Roman	varchar(32)	I, II, XIV, XXIX etc..
subchapter	Subchapter. (Not mandatory)	varchar(32)	A,B,C,D,E,F. Subchapters are present only in Chapter XI
treaty_number	Sequential treaty number	integer	
treaty_ammendments	Amendment number if any.	varchar(64)	a,b, 2a etc…
english_name	English name of the treaty/chapter/subchapter.	varchar(1024)	
french_name	French name of the treaty/chapter/subchapter.	varchar(1024)	
record_indicator	Not used	integer	
registration_number	Registration number of the treaty - Not used	integer	
last_update	Timestamp of the last MTDSG generation for the treaty	datetime	
MTDSG_number	Updated automatically by the system. Used in the DRS reports. Can be used to link MTDSG number of the treaty	varchar(64)	

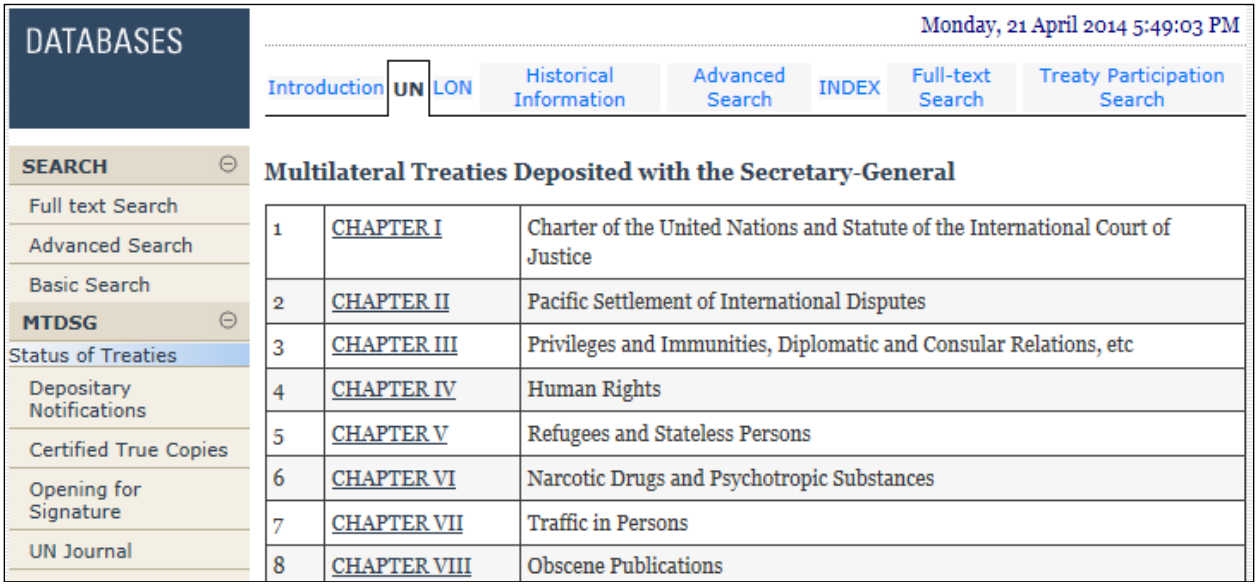
Participant Definition Table:
The following fields in the **Participant Definition Table** manage whether the participant appears in the dropdown lists/list boxes on TIPS and UNTC website application.
If the value in **Show_in_TIPS**= 0, then this participant won't be displayed on TIPS application
If the value in **Show_in_UNTC**=0, then this participant won't be displayed on UNTC application.



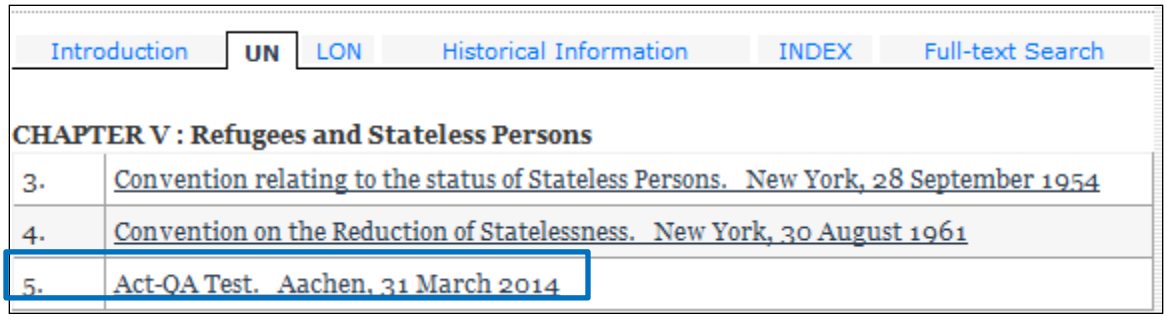
It is essential to keep the treaty titles synchronized between the Treaty object and the rt_chapter_subchapter table, therefore, if the title of the treaty is changed or updated, it is automatically updated in the chapter subchapter table.



Go to UNTC website->navigate to status of treaties page.



Select the Chapter number for which the title was updated

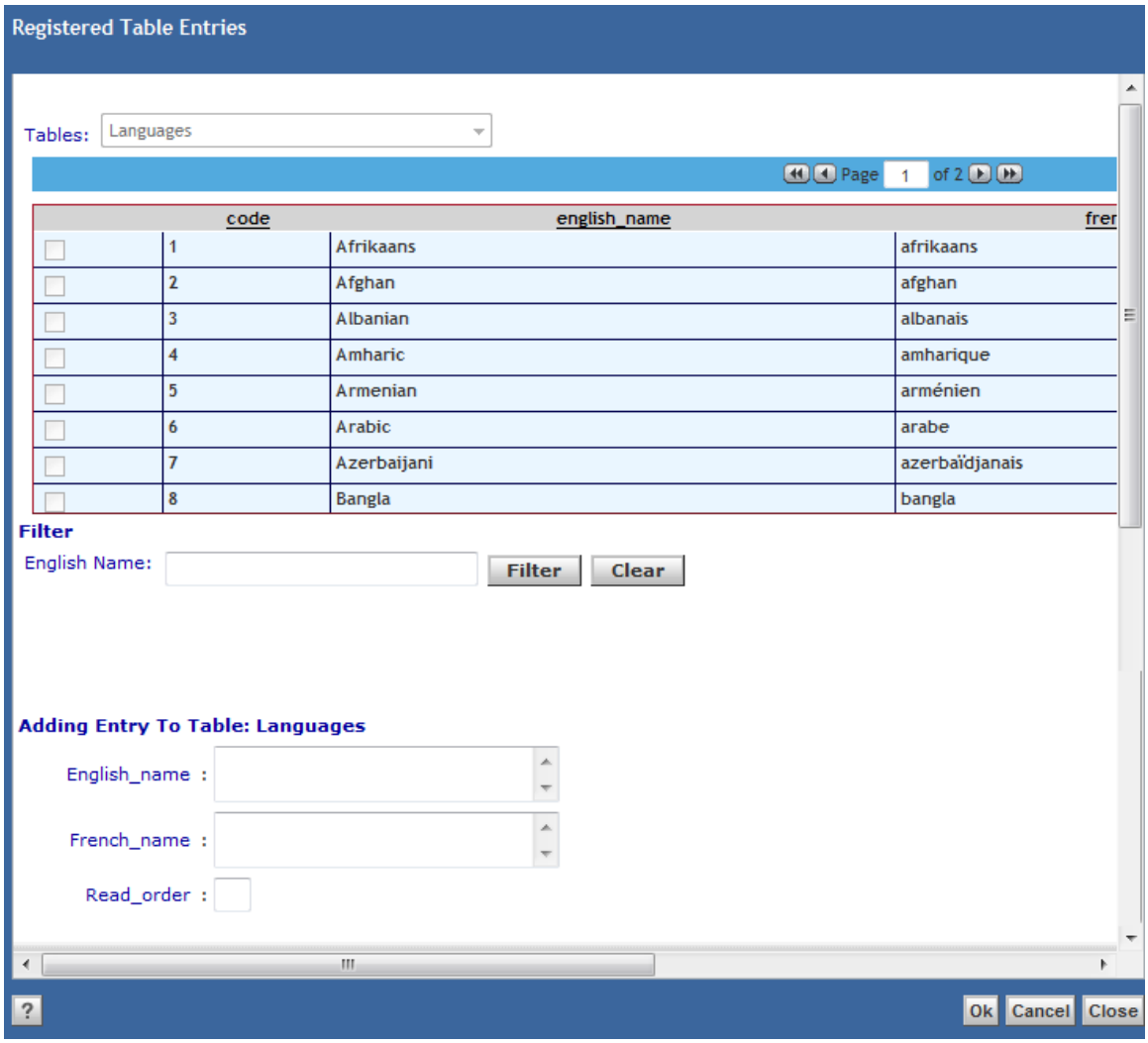


10.1.1 Add Table Row

This option enables you to enter the table row details.

To add a table row:

1 Select a table to from the 'Tables' drop-down list to add a row. For example, select Languages Table.
2 The 'Adding Entry to Table: Languages' section appears.
3 Enter details in the fields displayed under the 'Adding Entry to Table: Languages' section.
4 Click 'OK' save the row.
5 Click 'Close' to close the screen.



10.1.2 Modify Table Row

This option enables you to modify selected table row.

To modify a table row:

1. Select a table row.
2. Click ‘Modify’ to make modifications in the table. The information of the row is displayed in the respective fields in the ‘Modifying Entry in Table: Languages’ section.
3. Modify/Edit the data displayed in the fields.
4. Click ‘Ok’ to save the row.
5. Click ‘Close’ to close the screen.

10.2 Participant Management

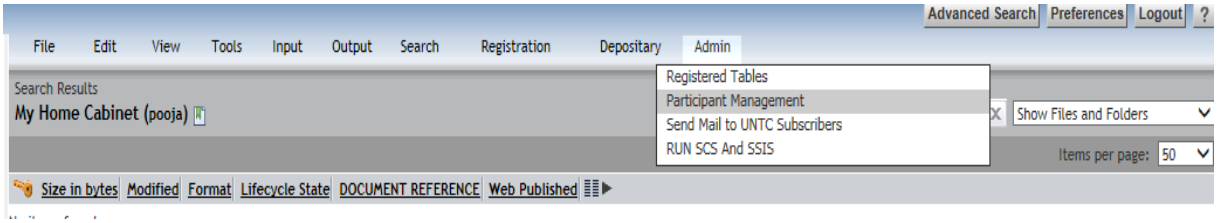
The Participant Management section contains details regarding adding / editing the participant.

10.2.1 Add Participant

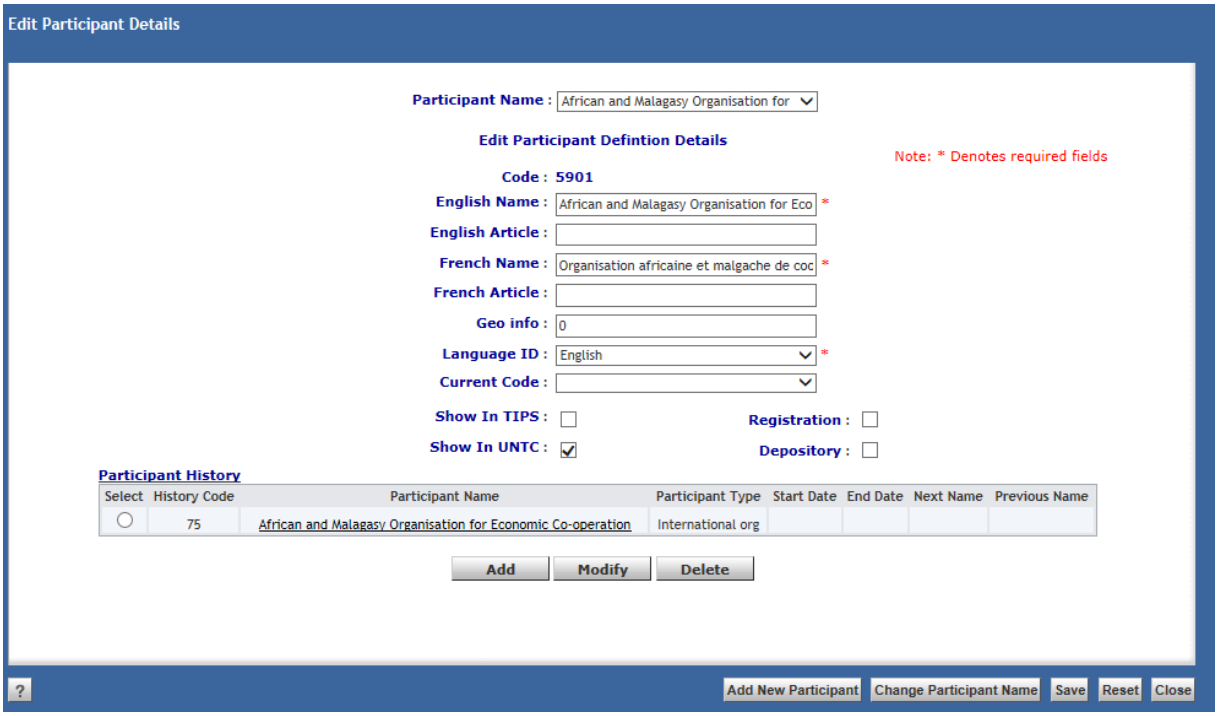
This option enables you to add a new participant.

To add a participant:

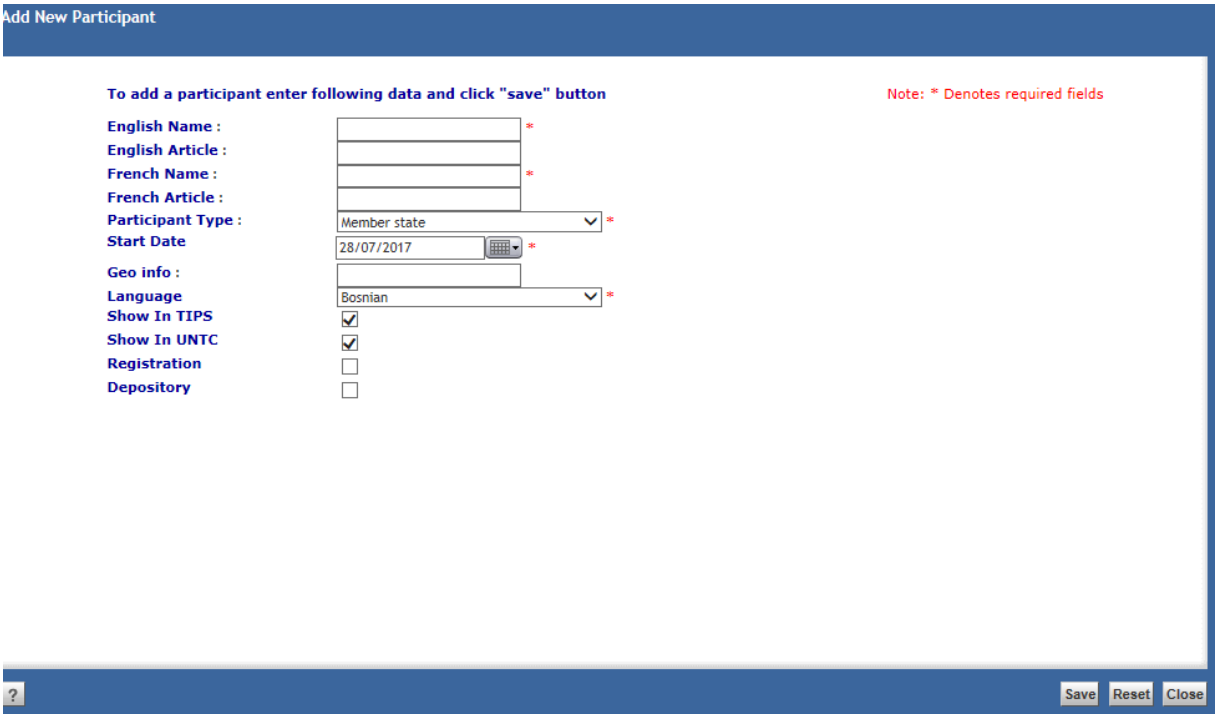
1. On the Admin menu, select Participant Management



2. The Edit Participant Details screen will be displayed. Click 'Add New Participant' to add a new participant.



3. The ‘Add New Participant’ screen is displayed.



4. Enter all the mandatory details in the screen and click ‘Save’ to save the details.
5. Click ‘Close’ to close the screen.

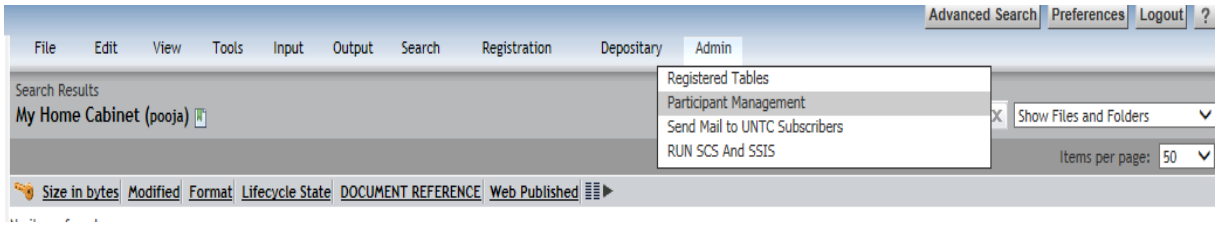
Note: For displaying the new participant name in the Participant list of CN Subscription by Participant we need to Check the depository checkbox and have at least one web published action under the new participant.

10.2.2 Edit Participant

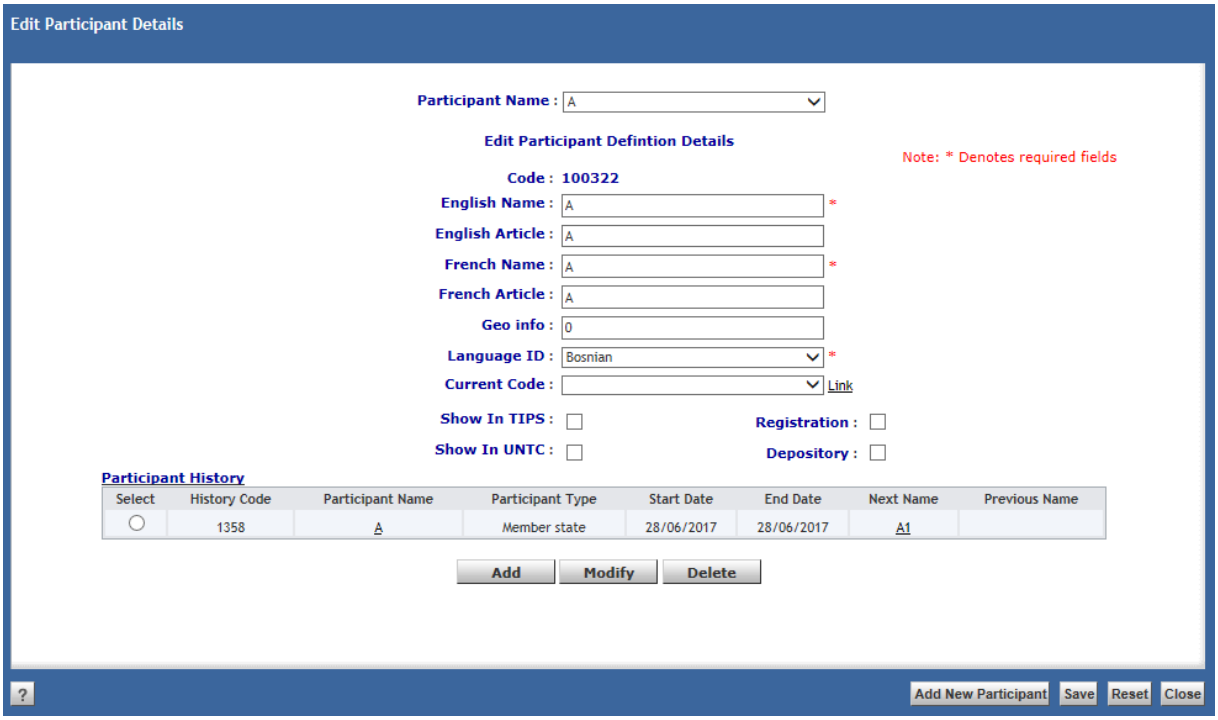
This option enables you to edit an existing participant.

To edit a participant:

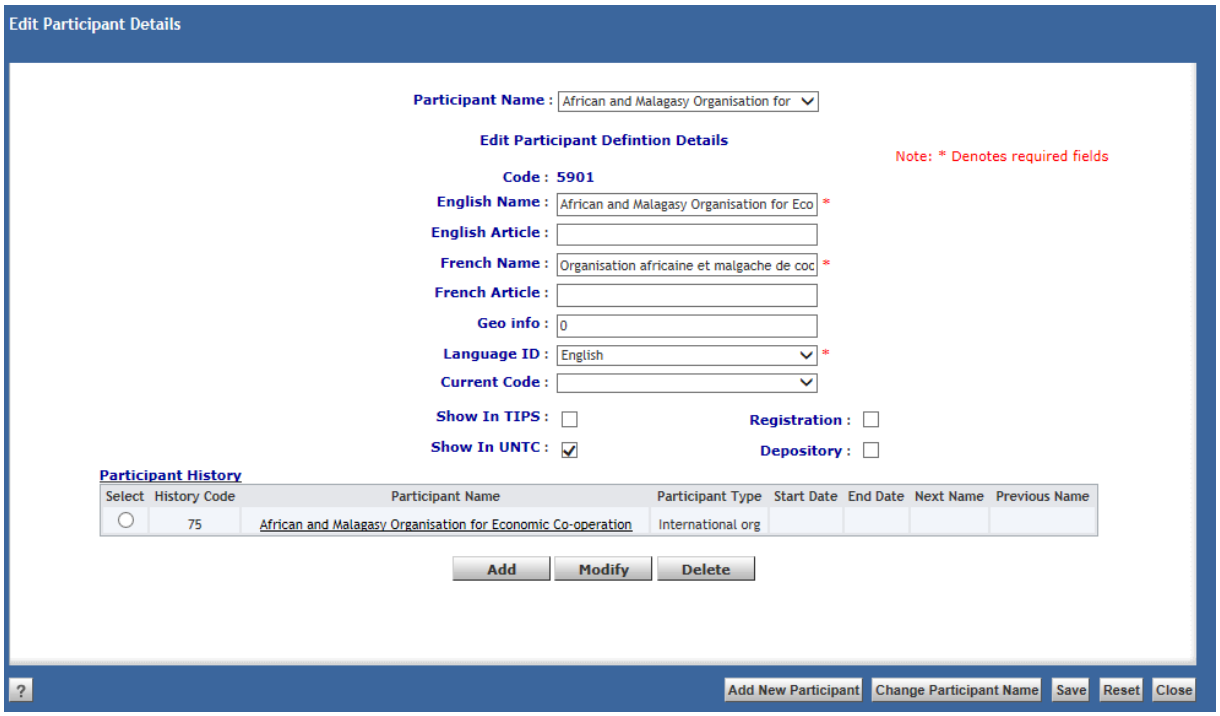
1. On the Admin menu, select Participant Management


Advanced Search
Preferences
Logout
?
File
Edit
View
Tools
Input
Output
Search
Registration
Depositary
Admin
Registered Tables
Participant Management
Send Mail to UNTC Subscribers
RUN SCS And SSIS
Search Results
My Home Cabinet (pooja)
Show Files and Folders
Items per page:
50
Size in bytes
Modified
Format
Lifecycle State
DOCUMENT REFERENCE
Web Published

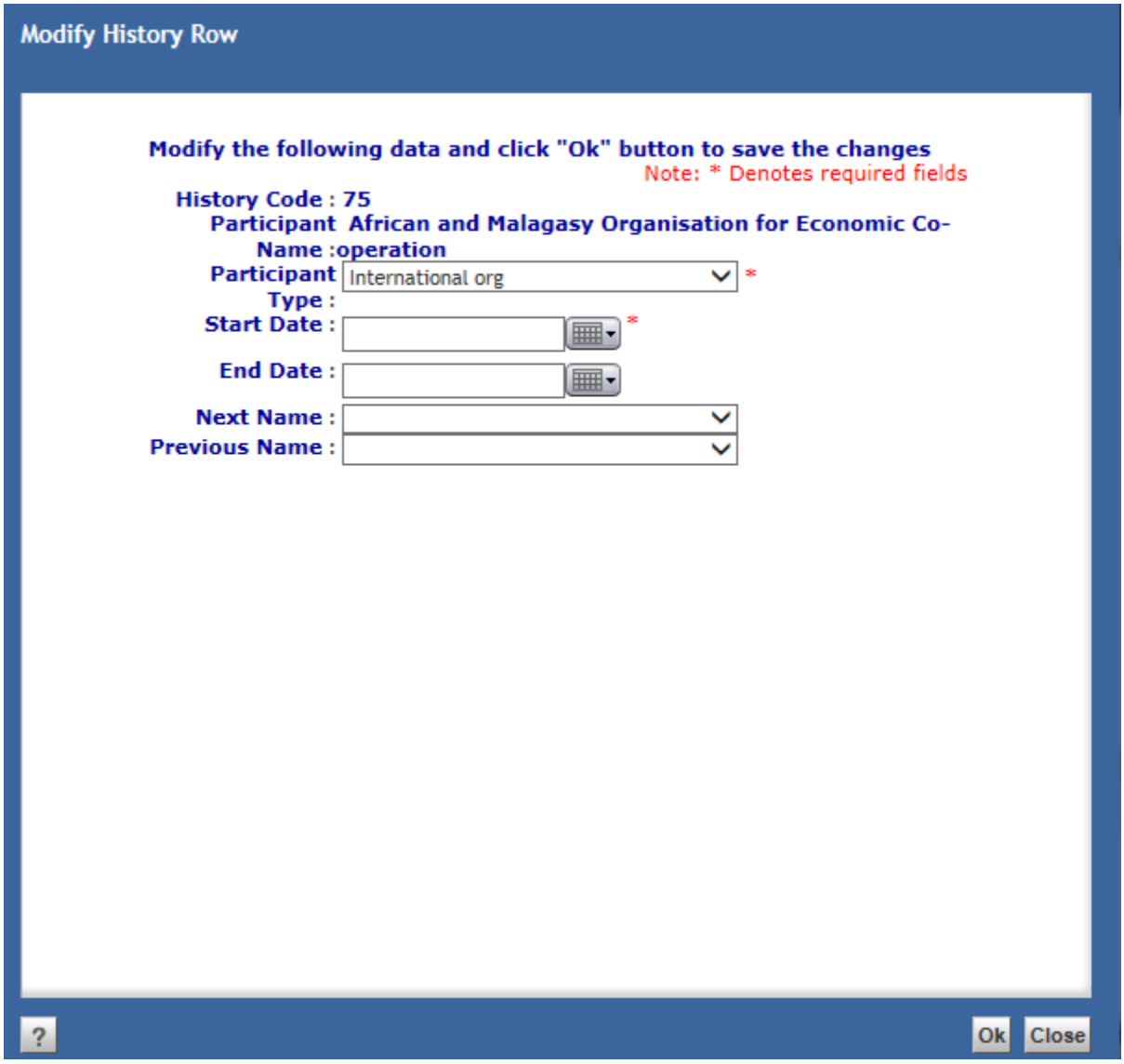
2. The 'Edit Participant Details' screen is displayed with the first participant details selected by default.



3. Select the Participant Name from the dropdown. The participant details are auto populated as shown below.



4. To edit the participant history details, select the radio button under the 'Participant History' section and click on 'Modify' button.



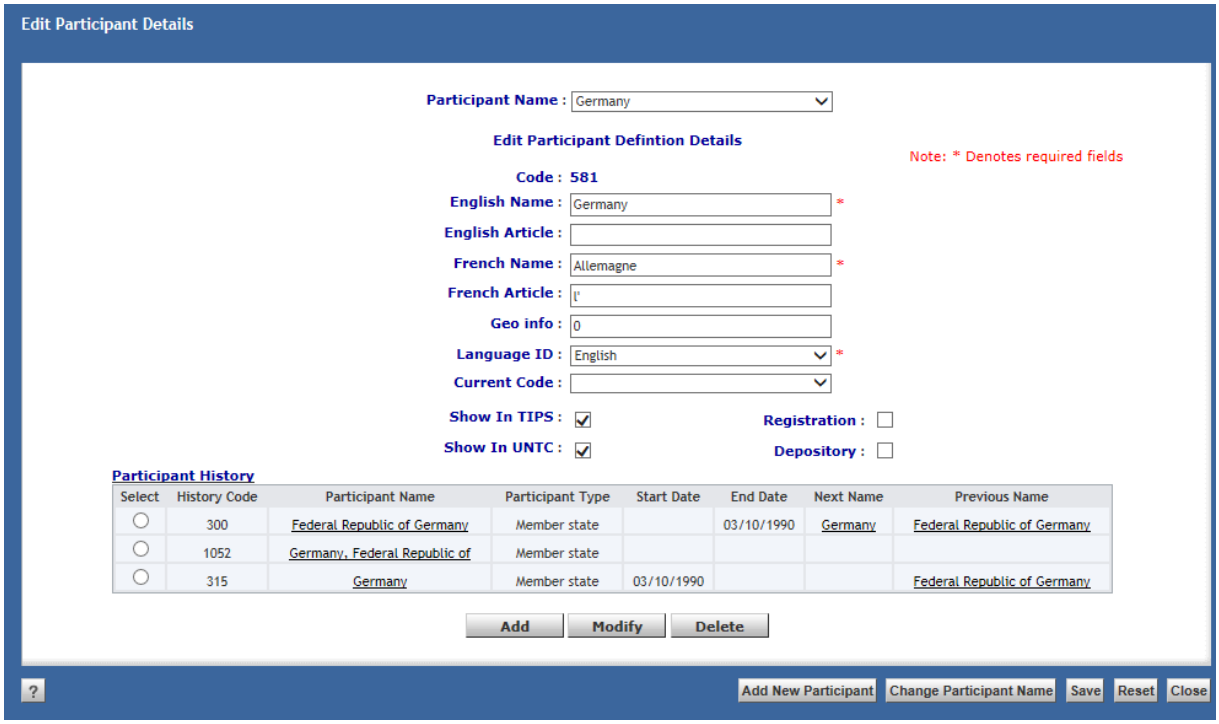
5. Enter all the mandatory details in the screen and click ‘Save’ to save the details.
6. Click ‘Close’ to close the screen.

10.2.3 Change Participant Name

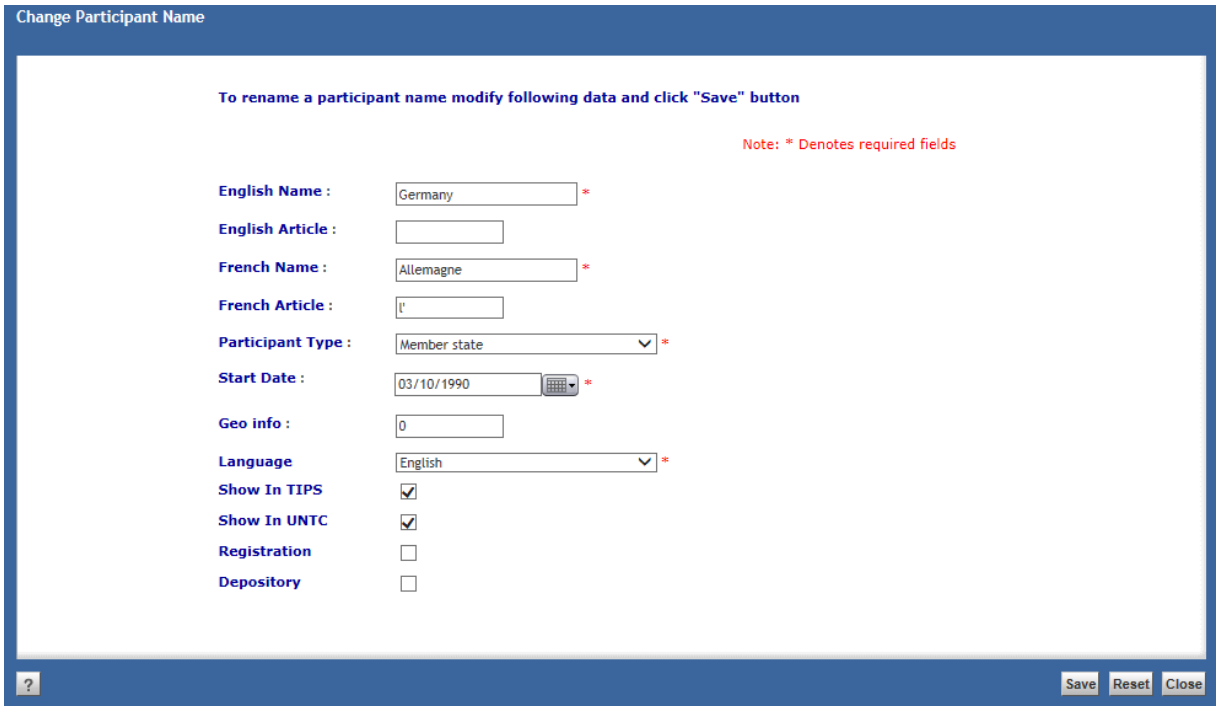
- This option enables you to change the participant name. It will be visible for the participant who does not have a current code

To change participant name:

1. On the Admin menu, select Participant Management. The Edit participant screen is displayed
2. Click on Change Participant Name.



3. After click on Change Participant Name button, the following screen will be displayed.



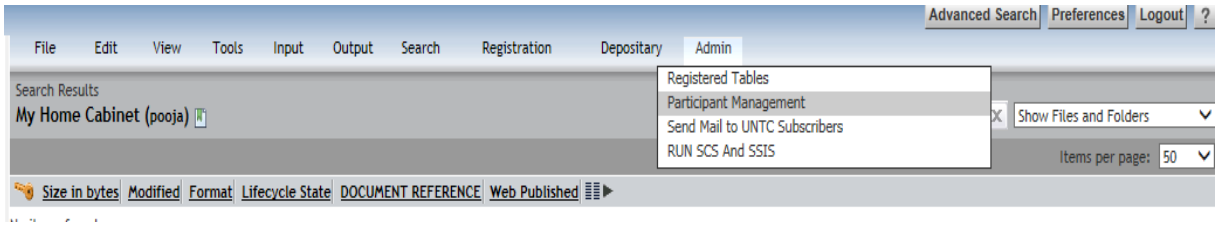
4. Modify the Participant name and click ‘Save’ to save the details.
5. Click ‘Close’ to close the screen.

10.2.4 Delete Participant

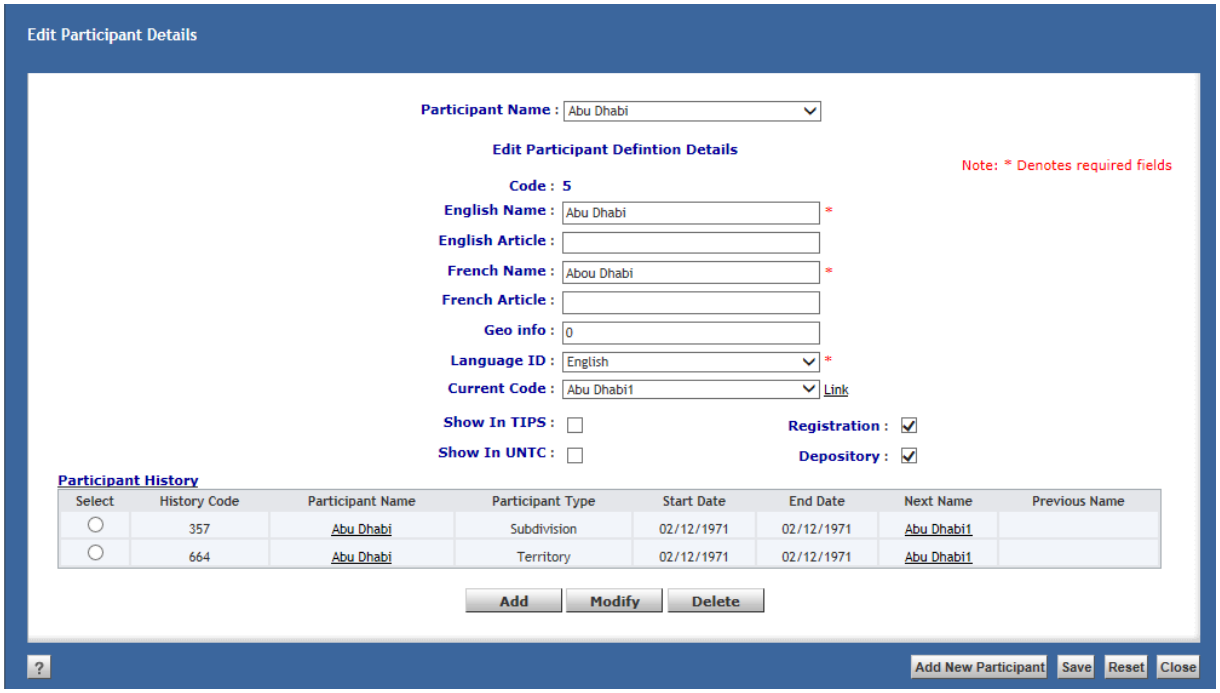
This option enables you to delete an existing participant.

To delete a participant:

1. On the Admin menu, select Participant Management

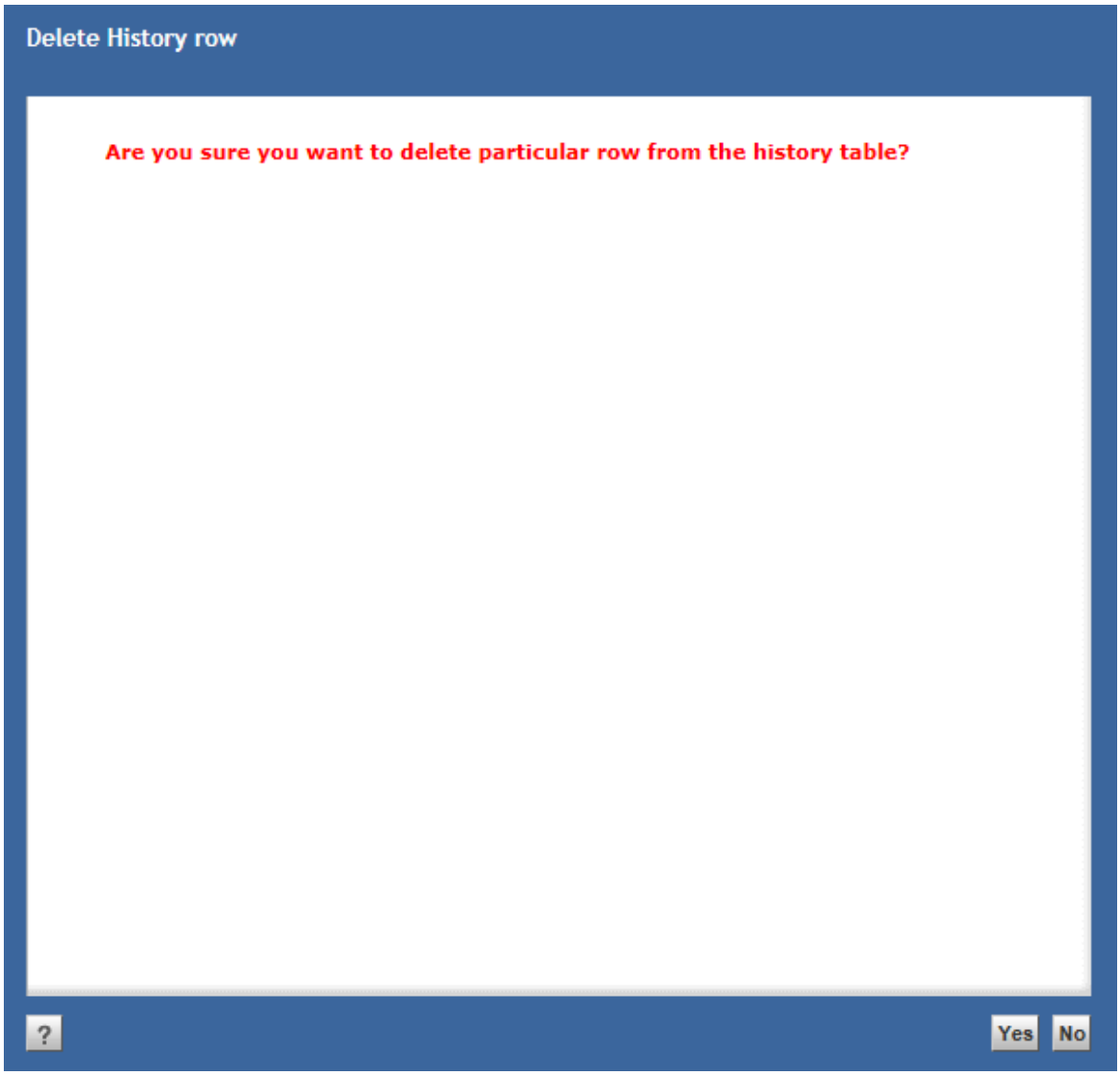


2. The ‘Edit Participant Details’ screen is displayed with the first participant details selected by default.

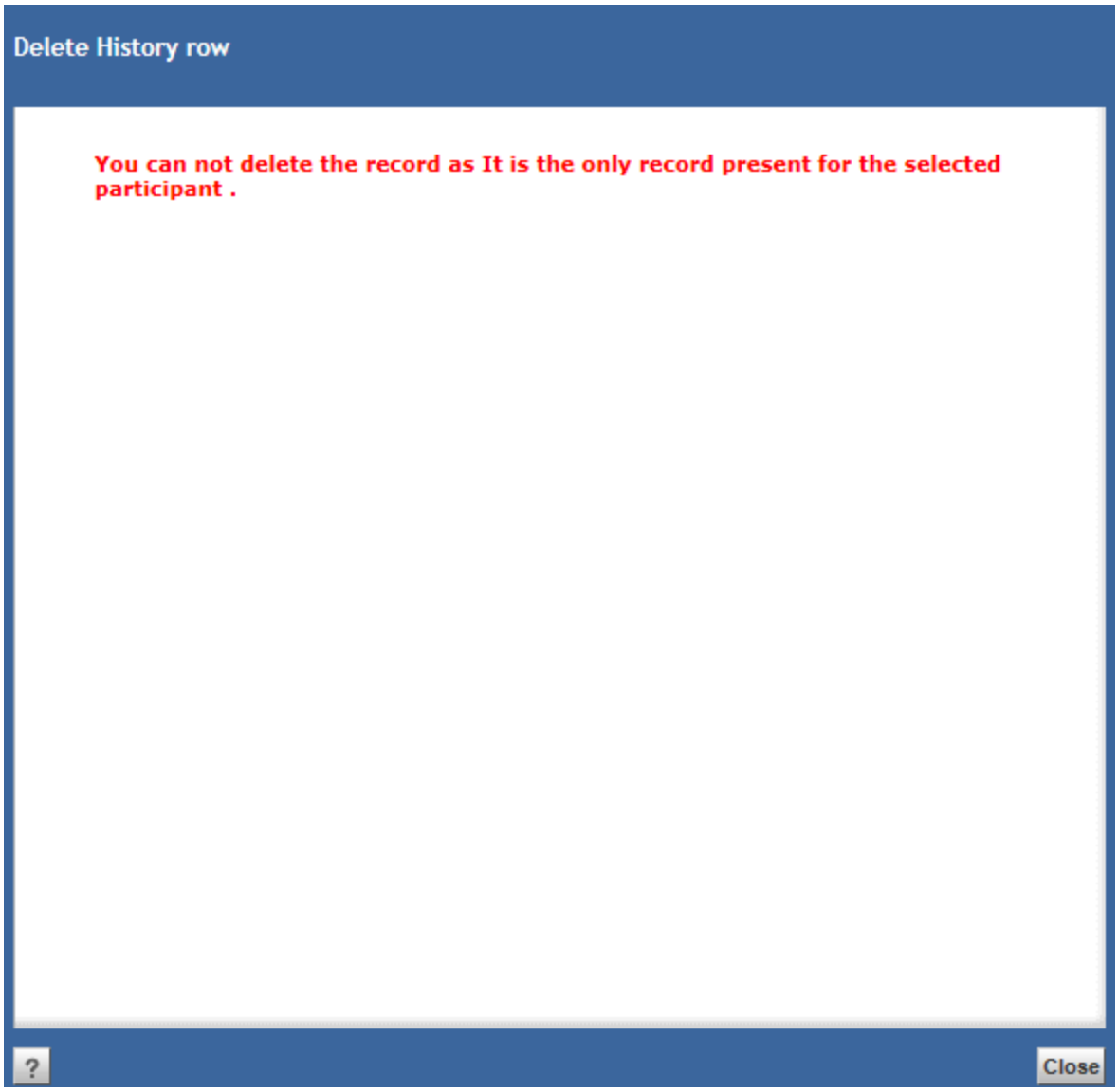


3. Select one of the radio buttons to delete a Participant and click on the ‘Delete’ button.

- If Participant is having more than one history record then the following warning message will be displayed.



- If we will select **Yes** button then particular history record for that participant will get deleted.
- If we select **No** button then pop-up window will get closed.
- If Participant is having only one history record then following Error message will get displayed.



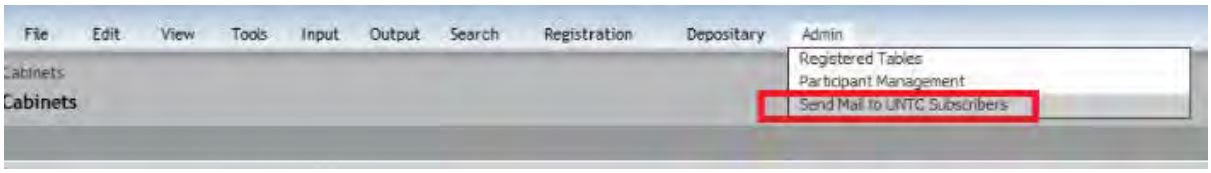
- We are not allowed to delete the history record if it's the only one record present for that participant.
- If we will click on Close button then pop-up window will get closed.

10.3 Send Mail to UNTC Subscribers

This option enables you to send mail to subscribers

To send mail to subscribers:

1. On the Admin menu, select Send Mail to UNTC Subscribers



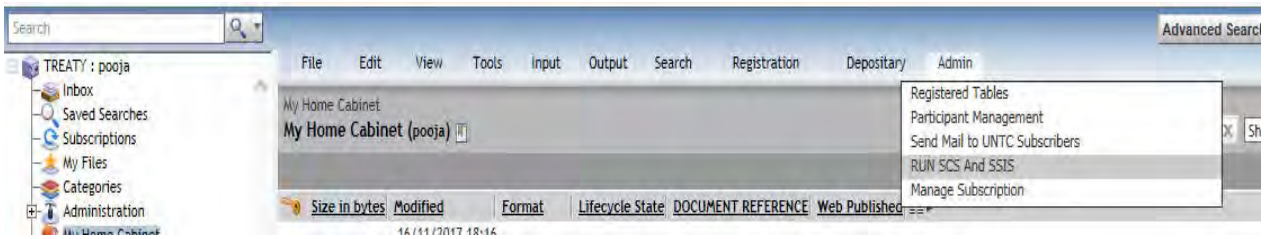
2. The Send Mail to UNTC Subscribers is displayed

3. Select the file to mail by entering the path or selecting using the Browse option
4. Preview of the selected HTML file is displayed as shown below

5. Enter the subject for the mail in 'Subject' field
6. Enter the email address of the recipients if the mail is to be sent to specific subscribers in Email address. If there are than one email address, then they should be separated by a comma
7. Click on Send to Specified Addresses to send the mail to the email ids specific subscribers. Else click on Send to All Subscribers to send the mail to all the subscribers
8. Click 'Close' to close the screen

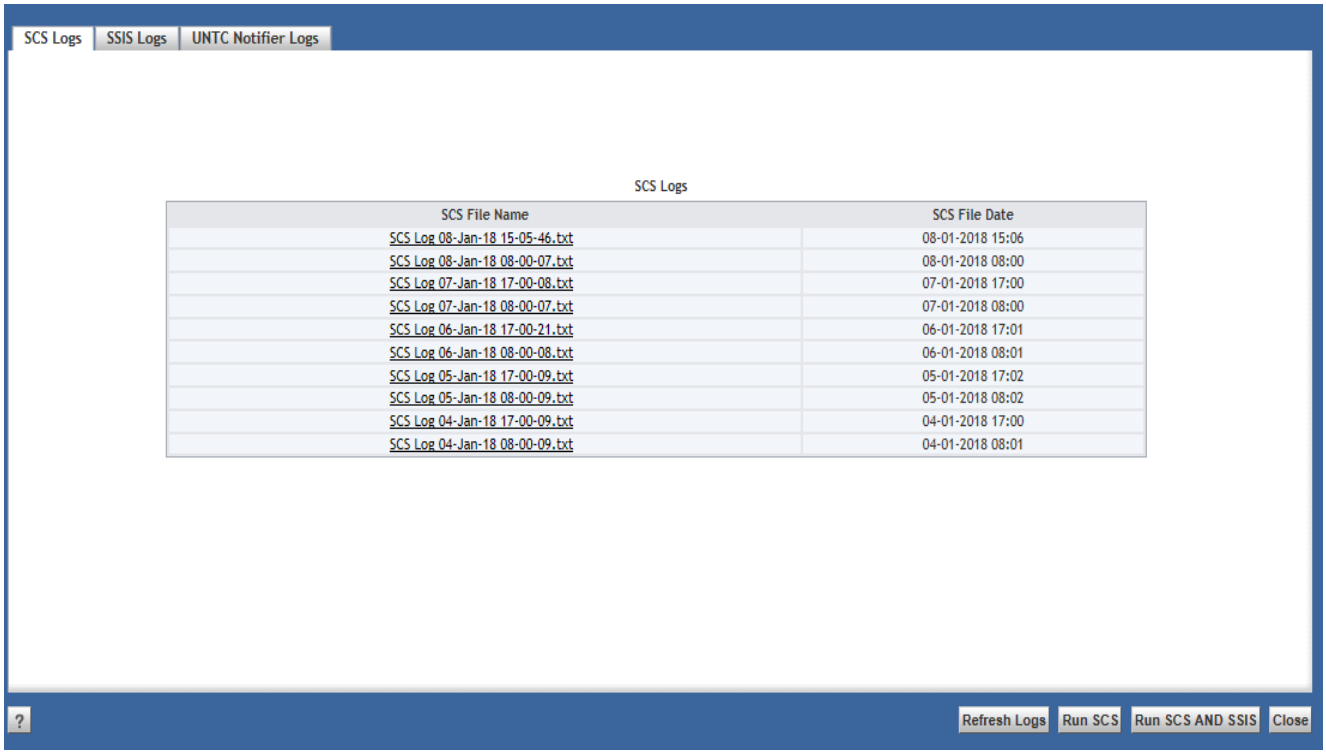
10.4 Run SCS and SSIS (data transfer jobs to website)

For this screen go to Admin->Run SCS and SSIS

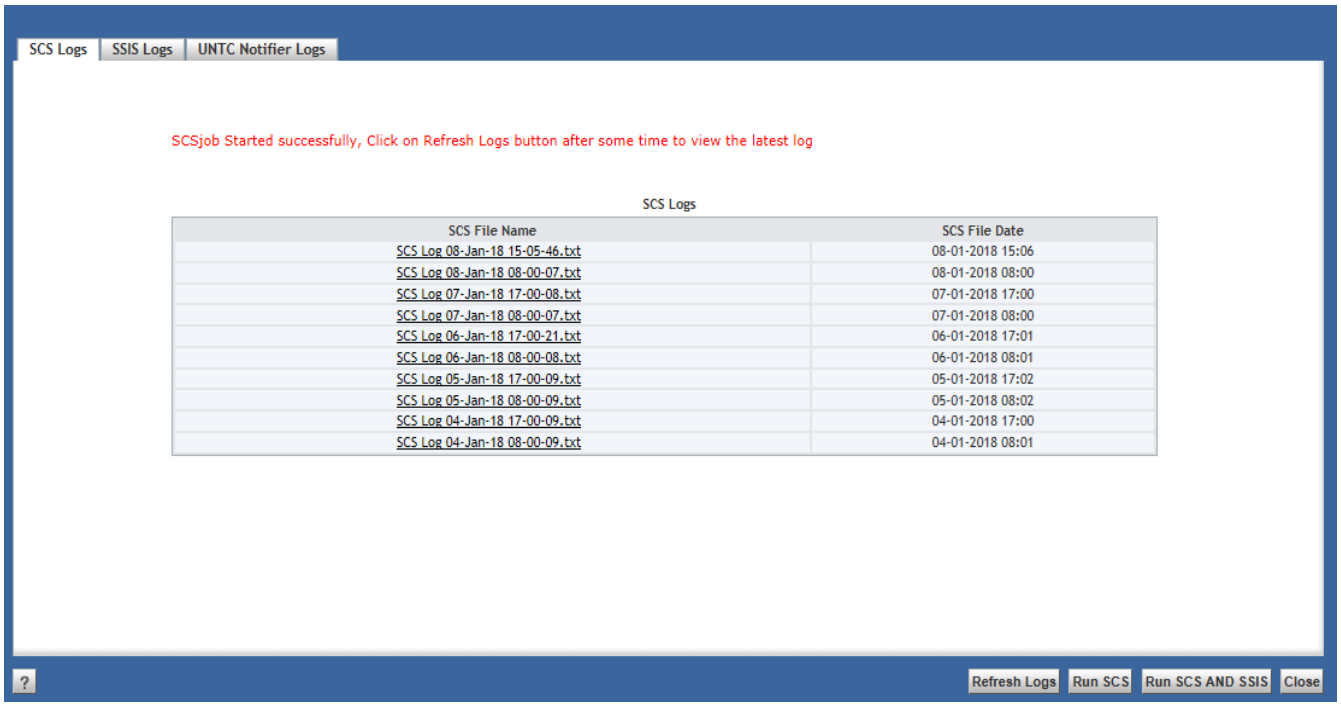


1. Click on Run SCS and SSIS and following screen will get displayed.

SCS Logs:



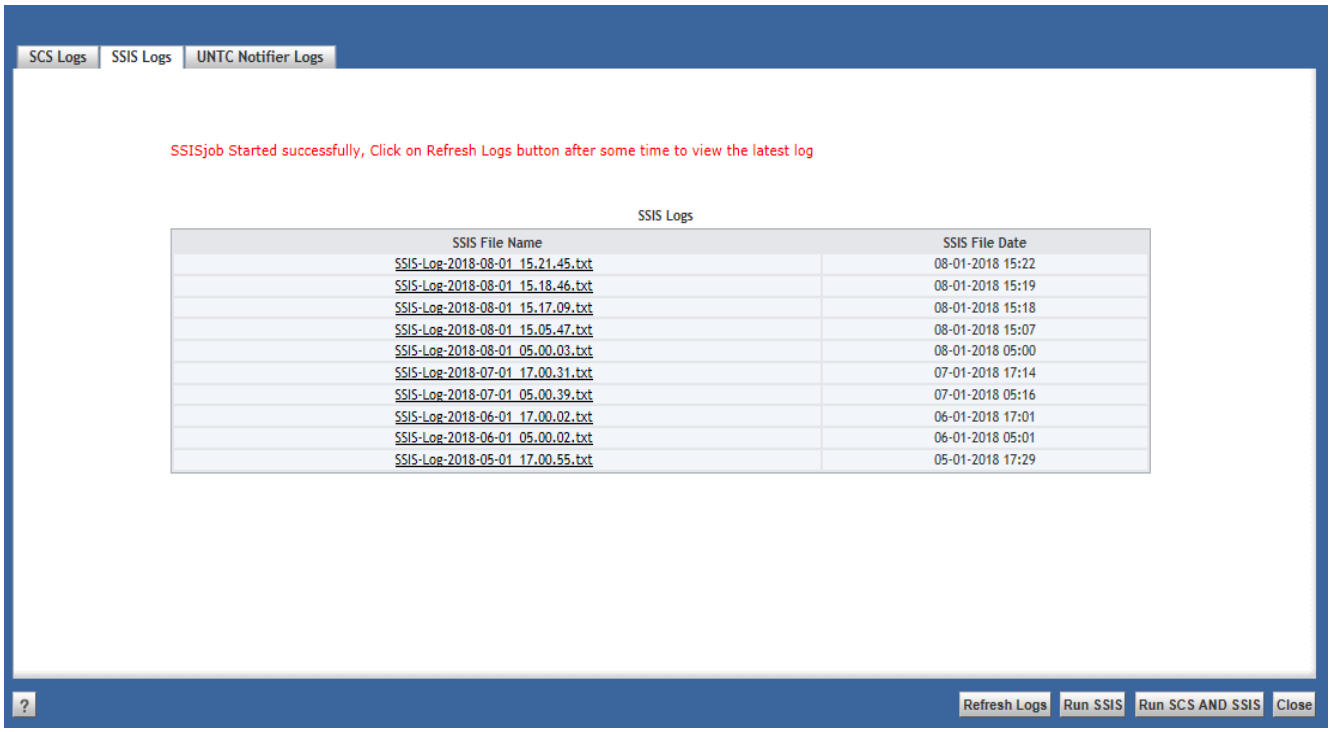
2. Click on Run SCS then the following screen will be displayed. We can click on Run SCS AND SSIS to start both SCS and SSIS jobs.



3. After that click on Refresh Logs to see new logs and click on close to close the screen.

SSIS Logs:

1. Click on SSIS Logs tab to access the SSIS logs.
2. Click on Run SSIS then following screen will be displayed. We can click on Run SCS AND SSIS to start SCS and SSIS both jobs.



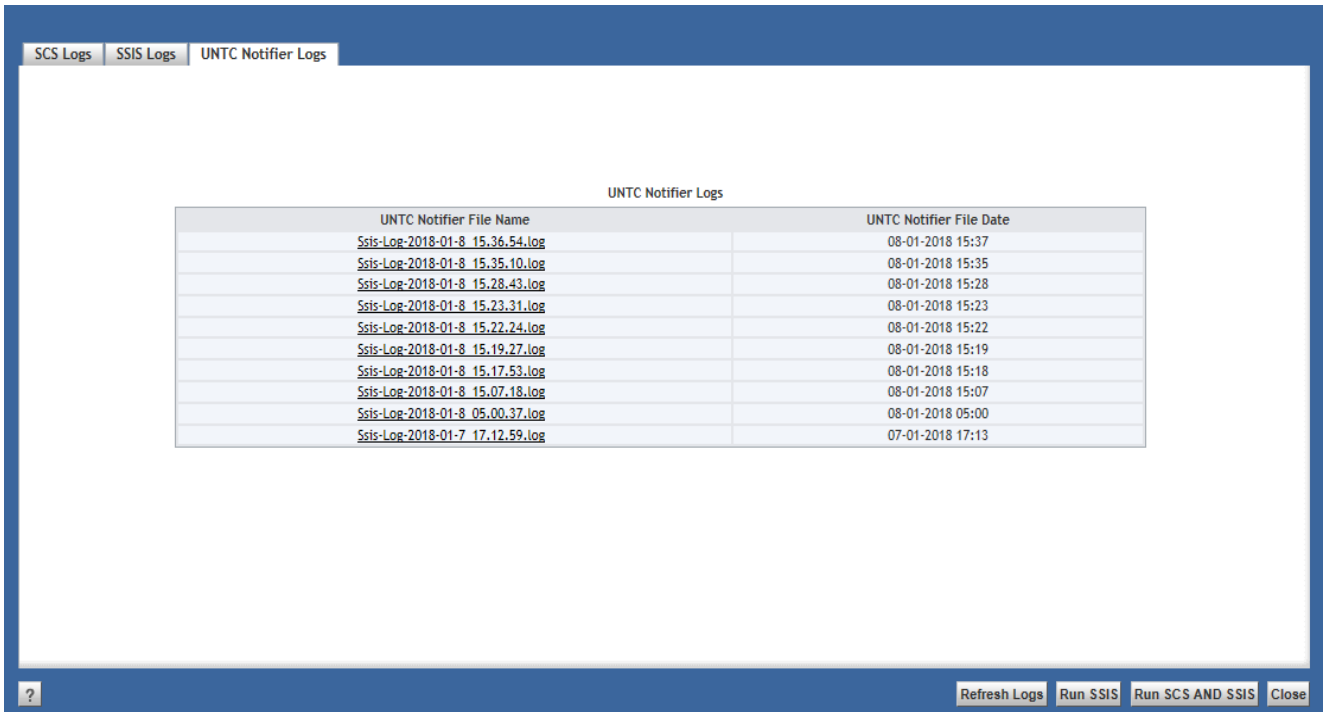
2. After the click on Refresh Logs to see new logs; click on close to close the screen.

UNTC Notifier Logs:

1. On Click of UNTC Notifier Logs the following screen will get displayed:

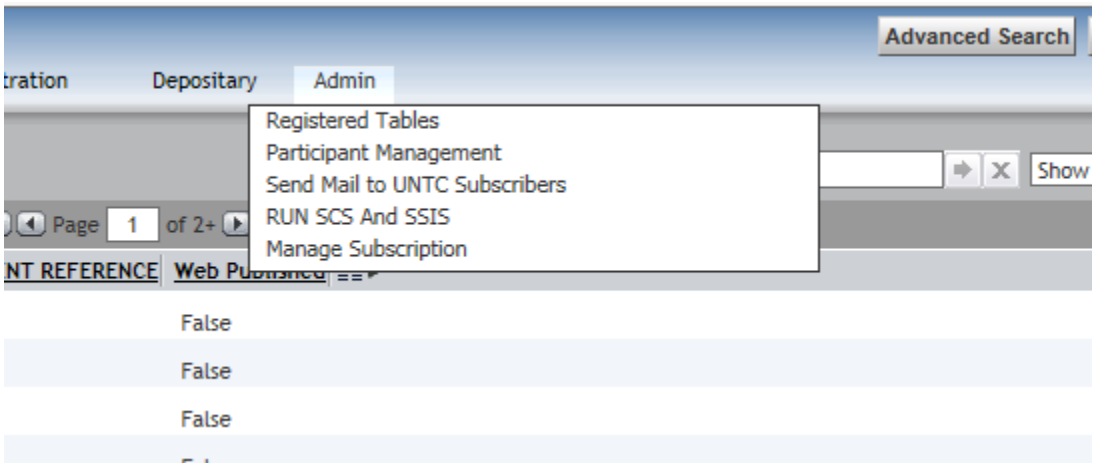
2. To update the UNTC Notifier Logs we have to click on Refresh Logs Button.

3. UNTC Notifier is called by the SSIS job.



10.5 Manage Subscription

For this screen go to Admin->Manage Subscription

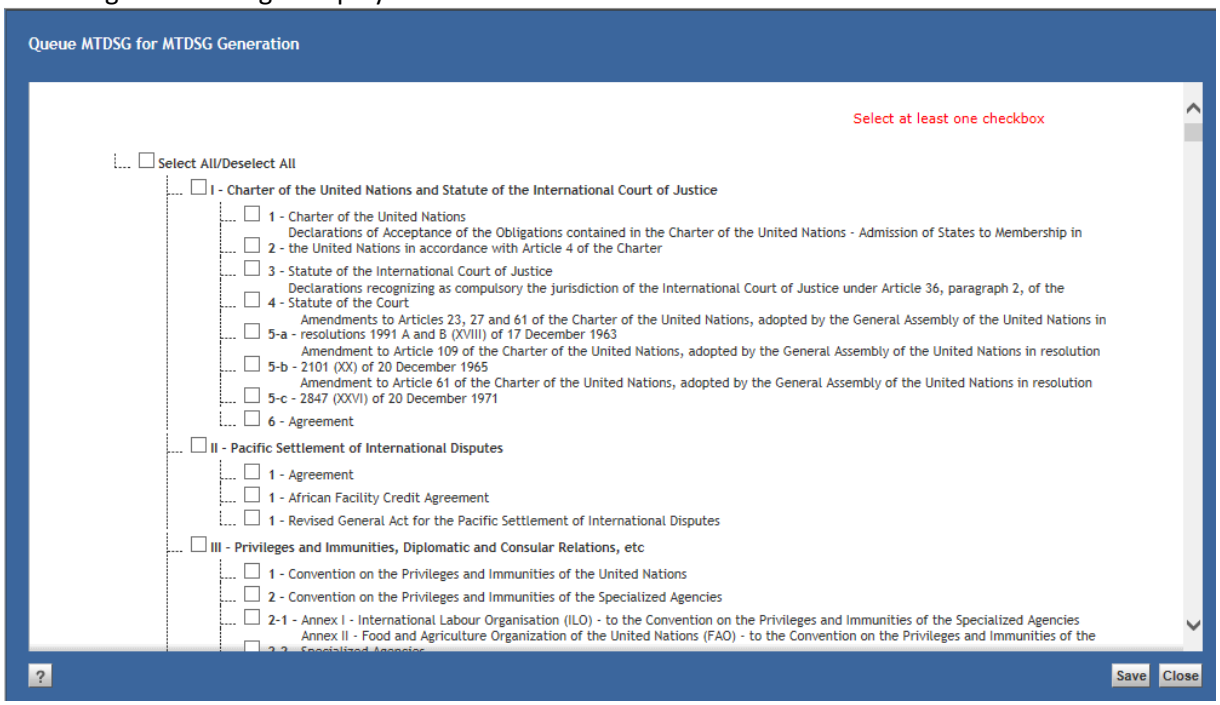


After click on the Manage Subscription link we navigate to the Login page of User Subscription Service, on the website.

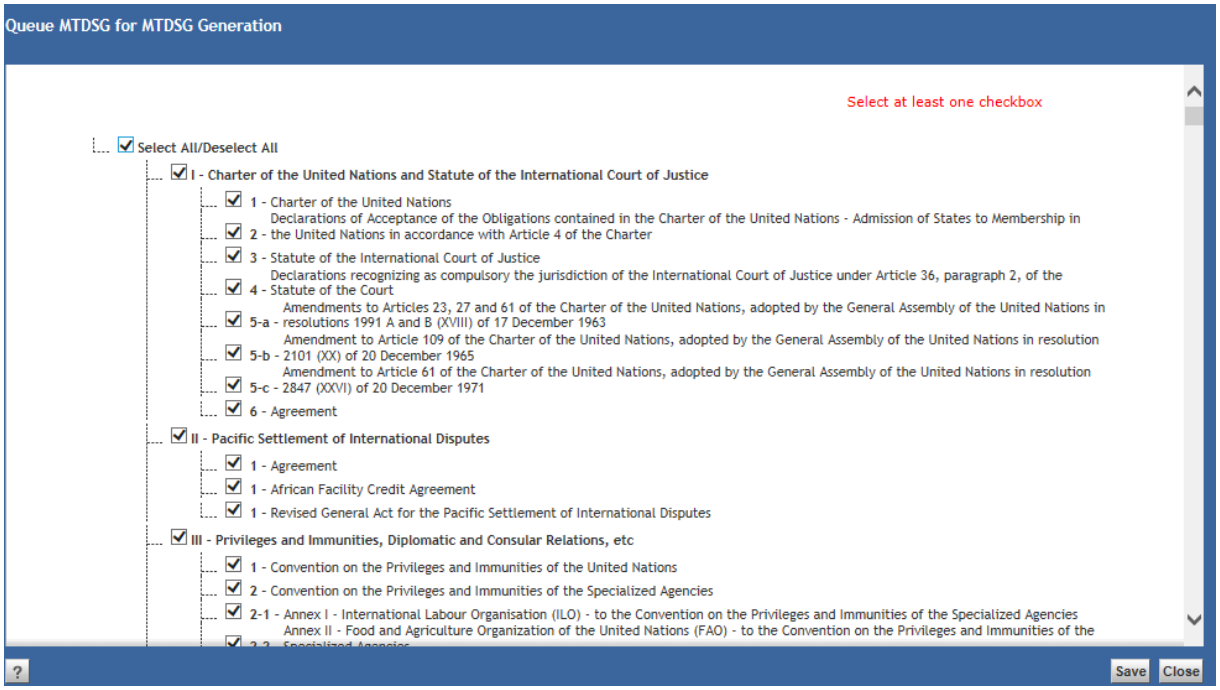
10.6 Queue MTDSG's to Generation

For this screen go to Admin->Queue MTDSGs to Generation.

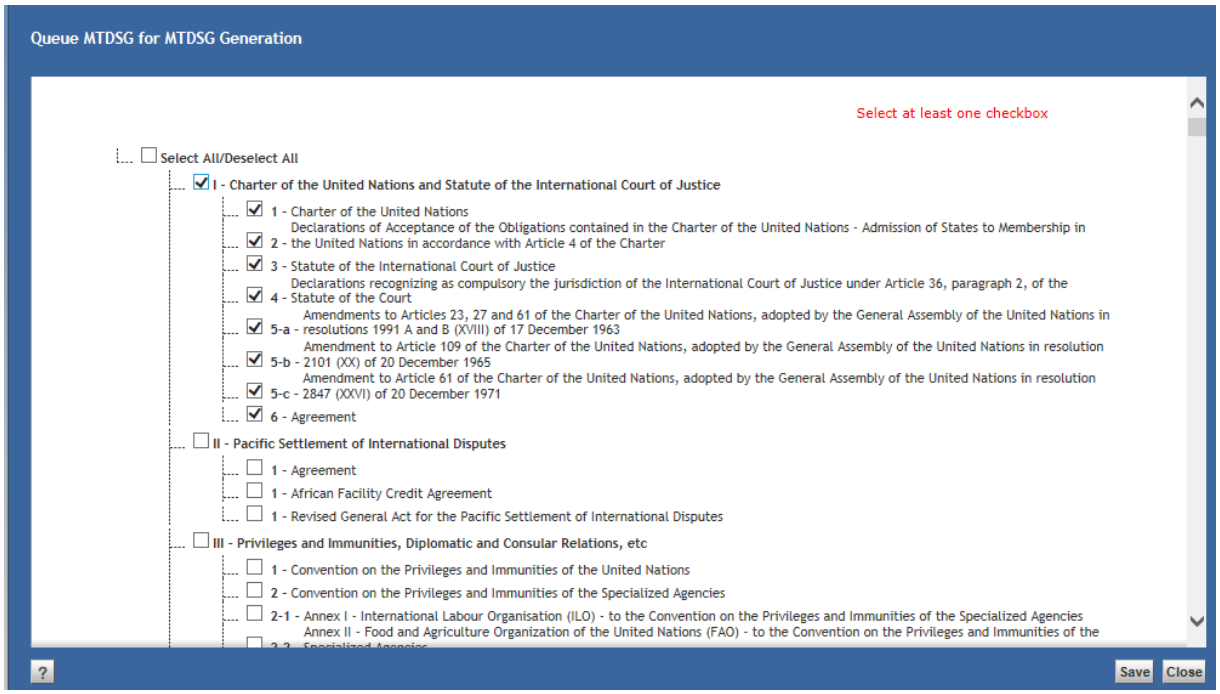
Following screen will get displayed:



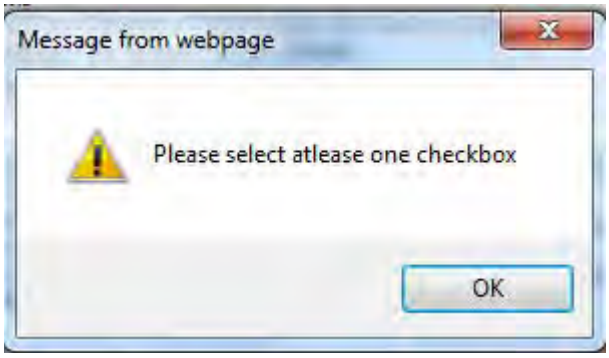
1. If we click on Select All check box, then all the Treaties will get checked. If we select on Deselect All check box, then all the Treaties will get unchecked.



2. If we select one parent treaty, then all of its child records will get selected.



3. If we will not select any of the check box, then a pop-up message will get displayed:



4. After selection if we select save button then selected Treaties will get Queued for MTDSG generation.
5. On click of close button screen will get closed.
6. MTDSG Treaties are getting processed using the MTDSG .
7. On every morning MTDSG Job Generation Report will be sent by mail with subject '**MTDSG Job Generation Report'**.

Greetings from TIPS,

MTDSG treaties processed by the job on 11-09-2018:

MTDSG Number	Modification	Participant	Modified by	Status	Error	CN Status
I-1	080000028017ebb8		dmadmin	SUCCESS		N/A
I-2	08000002801e0a2c		dmadmin	SUCCESS		N/A
I-3	080000028004ca91		dmadmin	SUCCESS		N/A

All MTDSG Treaties are getting processed in real time.

11 Roles & Tips Functionality

11.1 Available Roles

The following roles have been defined in the TIPS application.

1. Registration
2. Publication
3. Depositary
4. Admin
5. Unregister
6. Intern
7. Input
8. Eif

11.2 Restriction on functionality based on Roles

The following table defines the role is required for a menu

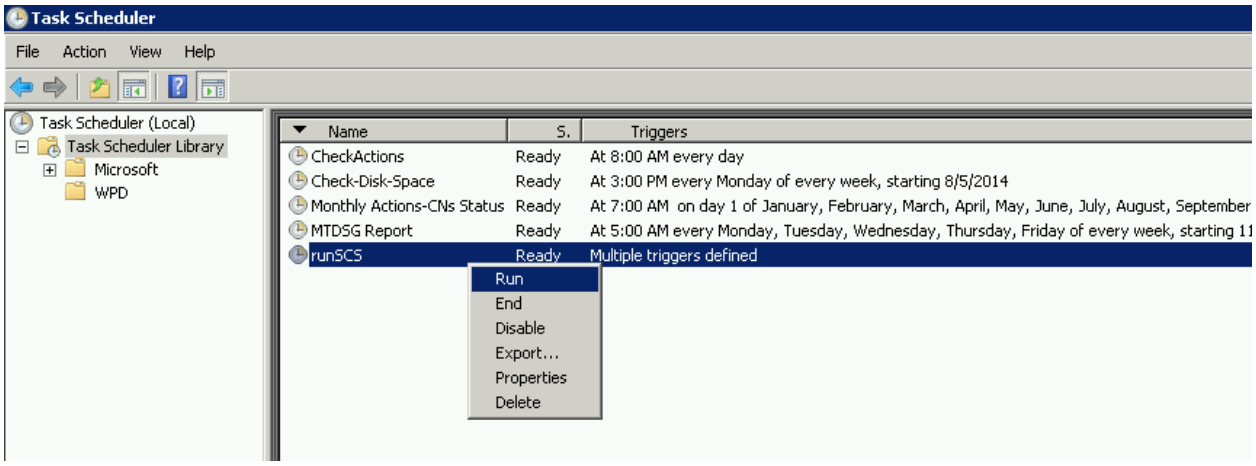
Menu / Functionality	Role Needed
File→Delete (Attachment Delete role is only to delete the content)	Admin/Attachment_Delete
File→Detach From parent	Admin
Admin→ Registered Tables	Admin
Search →Complex Query – Custom DQL functionality	Admin
View → Properties →Info for Treaty/Action/CN	Admin
Depositary →CN→Erase CN	Admin
Depositary →CN	Depositary
Registration → Unregister	Unregister
Admin	Admin
Input→ Move Action/Treaty/CN/Document → Remove Treaty from Parent	Detach Treaty
CN→ Edit / Check In / Check Out / Cancel Checkout	Depositary/Admin
Depositary→CN	Depositary/Admin

12 Additional Views Module

'Views' is another "Docbase Cabinet Structure" used to view pre-defined complex queries. The views defined are as follows the 'recent activity in CN', 'recent activity in MTDSG' and the 'recently entered or modified treaties'. On invoking the link, the search result is displayed

13 TIPS Utilities / Jobs

There are scheduled programs in the TIPS setup for various activities as explained below. Any of these tasks can be run manually by invoking the corresponding task in the Scheduled Tasks on the respective server.



Title	Server	Schedule	Task Name	Configuration File / Keys	Description
SCS	NYVM1387	5 AM, 8 PM daily	runSCS	C:\migutil.properties **SCS_LOG_DIR** - Log directory **SCS_DESTINATION_DRIVE** - Folder to which files are transferred **SCS_FILE_FORMATS –** File extensions to transfer **SCS_PUBLISH_FOLDERS –** Path of the Tips repository to start with	SCS transfers all the xml, pdf, jpg, tif files created/modified in Tips, to the UNTC web server. SCS always optimizes PDF files for fast web view after transferring them to UNTC.
Check Actions	NYVM1387	8 AM daily	CheckActions	C:\migutil.properties **ACTIONS_REMINDER_MAIL_TO** – email addresses to which mail is to be sent	It checks for any actions that need a reminder email for a CN follow up. This reminder can be set up in the Action screen by using the Date Reminder field

MTDSG Report	NYVM1387	8 AM weekdays	MTDSG Report	C:\migutil.properties **Mtdsg.job.mail.to –** email addresses to which mail is to be sent	Sends a summary report the shows the treaties processed by the MTDSG job in the last day's run.
Monthly Actions-CNs Status	NYVM1387	7 AM on the first of every month	Monthly Actions-CNs Status	C:\migutil.properties **CN_OR_ACTIONS_UNWEBPUBLISHED_LIST_MAIL_TO –** email addresses to which the mail is to be sent	Sends an email about the actions modified in the last month along with the CN status. It includes only those actions that are not registered/not webublished/have CNs that are not webpublished.
SSIS	NYVM0805	5 AM, 8 PM daily	RunSSIS	SSIS uses ssis_log table to determine the last run timestamp to decide which objects to pick-up for transfer	The SSIS (SQL Server Integration Services) is a utility that transfers the SQL server metadata from the TIPS database to the UNTC website database. SSIS is responsible to display any treaty/action/CN in the UNTC website once it's web published in TIPS. SSIS is followed by the UNTC Notifier that is responsible to send emails to the UNTC subscribers.
UNTS Notifier	NYVM0805	6 PM every Sunday	UNTS Notifier	UNTS notifier uses the ssis_log_unts table to determine the last run timestamp	The UNTS notifier sends mails for UNTS subscribers.

14 Glossary

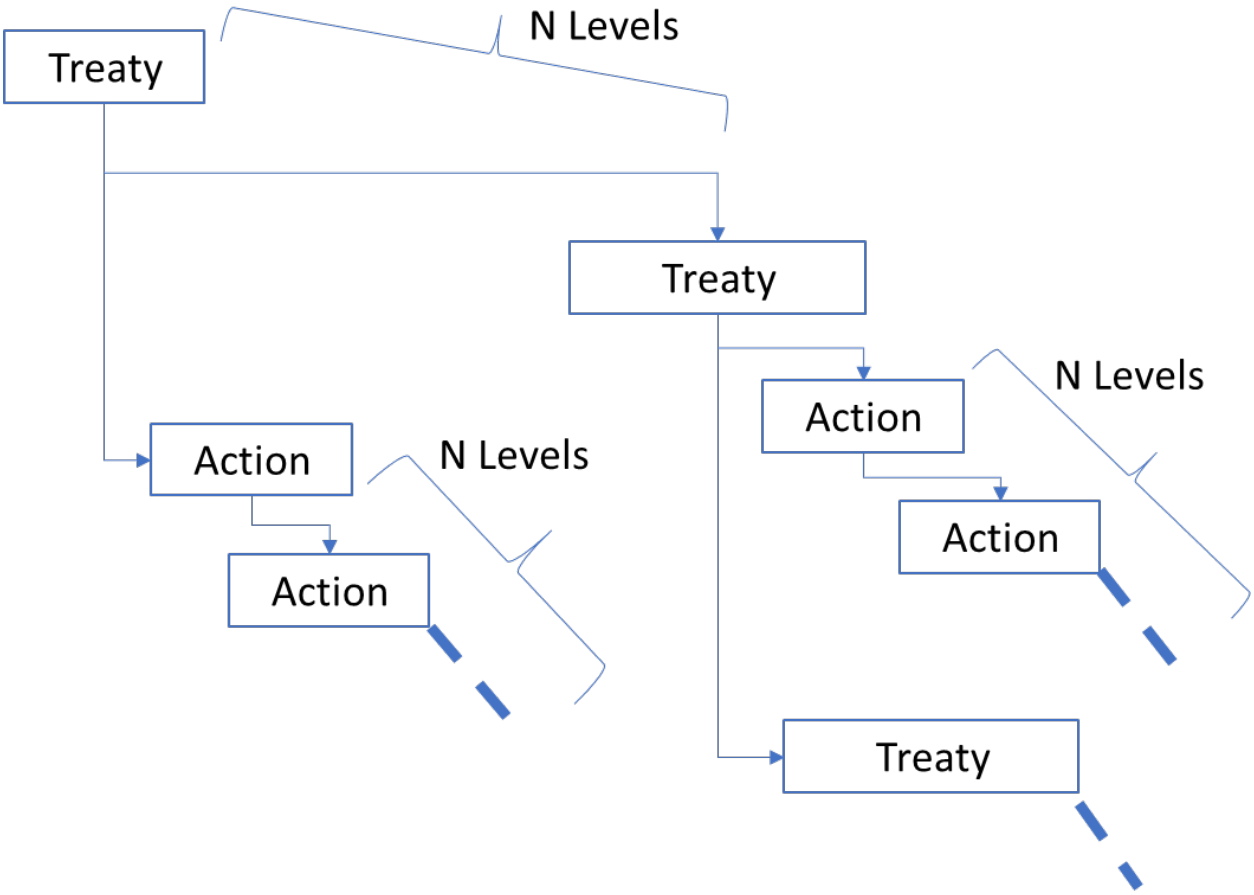
Fields	Description
Date of receipt	The date on which the submission is received at the United Nations.
Treaty	A treaty is generally made of articles or sections that are devised into paragraphs.
Corrigenda	Corrigenda are a list of printing errors in a book along with their corrections.
ICJ	The International Court of Justice (ICJ) is the primary judicial organ of the United Nations. Its main functions are to settle legal disputes submitted to it by states and to provide advisory opinions on legal questions submitted to it by duly authorized international organs, agencies, and the UN General Assembly.
ICJ Clause	The treaty can have a clause referring to the ICJ, for jurisdiction or appointment of arbitrators.
ICJ Provision	The ICJ provision is the article that contains this clause.
Territorial & Exclusions	A state can however specify that an action apply to certain territories it controls. It can also specify that the action excludes certain territories,
Double Submission	In some very rare cases there can be several submitters. Generally, if a treaty is submitted twice, it is a mistake, and this is called a double submission.
Depositary	The depositary is generally the head of an international organization ("Secretary – General of the United Nations"), or a government ("Government of India"), which holds treaties deposited by others.
Submitter	Submitter is a state or an international organization that concludes an international agreement. The Submitter sends the agreement and all the related actions to the UN with all the necessary information.
Signatories	The signatories of the treaty are those participants that have signed the treaty. Signature is generally a symbolic action and it does not have any legal effect.
Participant	The participant is the country or international organization that does the action. Some actions can have no participants.
Parties	Parties to the treaty are those participants that are bound by the treaty. This means that they accept to conform to the terms of the treaty.
Date of action	The date of action is the date on which the action is taken into consideration. This is called date of Notification in the system.
Date of deposit	For actions deposited with the Secretary general of the united nations, this is date of deposit.
Date of effect	This is the date on which the treaty enters into force for the participant.
Atruthentic texts	A treaty is concluded in one or more authentic texts. These are the languages in which the treaty was written and that have legal value (simple translations do not have a legal value).

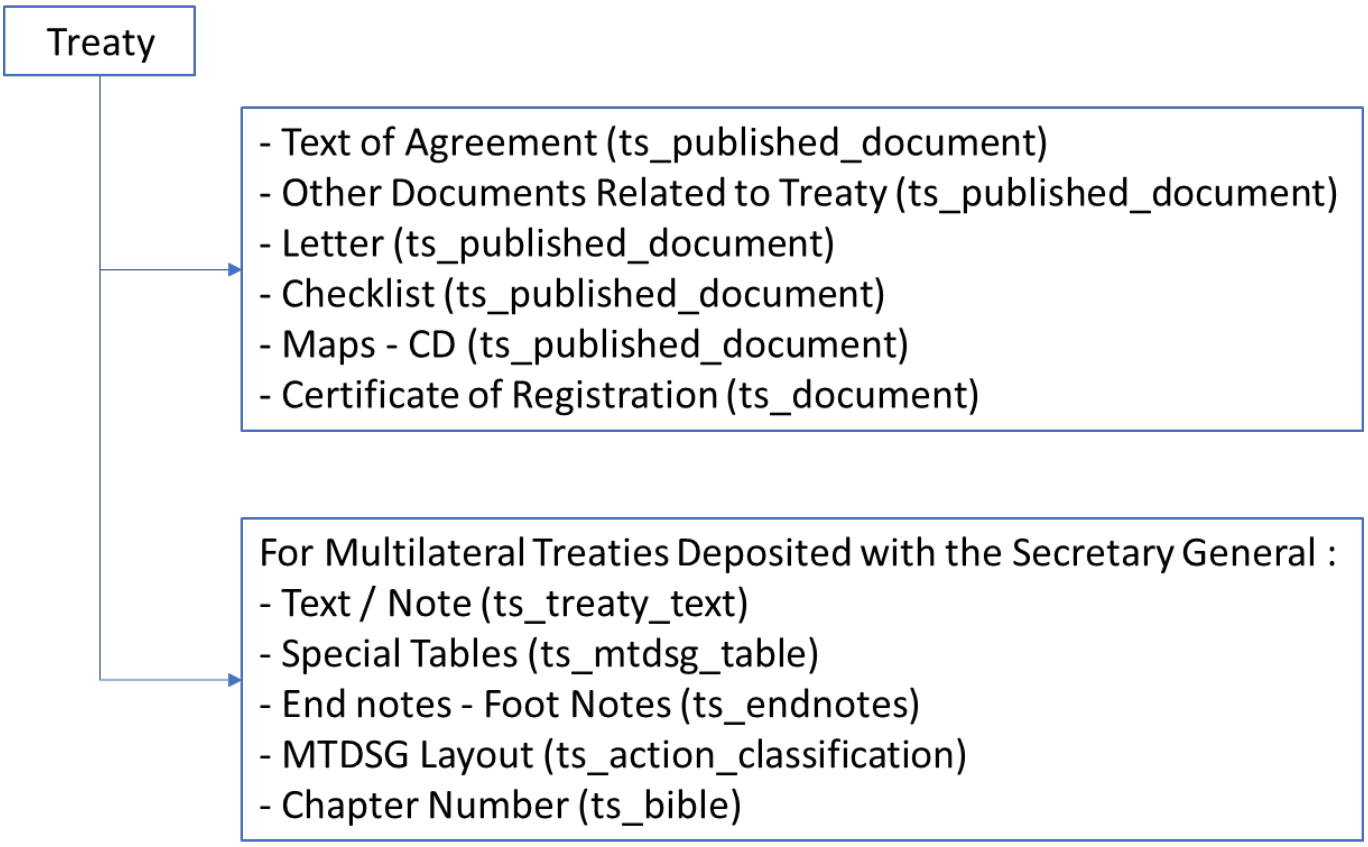
Attachments	A treaty can come with attachments, such as annexes or protocols, which may have different authentic texts than the treaty.
Date of Conclusion	The treaty is concluded by the given date.
Place of Conclusion	A treaty is concluded by given method on one or several dates in one or several places. For example a treaty can be concluded “by signature on 18 October 1997 in Paris”, or “by exchange of notes on 15 November 1996 in Paris and 17 November 1996 in London”.

TIPS – Object Data Model

Rules for Treaty and Action relashionships:

- A Treaty can have multiple subsequent treaties
- A subsequent treaty can also have multiple subsequent treaties
- A treaty or subsequent treaty can have multiple actions
- An action can have multiple subsequent actions
- The number of levels (N) – the number of parent child relationships for treaties and actions is not limited (N>=0) - see diagramme below.




Treaty
- Text of Agreement (ts_published_document)
- Other Documents Related to Treaty (ts_published_document)
- Letter (ts_published_document)
- Checklist (ts_published_document)
- Maps - CD (ts_published_document)
- Certificate of Registration (ts_document)
For Multilateral Treaties Deposited with the Secretary General :
- Text / Note (ts_treaty_text)
- Special Tables (ts_mtdsg_table)
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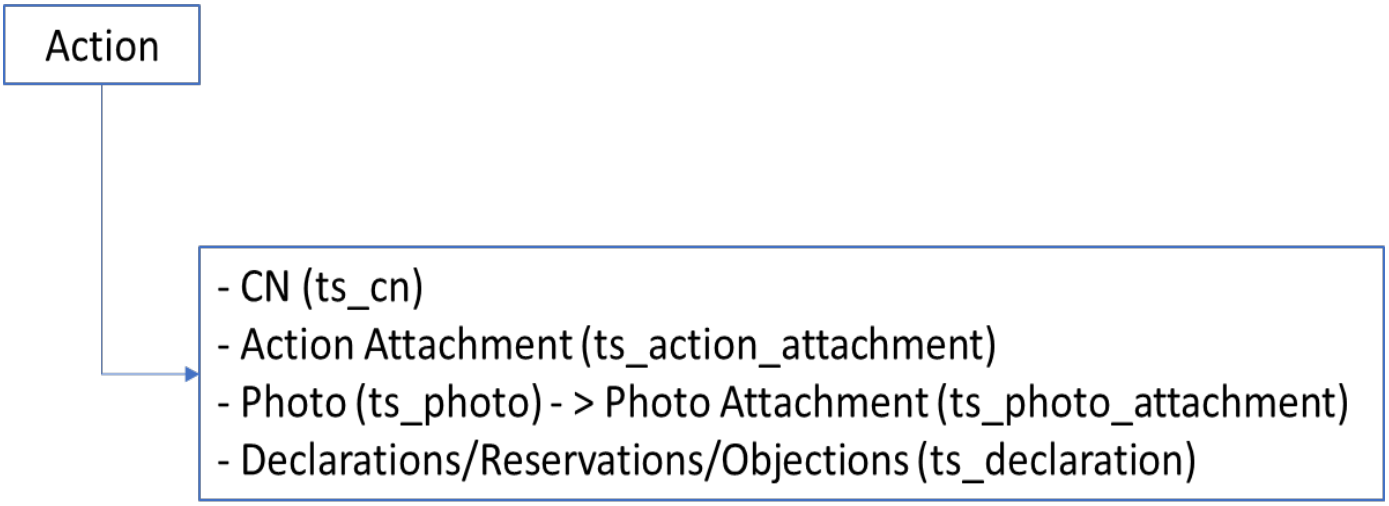
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- Declarations/Reservations/Objections (ts_declaration)

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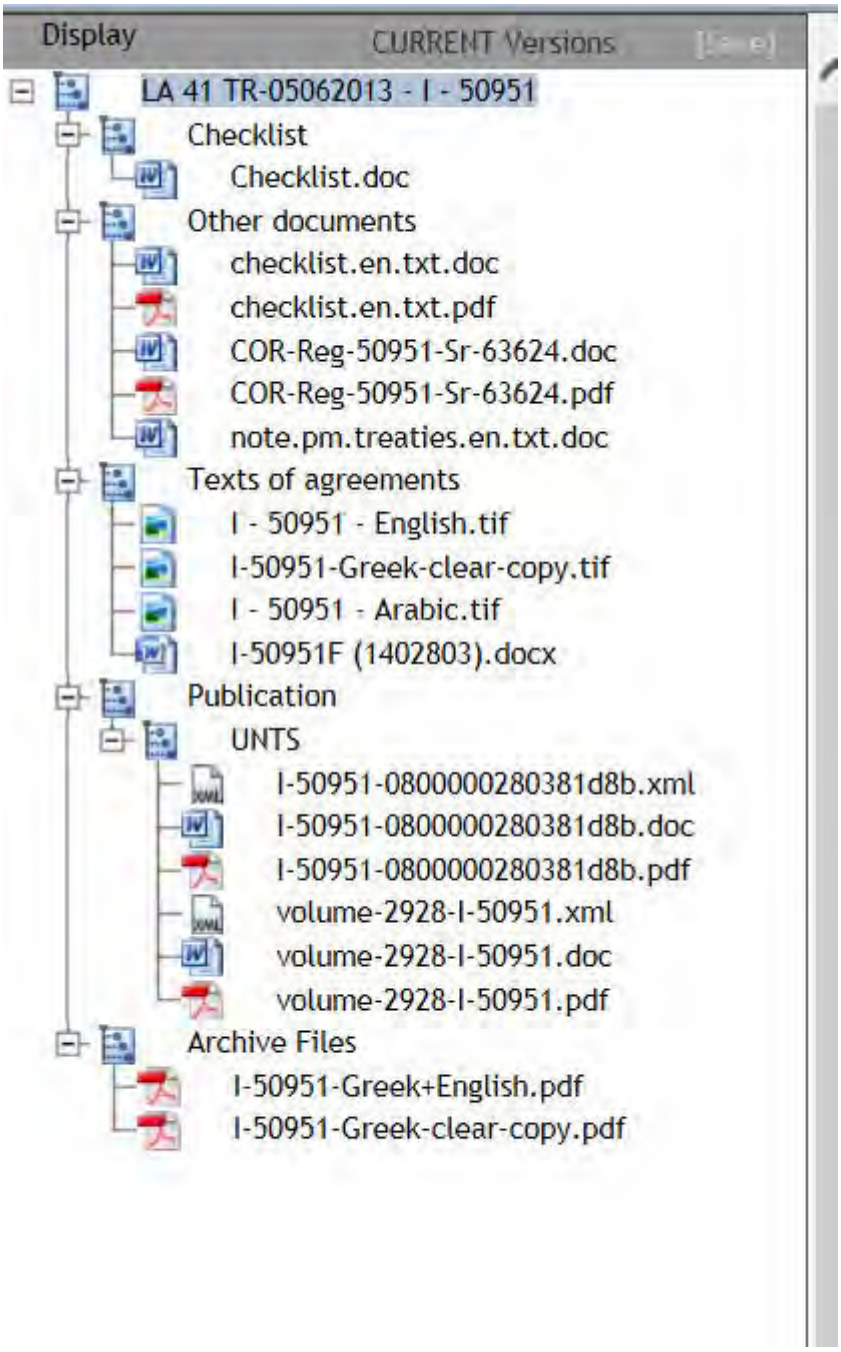

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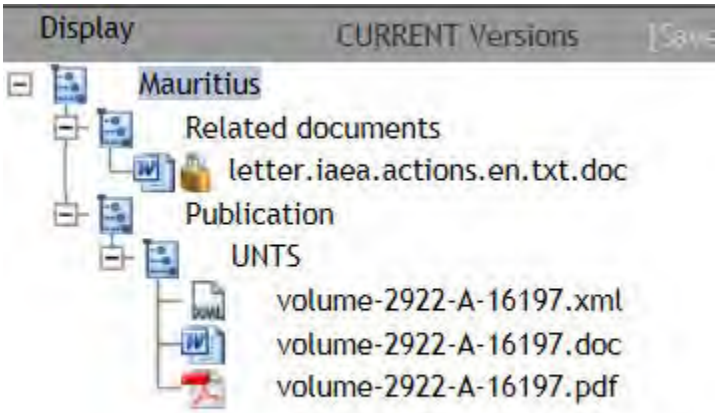
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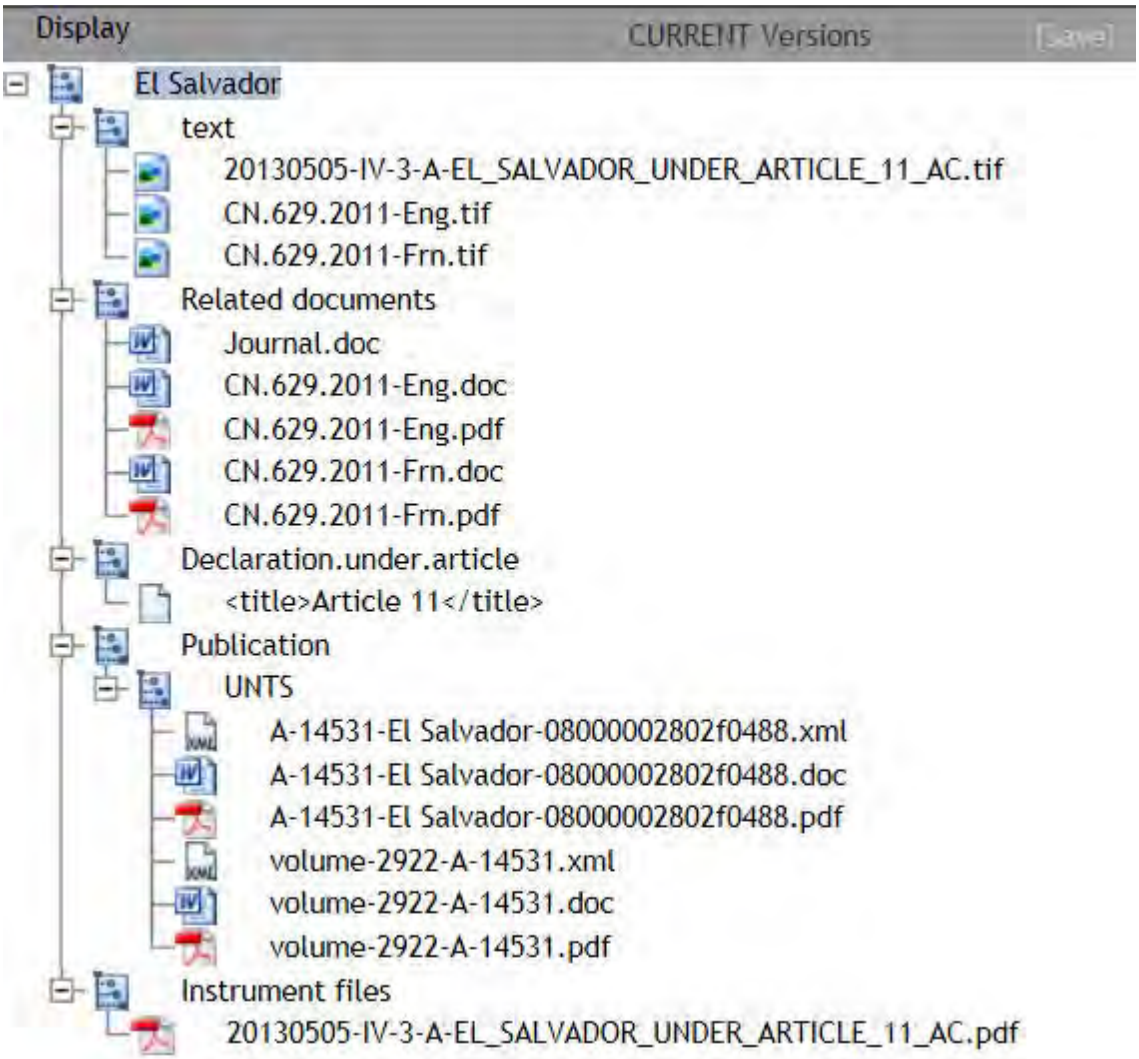
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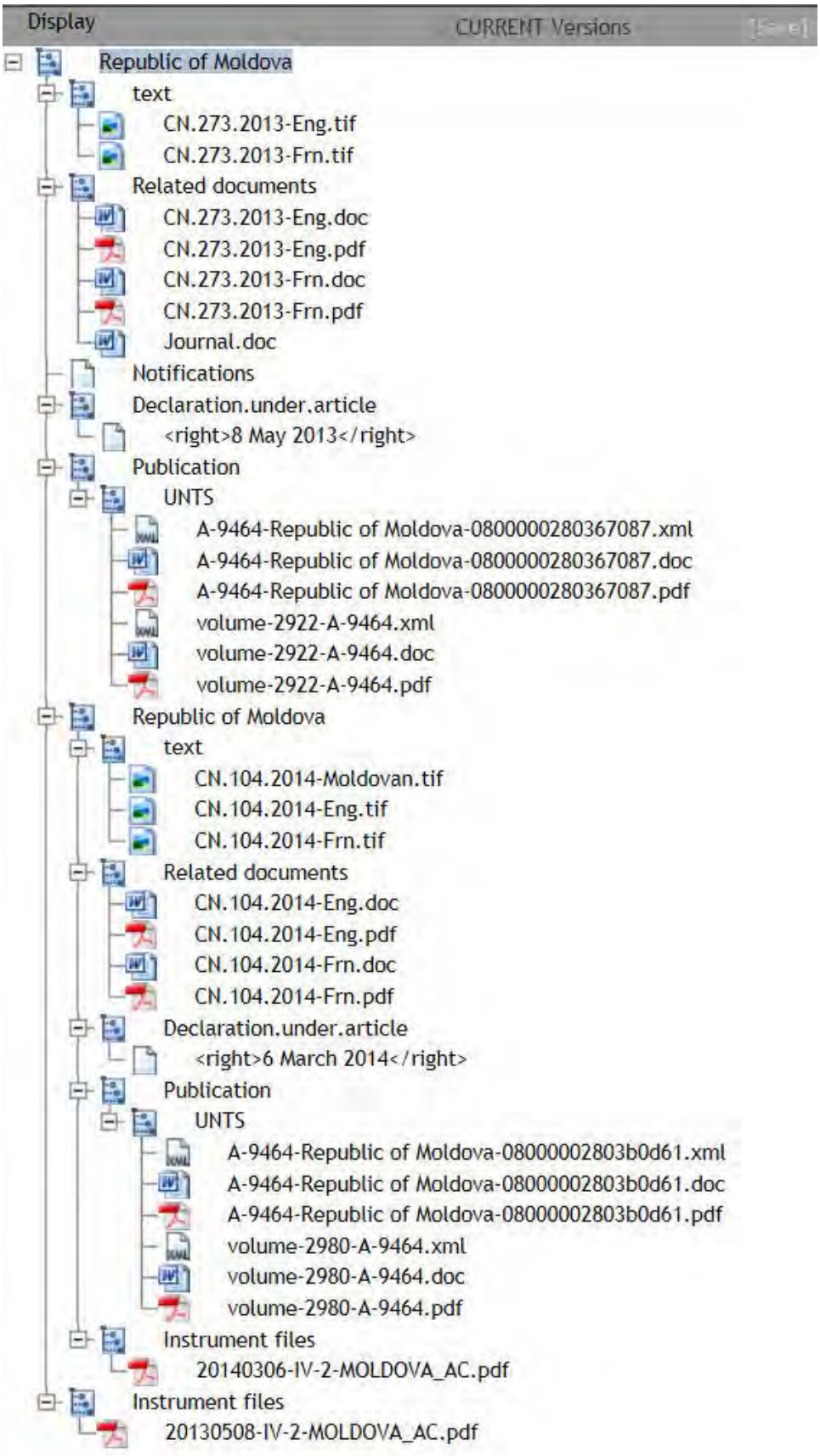
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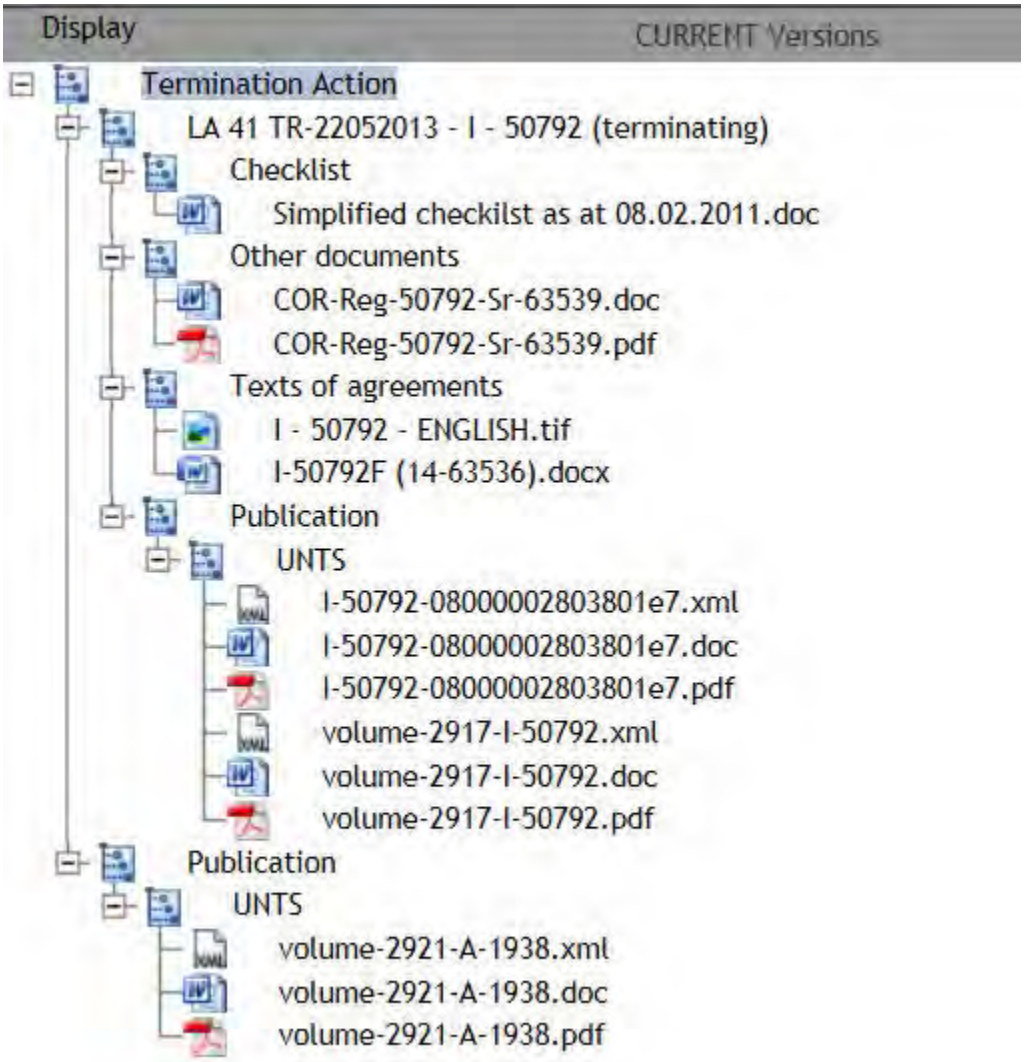
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No. 68185

Certificate of registration

The Secretary-General of the United Nations

hereby certifies that the following international agreement has been registered with the Secretariat, in accordance with Article 102 of the Charter of the United Nations:

No. 54904. **Poland and Romania**

Agreement between the Government of the Republic of Poland and the Government of Romania on cooperation in combating organized crime, terrorism and other types of crime. Warsaw, 11 July 2001

Registration with the Secretariat of the United Nations: Poland, 1 January 2018

Done at New York on 2 March 2018

For the Secretary-General

Certificat d'enregistrement

Le Secrétaire général de l'Organisation des Nations Unies

certifie par la présente que l'accord international indiqué ci-après a été enregistré au Secrétariat, conformément à l'Article 102 de la Charte des Nations Unies :

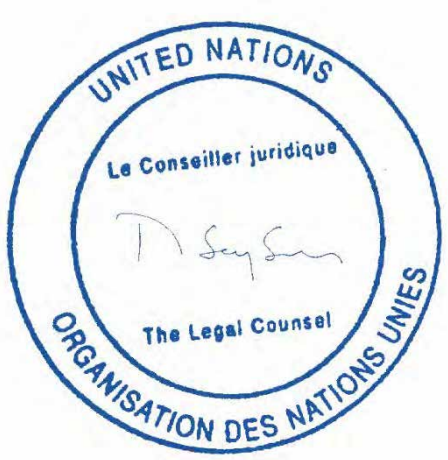
No. 54904. **Pologne et Roumanie**

Accord entre le Gouvernement de la République de Pologne et le Gouvernement de la Roumanie relatif à la coopération dans la lutte contre le crime organisé, le terrorisme et autres types de crimes. Varsovie, 11 juillet 2001

Enregistrement auprès du Secrétariat des Nations Unies : Pologne, 1er janvier 2018

Fait à New York le 2 mars 2018

Pour le Secrétaire général



UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
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Reference: C.N.463.2010.TREATIES-1 (Depositary Notification)

AGREEMENT CONCERNING THE ADOPTION OF UNIFORM TECHNICAL PRESCRIPTIONS FOR WHEELED VEHICLES, EQUIPMENT AND PARTS WHICH CAN BE FITTED AND/OR BE USED ON WHEELED VEHICLES AND THE CONDITIONS FOR RECIPROCAL RECOGNITION OF APPROVALS GRANTED ON THE BASIS OF THESE PRESCRIPTIONS.
GENEVA, 20 MARCH 1958

REGULATION NO. 124. UNIFORM PROVISIONS CONCERNING THE APPROVAL OF WHEELS FOR PASSENGER CARS AND THEIR TRAILERS

PROPOSAL OF AMENDMENTS TO REGULATION NO. 124

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 22 July 2010, the Secretary-General received from the Administrative Committee of the above Agreement, pursuant to article 12 (1) of the Agreement, amendments proposed at the forty-fifth session of the Administrative Committee to Regulation No. 124.

The document containing the text in the English and French languages of the proposed amendments concerned (Document: ECE/TRANS/WP.29/2010/71) can be accessed on the website of the Transport Division of the United Nations Economic Commission for Europe at the following address: ***http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29ap_jun10.html***.

The Secretary-General wishes to draw attention to article 12 (2) and (3) of the Agreement which read as follows:

"2. An amendment to a Regulation will be considered to be adopted unless, within a period of six months from its notification by the Secretary-General, more than one-third of the Contracting Parties applying the Regulation at the time of notification have informed the Secretary-General of their disagreement with the amendment. If, after this period, the Secretary-General has not

Attention:Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at http://treaties.un.org, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated CN Subscription Service", which is also available at http://treaties.un.org.

received declarations of disagreement of more than one-third of the Contracting Parties applying the Regulation, the Secretary-General shall as soon as possible declare the amendment as adopted and binding upon those Contracting Parties applying the Regulation who did not declare themselves opposed to it. When a Regulation is amended and at least one-fifth of the Contracting Parties applying the unamended Regulation subsequently declare that they wish to continue to apply the unamended Regulation, the unamended Regulation will be regarded as an alternative to the amended Regulation and will be incorporated formally as such into the Regulation with effect from the date of adoption of the amendment or its entry into force. In this case the obligations of the Contracting Parties applying the Regulation shall be the same as set out in paragraph 1.

3. Should a new Contracting Party accede to this Agreement between the time of the notification of the amendment to a Regulation by the Secretary-General and its entry into force, the Regulation in question shall not enter into force for that Contracting Party until two months after it has formally accepted the amendment or two months after the lapse of a period of six months since the communication to that Party by the Secretary-General of the proposed amendment."

30 July 2010

Attention:Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at http://treaties.un.org, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated CN Subscription Service", which is also available at http://treaties.un.org.

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Référence : C.N.463.2010.TREATIES-1 (Notification dépositaire)

ACCORD CONCERNANT L'ADOPTION DE PRESCRIPTIONS TECHNIQUES UNIFORMES APPLICABLES AUX VÉHICULES À ROUES, AUX ÉQUIPEMENTS ET AUX PIÈCES SUSCEPTIBLES D'ÊTRE MONTÉS OU UTILISÉS SUR UN VÉHICULE À ROUES ET LES CONDITIONS DE RECONNAISSANCE RÉCIPROQUE DES HOMOLOGATIONS DÉLIVRÉES CONFORMÉMENT À CES PRESCRIPTIONS. GENÈVE, 20 MARS 1958

RÈGLEMENT NO 124. PRESCRIPTIONS UNIFORMES RELATIVES À L'HOMOLOGATION DES ROUES POUR VOITURES PARTICULIÈRES ET LEURS REMORQUES

PROPOSITION D'AMENDEMENTS AU RÈGLEMENT NO 124

Le Secrétaire général de l'Organisation des Nations Unies, agissant en sa qualité de dépositaire, communique :

Le 22 juillet 2010, le Secrétaire général a reçu du Comité administratif de l'Accord susmentionné, conformément au premier paragraphe de l'article 12 de l'Accord, certains amendements proposés au Règlement no 124 lors de la quarante-cinquième session du Comité administratif.

Le document contenant le texte en langues anglaise et française du projet d'amendements en question (Document : ECE/TRANS/WP.29/2010/71) peut être consulté sur le site de la Division des transports de la Commission économique des Nations Unies pour l'Europe à l'adresse suivante : ***http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29ap_jun10.html.***

À cet égard, le Secrétaire général croit bon de rappeler les deuxième et troisième paragraphes de l'article 12 de l'Accord qui stipulent :

"2. Un amendement à un règlement est réputé adopté si, dans un délai de six mois à compter de la date où le Secrétaire général en a donné notification, plus d'un tiers des Parties contractantes appliquant le règlement à la date de la notification n'ont pas notifié au Secrétaire général

leur désaccord concernant l'amendement. Si à l'issue de cette période plus d'un tiers des Parties contractantes appliquant le règlement n'ont pas notifié au Secrétaire général leur désaccord, celui-ci déclare le plus tôt possible que l'amendement est adopté et obligatoire pour les Parties contractantes appliquant le règlement qui n'ont pas contesté l'amendement. Si un règlement fait l'objet d'un amendement et si au moins un cinquième des Parties contractantes qui en appliquent la version non amendée déclarent ultérieurement qu'elles souhaitent continuer de l'appliquer, cette version non amendée est considérée comme une variante de la version amendée et est incorporée formellement à ce titre dans le règlement avec prise d'effet à la date de l'adoption de l'amendement ou de son entrée en vigueur. Dans ce cas, les obligations des Parties contractantes appliquant le règlement sont les mêmes que celles énoncées au paragraphe 1.

3. Au cas où un pays serait devenu Partie à cet Accord entre la notification de l'amendement à un règlement adressée au Secrétaire général et l'entrée en vigueur de l'amendement, le règlement en cause ne pourrait entrer en vigueur à l'égard de cette Partie contractante que deux mois après qu'elle aurait accepté formellement l'amendement ou qu'un délai de six mois se serait écoulé depuis la communication que le Secrétaire général lui aurait faite du projet d'amendement."

Le 30 juillet 2010

United Nations

Afghanistan

ACTIONS TAKEN IN RESPECT OF MULTILATERAL TREATIES DEPOSITED WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS

GROUPED BY CHAPTER NUMBER

Prepared by the Treaty Section - Office of Legal Affairs on 2/28/20

Description of the Columns used in this document

***- Registration Number*:** Treaty Registration Number which was assigned to the treaty at the time of its registration with the UN Secretariat in accordance with Article 102 of the UN Charter.

- MTDSG Number: Corresponds to the Chapter/Sub-Chapter grouping of multilateral treaties deposited with the Secretary-General in Roman numerals where a particular record belongs.

- Title: Officially established full title of the treaty as recorded in the database according to the certifying statement submitted by the registering party for registration purposes.

- Date of Entry into Force: Entry into force of a treaty is the moment in time when a treaty becomes legally binding on the parties to the treaty. The date when a treaty deposited with the Secretary-General enters into force is determined in accordance with the treaty provisions.

- Type Of Action: Treaty actions types include accessions, denunciations, ratifications, signatures, withdrawals, etc. Report may reflect multiple treaty actions by a Participant to the same Treaty.

- Place(s) & Date(s) of Conclusion: The date when the treaty was signed or concluded; can be multiple places and dates.

- Date of Registration: The date on which the treaty was registered; usually the date of its receipt for registration by the UN Secretariat.

- Volume: UN Treaty Series volume number where the authentic texts of the treaty and its translations into English and/or French were published.

- Date of notification: A formal notice, also known as formality through which a state or an international organization communicates certain facts or events of legal importance.

- Additional Information: This section can be found, in relevant cases, not in the column but at the end of the report, and contains information which was imported from the Treaty Section's website. Such information, when included in the report, may contain the associated HTML code. To view the actual details, kindly follow the link "Click for details" in the Additional information section.

Charter of the United Nations and Statute of the International Court of Justice

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
8132	I-5-a	Amendments to Articles 23, 27 and 61 of the Charter of the United Nations, adopted by the General Assembly of the United Nations in resolutions 1991 A and B (XVIII) of 17 December 1963	31-Aug-1965	New York,17-Dec-1963	1-Mar-1966	557
			Type of Action		**Date of Notification**	**Volume**
			Ratification		25-Feb-1965	557
8132	I-5-b	Amendment to Article 109 of the Charter of the United Nations, adopted by the General Assembly of the United Nations in resolution 2101 (XX) of 20 December 1965	12-Jun-1968	New York,20-Dec-1965	12-Jun-1968	638
			Type of Action		**Date of Notification**	**Volume**
			Ratification		16-Nov-1966	638
8132	I-5-c	Amendment to Article 61 of the Charter of the United Nations, adopted by the General Assembly of the United Nations in resolution 2847 (XXVI) of 20 December 1971	24-Sep-1973	New York,20-Dec-1971	24-Sep-1973	892
			Type of Action		**Date of Notification**	**Volume**
			Ratification		20-Sep-1973	892

Total Count: 3

Privileges and Immunities, Diplomatic and Consular Relations, etc

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
4	III-1	Convention on the Privileges and Immunities of the United Nations	17-Sep-1946	New York,13-Feb-1946	14-Dec-1946	1

Type of Action	Date of Notification	Volume
Accession	5-Sep-1947	7

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
7310	III-3	Vienna Convention on Diplomatic Relations	24-Apr-1964	Vienna,18-Apr-1961	24-Jun-1964	500

Type of Action	Date of Notification	Volume
ACCESSION	6-Oct-1965	547

Total Count: 2

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
1021	IV-1	Convention on the Prevention and Punishment of the Crime of Genocide	12-Jan-1951	Paris,09-Dec-1948	12-Jan-1951	78

Type of Action	Date of Notification	Volume
Accession	22-Mar-1956	230

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
9464	IV-2	International Convention on the Elimination of All Forms of Racial Discrimination	04-Jan-1969	New York,07-Mar-1966	12-Mar-1969	660

Type of Action	Date of Notification	Volume
ACCESSION	6-Jul-1983	1321

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14531	IV-3	International Covenant on Economic, Social and Cultural Rights	03-Jan-1976	New York,16-Dec-1966	3-Jan-1976	993

Type of Action	Date of Notification	Volume
ACCESSION	24-Jan-1983	1299

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14668	IV-4	International Covenant on Civil and Political Rights	23-Mar-1976	New York,16-Dec-1966	23-Mar-1976	999

Type of Action	Date of Notification	Volume
Accession	24-Jan-1983	1299

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
10823	IV-6	Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity	11-Nov-1970	New York,26-Nov-1968	11-Nov-1970	754

Type of Action	Date of Notification	Volume
ACCESSION	22-Jul-1983	1324

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14861	IV-7	International Convention on the Suppression and Punishment of the Crime of Apartheid	18-Jul-1976	New York,30-Nov-1973	18-Jul-1976	1015

Type of Action	Date of Notification	Volume
ACCESSION	6-Jul-1983	1321

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
20378	IV-8	Convention on the Elimination of All Forms of Discrimination against Women	03-Sep-1981	New York,18-Dec-1979	3-Sep-1981	1249

Type of Action	Date of Notification	Volume
Ratification	5-Mar-2003	2210

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
24841	IV-9	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	26-Jun-1987	New York,10-Dec-1984	26-Jun-1987	1465

Type of Action	Date of Notification	Volume
Ratification	1-Apr-1987	1465

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
24841	IV-9-b	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	22-Jun-2006	New York,18-Dec-2002	22-Jun-2006	2375

Type of Action	Date of Notification	Volume
Accession	17-Apr-2018	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
27531	IV-11	Convention on the Rights of the Child	02-Sep-1990	New York,20-Nov-1989	2-Sep-1990	1577

Type of Action	Date of Notification	Volume
RATIFICATION	28-Mar-1994	1772

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
27531	IV-11-b	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	12-Feb-2002	New York,25-May-2000	12-Feb-2002	2173

Type of Action	Date of Notification	Volume
Accession	24-Sep-2003	2226

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
27531	IV-11-c	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	18-Jan-2002	New York,25-May-2000	18-Jan-2002	2171

Type of Action	Date of Notification	Volume
Accession	19-Sep-2002	2195

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
44910	IV-15	Convention on the Rights of Persons with Disabilities	03-May-2008	New York,13-Dec-2006	3-May-2008	2515

Type of Action	Date of Notification	Volume
Accession	18-Sep-2012	2869

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
44910	IV-15-a	Optional Protocol to the Convention on the Rights of Persons with Disabilities	03-May-2008	New York,13-Dec-2006	3-May-2008	2518

Type of Action	Date of Notification	Volume
Accession	18-Sep-2012	2869

Total Count: 14

Refugees and Stateless Persons

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
2545	V-2	Convention relating to the Status of Refugees	22-Apr-1954	Geneva,28-Jul-1951	22-Apr-1954	189

Type of Action	Date of Notification	Volume
Accession	30-Aug-2005	2331

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
8791	V-5	Protocol relating to the Status of Refugees	04-Oct-1967	New York,31-Jan-1967	4-Oct-1967	606

Type of Action	Date of Notification	Volume
Accession	30-Aug-2005	2331

Total Count: 2

Narcotic Drugs and Psychotropic Substances

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
186	VI-1	Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925, and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936	11-Dec-1946	Lake Success, New York,11-D	3-Feb-1948	12

Type of Action	Date of Notification	Volume
Definitive signature	11-Dec-1946	12

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
1845	VI-5	International Opium Convention	03-Feb-1948	Geneva,19-Feb-1925 Lake Success, New York,11-D	3-Jan-1948	81

Type of Action	Date of Notification	Volume
Accession to the Convention as amended	29-Jan-1957	258

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
3219	VI-7	Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs	21-Nov-1947	Geneva,13-Jul-1931 Lake Success, New York,11-D	9-Jul-1933	139

Type of Action	Date of Notification	Volume
Definitive signature of the Protocol	11-Dec-1946	0

Narcotic Drugs and Psychotropic Substances

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
688	VI-13	Protocol Bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946	01-Dec-1949	Paris,19-Nov-1948	1-Dec-1949	44

Type of Action	Date of Notification	Volume
Definitive signature	19-Nov-1948	44

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
7515	VI-15	Single Convention on Narcotic Drugs, 1961	13-Dec-1964	New York,30-Mar-1961	13-Dec-1964	520

Type of Action	Date of Notification	Volume
Ratification	19-Mar-1963	520

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14956	VI-16	Convention on psychotropic substances	16-Aug-1976	Vienna,21-Feb-1971	16-Aug-1976	1019

Type of Action	Date of Notification	Volume
ACCESSION	21-May-1985	1398

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14151	VI-17	Protocol amending the Single Convention on Narcotic Drugs, 1961	08-Aug-1975	Geneva,25-Mar-1972	8-Aug-1975	976

Type of Action	Date of Notification	Volume

Narcotic Drugs and Psychotropic Substances

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14151	VI-17	Protocol amending the Single Convention on Narcotic Drugs, 1961	08-Aug-1975	Geneva,25-Mar-1972	8-Aug-1975	976

Type of Action	Date of Notification	Volume
Accession	19-Feb-2015	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
14152	VI-18	Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961	08-Aug-1975	New York,08-Aug-1975	8-Aug-1975	976

Type of Action	Date of Notification	Volume
Participation in the Convention by virtue of ratification, accession or succession to the Protocol of 25 March 1972 or to the 1961 Convention after the entry into force of the Protocol	19-Feb-2015	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
27627	VI-19	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	11-Nov-1990	Vienna,20-Dec-1988	11-Nov-1990	1582

Type of Action	Date of Notification	Volume
RATIFICATION	14-Feb-1992	1665

Total Count: 9

Traffic in Persons

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
770	VII-1	Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933	12-Nov-1947	Lake Success, New York,12-N	24-Apr-1950	53

Type of Action	Date of Notification	Volume
Definitive signature	12-Nov-1947	53

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
771	VII-2	International Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947	24-Apr-1950	Lake Success,12-Nov-1947	24-Apr-1950	53

Type of Action	Date of Notification	Volume
Definitive signature of the Protocol	12-Nov-1947	53

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
772	VII-4	International Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947	24-Apr-1950	Lake Success,12-Nov-1947	24-Apr-1950	53

Type of Action	Date of Notification	Volume
Definitive signature of the Protocol	12-Nov-1947	53

Traffic in Persons

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
1342	VII-11-a	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	25-Jul-1951	Lake Success, New York,21-M	25-Jul-1951	96

Type of Action	Date of Notification	Volume
ACCESSION	21-May-1985	1397

Total Count: 4

Obscene Publications

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
709	VIII-1	Protocol to amend the Convention for the suppression of the circulation of, and traffic in, obscene publications, concluded at Geneva on 12 September 1923	12-Nov-1947	Lake Success, New York,12-N	2-Feb-1950	46

Type of Action	Date of Notification	Volume
Definitive signature	12-Nov-1947	46

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
710	VIII-2	Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947	02-Feb-1950	New York,12-Nov-1947	2-Feb-1950	46

Type of Action	Date of Notification	Volume
Definitive signature of the Protocol	12-Nov-1947	46

Total Count: 2

Health

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1	Constitution of the World Health Organization	07-Apr-1948	New York,22-Jul-1946	7-Apr-1948	14

Type of Action	Date of Notification	Volume
Acceptance	19-Apr-1948	15

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-a	Amendments to articles 24 and 25 of the Constitution of the World Health Organization	25-Oct-1960	Geneva,28-May-1959	25-Oct-1960	377

Type of Action	Date of Notification	Volume
Acceptance	11-Aug-1960	377

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
N/A	IX-1-b	Amendment to article 7 of the Constitution of the World Health Organization		Geneva,20-May-1965		0

Type of Action	Date of Notification	Volume
Acceptance	16-Nov-1966	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-c	Amendments to articles 24 and 25 of the Constitution of the World Health Organization	21-May-1975	Geneva,23-May-1967	21-May-1975	970

Type of Action	Date of Notification	Volume
Acceptance	28-Apr-1975	970

Health

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-d	Amendments to articles 34 and 55 of the Constitution of the World Health Organization	03-Feb-1977	Geneva,22-May-1973	3-Feb-1977	1035

Type of Action	Date of Notification	Volume
Acceptance	28-Feb-1975	1035

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-e	Amendments to articles 24 and 25 of the Constitution of the World Health Organization	20-Jan-1984	Geneva,17-May-1976	20-Jan-1984	1347

Type of Action	Date of Notification	Volume
Acceptance	20-Sep-1982	1347

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
N/A	IX-1-f	Amendment to article 74 of the Constitution of the World Health Organization		Geneva,18-May-1978		0

Type of Action	Date of Notification	Volume
Acceptance	10-Aug-2005	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-g	Amendments to articles 24 and 25 of the Constitution of the World Health Organization	11-Jul-1994	Geneva,12-May-1986	11-Jul-1994	1788

Type of Action	Date of Notification	Volume
Acceptance	7-Dec-1989	1788

Health

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
221	IX-1-h	Amendments to articles 24 and 25 of the Constitution of the World Health Organization	15-Sep-2005	Geneva,16-May-1998	15-Sep-2005	2335

Type of Action	Date of Notification	Volume
Acceptance	10-Aug-2005	2335

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
125	IX-2	Protocol concerning the Office international d'hygiène publique	20-Oct-1947	New York,22-Jul-1946	20-Oct-1947	9

Type of Action	Date of Notification	Volume
Acceptance	19-Apr-1948	15

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
41032	IX-4	WHO Framework Convention on Tobacco Control	27-Feb-2005	Geneva,21-May-2003	27-Feb-2005	2302

Type of Action	Date of Notification	Volume
Ratification	13-Aug-2010	2689

Total Count: 11

International Trade and Development

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
8303	X-4	Agreement establishing the Asian Development Bank	22-Aug-1966	Manila,04-Dec-1965	22-Aug-1966	571

Type of Action	Date of Notification	Volume
Ratification	22-Aug-1966	571

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
16041	X-8	Agreement establishing the International Fund for Agricultural Development	30-Nov-1977	Rome,13-Jun-1976	30-Nov-1977	1059

Type of Action	Date of Notification	Volume
ACCESSION	13-Dec-1978	1120

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
23432	X-9	Constitution of the United Nations Industrial Development Organization	21-Jun-1985	Vienna,08-Apr-1979	21-Jun-1985	1401

Type of Action	Date of Notification	Volume
Ratification	9-Sep-1981	1401

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
54748	X-19	Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries	06-Oct-2017	New York,24-Sep-2010	6-Oct-2017	0

Type of Action	Date of Notification	Volume
Ratification	20-Feb-2013	0

Total Count: 4

Transport and Communications

Custom Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
4721	XI-A-10	Customs Convention on the Temporary Importation of Commercial Road Vehicles	08-Apr-1959	Geneva,18-May-1956	8-Apr-1959	327

Type of Action	Date of Notification	Volume
ACCESSION	19-Dec-1977	1060

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
4996	XI-A-13	Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention)	07-Jan-1960	Geneva,15-Jan-1959	7-Jan-1960	348

Type of Action	Date of Notification	Volume
ACCESSION	11-Oct-1971	797

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
16510	XI-A-16	Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention)	20-Mar-1978	Geneva,14-Nov-1975	20-Mar-1978	1079

Type of Action	Date of Notification	Volume
Accession	23-Sep-1982	1291

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
41607	XI-B-34	Intergovernmental Agreement on the Asian Highway Network	04-Jul-2005	Bangkok,18-Nov-2003	4-Jul-2005	2323

Type of Action	Date of Notification	Volume
Ratification	8-Jan-2006	2355

Transport and Communications

Multimodal Transport

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
53630	XI-E-3	Intergovernmental Agreement on Dry Ports	23-Apr-2016	Bangkok,01-May-2013	23-Apr-2016	0

Type of Action	Date of Notification	Volume
Accession	1-Aug-2016	0

Total Count: 5

Educational and Cultural Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
1734	XIV-2	Agreement on the Importation of Educational, Scientific and Cultural Materials	21-May-1952	Lake Success, New York,22-N	21-May-1952	131

Type of Action	Date of Notification	Volume
RATIFICATION	19-Mar-1958	289

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30673	XIV-7	Statutes of the International Centre for Genetic Engineering and Biotechnology	03-Feb-1994	Madrid,13-Sep-1983	3-Feb-1994	1763

Type of Action	Date of Notification	Volume
Ratification	6-Jul-1988	1763

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30673	XIV-7-a	Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology	03-Feb-1994	Vienna,04-Apr-1984	3-Feb-1994	1763

Type of Action	Date of Notification	Volume
Definitive signature	15-Aug-1984	0

Total Count: 3

Status of Women

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
2613	XVI-1	Convention on the Political Rights of Women	07-Jul-1954	New York,31-Mar-1953	7-Jul-1954	193

Type of Action	Date of Notification	Volume
ACCESSION	16-Nov-1966	578

Total Count: 1

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
2422	XVIII-1	Protocol amending the Slavery Convention signed at Geneva on 25 September 1926	07-Dec-1953	New York,07-Dec-1953	7-Dec-1953	182

Type of Action	Date of Notification	Volume
Definitive signature	16-Aug-1954	198

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
2861	XVIII-2	Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol	07-Jul-1955	New York,07-Dec-1953	7-Jul-1955	212

Type of Action	Date of Notification	Volume
Definitive signature or participation in the Convention and the Protocol	16-Aug-1954	212

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
3822	XVIII-4	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	30-Apr-1957	Geneva,07-Sep-1956	30-Apr-1957	266

Type of Action	Date of Notification	Volume
ACCESSION	16-Nov-1966	578

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
21931	XVIII-5	International Convention Against the Taking of Hostages	03-Jun-1983	New York,17-Dec-1979	3-Jun-1983	1316

Type of Action	Date of Notification	Volume
Accession	24-Sep-2003	2226

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
15410	XVIII-7	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents	20-Feb-1977	New York,14-Dec-1973	20-Feb-1977	1035

Type of Action	Date of Notification	Volume
Accession	24-Sep-2003	2226

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
37517	XVIII-9	International Convention for the Suppression of Terrorist Bombings	23-May-2001	New York,15-Dec-1997	23-May-2001	2149

Type of Action	Date of Notification	Volume
Accession	24-Sep-2003	2226

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
38544	XVIII-10	Rome Statute of the International Criminal Court	01-Jul-2002	Rome,17-Jul-1998	1-Jul-2002	2187

Type of Action	Date of Notification	Volume
Accession	10-Feb-2003	2206

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
38349	XVIII-11	International Convention for the Suppression of the Financing of Terrorism	10-Apr-2002	New York,09-Dec-1999	10-Apr-2002	2178

Type of Action	Date of Notification	Volume
Accession	24-Sep-2003	2226

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
39574	XVIII-12	United Nations Convention against Transnational Organized Crime	29-Sep-2003	New York,15-Nov-2000	29-Sep-2003	2225

Type of Action	Date of Notification	Volume
Ratification	24-Sep-2003	2226

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
39574	XVIII-12-a	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	25-Dec-2003	New York,15-Nov-2000	25-Dec-2003	2237

Type of Action	Date of Notification	Volume
Accession	15-Aug-2014	2999

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
39574	XVIII-12-b	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	28-Jan-2004	New York,15-Nov-2000	28-Jan-2004	2241

Type of Action	Date of Notification	Volume
Accession	2-Feb-2017	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
42146	XVIII-14	United Nations Convention against Corruption	14-Dec-2005	New York,31-Oct-2003	14-Dec-2005	2349

Type of Action	Date of Notification	Volume
Ratification	25-Aug-2008	2533

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
44004	XVIII-15	International Convention for the Suppression of Acts of Nuclear Terrorism	07-Jul-2007	New York,13-Apr-2005	7-Jul-2007	2445

Type of Action	Date of Notification	Volume
Ratification	25-Mar-2013	2901

Total Count: 13

Commodities

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26691	XIX-21	Agreement establishing the Common Fund for Commodities	19-Jun-1989	Geneva,27-Jun-1980	19-Jun-1989	1538

Type of Action	Date of Notification	Volume
Ratification	28-Mar-1984	1538

Total Count: 1

Law of the Sea

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
6465	XXI-2	Convention on the High Seas	30-Sep-1962	Geneva,29-Apr-1958	3-Jan-1963	450

Type of Action	Date of Notification	Volume
Ratification	28-Apr-1959	450

Total Count: 1

Commercial Arbitration and Mediation

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
4739	XXII-1	Convention on the Recognition and Enforcement of Foreign Arbitral Awards	07-Jun-1959	New York,10-Jun-1958	7-Jun-1959	330

Type of Action	Date of Notification	Volume
Accession	30-Nov-2004	2286

Total Count: 1

Telecommunications

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
17583	XXV-2	Constitution of the Asia-Pacific Telecommunity	25-Feb-1979	Bangkok,27-Mar-1976	25-Feb-1979	1129

Type of Action	Date of Notification	Volume
Ratification	17-May-1977	1129

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
17583	XXV-2-a	Amendment to article 11, paragraph 2 (a), of the Constitution of the Asia-Pacific Telecommunity	02-Jan-1985	Bangkok,13-Nov-1981	2-Jan-1985	1388

Type of Action	Date of Notification	Volume
Ratification	22-Jul-1983	1388

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
17583	XXV-2-c	Amendments to the Constitution of the Asia-Pacific Telecommunity	02-Aug-2007	New Delhi,23-Oct-2002	2-Aug-2007	2466

Type of Action	Date of Notification	Volume
Ratification	5-Jan-2005	2466

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
19609	XXV-3	Agreement establishing the Asia-Pacific Institute for Broadcasting Development	06-Mar-1981	Kuala Lumpur,12-Aug-1977	6-Mar-1981	1216

Type of Action	Date of Notification	Volume
Acceptance	23-Dec-1999	0

Telecommunications

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
19609	XXV-3-a	Amendments to the Agreement establishing the Asia-Pacific Institute for Broadcasting Development	14-Dec-2001	Islamabad,21-Jul-1999	14-Dec-2001	2167

Type of Action	Date of Notification	Volume
Acceptance	23-Dec-1999	2167

Total Count: 5

Disarmament

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
17119	XXVI-1	Convention on the prohibition of military or any other hostile use of environmental modification techniques	05-Oct-1978	New York,10-Dec-1976	5-Oct-1978	1108

Type of Action	Date of Notification	Volume
ACCESSION	22-Oct-1985	1410

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
22495	XXVI-2	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III)	02-Dec-1983	Geneva,10-Oct-1980	2-Dec-1983	1342

Type of Action	Date of Notification	Volume
Ratification	9-Aug-2017	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
22495	XXVI-2-a	Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol IV, entitled Protocol on Blinding Laser Weapons)	30-Jul-1998	Vienna,13-Oct-1995	30-Jul-1998	2024

Type of Action	Date of Notification	Volume
Consent to be bound	9-Aug-2017	0

Disarmament

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
22495	XXVI-2-b	Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II, as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects	03-Dec-1998	Geneva,03-May-1996	3-Dec-1998	2048

Type of Action	Date of Notification	Volume
Consent to be bound	9-Aug-2017	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
22495	XXVI-2-c	Amendment to Article I of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects	18-May-2004	Geneva,21-Dec-2001	18-May-2004	2260

Type of Action	Date of Notification	Volume
Accession	9-Aug-2017	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
22495	XXVI-2-d	Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol V)	12-Nov-2006	Geneva,28-Nov-2003	12-Nov-2006	2399

Type of Action	Date of Notification	Volume
Consent to be bound	9-Aug-2017	0

Disarmament

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
33757	XXVI-3	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	29-Apr-1997	Geneva,03-Sep-1992	29-Apr-1997	1974

Type of Action	Date of Notification	Volume
Ratification	24-Sep-2003	2226

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
N/A	XXVI-4	Comprehensive Nuclear-Test-Ban Treaty		New York,10-Sep-1996		0

Type of Action	Date of Notification	Volume
Ratification	24-Sep-2003	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
35597	XXVI-5	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	01-Mar-1999	Oslo,18-Sep-1997	1-Mar-1999	2056

Type of Action	Date of Notification	Volume
Accession	11-Sep-2002	2195

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
47713	XXVI-6	Convention on Cluster Munitions	01-Aug-2010	Dublin,30-May-2008	1-Aug-2010	2688

Type of Action	Date of Notification	Volume
Ratification	8-Sep-2011	2786

Total Count: 10

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26164	XXVII-2	Vienna Convention for the Protection of the Ozone Layer	22-Sep-1988	Vienna,22-Mar-1985	22-Sep-1988	1513

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26369	XXVII-2-a	Montreal Protocol on Substances that Deplete the Ozone Layer	01-Jan-1989	Montreal,16-Sep-1987	1-Jan-1989	1522

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26369	XXVII-2-b	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer	10-Aug-1992	London,29-Jun-1990	7-Mar-1991	1598

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26369	XXVII-2-c	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer	14-Jun-1994	Copenhagen,25-Nov-1992	14-Jun-1994	1785

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26369	XXVII-2-d	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer	10-Nov-1999	Montreal,17-Sep-1997	10-Nov-1999	2054

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
26369	XXVII-2-e	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer	25-Feb-2002	Beijing,03-Dec-1999	25-Feb-2002	2173

Type of Action	Date of Notification	Volume
Accession	17-Jun-2004	2265

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
28911	XXVII-3	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	05-May-1992	Basel,22-Mar-1989	5-May-1992	1673

Type of Action	Date of Notification	Volume
Ratification	25-Mar-2013	2901

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30822	XXVII-7	United Nations Framework Convention on Climate Change	21-Mar-1994	New York,09-May-1992	21-Mar-1994	1771

Type of Action	Date of Notification	Volume
Ratification	19-Sep-2002	2195

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30822	XXVII-7-a	Kyoto Protocol to the United Nations Framework Convention on Climate Change	16-Feb-2005	Kyoto,11-Dec-1997	16-Feb-2005	2303

Type of Action	Date of Notification	Volume
Accession	25-Mar-2013	2901

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
54113	XXVII-7-d	Paris Agreement	04-Nov-2016	Paris,12-Dec-2015	4-Nov-2016	0

Type of Action	Date of Notification	Volume
Ratification	15-Feb-2017	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30619	XXVII-8	Convention on Biological Diversity	29-Dec-1993	Rio de Janeiro,05-Jun-1992	29-Dec-1993	1760

Type of Action	Date of Notification	Volume
Ratification	19-Sep-2002	2195

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30619	XXVII-8-a	Cartagena Protocol on Biosafety to the Convention on Biological Diversity	11-Sep-2003	Montreal,29-Jan-2000	11-Sep-2003	2226

Type of Action	Date of Notification	Volume
Accession	20-Feb-2013	2897

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
30619	XXVII-8-b	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity	12-Oct-2014	Nagoya,29-Oct-2010	12-Oct-2014	3009

Type of Action	Date of Notification	Volume
Accession	6-Jun-2018	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
33480	XXVII-10	United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	26-Dec-1996	Paris,14-Oct-1994	26-Dec-1996	1954

Type of Action	Date of Notification	Volume
Accession	1-Nov-1995	1954

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
39973	XXVII-14	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	24-Feb-2004	Rotterdam,10-Sep-1998	24-Feb-2004	2244

Type of Action	Date of Notification	Volume
Accession	6-Mar-2013	2901

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
40214	XXVII-15	Stockholm Convention on Persistent Organic Pollutants	17-May-2004	Stockholm,22-May-2001	17-May-2004	2256

Type of Action	Date of Notification	Volume
Accession	20-Feb-2013	2897

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
54669	XXVII-17	Minamata Convention on Mercury	16-Aug-2017	Kumamoto,10-Oct-2013	16-Aug-2017	0

Type of Action	Date of Notification	Volume
Accession	2-May-2017	0

Total Count: 17

LEAGUE OF NATIONS MULTILATERAL TREATIES

Registration Number	MTDSG Number	Title	Date of Entry into Force	Place(s) & Date(s) of Conclusion	Date of Registration	Volume
4319	PARTII-1	International Convention concerning the Use of Broadcasting in the Cause of Peace	02-Apr-1938	Geneva,23-Sep-1936	2-Apr-1938	186

Type of Action	Date of Notification	Volume
ACCESSION	8-Feb-1985	1390

Total Count: 1

Grand Total: 109

Additional Information

MTDSG Number I-2 Click for details **Registration Number** N/A

Title Declarations of Acceptance of the Obligations contained in the Charter of the United Nations - Admission of States to Membership in the United Nations in accordance with Article 4 of the Charter

	Decision of the General Assembly		Registration and Publication of the Declarations			
	Resolution	**Date of Adoption**	**Registration Date**	**Registration Number**	**UNTS Volume**	**UNTS Page**
Afghanistan	34 (I)	19 Nov 1946	14 Dec 1946	7	1	39

Additional Information

MTDSG Number	V-2	Click for details	**Registration Number**	2545
Title	Convention relating to the Status of Refugees			

(b) "Events occurring in Europe or elsewhere before 1 January 1951"

Afghanistan

Additional Information

MTDSG Number VI-2 Click for details **Registration Number** 222

Title International Opium Convention

**Schedule containing the signatures of the Convention, the signatures of the Protocol of Signature of the Powers not represented at the First Opium Conference, provided for in the penultimate paragraph of Article 22 of the Convention, the ratifications of the Convention, and the signatures of the Protocol respecting the putting into force of the Convention provided under "B" of the Final Protocol of the Third International Opium Conference. **
**In accordance with its article 44 (1), the provisions of the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961 of 8 August 1975, as between the parties thereto, terminates and replaces the provisions of the above Convention. See chapter VI.18. **
[The ratifications and signatures in accordance with Article 295 of the Peace Treaty of Versailles or in accordance with a similar article of other treaties of peace are marked with an asterisk (*).]

	Signatures of the Convention	Signatures of the Protocol of the Powers not represeted at the Opium Conference	Ratification of the Convention and accessions	Signatures of the Protocol relative to the bringing into force of the Convention (dates of the entry into force)
Afghanistan			May 5, 1944	

Additional Information

MTDSG Number XXVI-2 Click for details **Registration Number** 22495

Title Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III)

Consent to be bound by Protocols I, II, and III, adopted on 10 October 1980, pursuant to article 4 (3) and (4) of the Convention

	Protocol I	Protocol II	Protocol III
Afghanistan	x		x

United Nations

Algeria

SIGNATURE & RATIFICATION
ACTIONS TAKEN IN RESPECT OF
MULTILATERAL TREATIES DEPOSITED WITH
THE SECRETARY-GENERAL OF THE UNITED NATIONS

GROUPED BY CHAPTER

Prepared by the Treaty Section - Office of Legal Affairs on 2/28/20

Description of the Columns used in this document

***- Registration Number*:** Treaty Registration Number which was assigned to the treaty at the time of its registration with the UN Secretariat in accordance with Article 102 of the UN Charter.

- MTDSG Number: Corresponds to the Chapter/Sub-Chapter grouping of multilateral treaties deposited with the Secretary-General in Roman numerals where a particular record belongs.

- Title: Officially established full title of the treaty as recorded in the database according to the certifying statement submitted by the registering party for registration purposes.

- Date of Entry into Force: Entry into force of a treaty is the moment in time when a treaty becomes legally binding on the parties to the treaty. The date when a treaty deposited with the Secretary-General enters into force is determined in accordance with the treaty provisions.

- Type Of Action: Treaty actions types include accessions, denunciations, ratifications, signatures, withdrawals, etc. Report may reflect multiple treaty actions by a Participant to the same Treaty.

- Place(s) & Date(s) of Conclusion: The date when the treaty was signed or concluded; can be multiple places and dates.

- Date of Registration: The date on which the treaty was registered; usually the date of its receipt for registration by the UN Secretariat.

- Volume: UN Treaty Series volume number where the authentic texts of the treaty and its translations into English and/or French were published.

- Date of notification: A formal notice, also known as formality through which a state or an international organization communicates certain facts or events of legal importance.

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
9464	IV-2	International Convention on the Elimination of All Forms of Racial Discrimination	04-Jan-1969	New York,07-Mar-1966	12-Mar-1969	660

Type of Action	Date of Notification	Volume
Signature	9-Dec-1966	660
RATIFICATION	14-Feb-1972	814

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
14531	IV-3	International Covenant on Economic, Social and Cultural Rights	03-Jan-1976	New York,16-Dec-1966	3-Jan-1976	993

Type of Action	Date of Notification	Volume
RATIFICATION	12-Sep-1989	1545
Signature	10-Dec-1968	993

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
14668	IV-4	International Covenant on Civil and Political Rights	23-Mar-1976	New York,16-Dec-1966	23-Mar-1976	999

Type of Action	Date of Notification	Volume
RATIFICATION	12-Sep-1989	1545
Signature	10-Dec-1968	999

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
14861	IV-7	International Convention on the Suppression and Punishment of the Crime of Apartheid	18-Jul-1976	New York,30-Nov-1973	18-Jul-1976	1015

Type of Action	Date of Notification	Volume
Signature	23-Jan-1974	1015
RATIFICATION	26-May-1982	1276

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
24841	IV-9	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	26-Jun-1987	New York,10-Dec-1984	26-Jun-1987	1465

Type of Action	Date of Notification	Volume
Ratification	12-Sep-1989	1545
Signature	26-Nov-1985	1465

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
25822	IV-10	International Convention against Apartheid in Sports	03-Apr-1988	New York,10-Dec-1985	3-Apr-1988	1500

Type of Action	Date of Notification	Volume
Signature	16-May-1986	1500
Ratification	27-Oct-1988	1516

Human Rights

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
27531	IV-11	Convention on the Rights of the Child	02-Sep-1990	New York,20-Nov-1989	2-Sep-1990	1577

Type of Action	Date of Notification	Volume
RATIFICATION	16-Apr-1993	1720
Signature	26-Jan-1990	1577

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
44910	IV-15	Convention on the Rights of Persons with Disabilities	03-May-2008	New York,13-Dec-2006	3-May-2008	2515

Type of Action	Date of Notification	Volume
Ratification	4-Dec-2009	2637
Signature	30-Mar-2007	0

Total Count: 8

Narcotic Drugs and Psychotropic Substances

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
27627	VI-19	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	11-Nov-1990	Vienna,20-Dec-1988	11-Nov-1990	1582

Type of Action	Date of Notification	Volume
Signature	20-Dec-1988	1582
RATIFICATION	9-May-1995	1864

Total Count: 1

Health

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
41032	IX-4	WHO Framework Convention on Tobacco Control	27-Feb-2005	Geneva,21-May-2003	27-Feb-2005	2302

Type of Action	Date of Notification	Volume
Signature	20-Jun-2003	0
Ratification	30-Jun-2006	2375

Total Count: 1

International Trade and Development

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
7408	X-2	Agreement establishing the African Development Bank	10-Sep-1964	Khartoum,04-Aug-1963	10-Sep-1964	510

Type of Action	Date of Notification	Volume
Ratification	10-Sep-1964	510
Signature	4-Aug-1963	510

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
23432	X-9	Constitution of the United Nations Industrial Development Organization	21-Jun-1985	Vienna,08-Apr-1979	21-Jun-1985	1401

Type of Action	Date of Notification	Volume
Signature	22-Oct-1979	1401
Ratification	6-Nov-1980	1401

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
32076	X-14	Agreement to establish the South Centre	30-Jul-1995	Geneva,01-Sep-1994	30-Jul-1995	1885

Type of Action	Date of Notification	Volume
Ratification	4-Jan-1996	1903
Signature	30-Sep-1994	0

Total Count: 3

Navigation

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
22380	XII-6	Convention on a Code of Conduct for Liner Conferences	06-Oct-1983	Geneva,06-Apr-1974	6-Oct-1983	1334

Type of Action	Date of Notification	Volume
Signature	27-Jun-1975	1334
RATIFICATION	12-Dec-1986	1444

Total Count: 1

Educational and Cultural Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
30673	XIV-7	Statutes of the International Centre for Genetic Engineering and Biotechnology	03-Feb-1994	Madrid,13-Sep-1983	3-Feb-1994	1763

Type of Action	Date of Notification	Volume
Ratification	11-Sep-1987	1763
Signature	13-Sep-1983	1763

Total Count: 1

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
37517	XVIII-9	International Convention for the Suppression of Terrorist Bombings	23-May-2001	New York,15-Dec-1997	23-May-2001	2149

Type of Action	Date of Notification	Volume
Ratification	8-Nov-2001	2165
Signature	17-Dec-1998	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
38349	XVIII-11	International Convention for the Suppression of the Financing of Terrorism	10-Apr-2002	New York,09-Dec-1999	10-Apr-2002	2178

Type of Action	Date of Notification	Volume
Ratification	8-Nov-2001	2180
Signature	18-Jan-2000	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
39574	XVIII-12	United Nations Convention against Transnational Organized Crime	29-Sep-2003	New York,15-Nov-2000	29-Sep-2003	2225

Type of Action	Date of Notification	Volume
Ratification	7-Oct-2002	2226
Signature	12-Dec-2000	0

Penal Matters

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
39574	XVIII-12-a	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	25-Dec-2003	New York,15-Nov-2000	25-Dec-2003	2237

Type of Action	Date of Notification	Volume
Ratification	9-Mar-2004	2251
Signature	6-Jun-2001	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
39574	XVIII-12-b	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	28-Jan-2004	New York,15-Nov-2000	28-Jan-2004	2241

Type of Action	Date of Notification	Volume
Ratification	9-Mar-2004	2251
Signature	6-Jun-2001	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
42146	XVIII-14	United Nations Convention against Corruption	14-Dec-2005	New York,31-Oct-2003	14-Dec-2005	2349

Type of Action	Date of Notification	Volume
Signature	9-Dec-2003	0
Ratification	25-Aug-2004	2351

Total Count: 6

Commodities

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
26691	XIX-21	Agreement establishing the Common Fund for Commodities	19-Jun-1989	Geneva,27-Jun-1980	19-Jun-1989	1538

Type of Action	Date of Notification	Volume
Ratification	31-Mar-1982	1538
Signature	15-Mar-1982	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
24591	XIX-30-a	Protocol of 1993 extending the International Agreement on Olive Oil and Table Olives, 1986	26-Jan-1994 25-Mar-1994	Geneva,10-Mar-1993	26-Jan-1994	1763

Type of Action	Date of Notification	Volume
Signature	29-Dec-1993	1763
Ratification	8-Feb-1995	1856

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
54201	XIX-49	International Agreement on Olive Oil and Table Olives, 2015	01-Jan-2017	Geneva,09-Oct-2015	1-Jan-2017	0

Type of Action	Date of Notification	Volume
Signature	25-Oct-2016	0
Ratification	12-Mar-2018	0

Total Count: 3

Law of the Sea

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
31363	XXI-6	United Nations Convention on the Law of the Sea	16-Nov-1994	Montego Bay,10-Dec-19	16-Nov-1994	1833

Type of Action	Date of Notification	Volume
Signature	10-Dec-1982	1835
RATIFICATION	11-Jun-1996	1927

Total Count: 1

Disarmament

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
33757	XXVI-3	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	29-Apr-1997	Geneva,03-Sep-1992	29-Apr-1997	1974

Type of Action	Date of Notification	Volume
Ratification	14-Aug-1995	1975
Signature	13-Jan-1993	0

N/A	XXVI-4	Comprehensive Nuclear-Test-Ban Treaty		New York,10-Sep-1996		0

Type of Action	Date of Notification	Volume
Signature	15-Oct-1996	0
Ratification	11-Jul-2003	0

35597	XXVI-5	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	01-Mar-1999	Oslo,18-Sep-1997	1-Mar-1999	2056

Type of Action	Date of Notification	Volume
Ratification	9-Oct-2001	2163
Signature	3-Dec-1997	0

Total Count: 3

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
30822	XXVII-7	United Nations Framework Convention on Climate Change	21-Mar-1994	New York,09-May-1992	21-Mar-1994	1771

Type of Action	Date of Notification	Volume
Ratification	9-Jun-1993	1771
Signature	13-Jun-1992	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
54113	XXVII-7-d	Paris Agreement	04-Nov-2016	Paris,12-Dec-2015	4-Nov-2016	0

Type of Action	Date of Notification	Volume
Signature	22-Apr-2016	0
Ratification	20-Oct-2016	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
30619	XXVII-8	Convention on Biological Diversity	29-Dec-1993	Rio de Janeiro,05-Jun-19	29-Dec-1993	1760

Type of Action	Date of Notification	Volume
Signature	13-Jun-1992	1760
RATIFICATION	14-Aug-1995	1886

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
30619	XXVII-8-a	Cartagena Protocol on Biosafety to the Convention on Biological Diversity	11-Sep-2003	Montreal,29-Jan-2000	11-Sep-2003	2226

Type of Action	Date of Notification	Volume
Ratification	5-Aug-2004	2275
Signature	25-May-2000	0

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
33480	XXVII-10	United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	26-Dec-1996	Paris,14-Oct-1994	26-Dec-1996	1954

Type of Action	Date of Notification	Volume
Signature	14-Oct-1994	0
Ratification	22-May-1996	1954

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
40214	XXVII-15	Stockholm Convention on Persistent Organic Pollutants	17-May-2004	Stockholm,22-May-2001	17-May-2004	2256

Type of Action	Date of Notification	Volume
Ratification	22-Sep-2006	2386
Signature	5-Sep-2001	0

Total Count: 6

Environment

Registration Number	MTDSG Number	Title	Date of Entry into Force	*Place(s) & Date(s) of Conclusion*	Date of Registration	Volume
Grand Total:	**34**					

4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

New York, 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41 (Human Rights Committee), in accordance with paragraph 2 of the said article 41.

REGISTRATION: 23 March 1976, No. 14668.

STATUS: Signatories: 74. Parties: 173.

TEXT: United Nations, *Treaty Series*, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of the authentic Spanish text); depositary notification C.N.782.2001.TREATIES-6 of 5 October 2001 [Proposal of correction to the original of the Covenant (Chinese authentic text)] and C.N.8.2002.TREATIES-1 of 3 January 2002 [Rectification of the original of the Covenant (Chinese authentic text)].

Note: The Covenant was opened for signature at New York on 19 December 1966.

Participant	*Signature*	*Accession(a), Succession(d), Ratification*
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Andorra	5 Aug 2002	22 Sep 2006
Angola		10 Jan 1992 a
Antigua and Barbuda		3 Jul 2019 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		23 Jun 1993 a
Australia	18 Dec 1972	13 Aug 1980
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		20 Sep 2006 a
Bangladesh		6 Sep 2000 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize		10 Jun 1996 a
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina[1]		1 Sep 1993 d
Botswana	8 Sep 2000	8 Sep 2000
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cabo Verde		6 Aug 1993 a
Cambodia[2,3]	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile	16 Sep 1969	10 Feb 1972
China[4,5,6]	5 Oct 1998	
Colombia	21 Dec 1966	29 Oct 1969
Comoros	25 Sep 2008	
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		26 Mar 1992 a
Croatia[1]		12 Oct 1992 d
Cuba	28 Feb 2008	
Cyprus	19 Dec 1966	2 Apr 1969
Czech Republic[7]		22 Feb 1993 d
Democratic People's Republic of Korea[8]		14 Sep 1981 a
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominica		17 Jun 1993 a
Dominican Republic		4 Jan 1978 a
Ecuador	4 Apr 1968	6 Mar 1969
Egypt	4 Aug 1967	14 Jan 1982
El Salvador	21 Sep 1967	30 Nov 1979
Equatorial Guinea		25 Sep 1987 a

Participant	Signature	Accession(a), Succession(d), Ratification
Eritrea		22 Jan 2002 a
Estonia		21 Oct 1991 a
Eswatini		26 Mar 2004 a
Ethiopia		11 Jun 1993 a
Fiji		16 Aug 2018 a
Finland	11 Oct 1967	19 Aug 1975
France		4 Nov 1980 a
Gabon		21 Jan 1983 a
Gambia		22 Mar 1979 a
Georgia		3 May 1994 a
Germany[9,10]	9 Oct 1968	17 Dec 1973
Ghana	7 Sep 2000	7 Sep 2000
Greece		5 May 1997 a
Grenada		6 Sep 1991 a
Guatemala		5 May 1992 a
Guinea	28 Feb 1967	24 Jan 1978
Guinea-Bissau	12 Sep 2000	1 Nov 2010
Guyana	22 Aug 1968	15 Feb 1977
Haiti		6 Feb 1991 a
Honduras	19 Dec 1966	25 Aug 1997
Hungary	25 Mar 1969	17 Jan 1974
Iceland	30 Dec 1968	22 Aug 1979
India		10 Apr 1979 a
Indonesia		23 Feb 2006 a
Iran (Islamic Republic of)	4 Apr 1968	24 Jun 1975
Iraq	18 Feb 1969	25 Jan 1971
Ireland	1 Oct 1973	8 Dec 1989
Israel	19 Dec 1966	3 Oct 1991
Italy	18 Jan 1967	15 Sep 1978
Jamaica	19 Dec 1966	3 Oct 1975
Japan	30 May 1978	21 Jun 1979
Jordan	30 Jun 1972	28 May 1975
Kazakhstan	2 Dec 2003	24 Jan 2006
Kenya		1 May 1972 a
Kuwait		21 May 1996 a
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic	7 Dec 2000	25 Sep 2009
Latvia		14 Apr 1992 a
Lebanon		3 Nov 1972 a
Lesotho		9 Sep 1992 a
Liberia	18 Apr 1967	22 Sep 2004
Libya		15 May 1970 a
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg	26 Nov 1974	18 Aug 1983
Madagascar	17 Sep 1969	21 Jun 1971
Malawi		22 Dec 1993 a
Maldives		19 Sep 2006 a
Mali		16 Jul 1974 a
Malta		13 Sep 1990 a
Marshall Islands		12 Mar 2018 a
Mauritania		17 Nov 2004 a
Mauritius		12 Dec 1973 a
Mexico		23 Mar 1981 a
Monaco	26 Jun 1997	28 Aug 1997
Mongolia	5 Jun 1968	18 Nov 1974
Montenegro[11]		23 Oct 2006 d
Morocco	19 Jan 1977	3 May 1979
Mozambique		21 Jul 1993 a
Namibia		28 Nov 1994 a
Nauru	12 Nov 2001	
Nepal		14 May 1991 a
Netherlands	25 Jun 1969	11 Dec 1978
New Zealand[12]	12 Nov 1968	28 Dec 1978
Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Nigeria		29 Jul 1993 a
North Macedonia[1]		18 Jan 1994 d
Norway	20 Mar 1968	13 Sep 1972
Pakistan	17 Apr 2008	23 Jun 2010
Palau	20 Sep 2011	
Panama	27 Jul 1976	8 Mar 1977
Papua New Guinea		21 Jul 2008 a
Paraguay		10 Jun 1992 a
Peru	11 Aug 1977	28 Apr 1978
Philippines	19 Dec 1966	23 Oct 1986
Poland	2 Mar 1967	18 Mar 1977
Portugal[4]	7 Oct 1976	15 Jun 1978
Qatar		21 May 2018 a
Republic of Korea		10 Apr 1990 a
Republic of Moldova		26 Jan 1993 a
Romania	27 Jun 1968	9 Dec 1974
Russian Federation	18 Mar 1968	16 Oct 1973
Rwanda		16 Apr 1975 a
Samoa		15 Feb 2008 a
San Marino		18 Oct 1985 a

Participant	*Signature*	*Accession(a), Succession(d), Ratification*
Sao Tome and Principe	31 Oct 1995	10 Jan 2017
Senegal	6 Jul 1970	13 Feb 1978
Serbia[1]		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone		23 Aug 1996 a
Slovakia[7]		28 May 1993 d
Slovenia[1]		6 Jul 1992 d
Somalia		24 Jan 1990 a
South Africa	3 Oct 1994	10 Dec 1998
Spain	28 Sep 1976	27 Apr 1977
Sri Lanka		11 Jun 1980 a
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		9 Nov 1981 a
State of Palestine		2 Apr 2014 a
Sudan		18 Mar 1986 a
Suriname		28 Dec 1976 a
Sweden	29 Sep 1967	6 Dec 1971
Switzerland		18 Jun 1992 a
Syrian Arab Republic		21 Apr 1969 a
Tajikistan		4 Jan 1999 a
Thailand		29 Oct 1996 a
Timor-Leste		18 Sep 2003 a
Togo		24 May 1984 a
Trinidad and Tobago		21 Dec 1978 a
Tunisia	30 Apr 1968	18 Mar 1969
Turkey	15 Aug 2000	23 Sep 2003
Turkmenistan		1 May 1997 a
Uganda		21 Jun 1995 a
Ukraine	20 Mar 1968	12 Nov 1973
United Kingdom of Great Britain and Northern Ireland[6]	16 Sep 1968	20 May 1976
United Republic of Tanzania		11 Jun 1976 a
United States of America	5 Oct 1977	8 Jun 1992
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Vanuatu	29 Nov 2007	21 Nov 2008
Venezuela (Bolivarian Republic of)	24 Jun 1969	10 May 1978
Viet Nam		24 Sep 1982 a
Yemen		9 Feb 1987 a
Zambia		10 Apr 1984 a
Zimbabwe		13 May 1991 a

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.

For objections thereto and declarations recognizing the competence of the Human Rights Committee under article 41, see hereinafter.)

AFGHANISTAN

[See chapter IV.3.]

ALGERIA[13]

[See chapter IV.3.]

ARGENTINA

The Argentine Government states that the application of the second part of article 15 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in article 18 of the Argentine National Constitution.

AUSTRALIA[14]

Article 10

"In relation to paragraph 2 (a) the principle of segregation is accepted as an objective to be achieved progressively. In relation to paragraph 2 (b) and 3 (second sentence) the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned".

Article 14

"Australia makes the reservation that the provision of compensation for miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provision."

Article 20

"Australia interprets the rights provided for by articles 19, 21 and 22 as consistent with article 20; accordingly, the Common wealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interest of public order (*ordre public*), the right is reserved not to introduce any further legislative provision on these matters."

"Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth and the constituent States. The implementation of the treaty

throughout Australia will be effected by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and arrangements concerning their exercise."

AUSTRIA

1. Article 12, paragraph 4, of the Covenant will be applied provided that it will not affect the Act of April 3, 1919, State Law Gazette No. 209, concerning the Expulsion and the Transfer of Property of the House of Habsburg-Lorraine as amended by the Act of October 30, 1919, State Law Gazette No. 501, the Federal Constitutional Act of July 30, 1925, Federal Law Gazette No. 292, and the Federal Constitutional Act of January 26, 1928, Federal Law Gazette No. 30, read in conjunction with the Federal Constitutional Act of July 4, 1963, Federal Law Gazette No. 172.

2. Article 9 and article 14 of the Covenant will be applied provided that legal regulations governing the proceedings and measures of deprivation of liberty as provided for in the Administrative Procedure Acts and in the Financial Penal Act remain permissible within the framework of the judicial review by the Federal Administrative Court or the Federal Constitutional Court as provided by the Austrian Federal Constitution.

3. Article 10, paragraph 3, of the Covenant will be applied provided that legal regulations allowing for juvenile prisoners to be detained together with adults under 25 years of age who give no reason for concern as to their possible detrimental influence on the juvenile prisoner remain permissible.

4. Article 14 of the Covenant will be applied provided that the principles governing the publicity of trials as set forth in article 90 of the Federal Constitutional Law as amended in 1929 are in no way prejudiced and that

(a) paragraph 3, sub-paragraph (d) is not in conflict with legal regulations which stipulate that an accused person who disturbs the orderly conduct of the trial or whose presence would impede the questioning of another accused person, of a witness or of an expert can be excluded from participation in the trial;

(b) paragraph 5 is not in conflict with legal regulations which stipulate that after an acquittal or a lighter sentence passed by a court of the first instance, a higher tribunal may pronounce conviction or a heavier sentence for the same offence, while they exclude the convicted person's right to have such conviction or heavier sentence reviewed by a still higher tribunal;

(c) paragraph 7 is not in conflict with legal regulations which allow proceedings that led up to a person's final conviction or acquittal to be reopened.

5. Articles 19, 21 and 22 in connection with article 2 (1) of the Covenant will be applied provided that they are not in conflict with legal restrictions as provided for in article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

6. Article 26 is understood to mean that it does not exclude different treatment of Austrian nationals and aliens, as is also permissible under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

BAHAMAS

"The Government of The Bahamas recognizes and accepts the principle of compensation for wrongful imprisonment contained in paragraph 6 of article 14, but the problems of implementation are such that the right not to apply that principle is presently reserved."

BAHRAIN[15]

"1. The Government of the Kingdom of Bahrain interprets the Provisions of Article 3, (18) and (23) as not affecting in any way the prescriptions of the Islamic Shariah.

2. The Government of the Kingdom of Bahrain interprets the provisions of Article (9), Paragraph (5) as not detracting from its right to layout the basis and rules of obtaining the compensation mentioned in this Paragraph.

3. The Government of the Kingdom of Bahrain interprets Article (14) Paragraph (7) as no obligation arise from it further those set out in Article (10) of the Criminal Law of Bahrain which provides:

'Legal Proceedings cannot be instated against a person who has been acquitted by Foreign Courts from offenses of which he is accused or a final judgement has been delivered against him and the said person fulfilled the punishment or the punishment has been abolished by prescription.' "

BANGLADESH

Article 14

"The Government of the People's Republic of Bangladesh reserveapply paragraph 3 (d) of Article 14 in view of the fact, that, while the existing laws of Bangladesh provide that, in the ordinary course a person, shall be entitled to be tried in his presence, it also provides for a trial to be held in his absence if he is a fugitive offender, or is a person, who being required to appear before a court, fails to present himself or to explain the reasons for non-appearance to the satisfaction of the court."

"Article 10:

So far as the first part of paragraph 3 of Article 10 relating to reformation and social rehabilitation of prisoners is concerned, Bangladesh does not have any facility to this effect on account of financial constraints and for lack of proper logistics support. The last part of this paragraph relating to segregation of juvenile offenders from adults is a legal obligation under Bangladesh law and is followed accordingly.

Article 11:

Article 11 providing that "no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation," is generally in conformity with the Constitutional and legal provisions in Bangladesh, except in some very exceptional circumstances, where the law provides for civil imprisonment in case of willful default in complying with a decree. The Government of People's Republic of Bangladesh will apply this article in accordance with its existing municipal law.

Article 14:

So far as the provision of legal assistance in paragraph 3(d) of Article 14 is concerned, a person charged with criminal offences is statutorily entitled to legal assistance if he does not have the means to procure such assistance.

The Government of the People's Republic of Bangladesh, notwithstanding its acceptance of the principle of compensation for miscarriage of justice, as stipulated in Article 14, paragraph 6, is not in a position to guarantee a comprehensive implementation of this provision for the time being. However, the aggrieved has the right to realise compensation for miscarriage of justice by separate proceedings and in some cases, the court ***suo moto*** grants compensation to victims of miscarriage of justice. Bangladesh, however, intends to ensure full implementation of this provision in the near future."

BARBADOS

"The Government of Barbados states that it reserves the right not to apply in full, the guarantee of free legal assistance in accordance with paragraph 3 (d) of Article 14 of the Covenant, since, while accepting the principles contained in the same paragraph, the problems of implementation are such that full application cannot be guaranteed at present."

BELARUS[16]

BELGIUM[17]

...

2. The Belgian Government considers that the provision of article 10, paragraph 2 (a), under which accused persons shall, save in exceptional circumstances, be segregated from convicted persons is to be interpreted in conformity with the principle, already embodied in the standard minimum rules for the treatment of prisoners [resolution (73) 5 of the Committee of Ministers of the Council of Europe of 19 January 1973], that untried prisoners shall not be put in contact with convicted prisoners against their will [rules 7 (b) and 85 (1)]. If they so request, accused persons may be allowed to take part with convicted persons in certain communal activities.

3. The Belgian Government considers that the provisions of article 10, paragraph 3, under which juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status refers exclusively to the judicial measures provided for under the *régime* for the protection of minors established by the Belgian Act relating to the protection of young persons. As regards other juvenile ordinary-law of- fenders, the Belgian Government intends to reserve the option to adopt measures that may be more flexible and be designed precisely in the interest of the persons concerned.

4. With respect to article 14, the Belgian Government considers that the last part of paragraph 1 of the article appears to give States the option of providing or not providing for certain derogations from the principle that judgements shall be made public. Accordingly, the Belgian constitutional principle that there shall be no exceptions to the public pronouncements of judgements is in conformity with that provision. Paragraph 5 of the article shall not apply to persons who, under Belgian law, are convicted and sentenced at second instance following an appeal against their acquittal of first instance or who, under Belgian law, are brought directly before a higher tribunal sch as the Court of Cassation, the Appeals Court or the Assize Court.

5. Articles 19, 21 and 22 shall be applied by the Belgian Government in the context of the provisions and restrictions set forth or authorized in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, by the said Convention.

6. The Belgian Government declares that it does not consider itself obligated to enact legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole shall be applied taking into account the rights to freedom of thought and religion, freedom of opinion and freedom of assembly and association proclaimed in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

7. The Belgian Government declares that it interprets article 23, paragraph 2, as meaning that the right of persons of marriageable age to marry and to found a family presupposes not only that national law shall prescribe the marriageable age but that it may also regulate the exercise of that right.

BELIZE

"(a) The Government of Belize reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons intending to travel abroad to furnish tax clearance certificates;

(b) The Government of Belize reserves the right not to apply in full the guarantee of free legal assistance in accordance with paragraph 3 (d) of article 14, since, while it accepts the principle contained in that paragraph and at present applies it in certain defined cases, the problems of implementation are such that full application cannot be guaranteed at present;

(c) The Government of Belize recognizes and accepts the principle of compensation for wrongful imprisonment contained in paragraph 6 of article 14, but the problems of implementation are such that the right not to apply that principle is presently reserved."

BOTSWANA[18]

"The Government of the Republic of Botswana considers itself bound by:

a) Article 7 of the Covenant to the extent that "torture, cruel, inhuman or degrading treatment" means torture inhuman or degrading punishment or other treatment prohibited by Section 7 of the Constitution of the Republic of Botswana.

b) Article 12 paragraph 3 of the Covenant to the extent that the provisions are compatible with Section 14 of the Constitution of the Republic of Botswana relating to the imposition of restrictions reasonably required in certain exceptional instances."

BULGARIA

[See chapter IV.3]

CONGO

The Government of the People's Republic of Congo declares that it does not consider itself bound by the provisions of article 11 [...]

Article 11 of the International Covenant on Civil and Political Rights is quite incompatible with articles 386 *et seq* . of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, derived from Act 51/83 of 21 April 1983. Under those provisions, in matters of private law, decisions or orders emanating from conciliation proceedings may be enforced through imprisonment for debt when other means of enforcement have failed, when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith.

CUBA

The Republic of Cuba hereby declares that it was the Revolution that enabled its people to enjoy the rights set out in the International Covenant on Civil and Political Rights.

The economic, commercial and financial embargo imposed by the United States of America and its policy of hostility and aggression against Cuba constitute the most serious obstacle to the Cuban people's enjoyment of the rights set out in the Covenant.

The rights protected under this Covenant are enshrined in the Constitution of the Republic and in national legislation.

The State's policies and programmes guarantee the effective exercise and protection of these rights for all Cubans.

With respect to the scope and implementation of some of the provisions of this international instrument, Cuba will make such reservations or interpretative declarations as it may deem appropriate.

CZECH REPUBLIC[7]

DENMARK[19]

Modification of the reservation made upon ratification:

"2 (b) (i) Article 14, paragraph 5, shall be applied in such a manner that:

- An unlimited right to appeal does not have to be instituted in cases where the conviction concerns a minor

offence and the sentence imposed is a fine and/or confiscation below a certain amount to be laid down by law.

- A right to a further appeal does not have to be instituted in cases where the accused person, having been acquitted by a lower court, is convicted for the first time by a higher court hearing an appeal of the acquittal.

- A right to appeal does not have to be instituted in criminal proceedings against a Member of Government or any other person brought before the High Court of the Realm (Rigsretten).

(ii) Article 14, paragraph 7, shall be applied in such a manner that criminal proceedings which led to a final conviction or acquittal may be reopened in certain circumstances to be laid down by law."

The Government of Denmark confirmed that the reservation to Article 14, paragraph 5 above is a narrowing of the reservation made upon ratification and that the reservation to Article 14, paragraph 7 above is a clarification of the reservation made upon ratification.

Paragraphs 1, 2 (a) and 3 of Denmark's reservation made upon ratification remain unchanged:

"1. The Government of Denmark makes a reservation in respect of Article 10, paragraph 3, second sentence. In Danish practice, considerable efforts are made to ensure appropriate age distribution of convicts serving sentences of imprisonment, but it is considered valuable to maintain possibilities of flexible arrangements.

2. (a). Article 14, paragraph 1, shall not be binding on Denmark in respect of public hearings. In Danish law, the right to exclude the press and the public from trials may go beyond what is permissible under this Covenant, and the Government of Denmark finds that this right should not be restricted.

3. Reservation is further made to Article 20, paragraph 1. This reservation is in accordance with the vote cast by Denmark in the XVI General Assembly of the United Nations in 1961 when the Danish Delegation, referring to the preceding article concerning freedom of expression, voted against the prohibition against propaganda for war."

EGYPT

[See chapter IV.3.]

FINLAND[20]

"With respect to article 10, paragraph 2 (b) and 3, of the Covenant, Finland declares that although juvenile offenders are, as a rule, segregated from adults, it does not deem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements;

With respect to article 14, paragraph 7, of the Covenant, Fin- land declares that it is going to pursue its present practice, according to which a sentence can be changed to the detriment of the convicted person, if it is established that a member or an official of the court, the prosecutor or the legal counsel have through criminal or fraudulent activities obtained the acquittal of the defendant or a substantially more lenient penalty, or if false evidence has been presented with the same effect, and according to which an aggravated criminal case may be taken up for reconsideration if within a year until then unknown evidence is presented, which would have led to conviction or a substantially more severe penalty;

With respect to article 20, paragraph 1, of the Covenant, Fin- land declares that it will not apply the provisions of this paragraph, this being compatible with the standpoint Finland already expressed at the 16th United Nations General Assembly by voting against the prohibition of propaganda for war, on the grounds that this might endanger the freedom of expression referred in article 19 of the Covenant."

FRANCE[21,22]

(1) The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

(2) The Government of the Republic enters the following reservation concerning article 4, paragraph 1: firstly, the circumstances enumerated in article 16 of the Constitution in respect of its implementation, in article 1 of the Act of 3 April 1978 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in article 1 of Act No. 55-385 of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the purpose of article 4 of the Covenant; and, secondly, for the purpose of interpreting and implementing article 16 of the Constitution of the French Republic, the terms "to the extent strictly required by the exigencies of the situation" cannot limit the power of the President of the Republic to take "the measures required by circumstances".

(3) The Government of the Republic enters a reservation concerning articles 9 and 14 to the effect that these articles cannot impede enforcement of the rules pertaining to the disciplinary régime in the armies.

(4) The Government of the Republic declares that article 13 cannot derogate from chapter IV of Order No. 45-2658 of 2 November 1945 concerning the entry into, and sojourn in, France of aliens, nor from the other instruments concerning the expulsion of aliens in force in those parts of the territory of the Republic in which the Order of 2 November 1945 does not apply.

(5) The Government of the Republic interprets article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain offences subject to the initial and final adjudication of a police court. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.

(6) The Government of the Republic declares that articles 19, 21 and 22 of the Covenant will be implemented in accordance with articles 10, 11 and16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

(7) The Government of the Republic declares that the term "war", appearing in article 20, paragraph1, is to be understood to mean war in contravention of international law and considers, in any case, that French legislation in this matter is adequate.

(8) In the light of article 2 of the Constitution of the French Republic, the French Government declares that article 27 is not applicable so far as the Republic is concerned.

GAMBIA

"For financial reasons free legal assistance for accused per- sons is limited in our constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of article 14 (3) (d) of the Covenant in question."

GERMANY[10,23]

GUINEA

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 48,

paragraph 1, of the International Covenant on Civil and Political Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

GUYANA

"While the Government of the Republic of Guyana accept the principle of Legal Aid in all appropriate criminal proceedings, is working towards that end and at present apply it in certain defined cases, the problems of implementation of a comprehensive Legal Aid Scheme are such that full application cannot be guaranteed at this time."

"While the Government of the Republic of Guyana accept the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle."

HUNGARY

[See chapter IV.3.]

ICELAND[24,25]

1. ...

2. Article 10, paragraph 2 (b), and paragraph 3, second sentence, with respect to the separation of juvenile prisoners from adults. Icelandic law in principle provides for such separation but it is not considered appropriate to accept an obligation in the absolute form called for in the provisions of the Covenant.

3. ...

4. Article 14, paragraph 7, with respect to the resumption of cases which have already been tried. The Icelandic law of procedure has detailed provisions on this matter which it is not considered appropriate to revise.

5. Article 20, paragraph 1, with reference to the fact that a prohibition against propaganda for war could limit the freedom of expression. This reservation is consistent with the position of Iceland at the General Assembly at its 16th session.

Other provisions of the Covenant shall be inviolably observed.

INDIA

[See chapter IV.3.]

INDONESIA

"With reference to Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, and the relevant paragraph of the Vienna Declaration and Program of Action of 1993, the words "the right of self-determination" appearing in this article do not apply to a section of people within a sovereign independent state and can not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states."

IRAQ

[See chapter IV.3.]

IRELAND[26,27]

Ireland accepts the principles referred to in paragraph 2 of article 10 and implements them as far as practically possible. It reserves the right to regard full implementation of these principles as objectives to be achieved progressively.

...

Ireland accepts the principle in paragraph 1 of article 20 and implements it as far as it is practicable. Having regard to the difficulties in formulating a specific offence capable of adjudication at a national level in such a form as to reflect the general principles of law recognised by the community of nations as well as the right to freedom of expression, Ireland reserves the right to postpone consideration of the possibility of introducing some legislative addition to, or variation of, existing law until such time as it may consider that such is necessary for the attainment of the objective of paragraph 1 of article 20.

ISRAEL

"With reference to Article 23 of the Covenant, and any other provision thereof to which the present reservation may be relevant, matters of personal status are governed in Israel by the religious law of the parties concerned.

"To the extent that such law is inconsistent with its obligations under the Covenant, Israel reserves the right to apply that law."

ITALY[28]

.....

With reference to article 15, paragraph 1, last sentence: "If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby", the Italian Republic deems this provision to apply exclusively to cases in progress.

Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

The provisions of article 19, paragraph 3, are interpreted as being compatible with the existing licensing system for national radio and television and with the restrictions laid down by law for local radio and television companies and for stations relaying foreign programmes.

JAPAN

[See chapter IV.3.]

KUWAIT[29]

LAO PEOPLE'S DEMOCRATIC REPUBLIC[30]

“The Government of the Lao People’s Democratic Republic accepts Article 22 of the Covenant on the basis that Article 22 shall be interpreted in accordance with the right to selfdetermination in Article 1, and shall be so applied as to be in conformity with the Constitution and the relevant laws of the Lao People’s Democratic Republic.”

“The Government of the Lao People’s Democratic Republic declares that Article 1 of the Covenant concerning the right to self-determination shall be interpreted as being compatible with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24th October 1970, and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25th June 1993.

The Government of the Lao People’s Democratic Republic declares that Article 18 of the Covenant shall not be construed as authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief. The Government of the Lao People’s Democratic Republic considers that all acts

creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant."

LIBYA

"The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant."

LIECHTENSTEIN[31]

"The Principality of Liechtenstein declares that it does not interpret the provisions of article 3 of the Covenant as constituting an impediment to the constitutional rules on the hereditary succession to the throne of the Reigning Prince."

"The Principality of Liechtenstein reserves the right to apply the provisions of article 14, paragraph 1 of the Covenant, concerning the principle that hearings must be held and judgments pronounced in public, only within the limits deriving from the principles at present embodied in the Liechtenstein legislation on legal proceedings."

"The Principality of Liechtenstein makes the reservation that the right to respect for family life, as guaranteed by article 17, paragraph 1 of the Covenant, shall be exercised, with regard to aliens, in accordance with the principles at present embodied in the legislation on aliens."

...

"The Principality of Liechtenstein reserves the right to guarantee the rights contained in article 26 of the Covenant concerning the equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law only in connection with other rights contained in the present Covenant."

LUXEMBOURG

"(a) The Government of Luxembourg considers that article 10, paragraph 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status, refers solely to the legal measures incorporated in the system for the protection of minors, which is the subject of the Luxembourg youth welfare act. With regard to other juvenile offenders falling within the sphere of ordinary law, the Government of Luxembourg wishes to retain the option of adopting measures that might be more flexible and be designed to serve the interests of the persons concerned."

"(b) The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal may deliver a sentence, confirm the sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction."

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court or brought before the Assize Court."

"(c) The Government of Luxembourg accepts the provision in article 19, paragraph 2, provided that it does not preclude it from requiring broadcasting, television and film companies to be licensed."

"(d) The Government of Luxembourg declares that it does not consider itself obligated to adopt legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole will be implemented taking into account the rights to freedom of thought, religion, opinion, assembly and association laid down in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant."

The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal may deliver a sentence, confirm the sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction.

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court.

* *[Within a period of 12 months from the date of circulation of the depositary notification (i.e. 1 December 2003), none of the Contracting States to the above Covenant notified the Secretary-General of an objection. Consequently the modified reservation is deemed to have been accepted for deposit upon the expiration of the 12-month period, i.e., on 1 December 2004.]*

MALDIVES[32]

"The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives."

MALTA

"1. Article 13 - The Government of Malta endorses the principles laid down in article 13. However, in the present circumstances it cannot comply entirely with the provisions of this article;

2. Article 14 (2) - The Government of Malta declares that it interprets paragraph 2 of article 14 of the Covenant in the sense that it does not preclude any particular law from imposing upon any person charged under such law the burden of proving particular facts;

3. Article 14 (6) - While the Government of Malta accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with article 14, paragraph 6, of the Covenant;

4. Article 19 - The Government of Malta desiring to avoid any uncertainty as regards the application of article 19 of the Covenant declares that the Constitution of Malta allow such restrictions to be imposed upon public officers in regard to their freedom of expression as are reasonably justifiable in a democratic society. The code of Conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on the premises.

"The Government of Malta also reserves the right not to apply article 19 to the extent that this may be fully compatible with Act 1 of 1987 entitled "An act to regulate the limitations on the political activities of aliens", and this in accordance with Article 16 of the Convention of Rome (1950) for the protection of Human Rights and Fundamental Freedoms or with Section 41 (2) (a) (ii) of the Constitution of Malta;

"5. Article 20 - The Government of Malta interprets article 20 consistently with the rights conferred by Articles 19 and 21 of the Covenant but reserves the right not to introduce any legislation for the purposes of article 20;

"6. Article 22 - the Government of Malta reserves the right not to apply article 22 to the extent that existing legislive measures may not be fully compatible with this article.

MAURITANIA

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Shariah.

Article 23, paragraph 4

States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

The Mauritanian Government interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic Shariah.

MEXICO[33]

Article 9, paragraph 5

Under the Political Constitution of the United Mexican States and the relevant implementing legislation, every individual enjoys the guarantees relating to penal matters embodied therein, and consequently no person may be unlawfully arrested or detained. However, if by reason of false accusation or complaint any individual suffers an infringement of this basic right, he has, *inter alia* , under the provisions of the appropriate laws, an enforceable right to just compensation.

Article 18

Under the Political Constitution of the United Mexican States, every person is free to profess his preferred religious belief and to practice its ceremonies, rites and religious acts, with the limitation, with regard to public religious acts, that they must be performed in places of worship and, with regard to education, that studies carried out in establishments designed for the professional education of ministers of religion are not officially recognized. The Government of Mexico believes that these limitations are included among those established in paragraph 3 of this article.

Article 25, subparagraph (b)

The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither a passive vote nor the right to form associations for political purposes.

MONACO

The Government of Monaco declares that it does not interpret the provisions of article 2, paragraphs 1 and 2, and articles 3 and 25 as constituting an impediment to the constitutional rules on the devolution of the Crown, according to which succession to the Throne shall take place within the direct legitimate line of the Reigning Prince, in order of birth, with priority being given to male descendants within the same degree of relationship, or of those concerning the exercise of the functions of the Regency.

The Princely Government declares that the implementation of the principle set forth in article 13 shall not affect the texts in force on the entry and stay of foreigners in the Principality or of those on the expulsion of foreigners from Monegasque territory.

The Princely Government interprets article 14, paragraph 5, as embodying a general principle to which the law can introduce limited exceptions. This is particularly true with respect to certain offences that, in the first and last instances, are under the jurisdiction of the police court, and with respect to offences of a criminal nature. Furthermore, verdicts in the last instance can be appealed before the Court of Judicial Review, which shall rule on their legality.

The Princely Government declares that it considers article 19 to be compatible with the existing system of monopoly and authorization applicable to radio and television corporations.

The Princely Government, recalling that the exercise of the rights and freedoms set forth in articles 21 and 22 entails duties and responsibilities, declares that it interprets these articles as not prohibiting the application of requirements, conditions, restrictions or penalties which are prescribed by law and which are necessary in a democratic society to national security, territorial integrity or public safety, the defence of order and the prevenion or crime, the protection of health or morals, and the protection of the reputation of others, or in order to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary.

The Princely Government formulates a reservation concerning article 25, which shall not impede the application of article 25 of the Constitution and of Order No. 1730 of 7 May 1935 on public employment.

Article 26, together with article 2, paragraph 1, and article 25, is interpreted as not excluding the distinction in treatment between Monegasque and foreign nationals permitted under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, taking into account the distinctions established in articles 25 and 32 of the Monegasque Constitution.

MONGOLIA

[See chapter IV.3.]

NETHERLANDS[34]

"Article 10

"The Kingdom of the Netherlands subscribes to the principle set out in paragraph 1 of this article, but it takes the view that ideas about the treatment of prisoners are so liable to change that it does not wish to be bound by the obligations set out in paragraph 2 and paragraph 3 (second sentence) of this article.

"Article 12, paragraph 1

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a State for the purpose of this provision.

"Article 12, paragraphs 2 and 4

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions.

"Article 14, paragraph 3 (d)

"The Kingdom of the Netherlands reserves the statutory option of removing a person charged with a criminal offence from the court room in the interests of the proper conduct of the proceedings.

"Article 14, paragraph 5

"The Kingdom of the Netherlands reserves the statutory power of the Supreme Court of the Netherlands to have sole jurisdiction to try certain categories of persons charged with serious offences committed in the discharge of a public office.

"Article 14, paragraph 7

"The Kingdom of the Netherlands accepts this provision only insofar as no obligations arise from it further to those set out in article 68 of the Criminal Code of the Netherlands and article 70 of the Criminal Code of the Netherlands Antilles as they now apply. They read:

"1. Except in cases where court decisions are eligible for review, no person may be prosecuted again for an offence in respect of which a court in the Netherlands or the Netherlands Antilles has delivered an irrevocable judgement.

"2. If the judgement has been delivered by some other court, the same person may not be prosecuted for the same of fence in the case of (I) acquittal or withdrawal of proceeding or (II) conviction followed by complete execution, remission or lapse of the sentence.

"Article 19, paragraph 2

"The Kingdom of the Netherlands accepts the provision with the proviso that it shall not prevent the Kingdom from requiring the licensing of broadcasting, television or cinema enterprises.

"Article 20, paragraph 1

"The Kingdom of the Netherlands does not accept the obligation set out in this provision in the case of the Netherlands."

"[The Kingdom of the Netherlands] clarify that although the reservations [...] are partly of an interpretational nature, [it] has preferred reservations to interpretational declarations in all cases, since if the latter form were used doubt might arise concerning whether the text of the Covenant allows for the interpretation put upon it. By using the reservation form the Kingdom of the Netherlands wishes to ensure in all cases that the relevant obligations arising out of the Covenant will not apply to the Kingdom, or will apply only in the way indicated.

"...The Kingdom of the Netherlands, consisting, as per 10 October 2010, of the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, regards these parts as separate territories for the purpose of Article 12, paragraph 1, and as separate countries for the purpose of Article 12, paragraphs 2 and 4, of the Covenant."

NEW ZEALAND

"The Government of New Zealand reserves the right not to apply article 10 (2) (b) or article 10 (3) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 10 (3) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

"The Government of New Zealand reserves the right not to apply article 14 (6) to the extent that it is not satisfied by the existing system for *ex gratia* payments to persons who suffer as a result of a miscarriage of justice.

"The Government of New Zealand having legislated in the areas of the advocacy of national and racial hatred and the exciting of hostility or ill will against any group of persons, and having regard to the right of freedom of speech, reserves the right not to introduce further legislation with regard to article 20.

"The Government of New Zealand reserves the right not to apply article 22 as it relates to trade unions to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article."

NORWAY[35]

Subject to reservations to article 10, paragraph 2 (b) and paragraph 3 "with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults" and to article 14, paragraphs 5 and 7 and to article 20, paragraph 1.

[The Government of Norway declares that] the entry into force of an amendment to the Criminal Procedure Act, which introduces the right to have a conviction reviewed by a higher court in all cases, the reservation made by the Kingdom of Norway with respect to article 14, paragraph 5 of the Covenant shall continue to apply only in the following exceptional circumstances:

1. *"Riksrett" (Court of Impeachment)*

According to article 86 of the Norwegian Constitution, a special court shall be convened in criminal cases against members of the Government, the Storting (Parliament) or the Supreme Court, with no right of appeal.

2. *Conviction by an appellate court*

In cases where the defendant has been acquitted in the first instance, but convicted by an appellate court, the conviction may not be appealed on grounds of error in the assessment of evidence in relation to the issue of guilt. If the appellate court convicting the defendant is the Supreme Court, the conviction may not be appealed whatsoever.

PAKISTAN[36]

Reservation:

“The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Covenant at the time of ratification.”

QATAR[37]

The State of Qatar does not consider itself bound by the following provisions of the International Covenant on Civil and Political Rights for the below mentioned reasons:

1. Article 3 with regard to provisions related to the inheritance of power, for it contravenes the provisions of article 8 of the Constitution.

2. Article 23.4, for it contravenes the Islamic Sharia.

1. The State of Qatar shall interpret the term “punishment” in Article 7 of the Covenant in accordance with the applicable legislation of Qatar and the Islamic Sharia.

2. The State of Qatar shall interpret Article 18, paragraph 2, of the Covenant based on the understanding that it does not contravene the Islamic Sharia. The State of Qatar reserves the right to implement such paragraph in accordance with such understanding.

3. The State of Qatar shall interpret that the term “trade unions” and all related matters, as mentioned in Article 22 of the Covenant, are in line with the Labor Law and national legislation. The State of Qatar reserves the right to implement such article in accordance with such understanding.

4. The State of Qatar shall interpret Article 23, paragraph 2, of the Covenant in a manner that does not contravene the Islamic Sharia. The State of Qatar reserves the right to implement such paragraph in accordance with such understanding.

5. The State of Qatar shall interpret Article 27 of the Covenant that professing and practicing one's own religion require that they do not violate the rules of public order and public morals, the protection of public safe[t]y and public health, or the rights of and basic freedoms of others.

REPUBLIC OF KOREA[38]

The Government of the Republic of Korea [declares] that the provisions of [...], article 22 [...] of the Covenant shall be so applied as to be in conformity with the provisions of the local laws including the Constitution of the Republic of Korea.

ROMANIA

Upon signature:The Government of the Socialist Republic of Romania declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.Upon ratification:(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 48 (1) of the International Covenant on Civil and Political Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in article 1 (3) of the International Covenant on Civil and Political Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

RUSSIAN FEDERATION

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

SAMOA

Declarations:

“The term “forced or compulsory labour” as appears in article 8 paragraph 3 of the International Covenant of Civil and Political Rights of 1966 shall be interpreted as being compatible with that expressed in article 8 (2) (a) (b) (c) (d) of the Constitution of the Independent State of Samoa 1960, which stipulates that the “term forced or compulsory labour” shall include, (a) any work required to be done in consequence of a sentence of a Court; or (b) any service of a military character or, in the case of conscientious objectors, service exacted instead of compulsory military service; or (c) any service exacted in case of an emergency or calamity threatening life or well-being of the community; or (d) any work or service which is required by Samoan custom or which forms part of normal civic obligations.

The Government of the Independent State of Samoa considers that article 10 paragraphs 2 and 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status refers solely to the legal measures incorporated in the system for the protection of minors, which is addressed by the Young Offenders Act 2007 (Samoa).”

SLOVAKIA[7]

SWEDEN

Sweden reserves the right not to apply the provisions of article 10, paragraph 3, with regard to the obligation to segregate juvenile offenders from adults, the provisions of article 14, paragraph 7, and the provisions of article 20, paragraph 1, of the Covenant.

SWITZERLAND[39]

...

(b) *Reservation concerning article 12, paragraph 1:*

The right to liberty of movement and freedom to choose one's residence is applicable, subject to the federal laws on aliens, which provide that residence and establisment permits shall be valid only for the canton which issues them.

...

(f) *Reservation concerning article 20:*

Switzerland reserves the right not to adopt further measures to ban propaganda for war, which is prohibited by article 20, paragraph 1.

...

(g) *Reservation concerning article 25, subparagraph (b):*

The present provision shall be applied without prejudice to the cantonal and communal laws, which provide for or permit elections within assemblies to be held by a means other than secret ballot.

(h) *Reservation concerning article 26:*

The equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law shall be guaranteed only in connection with other rights contained in the present Covenant.

SYRIAN ARAB REPUBLIC

[See chapter IV.3.]

THAILAND[40]

"The Government of Thailand declares that:

1. The term "self-determination" as appears in article 1, paragraph 1, of the Covenant shall be interpreted as being compatible with that expressed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993.
2. [Withdrawn]
3. [Withdrawn]
4. With respect to article 20 of the Covenant, the term "war" appearing in paragraph 1 is understood by Thailand to mean war in contravention of international law."

TRINIDAD AND TOBAGO[41]

(i) The Government of the Republic of Trinidad and Tobago reserves the right not to apply in full the provision of paragraph 2 of article 4 of the Covenant since section 7 (3) of its Constitution enables Parliament to enact legislation even though it is inconsistent with sections (4) and (5) of the said Constitution;

(ii) Where at any time there is a lack of suitable prison facilities, the Government of the Republic of Trinidad and Tobago reserves the right not to apply

article 10 (2) (b) and 10 (3) so far as those provisions require juveniles who are detained to be accommodated separately from adults;

(iii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons intending to travel abroad to furnish tax clearance certificates;

(iv) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 5 of article 14 in view of the fact that section 43 of its Supreme Court of Judicature Act No. 12 of 1962 does not confer on a person convicted on indictment an unqualified right of appeal and that in particular cases, appeal to the Court of Appeal can only be done with the leave of the Court of Appeal itself or of the Privy Council;

(v) While the Government of the Republic of Trinidad and Tobago accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with paragraph 6 of article 14 of the Covenant;

(vi) With reference to the last sentence of paragraph 1 of article 15-"If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby", the Government of the Republic of Trinidad and Tobago deems this provision to apply exclusively to cases in progress. Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

(vii) The Government of the Republic of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions with respect to the right of assembly under article 21 of the Covenant;

(viii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply the provision of article 26 of the Covenant in so far as it applies to the holding of property in Trinidad and Tobago, in view of the fact that licences may be granted to or withheld from aliens under the Aliens Landholding Act of Trinidad and Tobago.

TURKEY

The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).

The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

UKRAINE

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[42]

"First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

"Secondly, the Government of the United Kingdom declare that:

"(a) In relation to Article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of free legal assistance contained in sub-paragraph (d) of paragraph 3 in so far as the shortage of legal practitioners and other considerations render the application of this guarantee in British Honduras, Fiji and St. Helena impossible;

"(b) In relation to Article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;

"(c) In relation to Article 25 of the Covenant, they must reserve the right not to apply:

"(i) Sub-paragraph (b) in so far as it may require the establishment of an elected legislature in Hong Kong and the introduction of equal suffrage, as between different electoral rolls, for elections in Fiji; and

"(ii) Sub-paragraph (c) in so far as it applies to jury service in the Isle of Man and to the employment of married women in the Civil Service of Northern Ireland, Fiji, and Hong Kong.

"Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

"Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

"The Government of the United Kingdom reserve the right to apply to members of and persons serving with the armed forces of the Crown and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial discipline and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorised by law.

"Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply article 10 (2) (b) and 10 (3), so far as those provisions require juveniles who are detained to be accommodated separately from adults, and not to apply article 10 (2) (a) in Gibraltar, Montserrat and the Turks and Caicos Islands in so far as it requires segregation of accused and convicted persons.

"The Government of the United Kingdom reserve the right to interpret the provisions of article 12 (1) relating to the territory of a State as applying separately to each of the territories comprising the United Kingdom and its dependencies.

"The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of article 12 (4)

and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.

"The Government of the United Kingdom reserve the right not to apply article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.

"The Government of the United Kingdom reserve the right not to apply or not to apply in full the guarantee of free legal assistance in sub-paragraph (d) of paragraph 3 of article 14 in so far as the shortage of legal practitioners renders the application of this guarantee impossible in the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu.

"The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order *(ordre public)* reserve the right not to introduce any further legislation. The United Kingdom also reserve a similar right in regard to each of its dependent territories.

"The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 in regard to a small number of customary marriages in the Solomon Islands.

"The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of article 24 (3) and of the other provisions of the Covenant is subject to the provisions of any such legislation.

"The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong [...].

"Lastly, the Government ofhe United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

UNITED STATES OF AMERICA

"(1) That article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.

"(2) That the United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.

"(3) That the United States considers itself bound by article 7 to the extent that `cruel, inhuman or degrading treatment or punishment' means the cruel and unusual treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.

"(4) That because U.S. law generally applies to an offender the penalty in force at the time the offence was committed, the United States does not adhere to the third clause of paragraph 1 of article 15.

"(5) That the policy and practice of the United States are generally in compliance with and supportive of the Covenant's provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2 (b) and 3 of article 10 and paragraph 4 of article 14. The United States further reserves to these provisions with respect to States with respect to individuals who volunteer for military service prior to age 18."

"(1) That the Constitution and laws of the United States guarantee all persons equal protection of the law and provide extensive protections against discrimination. The United States understands distinctions based upon race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status - as those terms are used in article 2, paragraph 1 and article 26 - to be permitted when such distinctions are, at minimum, rationally related to a legitimate governmental objective. The United States further understands the prohibition in paragraph 1 of article 4 upon discrimination, in time of public emergency, based `solely' on the status of race, colour, sex, language, religion or social origin, not to bar distinctions that may have a disproportionate effect upon persons of a particular status.

"(2) That the United States understands the right to compensation referred to in articles 9 (5) and 14 (6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law.

"(3) That the United States understands the reference to `exceptional circumstances' in paragraph 2 (a) of article 10 to permit the imprisonment of an accused person with convicted persons where appropriate in light of an individual's overall dangerousness, and to permit accused persons to waive their right to segregation from convicted persons. The United States further understands that paragraph 3 of article 10 does not diminish the goals of punishment, deterrence, and incapacitation as additional legitimate purposes for a penitentiary system.

"(4) That the United States understands that subparagraphs 3 (b) and (d) of article 14 do not require the provision of a criminal defendant's counsel of choice when the defendant is provided with court-appointed counsel on grounds of indigence, when the defendant is financially able to retain alternative counsel, or when imprisonment is not imposed. The United States further understands that paragraph 3 (e) does not prohibit a requirement that the defendant make a showing that any witness whose attendance he seeks to compel is necessary for his defense. The United States understands the prohibition upon double jeopardy in paragraph 7 to apply only when the judgment of acquittal has been rendered by a court of the same governmental unit, whether the Federal Government or a constituent unit, as is seeking a new trial for the same cause.

"(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant."

"(1) That the United States declares that the provisions of articles 1 through 27 of the Covenant are not self-executing.

"(2) That it is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant. For the United States, article 5, paragraph 2, which provides that fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent, has particular relevance to article 19, paragraph 3 which would permit certain restrictions on the freedom of expression. The United States declares that it will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations.

"(3) That the United States declares that the right referred to in article 47 may be exercised only in accordance with international law."

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offence against the *res publica* may be tried *in* ab- *sentia* , with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the *res publica* to be tried *in absentia* .

VIET NAM

[See chapter IV.3.]

YEMEN[43]

[See chapter IV.3.]

Objections
(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

AUSTRALIA

"The Government of Australia considers that the reservation with respect to article 18 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

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

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

Furthermore, the Government of Australia considers that the Republic of Maldives, through this reservation, is purporting to make the application of the International Covenant on Civil and Political Rights subject to the provisions of constitutional law in force in the Republic of Maldives. As a result, it is unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of Australia considers that the reservation with respect to article 18 of the Covenant is subject to the general principle of treaty interpretation, pursuant to Article 27 of the Vienna Convention on the Law of Treaties, according to which a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Further, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

For the above reasons, the Government of Australia objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of a revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the Covenant between Australia and the Republic of Maldives."

“The Government of Australia has examined the reservation made by The Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights and now hereby objects to the same for and on behalf of Australia:

The Government of Australia considers that the reservations by the Islamic Republic of Pakistan are incompatible with the object and purpose of the International Covenant on Civil and Political Rights (Covenant).

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

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

Furthermore, the Government of Australia considers that The Islamic Republic of Pakistan, through its reservations, is purporting to make the application of the Covenant subject to the provisions of general domestic law in force in The Islamic Republic of Pakistan. As a result, it is unclear to what extent The Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of The Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Australia considers that the reservations to the Covenant are subject to the general principle of treaty interpretation, pursuant to Article 27 of the Vienna Convention of the Lawof Treaties, according to which a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Further, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

For the above reasons, the Government of Australia objects to the aforesaid reservations made by The Islamic Republic of Pakistan to the Covenant and expresses the hope that the Islamic Republic of Pakistan will withdraw its reservations.

This objection shall not preclude the entry into force of the Covenant between Australia and The Islamic Republic of Pakistan."

AUSTRIA

"The Government of Austria has carefully examined the reservation made by the Government of the Republic of Maldives on 19 September 2006 in respect of Article 18 of the International Covenant on Civil and Political Rights.

The Government of Austria is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution of the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of Maldives is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement. The Government of Austria is therefore of the opinion that the reservation is capable of contravening the object and purpose of the Covenant.

The Government of Austria therefore regards the above-mentioned reservation incompatible with the object and purpose of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Austria and the Republic of Maldives."

"The Government of Austria has examined the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights at the time of its ratification.

In the view of Austria a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to constitutional provisions without specifying its implications does not do so. The Government of Austria therefore objects to the reservation made by the Government of the Lao People's Democratic Republic.

This objection shall not preclude the entry into force of the Covenant between Austria and the Lao People's Democratic Republic."

"The Government of Austria has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights (ICCPR).

The Government of Austria considers that in aiming to exclude the application of those provisions of the Covenant which are deemed incompatible with the Constitution of Pakistan, Sharia laws and certain national laws, the Islamic Republic of Pakistan has made reservations of general and indeterminate scope. These reservations do not clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant.

The Government of Austria therefore considers the reservations of the Islamic Republic of Pakistan to Articles 3, 6, 7, 18 and 19; further to Articles 12, 13 and 25 incompatible with the object and purpose of the Covenant and objects to them.

Austria further considers that the Committee provided for in Article 40 of the Covenant has a pivotal role in the implementation of the Covenant. The exclusion of the competence of the Committee is not provided for in the Covenant and in Austria's views incompatible with the object and purpose of the Covenant. Austria therefore objects to this reservation.

These objections shall not preclude the entry into force of the Covenant between Austria and the Islamic Republic of Pakistan."

"The Government of Austria has carefully examined the reservations and statements made by the State of Qatar upon accession to the International Covenant on Civil and Political Rights.

Austria considers statements 1, 2, 3 and 4 to amount to reservations as they aim at applying provisions of the Covenant only in conformity with national legislation or the Islamic sharia. However, the Covenant is to be applied in accordance with international law, not only in accordance with the legislation of a particular state.

By referring to its national legislation or to the Islamic sharia, Qatar's reservations to Articles 7, 18.2, 22, 23.2 and 23.4 of the Covenant are of a general and indeterminate scope. These reservations do not clearly define for the other States Parties the extent to which the reserving state has accepted the obligations of the Covenant. Furthermore, the reservation to Article 23.4 contravenes Article 3 of the Covenant, one of its most central provisions.

Austria therefore considers the reservations to be incompatible with the object and purpose of the Covenant and objects to them. This objection shall not preclude the entry into force of the Covenant between the Republic of Austria and the State of Qatar. The Covenant will thus become operative between the two states without Qatar benefitting from the aforementioned reservations."

BELGIUM

[The Belgian Government] wishes to observe that the sphere of application of article 11 is particularly restricted. In fact, article 11 prohibits imprisonment only when there is no reason for resorting to it other than the fact that the debtor is unable to fulfil a contractual obligation. Imprisonment is not incompatible with article 11 when there are other reasons for imposing this penalty, for example when the debtor, by acting in bad faith or through fraudulent manoeuvres, has placed himself in the position of being unable to fulfil his obligations. This interpretation of article 11 can be confirmed by reference to the *travaux préparatoires* (see document A/2929 of 1 July 1955).

After studying the explanations provided by the Congo concerning its reservation, [the Belgian Government] has provisionally concluded that this reservation is unnecessary. It is its understanding that the Congolese legislation authorizes imprisonment for debt when other means of enforcement have failed when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith. The latter condition is sufficient to show that there is no contradiction between the Congolese legislation and the letter and the spirit of article 11 of the Covenant.

By virtue of article 4, paragraph 2, of the aforementioned Covenant, article 11 is excluded from the sphere of application of the rule which states that in the event of an exceptional public emergency, the States Parties to the Covenant may, in certain conditions, take measures derogating from their obligations under the Covenant. Article 11 is one of the articles containing a provision from which no derogation is permitted in any circumstances. Any reservation concerning that article would destroy its effects and would therefore be in contradiction with the letter and the spirit of the Covenant.

Consequently, and without prejudice to its firm beliefthat Congolese law is in complete conformity with the provisions of article 11 of the Covenant, [the Belgian

Government] fears that the reservation made by the Congo may, by reason of its very principle, constitute a precedent which might have considerable effects at the international level.

[The Belgian Government] therefore hopes that this reservation will be withdrawn and, as a precautionary measure, wishes to raise an objection to that reservation.

The Government of Belgium wishes to raise an objection to the reservation made by the United States of America regarding article 6, paragraph 5, of the Covenant, which prohibits the imposition of the sentence of death for crimes committed by persons below 18 years of age.

The Government of Belgium considers the reservation to be incompatible with the provisions and intent of article 6 of the Covenant which, as is made clear by article 4, paragraph 2, of the Covenant, establishes minimum measures to protect the right to life.

The expression of this objection does not constitute an obstacle to the entry into force of the Covenant between Belgium and the United States of America.

Belgium has carefully examined the reservations made by Pakistan upon accession on 23 June 2010 to the International Covenant on Civil and Political Rights.

The vagueness and general nature of the reservations made by Pakistan with respect to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the International Covenant on Civil and Political Rights may contribute to undermining the bases of international human rights treaties.

The reservations make the implementation of the Covenant's provisions contingent upon their compatibility with the Islamic Sharia and/or legislation in force in Pakistan. This creates uncertainty as to which of its obligations under the Covenant Pakistan intends to observe and raises doubts as to Pakistan's respect for the object and purpose of the Covenant.

As to the reservation made with respect to Article 40, Belgium emphasizes that the object and purpose of the Covenant are not only to confer rights upon individuals, thereby imposing corresponding obligations on States, but also to establish an effective mechanism for monitoring obligations under the Covenant.

It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations.

Belgium also notes that the reservations concern a fundamental provision of the Covenant.

Consequently, Belgium considers the reservations to be incompatible with the object and purpose of the Covenant.

Belgium notes that under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted (article 19 (c)).

Furthermore, under Article 27 of the Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Consequently, Belgium objects to the reservations formulated by Pakistan with respect to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of Belgium and Pakistan.

The Kingdom of Belgium has carefully examined the reservations and declarations made by the State of Qatar upon its accession, on 21 May 2018, to the International Covenant on Civil and Political Rights.

Reservations to articles 3 and 23 (4), as well as declarations 1 to 4 relating to articles 7, 18 (2), 22 and 23 (2), makes the provisions of the Covenant subject to their compatibility with Sharia or with the national legislation. The Kingdom of Belgium considers that these reservations and declarations tend to limit the responsibility of the State of Qatar under the Covenant by means of a general reference to the rules of national law and Sharia Law. This creates an uncertainty as to the extent to which the State of Qatar intends to fulfil its obligations under the Covenant and raises doubts about the State of Qatar's compliance with the object and purpose of the Covenant.

The Kingdom of Belgium recalls that under article 19 of the Vienna Convention on the law of treaties, a State cannot make a reservation incompatible with the object and purpose of a treaty. Moreover, article 27 of the Vienna Convention on the law of treaties stipulates that a party may not invoke the provisions of its internal law as justifying the non-fulfilment of a treaty.

Accordingly, the Kingdom of Belgium objects to the reservations made by the State of Qatar with regard to articles 3 and 23 (4) and to the declarations made by it in respect of articles 7, 18 (2), 22 and 23 (2) of the International Covenant on Civil and Political Rights.

The Kingdom of Belgium specifies that this objection does not preclude the entry into force of the International Covenant on Civil andPolitical Rights between the Kingdom of Belgium and the State of Qatar.

CANADA

"The Government of Canada has carefully examined the reservation made by the Government of the Maldives upon acceding to the International Covenant on Civil and Political Rights, in accordance with which the "application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives".

The Government of Canada considers that a reservation which consists of a general reference to national law constitutes, in reality, a reservation with a general, indeterminate scope, such that it makes it impossible to identify the modifications to obligations under the Covenant, which it purports to introduce and it does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Covenant.

The Government of Canada notes that the reservation made by the Government of the Maldives which addresses one of the most essential provisions of the Covenant, to which no derogation is allowed according to article 4 of the Covenant, is in contradiction with the object and purpose of the Covenant. The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Maldives.

This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Maldives."

"The Government of Canada has carefully examined the reservations made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights, which declare that:

"the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws";

"the provisions of Article 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan";

"With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners";

"the provisions of Article 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan"; and the Government of the Islamic Republic of Pakistan "does not recognize the competence of the Committee provided for in Article 40 of the Covenant".

The Government of Canada considers that reservations which consist of a general reference to national law or to the prescriptions of the Islamic Sharia constitute, in reality, reservations with a general, indeterminate scope. This makes it impossible to identify the modifications to obligations under the Covenant that each reservation purports to introduce and impossible for the other States Parties to the Covenant to know the extent to which Pakistan has accepted the obligations of the Covenant, an uncertainty which is unacceptable, especially in the context of treaties related to human rights.

The Government of Canada further considers that the competence of the Committee to receive, study and comment on the reports submitted by States Parties as provided for in Article 40 of the Covenant is essential to the implementation of the Covenant. Through its function and its activity, the Human Rights Committee plays an essential role in monitoring the fulfillment of the obligations of the States Parties to the Convention. Participation in the reporting mechanism outlined in Article 40, which is aimed at encouraging more effective implementation by States Parties of their treaty obligations, is standard practice of States Parties to the Covenant.

The Government of Canada notes that the reservations made by the Government of the Islamic Republic of Pakistan, addressing many of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are incompatible with the object and purpose of the Covenant, and thus inadmissible under Article 19(c) of the Vienna Convention on the Law of Treaties. In addition, Articles 6, 7 and 18 of the Covenant are among the provisions from which no derogation is allowed, according to Article 4 of the Covenant. The Government of Canada therefore objects to the aforesaid reservations made by the Government of the Islamic Republic of Pakistan.

This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Islamic Republic of Pakistan."

"The Government of Canada has carefully examined the reservations and declarations made by the Government of Qatar upon ratification of the International Covenant on Civil and Political Rights.

The Government of Canada considers that reservations consisting of a general reference to national law or to the prescriptions of the Islamic Sharia constitute. in reality reservations with a general, indeterminate scope. This makes it impossible to identify the modifications to obligations under the Covenant that the reservation purports to introduce. With such a reservation, the other States Parties to the Covenant do not know the extent to which the reserving State has accepted the obligations of the Covenant. This uncertainty is unacceptable, especially in the context of treaties related to human rights.

The Government of Canada notes that the reservations made by the Government of Qatar, which address some of the most essential provisions of the Covenant and aim to exclude or limit the obligations under those provisions, are incompatible with the object and purpose of the Covenant, and thus inadmissible under Article 19 (c) of the Vienna Convention on the Law of Treaties.

The Government of Canada notes that the declarations made by the Government of Qatar aim at applying a provision of the Covenant only in conformity with domestic law or Islamic Sharia. However, the Covenant is to be applied in accordance with international law. The Government of Canada considers that these declarations are reservations in disguise, incompatible with the object and purpose of the Covenant, and thus inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties.

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

The Government of Canada therefore objects to the reservations and declarations made by the Government of Qatar. This objection does not preclude the entry into force in its entirety of the Covenant between Canada and Qatar."

CYPRUS

".....the Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey to the International Covenant on Civil and Political Rights (New York, 16 December 1966) on 23 September 2003, in respect of the implementation of the provisions of the Convention only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Covenant, and raises doubt as to the commitment of Turkey to the object and purpose of the said Covenant. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the International Covenant on Civil and Political Rights.

This reservation or the objection to it shall not preclude the entry into force of the Covenant between the Republic of Cyprus and the Republic of Turkey."

CZECH REPUBLIC[7]

"The Government of the Czech Republic has carefully examined the contents of the reservation made by the Republic of Maldives upon accession to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Article 18 thereof.

The Government of the Czech Republic is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

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

The Government of the Czech Republic therefore objects to the aforesaid reservation made by the Republic of Maldives to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the Republic of Maldives, without the Republic of Maldives benefiting from its reservation.".

"The Czech Republic believes that the reservations of Pakistan made to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant, if put into practice, would result in weakening of the relevant human rights, which is contrary to the object and purpose of the Covenant. Furthermore, Pakistan supports these reservations by references to its domestic law, which is, in the opinion of the Czech Republic, unacceptable under customary international

law, as codified in Article 27 of the Vienna Convention on the Law of Treaties. Finally, the reservations to Articles 3, 6, 7, 18 and 19 that refer to the notions such as "Sharia law" and "Provisions of the Constitution of Pakistan"; the reservations to Articles 12 and 25 that refer to the notions such as "law relating to foreigners" without specifying its contents, do not clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations under the Covenant.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to Article 28 paragraph 2 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Czech Republic, therefore, objects to the aforesaid reservations made by Pakistan to the Covenant. This objection shall not preclude the entry into force of the Convention between the Czech Republic and Pakistan. The Covenant enters into force in its entirety between the Czech Republic and Pakistan, without Pakistan benefiting from its reservation."

"The Government of the Czech Republic has examined the reservations and statements formulated by the State of Qatar upon its accession to the International Covenant on Civil and Political Rights.

The Government of the Czech Republic is of the view that the statements formulated by the State of Qatar with respect to Article 7, Article 18.2, Article 22 and Article 23.2 amount to reservations of general and vague nature, since they make the application of specific provisions of the Covenant subject to the Islamic Sharia and national law and their character and scope cannot be properly assessed.

These statements, together with the reservation formulated by the State of Qatar to Article 23.4, leave open the question to what extent the State of Qatar commits itself to the obligations under these Articles and to the object and purpose of the Covenant as a whole.

The Government of the Czech Republic wishes to recall that the reservations may not be general or vague and that the Covenant is to be applied and interpreted in accordance with international law.

The Government of the Czech Republic therefore considers the aforementioned reservations to be incompatible with the object and purpose of the Covenant and objects to them. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the State of Qatar, without the State of Qatar benefitting from the reservations."

DENMARK

"Having examined the contents of the reservations made by the United States of America, Denmark would like to recall article 4, para 2 of the Covenant according to which no derogation from a number of fundamental articles, *inter alia* 6 and 7, may be made by a State Party even in time of public emergency which threatens the life of the nation.

In the opinion of Denmark, reservation (2) of the United States with respect to capital punishment for crimes committed by persons below eighteen years of age as well as reservation (3) with respect to article 7 constitute general derogations from articles 6 and 7, while according to article 4, para 2 of the Covenant such derogations are not permitted.

Therefore, and taking into account that articles 6 and 7 are protecting two of the most basic rights contained in the Covenant, the Government of Denmark regards the said reservations incompatible with the object and purpose of the Covenant, and consequently Denmark objects to the reservations.

These objections do not constitute an obstacle to the entry into force of the Covenant between Denmark and the United States.

"The Government of Denmark has examined the contents of the reservations made by the Government of Botswana to the International Covenant on Civil and Political Rights. The reservations refer to legislation in force in Botswana as regards the scope of application of two core provisions of the Covenant, Articles 7 and 12 para.3. The Government of Denmark considers that the reservations raise doubts as to the commitment of Botswana to fulfill her obligations under the Covenant and are incompatible with the object and purpose of the Covenant.

For these reasons, the Government of Denmark objects to these reservations made by the Government of Botswana. This objection does not preclude the entry into force of the Covenant in its entirety between Botswana and Denmark without Botswana benefiting from the reservations."

"The Government of the Kingdom of Denmark has examined the reservations made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Denmark considers that the reservations made by the Islamic Republic of Pakistan to articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant, which make the applications of these essential obligations under the Covenant subject to Sharia and/or constitutional and/or national law in force in the Islamic Republic of Pakistan, raise doubts as to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and concern as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom on Denmark has also examined the reservation of the Islamic Republic of Pakistan with respect to Article 40 of the Covenant.

The Government of Denmark considers, that the supervisory machinery established under the Covenant, including the system of periodic reporting to the human rights Committee is an essential part of the treaty.

Accordingly a reservation to the effect that a State Party does not recognize the competence of the Human Rights Committee to review and comment State reports must be considered contrary to the object and purpose of the Covenant.

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

Consequently, the Government of Denmark considers the said reservations as incompatible with the object and purpose of the Covenant and accordingly inadmissible and without effect under international law.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the Islamic Republic of Pakistan. This shall not preclude the entry into force of the Covenant in its entirety between the Islamic Republic of Pakistan and Denmark.

The Government of Denmark recommends the Government of the Islamic Republic of Pakistan to reconsider its reservations to the International Covenant on Civil and Political Rights."

ESTONIA

"The Government of Estonia has carefully examined the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights. The Government of Estonia considers the reservation to be incompatible with the object and purpose of the Covenant as with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of Estonia therefore objects to the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of the revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights between Estonia and the Republic of Maldives."

"The Government of the Republic of Estonia has carefully examined the reservations made on 23 June 2010 by Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

Regarding Articles 3, 6, 7, 12, 13, 18, 19, 25, the Government of the Republic of Estonia considers these reservations to be incompatible with the object and purpose of the Covenant as with these reservations the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation which consists of a general reference to a national law without specifying its content does not clearly indicate to what extent the Islamic Republic of Pakistan considers itself bound by the obligations contained in the relevant Articles of the Covenant and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

Furthermore, the reservation made by Islamic Republic of Pakistan to Article 40 of the Covenant is in the view of the Government of the Republic of Estonia contrary to the aim of the Covenant as this Article sets out the commitments of States towards the Human Rights Committee. The reporting mechanism is one of the core elements of the implementation of the Covenant.

Therefore, the Government of the Republic of Estonia objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights as between the Republic of Estonia and the Islamic Republic of Pakistan."

"The Government of Estonia has carefully examined the reservations made by the State of Qatar to Article 3 and Article 23(4), as well as the statements made with regard to Article 7, Article 18(2), Article 22 and Article 23(2) of the Covenant.

The reservations to Article 3 and to Article 23(4) as well as statements 1 to 4 make the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation. Statements 1 to 4 are thus of their nature also reservations. The reservations and statements 1 to 4 are raising doubts concerning the extent to which the State of Qatar intends to fulfil its obligations under the Covenant.

Estonia considers aforementioned reservations and statements made by the State of Qatar incompatible with the object and purpose of the Covenant, which are not permitted under Article 19 sub-paragraph (c) of the Vienna convention on the Law of Treaties of 23 May 1969. The Government of Estonia thus objects to them.

This objection shall not preclude the entry into force of the Covenant between the Republic of Estonia and the State of Qatar."

FINLAND

"... It is recalled that under international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Understanding (1) pertaining to articles 2, 4 and 26 of the Covenant is therefore considered to constitute in substance a reservation to the Covenant, directed at some of its most essential provisions, namely those concerning the prohibition of discrimination. In the view of the Government of Finland, a reservation of this kind is contrary to the object and purpose of the Covenant, as specified in article 19(c) of the Vienna Convention on the Law of Treaties.

As regards reservation (2) concerning article 6 of the Coven- ant, it is recalled that according to article 4(2), no restrictions of articles 6 and 7 of the Covenant are allowed for. In the view of the Government of Finland, the right to life is of fundamental importance in the Covenant and the said reservation therefore is incompatible with the object and purpose of the Covenant.

As regards reservation (3), it is in the view of the Government of Finland subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty.

For the above reasons the Government of Finland objects to reservations made by the United States to articles 2, 4 and 26 [*cf* . Understanding (1)], to article 6 [*cf* . Reservation (2)] and to article 7 [cf. Reservation (3)]. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the Covenant between Finland and the United States of America.

"The Government of Finland notes that according to the interpretative declarations the application of certain articles of the Covenant is in a general way subjected to national law. The Government of Finland considers these interpretative declarations as reservations of a general kind.

The Government of Finland is of the view that such general reservations raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted. As regards the reservation made to article 25 (b), the Government of Finland wishes to refer to its objection to the reservation made by Kuwait to article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

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

The Government of Finland is further of the view that general reservations of the kind made by the Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant] which are considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Finland."

"The Government of Finland has examined the declarations and reservation made by the Republic of Turkey to the International Covenant on Civil and Political Rights. The Government of Finland notes that the Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the Covenant in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

The Government of Finland emphasises the great importance of the rights of minorities provided for in Article 27 of the International Covenant on Civil and Political Rights. The reference to the Constitution of the Republic of Turkey is of a general nature and does not clearly specify the content of the reservation. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Turkey will ensure the implementation of the rights of minorities recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation. This declaration does not preclude the entry into force of the Covenant between the Republic of Turkey and Finland."

"The Government of Finland has carefully examined the contents of the declaration made by the Government of Mauritania on Article 18 and paragraph 4 of Article 23 of the International Covenant on Civil and Political Rights.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law asjustification for a failure to perform its treaty obligations.

The Government of Finland notes that the reservations made by the Government of Mauritania, addressing some of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Covenant.

The Government of Finland therefore objects to the above-mentioned declaration made by the Government of Mauritania to the Covenant. This objection does not preclude the entry into force of the Covenant between the Islamic Republic of Mauritania and Finland. The Covenant will thus become operative between the two states without the Islamic Republic of Mauritania benefiting from its declarations."

"The Government of Finland has examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights. The Government of Finland notes that the Republic of Maldives reserves the right to interpret and apply the provisions of Article 18 of the Covenant in accordancewith the related provisions and rules of the Constitution of the Republic of Maldives.

The Government of Finland notes that a reservation which consists of a general reference to national law without specifying its contents does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Covenant. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Furthermore, the Government of Finland emphasises the great importance of the right to freedom of thought, conscience and religion which is provided for in Article 18 of the International Covenant on Civil and Political Rights. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Maldives will ensure the implementation of the rights of freedom of thought, conscience and religion recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation.

This declaration does not preclude the entry into force of the Covenant between the Republic of Maldives and Finland. The Covenant will thus become operative between the two states without the Republic of Maldives benefiting from its reservation."

“The Government of Finland welcomes the ratification by the Lao People’s Democratic Republic of the International Covenant on Civil and Political Rights. Finland has taken note of the reservation made by the Lao People’s Democratic Republic to Article 22 thereof upon ratification. The Government of Finland notes that Article 22(2) provides that States Parties may, under certain specific circumstances and for certain specific purposes, restrict the right protected under Article 22(1). The Government of Finland is of the view that the reservation made by the Lao People’s Democratic Republic seeks to limit the obligation of the Lao People’s Democratic Republic not to restrict the freedom of association to an extent which is incompatible with Article 22(2). The reservation would therefore restrict one of the essential obligations of the Lao People’s Democratic Republic under the Covenant and raises serious doubts as to the commitment of the Lao People’s Democratic Republic to the object and purpose of the Covenant.

It is in the common interest of States that treaties they have chosen to become parties to are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under such treaties. Furthermore, according to the Vienna Convention on the Law of Treaties of 23 May 1969, and according to well established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

The Government of Finland therefore objects to the reservation made by the Government of the Lao People’s Democratic Republic in respect of Article 22 of the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Lao People’s Democratic Republic and Finland. The Covenant will thus become operative between the two states without the Lao People’s Democratic Republic benefiting from its reservation.”

The Government of Finland welcomes the ratification of the International Covenant on Civil and Political Rights by the Islamic Republic of Pakistan. The Government of Finland has carefully examined the content of the reservations relating to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Convention made by the Islamic Republic of Pakistan upon ratification.

The Government of Finland notes that the Islamic Republic of Pakistan reserves the right to apply the provisions of Article 3, 6, 7, 18 and 19 to the extent that they are not repugnant to the provisions of the Constitution of Pakistan and the Sharia laws, the provisions of Article 12 so as to be in conformity with the provisions of the Constitution of Pakistan, and the provisions of Article 25 to the extent that they are not repugnant to the provisions of the Constitution of Pakistan, and that, as regards the provisions of Article 13, the Islamic Republic of Pakistan reserves the right to apply its law relating to foreigners.

The Government of Finland notes that a reservation which consists of a general reference to national law

without specifying its content does not clearly define to other Parties to the Covenant the extent to which the reserving States commits itself to the Covenant and creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Covenant. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Furthermore, the Government of Finland notes that the Islamic Republic of Pakistan declares that it does not recognize the competence of the Human Rights Committee provided for in Article 40 of the Covenant. The reporting mechanism established under Article 40 is an essential feature of the system of human rights protection created by the Covenant and an integral undertaking of States Parties to the Covenant.

All of the above reservations seek to restrict essential obligations of the Islamic Republic of Pakistan under the Covenant and raise serious doubts as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant. The Government of Finland wishes to recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties and customary international law, a reservation contrary to the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland therefore objects to the reservations made by the Islamic Republic of Pakistan in respect of Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and Finland. The Convention will thus become operative between the two states without the Islamic Republic of Pakistan benefiting from its reservations.

"The Government of Finland is pleased to learn that the State of Qatar has become party to the International Covenant on Civil and Political Rights. However, the Government of Finland has carefully examined the reservations to Article 3 and to Article 23.4, as well as the statements concerning Article 7, 18.2, 22, and 23.2 made by the State of Qatar upon accession, and is of the view that they raise certain concerns. In fact, also the said statements amount to reservations that purport to subject the application of specific provisions of the Covenant to the Islamic Sharia or national legislation.

The reservations to Article 3, 7, 18.2, 22, 23.2 and 23.4 make the application of these provisions of the Covenant subject to the Islamic Sharia or national legislation. Thus, the Government of Finland is of the opinion that the State of Qatar has submitted reservations which cast doubts on the commitment of Qatar to the object and purpose of the Covenant. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The above-mentioned reservations are incompatible with the object and purpose of the Covenant and are accordingly not permitted under Article 19 sub-paragraph (c) of the Vienna Convention on the Law of Treaties. Therefore, the Government of Finland objects to these reservations. This objection shall not preclude the entry into force of the Covenant between the Republic of Finland and the State of Qatar. The Covenant will thus enter into force between the two stateswithout Qatar benefitting from the aforementioned reservation."

FRANCE

The Government of the Republic takes objection to the reservation entered by the Government of the Republic of India to article 1 of the International Covenant on Civil and Political Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

At the time of the ratification of [the said Covenant], the United States of America expressed a reservation relating to article 6, paragraph 5, of the Covenant, which prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age.

France considers that this United States reservation is not valid, inasmuch as it is incompatible with the object and purpose of the Convention.

Such objection does not constitute an obstacle to the entry into force of the Covenant between France and the United States.

The Government of the French Republic has studied Botswana's reservations to the International Covenant on Civil and Political Rights. The purpose of the two reservations is to limit Botswana's commitment to articles 7 and 12, paragraph 3, of the Covenant to the extent to which these provisions are compatible with sections 7 and 14 of the Constitution of Botswana.

The Government of the French Republic considers that the first reservation casts doubt upon Botswana's commitment and might nullify article 7 of the Covenant which prohibits in general terms torture and cruel, inhuman or degrading treatment or punishment.

Consequently, the Government of the French Republic objects to the Government of Botswana's reservation to article 7 of the Covenant.

"The Government of the French Republic has examined the declarations formulated by the Government of Mauritania upon acceding to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in accordance with which the Government of Mauritania, on the one hand, 'while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic sharia' and, on the other, 'interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic sharia'. By making the application of article 18 and the interpretation of article 23, paragraph 4, of the Covenant subject to the prescriptions of the Islamic sharia, the Government of Mauritania is, in reality, formulating reservations with a general, indeterminate scope, such that they make it impossible to identify the modifications to obligations under the Covenant, which they purport to introduce. The Government of the French Republic considers that the reservations thus formulated are likely to deprive the provisions of the Covenant of any effect and are contrary to the object and purpose thereof. It therefore enters an objection to these reservations. This objection shall not preclude the entry into force of the Convention between France and Mauritania."

The Government of the French Republic has reviewed the reservation made by the Republic of Maldives at the time of its accession to the International Covenant on Civil and Political Rights of 16 December 1966 to the effect that the Republic of Maldives intends to apply the principles relating to freedom of thought, conscience and religion set out in article 18 of twithout prejudice to its own Constitution.

The French Republic considers that by subordinating the general application of a right set out in the Covenant to its internal law, the Republic of Maldives is formulating a reservation that is likely to deprive a

provision of the Covenant of any effect and makes it impossible for other States Parties to know the extent of its commitment.

The Government of the French Republic considers the reservation as contrary to the object and purpose of the Covenant. It therefore objects to that reservation. This objection does not prevent the entry into force of the Covenant between the French Republic and the Republic of Maldives.

The Government of the French Republic has considered the reservations made by the Islamic Republic of Pakistan upon its ratification of the International Covenant on Civil and Political Rights on 23 June 2010.

Concerning the reservations to articles 3, 6, 7, 12, 18, 19 and 25, France considers that in seeking to exclude the application of provisions of the Covenant, insofar as they might be contrary to or inconsistent with the Constitution of Pakistan and/or Sharia law, the Islamic Republic of Pakistan has made reservations of a general and indeterminate nature. Indeed, these reservations are vague since they do not specify which provisions of domestic law are affected. Thus, they do not allow other States Parties to appreciate the extent of the commitment of the Islamic Republic of Pakistan, including the compatibility of the provisions with the object and purpose of the Covenant.

With regard to article 40, France believes that in seeking to exclude the competence of the Human Rights Committee to consider periodic reports, the Islamic Republic of Pakistan is depriving this key body under the Covenant of its main function. As such, the Government of the French Republic considers this reservation to be contrary to the object and purpose of the Covenant.

The Government of the French Republic therefore objects to the reservations made by the Islamic Republic of Pakistan. However, this objection shall not preclude the entry into force of the Covenant between France and Pakistan

GERMANY

*[See under "**Objections**" in chapter IV.3.]*

"The Government of the Federal Republic of Germany objects to the [reservation (i) by the Government of Trinidad and Tobago]. In the opinion of the Government of the Federal Republic of Germany it follows from the text and the history of the Covenant that the said reservation is incompatible with the object and purpose of the Covenant."

*[See under "**Objections**" in chapter IV.3.]*

[The Federal Republic of Germany] interprets the declaration to mean that the Republic of Korea does not intend to restrict its obligations under article 22 by referring to its domestic legal system.

"The Government of the Federal Republic of Germany objects to the United States' reservation referring to article 6, paragraph 5 of the Covenant, which prohibits capital punishment for crimes committed by persons below eighteen years of age. The reservation referring to this provision is incompatible with the text as well as the object and purpose of article 6, which, as made clear by paragraph 2 of article 4, lays down the minimum standard for the protection of the right to life.

The Government of the Federal Republic of Germany interprets the United States' `reservation' with regard to article 7 of the Covenant as a reference to article 2 of the Covenant, thus not in any way affecting the obligations of the United States of America as a state party to the Covenant."

*[See under "**Objections**" in chapter IV.3.]*

The Government of the Republic of Turkey has declared that it will implement the provisions of the Covenant only to the states with which it has diplomatic relations. Moreover, the Government of the Republic of Turkey has declared that it ratifies the Covenant exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. Furthermore, the Government of the Republic of Turkey has reserved the right to interpret and apply the provisions of Article 27 of the Covenant in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

The Government of the Federal Republic of Germany would like to recall that it is in the common interest of all states that treaties to which they have chosen to become parties are respected and applied as to their object and purpose by all parties, and that states are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of the Federal Republic of Germany is therefore concerned about declarations and reservations such as those made and expressed by the Republic of Turkey with respect to the International Covenant on Civil and Political Rights.

However, the Government of the Federal Republic of Germany believes these declarations do not aim to limit the Covenant's scope in relation to those states with which Turkey has established bonds under the Covenant, and that they do not aim to impose any other restrictions that are not provided for by the Covenant. The Government of the Federal Republic of Germany attaches great importance to the rights guaranteed by Article 27 of the Covenant. The Government of the Federal Republic of Germany understands the reservation expressed by the Government of the Republic of Turkey to mean that the rights guaranteed by Article 27 of the Covenant will also be granted to all minorities not mentioned in the provisions and rules referred to in the reservation."

The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of Mauritania on 17 November 2004 in respect of Articles 18 and 23 (4) of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that the limitations set out therein leave it unclear to which extent Mauritania considers itself bound by the obligations resulting from the Covenant.

The Government of the Federal Republic of Germany therefore regards the above-mentioned declaration as a reservation and as incompatible with the object and purpose of the Covenant.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservation made by the Government of Mauritania to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and Mauritania.

"The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of the Republic of Maldives on 19 September 2006 in respect of Article 18 of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution or the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of Maldives is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement. The Government of the Federal Republic of Germany is therefore of the opinion that the reservation is capable of contravening the object and purpose of the Covenant.

The Government of the Federal Republic of Germany therefore regards the above-mentioned reservation

incompatible with the object and purpose of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the Republic of Maldives."

"The Government of the Federal Republic of Germany has carefully examined the reservations made by the Islamic Republic of Pakistan on 23 June 2010 to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that these reservations subject the applications of Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant to a system of domestic norms without specifying the contents thereof, leaving it uncertain to which extent the Islamic Republic of Pakistan accepts to be bound by the obligations under the Covenant and raising serious doubts as to its commitment to fulfil its obligations under the Covenant. These reservations therefore are considered incompatible with the object and purpose of the Covenant and consequently impermissible under Art. 19 c of the Vienna Convention on the Law of Treaties.

By refusing to recognize the competence of the Committee provided for in Article 40 of the Covenant the Republic of Pakistan calls into question the complete reporting mechanism which is a central procedural element of the Covenant system. This specific reservation against Article 40 therefore is considered to be contrary to the object and purpose of the Covenant as well.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations as being incompatible with the object and purpose of the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the Islamic Republic of Pakistan."

The Government of the Federal Republic of Germany has carefully examined the reservations and statements made by the State of Qatar with regard to the International Covenant on Civil and Political Rights of 16 December 1966.

The reservations to Article 3 and to Article 23.4 as well as statements 1 to 4 make the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation. Statements 1 to 4 are thus of their nature also reservations.

The Government of the Federal Republic of Germany is of the opinion that by making the application of Articles 3, 7, 18.2, 22, 23.2 and 23.4 of the Covenant subject to the Islamic Sharia or national law, the State of Qatar has submitted reservations which raise doubts concerning the extent to which it intends to fulfil its obligations under the Covenant.

The above-mentioned reservations are incompatible with the object and purpose of the Covenant and are accordingly not permitted under Article 19 sub-paragraph (c) of the Vienna Convention on the Law of Treaties of 23 May 1969. The Federal Republic of Germany thus objects to these reservations.

This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the State of Qatar.

GREECE

"The Government of Greece has examined the declarations made by the Republic of Turkey upon ratifying the International Covenant on Civil and Political Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the States with which it has diplomatic relations.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is incompatible with the principle that inter-State reciprocity has no place in the context of human rights treaties, which concern the endowment of individuals with rights. It is therefore contrary to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is contrary to the letter and the spirit of article 2 (i) of the Covenant. Indeed, a State Party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of such State Party. Accordingly, this reservation is contrary to the object and purpose of the Covenant.

For these reasons, the Government of Greece objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Hellenic Republic and the Republic of Turkey. The Covenant, therefore, enters into force between the two States without the Republic of Turkey benefiting from these reservations."

"The Government of the Hellenic Republic have examined the reservations made by the Government of the Islamic Republic of Mauritania upon accession to the International Covenant on Civil and Political Rights (New York, 16 December 1966) in respect of articles 18 and 23 paragraph 4 thereof.

The Government of the Hellenic Republic consider that these declarations, seeking to limit the scope of the aformentioned provisions on a unilateral basis, amount in fact to reservations.

The Government of the Hellenic Republic furthermore consider that, although these reservations refer to specific provisions of the Covenant, they are of a general character, as they do not clearly define the extent to which the reserving State has accepted the obligations deriving from the Covenant.

For these reasons, the Government of the Hellenic Republic object to the abovementioned reservations made by the Government of the Islamic Republic of Mauritania.

This objection shall not preclude the entry into force of the Covenant between Greece and Mauritania."

"The Government of the Hellenic Republic considers that the Articles 3, 6 and 7 of the Covenant are of fundamental importance and that the reservations formulated by the Islamic Republic of Pakistan to those Articles, containing a general reference to the Provisions of the Constitution of Pakistan and the Sharia laws without specifying the extent of the derogation there from, are incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Hellenic Republic considers that the reservation formulated with respect to Article 40 of the Covenant, is incompatible with the object and purpose of the Covenant, which seeks, inter alia, to establish an effective monitoring mechanism for the obligations undertaken by the States Parties.

For this reason the Government of the Hellenic Republic objects to the abovementioned reservations formulated by the Islamic Republic of Pakistan.

This objection shall not preclude the entry into force of the Covenant between Greece and the Islamic Republic of Pakistan."

"The Government of the Hellenic Republic has examined the reservations and the statements made by the State of Qatar upon accession to the International Covenant on Civil and Political Rights of 16 December 1966 (hereinafter 'the Covenant').

In the above reservations, the State of Qatar declares that it does not consider itself bound by the provisions of Articles 3 and 23.4 of the Covenant, for they contravene, respectively, the provisions of Article 8 of the [Constitution] of Qatar and the Islamic Sharia.

Moreover, in the statements made upon accession to the Covenant, the State of Qatar inter alia declares that it shall interpret Articles 7, 18.2, 22 and 23.2 thereof, 'in accordance with the applicable legislation of Qatar' and/or 'in a manner that does not contravene the Islamic Sharia'. However, in the view of the Government of the Hellenic Republic, these statements in fact amount to a reservation as they limit the scope of application of the relevant provisions of the Covenant solely to the extent that they do not contravene the Islamic Sharia and the national legislation of Qatar.

The Government of the Hellenic Republic notes that the above reservations are of a general and indeterminate scope, as they purport to subject the application of the aforementioned provisions of the Covenant to the Islamic Sharia and national legislation, without, however, specifying the content thereof, and are, accordingly, contrary to the object and purpose of the Covenant, since they do not clearly define for the other State Parties the extent to which Qatar has accepted the obligations of the Covenant.

For the above reasons, the Government of the Hellenic Republic considers the aforesaid reservations of Qatar impermissible as contrary to the object and purpose of the Covenant, according to customary international law, as codified by the Vienna Convention on the Law of the Treaties.

The Government of the Hellenic Republic, therefore, objects to the abovementioned reservations by the State of Qatar upon accession to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Hellenic Republic and the State of Qatar."

HUNGARY

"The Government of the Republic of Hungary has examined the reservation made by the Republic of Maldives on 19 September 2006 upon accession to the International Convention on Civil and Political Rights of 16 December 1966. The reservation states that the application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives.

The Government of the Republic of Hungary is of the opinion that the reservation to Article 18 will unavoidably result in a legal situation in respect of the Republic of Maldives, which is incompatible with the object and purpose of the Convention.

Namely the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant thus raising concerns as to its commitment to the object and purpose of the Covenant.

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

According to Article 19 point (c) of the Vienna Convention on the Law of Treaties of 1969, a State may formulate a reservation unless it is incompatible with the object and purpose of the treaty.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Republic of Maldives."

"With regard to the reservations made by the Islamic Republic of Pakistan:

The Government of the Republic of Hungary has examined the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 thereof.

The Government of the Republic of Hungary is of the opinion that the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, and 19 are in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservations consist of a general reference to the provisions of the Constitution, the Sharia laws, and/or Pakistani internal law relating to foreigners without specifying their content and as such do not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

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

The Government of the Republic of Hungary therefore objects to the aforesaid reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18 and 19 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Hungary and the Islamic Republic of Pakistan."

"Hungary has examined the reservations and statements made by the State of Qatar upon ratification of the International Covenant on Civil and Political Rights done in New York on 16 December 1966.

The reservations to Article 3 and Article 23 paragraph 4 and the statements 1 to 5 make the application of these provisions of the Covenant subject to the Constitution of the State of Qatar, the Islamic Sharia or national legislation. Hungary considers the statements 1 to 5 made by the State of Qatar by their nature also as reservations.

Hungary is of the view that making the application of Article 3, 23 paragraph 4, as well as Article 7, Article 18 paragraph 2, Article 22, Article 23 paragraph 2 and Article 27 of the Covenant subject to the Constitution of the State of Qatar, the Islamic Sharia and the national legislation, raises doubts as to the extent of Qatar's commitment to meet its obligations under the Covenant and are incompatible with the object and purpose of the Covenant, that is to promote, protect and ensure the full and equal enjoyment of all civil and political freedom by all individuals.

Accordingly, Hungary considers the aforementioned reservations inadmissible as they are not permitted under Article 19 sub-paragraph (c) of the Vienna Convention on the Law of Treaties, thus objects to these reservations. This objection shall not preclude the entry into force of the Covenant between Hungary and the State of Qatar. The Covenant will thus become operative between the two States without the State of Qatar benefitting from its reservations."

IRELAND

"The Government of Ireland have examined the reservations made by the Government of the Republic of Botswana to Article 7 and to Article 12, paragraph 3 of the International Covenant on Civil and Political Rights.

These reservations invoke provisions of the internal law of the Republic of Botswana. The Government of Ireland are of the view that such reservations may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Furthermore, the Government of Ireland are of the view that such reservations may undermine the basis of international treaty law.

The Government of Ireland therefore object to the reservations made by the Government of the Republic of Botswana to Article 7 and Article 12, paragraph 3 of the Covenant.

This objection shall not preclude the entry into force of the Convention between Ireland and the Republic of Botswana."

"The Government of Ireland notes that the Republic of Maldives subjects application of Article 18 of the International Covenant on Civil and Political Rights to the Constitution of the Republic of Maldives.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant may cast doubts on the commitment of the reserving state to fulfil its obligations under the Covenant.

The Government of Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland therefore objects to the aforesaid reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Republic of Maldives."

"The Government of Ireland has examined the reservations and declarations made by the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political Rights, and notes in particular, the intention of the Lao People's Democratic Republic to apply the provisions in Article 22 of the Covenant in its territory only insofar as those provisions are in conformity with the Constitution and relevant laws of the Lao People's Democratic Republic.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or domestic laws of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant may cast doubts on the commitment of the reserving state to fulfil its obligations under the Covenant.

The Government of Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant. The Government of Ireland recalls that according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservation made by the Lao People's Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Lao People's Democratic Republic."

"The Government of Ireland has examined the reservations made on 23 June 2010 by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Ireland notes that the Islamic Republic of Pakistan subjects Articles 3, 6, 7, 12, 13, 18, 19 and 25 to the Constitution of Pakistan, its domestic law and/or Sharia law. The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or the domestic law of the reserving State or to religious law, may cast doubt on the commitment of the reserving state to fulfil its obligations under the Covenant. The Government of Ireland is of the view that such general reservations are incompatible with the object and purpose of the Covenant and may undermine the basis of international treaty law.

The Government of Ireland further notes the reservation by Pakistan to Article 40 of the International Covenant on Civil and Political Rights. The reporting mechanism is an integral undertaking of all States Parties to the Covenant.

The Government of Ireland therefore objects to the reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Islamic Republic of Pakistan."

"Ireland welcomes the accession of Qatar to the International Covenant on Civil and Political Rights on 21 May 2018.

Ireland has examined the reservations and statements made by Qatar to the International Covenant on Civil and Political Rights at the time of its accession.

Ireland is of the view that the reservations by Qatar, purporting to exclude its obligations under Article 3 and Article 23 (4), are contrary to the object and purpose of the Covenant.

Ireland is furthermore of the view that the statements by Qatar purporting to subject the implementation of Article 7, Article 18 (2), Article 22, Article 23 (2) and Article 27 to an interpretation that does not contravene the Islamic Sharia and/or its national law in substance constitute reservations limiting the scope of the Covenant.

Ireland considers that such reservations, which purport to subject the reserving State's obligations under an international agreement to religious law and to national law without specifying the content thereof and which do not clearly specify the extent of the derogation from the provisions of the international agreement, may cast doubt on the commitment of the reserving State to fulfil its obligations under the international agreement. Ireland is furthermore of the view that such reservations may undermine the basis of international treaty law and are incompatible with the object and purpose of the international agreement. Ireland recalls that under international treaty law a reservation incompatible with the object and purpose of the international agreement shall not be permitted.

Ireland therefore objects to the aforesaid reservations made by Qatar to Articles 3, 7, 18 (2), 22, 23 (2), 23 (4) and 27 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and Qatar."

ITALY

"The Government of Italy, ..., objects to the reservation to art. 6 paragraph 5 which the United States of America included in its instrument of ratification.

In the opinion of Italy reservations to the provisions contained in art. 6 are not permitted, as specified in art.4, para 2, of the Covenant.

Therefore this reservation is null and void since it is

incompatible with the object and the purpose of art. 6 of the Covenant.

Furthermore in the interpretation of the Government of Italy, the reservation to art. 7 of the Covenant does not affect obligations assumed by States that are parties to the Covenant on the basis of article 2 of the same Covenant.

These objections do not constitute an obstacle to the entry into force of the Covenant between Italy and the United States."

"The Government of Italy has examined the reservations made on 23 June 2010 by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Italy has noted that the reservations to Articles 3, 6, 7, 18, 19, 12, 13 and 25 makes the constitutive provisions of International Covenant subject to the national law of the Islamic Republic of Pakistan (the Constitution, its domestic law and/or Sharia laws).

In the view of the Government of Italy a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national provisions without specifying its implications makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Italy is of the view that such general reservations are incompatible with the object and purpose of the Covenant and may undermine the basis of international treaty law.

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

The Government of Italy, therefore, objects to the aforesaid reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 18, 19, 12, 13 and 25 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Italy and the Islamic Republic of Pakistan."

"The Government of the Italian Republic has carefully examined the reservation and statement by the State of Qatar with regard to the International Covenant on Civil and Political Rights of 16 December 1966.

The reservations to Article 3 and to Article 23 .4 as well as statements 1 to 4 make the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation. Statements 1 to 4 are thus of their nature also reservations.

The Government of the Italian Republic is of the opinion that by making the application of Articles 3, 7, 8, 18.2, 22, 23.2 and 23.4 of the Covenant subject to the Islamic Sharia or national law, the State of Qatar has submitted reservations which raise doubts concerning the extent to which it intends to fulfil its obligations under the Covenant.

The above-mentioned reservations are incompatible with the object and purpose of the Covenant and are accordingly not permitted under customary international law, as codified in Article 19 sub-paragraph (c) of the Vienna Convention on the Law of Treaties of 23 May 1969. The Italian Republic thus objects to these reservations.

This objection shall not preclude the entry into force of the Covenant between the Italian Republic and the State of Qatar."

LATVIA

"The Government of the Republic of Latvia has carefully examined the declaration made by Mauritania to the International Covenant on Civil and Political Rights upon accession.

The Government of the Republic of Latvia considers that the declaration contains general reference to prescriptions of the Islamic Shariah, making the provisions of International Covenant subject to the prescriptions of the Islamic Shariah.

Thus, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the International Covenant and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia noted that the reservation does not make it clear to what extent Mauritania considers itself bound by the provisions of the International Covenant and whether the way of implementation of the provisions of the International Covenant is in line with the object and purpose of the International Covenant.

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

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by Mauritania to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and Mauritania. Thus, the International Covenant will become operative without Mauritania benefiting from its reservation."

"The Government of the Republic of Latvia has noted that the reservation made by the Kingdom of Bahrain is submitted to the Secretary General on 4 December 2006, but the consent to be bound by the said Covenant by accession is expressed on 20 September 2006. In accordance with Article 19 of the Vienna Convention on the Law of Treaties reservations might be made upon signature, ratification, acceptance, approval or accession. Taking into considerations the aforementioned, the Government of the Republic of Latvia considers that the said reservation is not in force since its submission."

"The Government of the Republic of Latvia has carefully examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights upon accession.

The Government of the Republic of Latvia considers that the said reservation makes the constitutive provisions of International Covenant subject to the national law (the Constitution) of the Republic of Maldives.

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

The Government of the Republic of Latvia, therefore, objects to the aforesaid reservations made by the Republic of Maldives to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenantbetween the Republic of Latvia and the Republic of Maldives. Thus, the International Covenant will become operative without the Republic of Maldives benefiting from its reservation."

"The Government of the Republic of Latvia has carefully examined the reservations expressed by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant upon ratification.

Articles 3, 6 and 7 of the International Covenant shall be viewed as constituting the object and purpose thereof. Therefore, pursuant to Article 19 (c) of the Vienna Convention on the Law of Treaties, reservations, whereby the mentioned provisions of the International Covenant are subjected to the regime of the Constitution of the Islamic Republic of Pakistan or of Sharia law may not be viewed as being compatible with the object and purpose of the International Covenant.

Moreover, the Government of the Republic of Latvia notes that the reservations expressed by the Islamic Republic of Pakistan to Articles 3, 6 and 7 of the International Covenant are ambiguous, thereby lacking clarity, whether and to what extent the fundamental rights guaranteed by Articles 3, 6 and 7 of the International Covenant will be ensured.

Furthermore, the Government of the Republic of Latvia considers that Article 40 of the International Covenant contains essential provisions to oversee the implementation of the rights guaranteed by the International Covenant. Therefore, the reservation declaring that the State Party does not consider itself bound with the provisions of this Article cannot be in line with the object and purpose of the International Covenant.

Consequently, the Government of the Republic of Latvia objects to the reservations made by the Islamic Republic of Pakistan regarding Articles 3, 6, 7 and 40 of the International Covenant.

At the same time, this objection shall notpreclude the entry into force of the International Covenant between the Republic of Latvia and the Islamic Republic of Pakistan. Thus, the International Covenant will become operative without the Islamic Republic of Pakistan benefiting from its reservation."

"The Government of the Republic of Latvia has carefully examined the reservations and the statements made by the State of Qatar upon ratification of the 1966 International Covenant on Civil and Political Rights making the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation.

The Republic of Latvia considers that Article 3 and Article 23.4 of the Covenant forms the very basis of the Covenant and its main purpose. In addition, the Republic of Latvia is in the opinion that Articles mentioned in the statements 1 to 4 consists of the core elements of the Covenant and the statements also are in their nature reservations. Therefore, no derogations from those obligations can be made.

The reservations made by the State of Qatar excludes the legal effect of central provisions of the Covenant, thus the reservations are incompatible with the object and the purpose of the Covenant and therefore inadmissible under Article 19 (c) of the 1969 Vienna Convention on the Law of Treaties.

However, this objection shall not preclude the entry into force of the Covenant between the Republic of Latvia and the State of Qatar. Thus, the Covenant will become operative between the two States without the State of Qatar benefitting from its reservations."

NETHERLANDS

"In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the Covenant that [reservation (i) by the Government of Trinidad and Tobago] is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it."

*[See under **"Objections"** in chapter IV.3.]*

"I. Reservation by Australia regarding articles 2 and 50

The reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2, is acceptable to the Kingdom on the understanding that it will in no way impair Australia's basic obligation under international law, as laid down in article 2, paragraph 1, to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the International Covenant on Civil and Political Rights.

II. Reservation by Australia regarding article 10

The Kingdom is not able to evaluate the implications of the first part of the reservation regarding article 10 on its merits, since Australia has given no further explanation on the laws and lawful arrangements, as referred to in the text of the reservation. In expectation of further clarification by Australia, the Kingdom for the present reserves the right to raise objection to the reservation at a later stage.

III. Reservation by Australia regarding `Convicted Persons'

The Kingdom finds it difficult, for the same reasons as mentioned in itscommentary on the reservation regarding article 10, to accept the declaration by Australia that it reserves the right not to seek amendment of laws now in force in Australia relating to the rights of persons wo have been convicted of serious criminal offences. The Kingdom expresses the hope it will be possible to gain a more detailed insight in the laws now in force in Australia, in order to facilitate a definitive opinion on the extent of this reservation."

[Same objection as the one made by Belgium.]

*[See under **"Objections"** in chapter IV.3.]*

"In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the International Covenant on Civil and Political Rights that the reservations with respect to articles 14, paragraphs 5 and 7 and 22 of the Covenant made by the Government of the Republic of Korea are incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises objection to it. This objection is not an obstacle to the entry into force of this Covenant between the Kingdom of the Netherlands and the Republic of Korea."

"The Government of the Kingdom of the Netherlands objects to the reservations with respect to capital punishment for crimes committed by persons below eighteen years of age, since it follows from the text and history of the Covenant that the said reservation is incompatible with the text, the object and purpose of article 6 of the Covenant, which according to article 4 lays down the minimum standard for the protection of the right to life.

The Government of the Kingdom of the Netherlands objects to the reservation with respect to article 7 of the Covenant, since it follows from the text and the interpretation of this article that the saidreservation is incompatible with the object and purpose of the Covenant.

In the opinion of the Government of the Kingdom of the Netherlands this reservation has the same effect as a general derogation from this article, while according to article 4 of the Covenant, no derogations, not even in times of public emergency, are permitted.

It is the understanding of the Government of the Kingdom of the Netherlands that the understandings and declarations of the United States do not exclude or modify the legal effect of provisions of the Covenant in their

application to the United States, and do not in any way limit the competence of the Human Rights Committee to interpret these provisions in their application to the United States.

Subject to the proviso of article 21, paragraph 3 of the Vienna Convention of the Law of Treaties, these objections do not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the United States."

[*Same objection identical in essence, mutatis mutandis as the one made for Algeria.]*

""The Government of the Kingdom of the Netherlands considers this declaration as a reservation. The Government of the Kingdom of the Netherlands objects to the aforesaid declaration, since it follows from the text and history of the Covenant that the declaration is incompatible with the text, the object and purpose of article 6 of the Covenant, which according to article 4 lays down the minimum standard for the protection of the right to life.This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Thailand."

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Botswana upon signature of the International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12, paragraph 3, of the Covenant. The Government of the Kingdom of the Netherlands notes that the said articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana.

The Government of the Kingdom of the Netherlands is of the view that, in the absence of further clarification, these reservations raise doubts as to the commitment of Botswana as to the object and purpose of the Covenant and would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

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

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Botswana to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and Botswana."

"The Government of the Netherlands has examined the reservation made by Mauritania to the International Covenant on Civil and Political Rights.

The application of the Articles 18 and 23 of the International Covenant on Civil and Political Rights has been made subject to religious considerations. This makes it unclear to what extent Mauritania considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of Mauritania to the object and purpose of the Covenant.

It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted (Art. 19 c).

The Government of the Netherlands therefore objects to the reservation made by Mauritania to the International Covenant on Civil and Political Rights.

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

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Kingdom of the Netherlands considers that the reservations were too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Shariah. This makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

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

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

The Government of the Kingdom of the Netherlands objects to all of thereservations made by the Kingdom of Bahrain since they were made after accession, and specifically objects to the content of the reservation on articles 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Bahrain."

"The Government of the Kingdom of the Netherlands has examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights. The Government of the Kingdom of the Netherlands considers that the reservation with respect to article 18 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law in force in the Republic of Maldives. This makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

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

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

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its

reservation in light of the ongoing process of a revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Republic of Maldives."

"The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political Rights.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the Covenant and would recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of the Lao People's Democratic republic to Article 22 of the Covenant.

This object does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the Lao People's Democratic Republic."

"The Government of the Kingdom of the Netherlands has carefully examined the reservation and the statements made by the State of Qatar upon accession to the International Covenant on Civil and Political Rights, as communicated by the Secretary-General via depositary notification C.N.262.2018.TREATIES-IV.4 of 21 May 2018, and wishes to communicate the following.

The Government of the Kingdom of the Netherlands notes that Qatar does not consider itself bound by provisions of Article 3 and Article 23, paragraph 4, of the Covenant as these contravene provisions of the Constitution of Qatar or the Islamic Sharia.

Further, the Government of the Kingdom of the Netherlands considers that the statements made by the State of Qatar with respect to Article 7, Article 18, paragraph 2, Article 22, and Article 23, paragraph 2, of the Covenant in substance constitute reservations limiting the scope of these provisions of the Covenant, by applying these provisions only in conformity with the Islamic Sharia and/or national legislation of the State of Qatar.

The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Covenant by invoking provisions of the Islamic Sharia and/or national legislation, are likely to deprive the provisions of the Covenant of their effect and therefore must be regarded as incompatible with the object and purpose of the Covenant.

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

The Government of the Kingdom of the Netherlands therefore objects to the reservations of the State of Qatar to the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the State of Qatar."

NORWAY

"1. In the view of the Government of Norway, the reservation (2) concerning capital punishment for crimes committed by persons below eighteen years of age is according to the text and history of the Covenant, incompatible with the object and purpose of article 6 of the Covenant. According to article 4 (2), no derogations from article 6 may be made, not even in times of public emergency. For these reasons the Government of Norway objects to this reservation.

2. In the view of the Government of Norway, the reservation (3) concerning article 7 of the Covenant is according to the text and interpretation of this article incompatible with the object and purpose of the Covenant. According to article 4 (2), article 7 is a non-derogable provision, even in times of public emergency. For these reasons, the Government of Norway objects to this reservation.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the Covenant between Norway and the United States of America."

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities by invoking general principles of internal law may create doubts about the commitment of the reserving State to the objective and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway finds the reservations made to article 8, paragraph 1 (d) and article 9 as being problematic in view of the object and purpose of the Covenant. For these reasons, the Government of Norway objects to the said reservations made by the Government of Kuwait.

The Government of Norway does not consider this objection to preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Kuwait."

"The Government of Norway has examined the contents of the reservation made by the Government of the Republic of Botswana upon ratification of the International Covenant on Civil and Political Rights.

The reservation's reference to the national Constitution without further description of its contents, exempts the other States Parties to the Covenant from the possibility of assessing the effects of the reservation. In addition, as the reservation concerns two of the core provisions of the Covenant, it is the position of the Government of Norway that the reservation is contrary to the object and purpose of the Covenant. Norway therefore objects to the reservation made by the Government of Botswana.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the Republic of Botswana. The Covenant thus becomes operative between Norway and Botswana without Botswana benefiting from the said reservation."

"The Government of Norway has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights. The Government of Norway considers that the reservations with regard to articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant are so extensive as to be contrary to its object and purpose. The Government of Norway therefore objects to the reservations made by the Islamic Republic of Pakistan. This objection does not preclude the entry into force of the Covenant between the Kingdom of Norway and the Islamic Republic of Pakistan. The Covenant thus becomes operative between the Kingdom of Norway and the Islamic Republic of Pakistan without the Islamic Republic of Pakistan benefiting from the aforesaid reservations."

"… the Government of the Kingdom of Norway has carefully examined the reservations and statements made by the State of Qatar upon accession to the International

Covenant on Civil and Political Rights of 16 December 1966.

The reservations made by the State of Qatar to Article 3 and Article 23 (4), as well as the statements concerning Article 7, Article 18 (2), Article 22 and Article 23 (2), make the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation. Statements 1 to 4 are thus also formulated as reservations. The Government of the Kingdom of Norway is of the view that the above-mentioned provisions concern essential elements of the Covenant, and that the State of Qatar, by making the application of these provisions subject to the Islamic Sharia or national law, has submitted reservations which raise doubts as to the full commitment of the Government of the State of Qatar to the object and purpose of the Covenant. These reservations are thus not permitted under international law.

The State of Qatar has furthermore declared that it 'shall interpret Article 27 of the Covenant that professing and practicing one's own religion require that they do not violate the rules of public order and public morals, the protection of public safety and public health, or the rights of and basic freedoms of others'. If this statement is to be understood as a mere reference to Article 18 (3) of the Covenant, the statement is acceptable to the Government of the Kingdom of Norway. However, if the statement is meant to make the application of Article 27 subject to specific national rules, which are not further specified,this statement also lacks the necessary clarity and raises doubt as to the full commitment of the Government of the State of Qatar to the object and purpose of the Covenant.

The Government of the Kingdom of Norway thus objects to the reservations made by the State of Qatar with regard to Article 3, Article 7, Article 18 (2), Article 22, Article 23 (2) and Article 23 (4). The statement related to Article 27 is acceptable to the Government of the Kingdom of Norway as far as it is in conformity with Article 18 (3).

This objection shall not preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Qatar."

PAKISTAN

"The Government of Islamic Republic of Pakistan objects to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Civil and Political Rights.

The right of Self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples under foreign occupation and alien domination.

The Government of the Islamic Republic of Pakistan cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. Moreover, the said reservation is incompatible with the object and purpose of the Covenants. This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and India without India benefiting from its reservations."

POLAND

"The Government of the Republic of Poland has examined the Declaration made by Mauritania upon accession to the International Covenant on Civil and Political Rights, done in New York on 16 December 1966, hereinafter called the Covenant, in respect of Articles 18 and 23 (4).

The Government of the Republic of Poland considers that the Declaration made Mauritania - which constitutes de facto a reservation - is incompatible with the object and purpose of the Covenant which guarantees every person equal enjoyment of the rights set forth in the Covenant.

The Government of the Republic of Poland therefore considers that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, a reservation incompatible with the object and purpose of a treaty shall not be permitted (Article 19 c).

Furthermore, the Government of the Republic of Poland considers that the Declaration made by Mauritania is not precise enough to define for the other State Parties the extent to which Mauritania has accepted the obligation of the Covenant.

The Government of the Republic of Poland therefore objects to Declaration made by Mauritania.

This objection does not preclude the entry into force of the Covenant between the Republic of Poland and Mauritania."

"The Government of the Republic of Poland has examined the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and Political Rights, opened for signature at New York on 19 December 1966, with regard to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

In the view of the Government of the Republic of Poland, if put into practice, the reservations made by the Islamic Republic of Pakistan, especially when taking into account their unspecified extent and the vast area of rights they affect, will considerably limit the ability to benefit from the rights guaranteed by the Covenant.

Consequently, the Government of the Republic of Poland considers these reservations as incompatible with the object and purpose of the Covenant, which is to guarantee equal rights to everyone without any discrimination. In consequence, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, these reservations shall not be permitted.

In order to justify its will to exclude the legal consequences of certain provisions of the Covenant, the Islamic Republic of Pakistan raised in its reservations the inconsistency of these provisions with its domestic legislation. The Government of the Republic of Poland recalls that, according to Article 27 of the Vienna Convention on the Law of Treaties, the State Party to an international agreement may not invoke the provisions of its internal law as justification for its failure to perform a treaty. On the contrary, it should be deemed a rule that a State Party adjusts its internal law to the treaty which it decides to be bound by. On these grounds, the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant shall not be permitted.

The Islamic Republic of Pakistan refers in its reservations to the Sharia laws and to its domestic legislation as possibly affecting the application of the Covenant. Nonetheless it does not specify the exact content of these laws and legislation. As a result, it is impossible to clearly define the extent to which the reserving State has accepted the obligations of the Covenant. Thus, the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant shall not be permitted.

Furthermore, the Government of the Republic of Poland considers that reservations aimed at limitation or exclusion of the application of treaty norms stipulating non-derogable rights are in opposition with the purpose of this treaty. On these grounds, the reservations made with regard to Articles 6 and 7 of the Covenant are impermissible.

The Government of the Republic of Poland objects also to the reservation made by the Islamic Republic of Pakistan with regard to Article 40 of the Covenant considering it as impermissible as it undermines the basis of the United Nations mechanism of monitoring of the respect of human rights. The Government of the Republic of Poland considers the reporting obligations of States

Parties to the Covenant to be of utmost importance for the effectiveness of the UN system of the protection of human rights and as such – not of optional nature.

Therefore, the Government of the Republic of Poland objects to the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and PoliticalRights opened for signature at New York on 19 December 1966, with regard to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

This objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Islamic Republic of Pakistan."

"The Government of the Republic of Poland has reviewed the reservations made by the State of Qatar along with the ratification document to the International Covenant on Civil and Political Rights, done in New York on December 16, 1966, with regard to Article 3 and Article 23(4), as well as the statements which the State of Qatar made with regard to Article 7, Article 18(2), Article 22, Article 23(2) and Article 27 of the Covenant.

The Government of the Republic of Poland is of the view that the application of the reservations and statements made by the State of Qatar will introduce too wide restrictions in the implementation of the provisions of the Covenant as regards the essential spheres of social life (among others equality between women and men in the exercise of their civil and political rights, freedom to marry, rights of a woman of marriageable age to marry, prohibition of inhuman or degrading punishment, freedom of religion and the right to form and to join trade unions).

Accordingly, the Government of the Republic of Poland considers these reservations and statements to be inconsistent with the object and purpose of the Covenant, which aims to create conditions that guarantee any person enjoyment of civil and political rights, and as such, to be unacceptable under Article 19(c) of the Vienna Convention on the Law of Treaties.

In its reservations, the State of Qatar has referred to the incompatibility of the provisions of the Covenant with its internal law (the Constitution) and Islamic law as justification for its intention to exclude the legal effects of certain provisions of the Covenant.

The Government of the Republic of Poland notes that pursuant to Article 27 of the Vienna Convention on the Law of Treaties, a State Party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform a treaty. Conversely, the domestic law should, as a rule be brought into line with the provisions of a treaty by which given state is bound.

In addition, while referring in its statements to Islamic law, national labor law and national legislation, as well as to the rights and fundamental freedoms of others, the State of Qatar does not indicate the specific content thereof that may apply to the implementation of the Covenant, which renders it impossible to determine the exact scope of application of the provisions of the Covenant in relation to the State of Qatar.

In view of the above, the Government of the Republic of Poland objects to the reservations of the State of Qatar with regard to Article 3 and Article 23(4), as well as to the statements of this State with regard to Article 7, Article 18(2), Article 22, Article 23(2) and Article 27 of the Covenant on Civil and Political Rights, done in New York on 16 December 1966.

This objection does not hinder entrance into force of the Covenant in the relations between the Republic of Poland and the State of Qatar."

PORTUGAL

*[See under **"Objections"** in chapter IV.3.]*

"The Government of Portugal considers that the reservation made by the United States of America referring to article 6, paragraph 5 of the Covenant which prohibits capital punishment for crimes committed by persons below eighteen years of age is in compatible with article 6 which, as made clear by paragraph 2 of article 4, lays down the minimum standard for the protection of the right to life.

The Government of Portugal also considers that the reservation with regard to article 7 in which a State limits its responsibilities under the Covenant by invoking general principles of National Law may create doubts on the commitments of the Reserving State to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of International Law.

The Government of Portugal therefore objects to the reservations made by the United States of America. These objections shall not constitute an obstacle to the entry into force of the Covenant between Portugal and the United States of America."

"The Government of the Portuguese Republic has examined the reservation made by the Government of the Republic of Botswana to article 7 of the International Covenant on Civil and Political Rights (New York, 16 December 1966).

The Government of the Portuguese Republic is of the view that, according to article 4 (2) of the Covenant, the said reservation is incompatible with its object and purpose.

Furthermore, this reservation goes against the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according tothe obligations set out by the said treaty. It is the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Portuguese Republic considers that the Government of the Republic of Botswana, by limiting its responsibilities under the Covenant by invoking general principles of its Constitutional Law, may create doubts on its commitment to the Covenant and, moreover, contribute to undermine the basis of International Law.

The Government of the Portuguese Republic therefore objects to the reservation made by the Government of the Republic of Botswana to article 7 of the Covenant. This objection shall not constitute an obstacle to the entry into force of the Covenant between the Portuguese Republic and the Republic of Botswana."

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the International Covenant on Civil and Political Rights (ICCPR) by invoking certain provisions of national law in general terms may create doubts as to the commitment of the reserving State to the object and purpose of the convention and, moreover, contribute to undermining the basis of international law.

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

The Government of Portugal therefore objects to the reservation by Turkey to the ICCPR. This objection shall not constitute an obstacle to the entry into force of the Covenant between Portugal and Turkey."

"Portugal considers that the declaration concerning both Article 18 and Article 23, paragraph 4 is a reservation that seeks to limit the scope of the Covenant

on a unilateral basis and that is not authorised by the Covenant.

This reservation creates doubts as to the commitment of the reserving State to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international law.

The Government of the Portuguese Republic, therefore, objects to the above reservation made by the Mauritanian Government to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Portugal and Mauritania."

"The Government of the Portuguese Republic has carefully examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights (ICCPR).

According to the reservation, the application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives. Portugal considers that this article is a fundamental provision of the Covenant and the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant, raises concerns as to its commitment to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of the Portuguese Republic, therefore, objects to the above mentioned reservation made by the Republic of Maldives to the ICCPR. This objection shall not preclude the entry into force of the Convention between Portugal and the Maldives."

"The Government of the Portuguese Republic has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights, New York, 16 December 1966.

The Government of the Portuguese Republic considers that the reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19 and 25 are reservations that seek to subject the application of the Covenant to its Constitution, its domestic law or/and Sharia Law, limiting the scope of the [Covenant] on an unilateral basis and contributing to undermining the basis of International Law.

The Government of the Portuguese Republic considers that reservations by which a State limits its responsibilities under the International Covenant on Civil and Political Rights by invoking its Constitution, the domestic law or/and the Sharia Law raise serious doubts as to the commitment of the reserving State to the object and purpose of the Covenant, as the reservations are likely to deprive the provisions of the Covenant of their effect and are contrary to the object and purpose thereof.

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

The Government of the Portuguese Republic furthermore notes that the Islamic Republic of Pakistan does not recognize the competence of the Committee provided for in Article 40 of the Covenant.

The Government of the Portuguese Republic is of the view that the reporting mechanism is a procedural requirement of the Covenant, an integral undertaking of its States Parties and that the reservation is likely to undermine the international human rights treaty body system. Thus, the reservation to article 40 is contrary to the object and purpose of the Covenant.

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

The Government of the Portuguese Republic therefore objects to the aforesaid reservations made by the Government of the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant on Civil and Political Rights, New York, 16 December 1966.

However, these objections shall not preclude the entry into force of the Covenant between the Portuguese Republic and the Islamic Republic of Pakistan."

"The Government of the Portuguese Republic has examined the contents of the reservation to Articles 3 and 23 (4) and of the statements regarding Articles 7, 18 (2), 22 and 23 (2) of the International Covenant on Civil and Political Rights made by the State of Qatar.

The Government of the Portuguese Republic considers that the reservations to Article 3 and to Article 23 (4) of the International Covenant on Civil and Political Rights are contrary to the object and purpose of the International Covenant on Civil and Political Rights.

Furthermore, it considers that the statements regarding Articles 7, 18 (2), 22 and

23 (2) are in fact reservations that seek to limit the scope of the Covenant on a unilateral basis.

The Government of the Portuguese Republic considers that reservations by which a State limits its responsibilities under [the International Covenant on Civil and Political Rights] by invoking the domestic law or/and religious beliefs and principles [raise] doubts as to the commitment of the reserving State to the object and purpose of the Convention, as such reservations are likely to deprive the provisions of the Convention of their effect and are contrary to the object and purpose thereof.

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

Thus, the Government of the Portuguese Republic objects to these reservations.

This objection shall not preclude the entry into force of the Covenant between the Portuguese Republic and the State of Qatar."

REPUBLIC OF MOLDOVA

"The Republic of Moldova has carefully examined the reservations and statements made by the State of Qatar on May 21, 2018 upon accession to the International Covenant on Civil and Political Rights of 16 December 1966.

The reservations to Article 3 and to Article 23.4 as well statements 1 to 4 make the application of specific provisions of the Covenant subject to the Islamic Sharia or national legislation. Statements 1 to 4 are thus of their nature also reservations.

The Republic of Moldova considers that the reservations regarding Articles 3, 7, 18.2, 22, 23.2 and 23.4 of the Covenant are incompatible with the object and purpose of the Covenant since these articles form an essential element of the Covenant, and are accordingly not permitted under Article 19 sub-paragraph (c) of the

Vienna Convention on the Law of Treaties of 23 May 1969.

Therefore, the Republic of Moldova objects to the aforementioned reservations made by the State of Qatar.

This objection shall not preclude the entry into force or the Covenant between the Republic of Moldova and the State or Qatar. The Covenant enters into force in its [entirety] between the Republic of Moldova and the State of Qatar, without the State of Qatar benefiting from its reservation[s]."

ROMANIA

"Romania has examined the reservation and the declaration made upon [accession] by the State of Qatar to the International Covenant on Civil and Political Rights (New York, 1966).

Romania considers that the declaration aiming to interpret the term 'punishment' in Article 7, as well as the provisions of Articles 18.2, 22 and 23.2 of the Covenant in the light of the Islamic sharia and the national legislation respectively amounts to reservations of undefined character, inadmissible under the Vienna Convention on the Law of Treaties. The same character has the reservation made in relation to Article 23.4 of the Covenant. In accordance with Article 27 of Vienna Convention on the Law of Treaties, it is the duty of States Parties to a treaty to ensure that their internal law allows the application and observance of the treaty.

Moreover, the general nature of these reservations limits the understanding as to the extent of the obligations assumed by State of Qatar under International Covenant on Civil and Political Rights.

Therefore, Romania objects to these reservations formulated by State of Qatar to the International Covenant on Civil and Political Rights as being incompatible with the scope and purpose of the International Covenant on Civil and Political Rights, as required by the Article 19 (c) of the Vienna Convention on the Law of Treaties.

This objection shall not affect the entry into force of the International Covenant on Civil and Political Rights between Romania and State of Qatar."

SLOVAKIA[7,15,32]

"The Slovak Republic has examined the reservations made by the Islamic Republic of Pakistan upon its ratification of the International Covenant on Civil and Political Rights of 16 December 1966, according to which:

'[The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.

The Islamic Republic of Pakistan declares that the provisions of Article 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan.

With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners.

The Islamic Republic of Pakistan declares that the provisions of Article 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan. The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant'.

The Slovak Republic considers that with the reservations to Articles 3, 6, 7, 18 and 19 the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Sharia law. Moreover it considers the reservations with respect to Articles 12, 13, 25 and 40 of the Covenant as incompatible with the object and purpose of the Covenant. This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant as to its commitment to the object and purpose of the Covenant.

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

The Slovak Republic recalls that the customary international law, as codified by the Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that the reservation that is incompatible with the object and purpose of a treaty is not permitted. The Slovak Republic therefore objects to the reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Slovak Republic and the Islamic Republic of Pakistan, without the Islamic Republic of Pakistan benefiting from its reservations."

SPAIN

... After careful consideration of the reservations made by the United States of America, Spain wishes to point out that pursuant to article 4, paragraph 2, of the Covenant, a State Party may not derogate from several basic articles, among them articles 6 and 7, including in time of public emergency which threatens the life of the nation.

The Government of Spain takes the view that reservation (2) of the United States having regard to capital punishment for crimes committed by individuals under 18 years of age, in addition to reservation (3) having regard to article 7, constitute general derogations from articles 6 and 7, whereas, according to article 4, paragraph 2, of the Covenant, such derogations are not to be permitted.

Therefore, and bearing in mind that articles 6 and 7 protect two of the most fundamental rights embodied in the Covenant, the Government of Spain considers that these reservations are incompatible with the object and purpose of the Covenant and, consequently, objects to them.

This position does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of Spain and the United States of America.

The Government of the Kingdom of Spain has examined the reservation made on 16 December 2000 by the Government of the Republic of Botswana to article 7 of the International Covenant on Civil and Political Rights, which makes its adherence to that article conditional by referring to the current content of Botswana's domestic legislation.

The Government of the Kingdom of Spain considers that this reservation, by referring to domestic law, affects one of the fundamental rights enshrined in the Covenant (prohibition of torture, right to physical integrity), from which no derogation is permitted under article 4, paragraph 2, of the Covenant. The Government of Spain also considers that the presentation of a reservation referring to domestic legislation, in the absence of further clarifications, raises doubts as to the degree of commitment assumed by the Republic of Botswana in becoming a party to the Covenant.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservation made by the Government of the Republic of Botswana to article 7 of the Covenant on Civil and Political Rights of 1966.

This objection does not prevent the entry into force of the Covenant between the Kingdom of Spain and the Republic of Botswana.

"The Government of the Kingdom of Spain has reviewed the reservation made by the Republic of

Maldives on 19 September 2006, at the time of its accession to the International Covenant on Civil and Political Rights of 16 December 1966.

The Government of the Kingdom of Spain observes that the broad formulation of the reservation, which makes the application of article 18 of the International Covenant on Civil and Political Rights conditional on its conformity with the Constitution of Maldives without specifying the content thereof, renders it impossible to ascertain to what extent the Republic of Maldives has accepted the obligations arising from that provision of the Covenant and, in consequence, raises doubts about its commitment to the object and purpose of the treaty.

The Government of the Kingdomof Spain considers the reservation of the Republic of Maldives to the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of Spain recalls that, under customary international law as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty are not permitted.

Accordingly, the Government of Spain objects to the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the International Covenant on Civil and Political Rights between the Kingdom of Spain and the Republic of Maldives."

The Government of the Kingdom of Spain has examined the reservations made by Pakistan upon ratification of the International Covenant on Civil and Political Rights, concerning articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the said Covenant.

The Government of the Kingdom of Spain considers that the above-mentioned reservations are incompatible with the object and purpose of the Covenant, since they are intended to exempt Pakistan from its commitment to respect and guarantee certain rights essential for the fulfilment of the object and purpose of the Covenant, such as equality between men and women; the right to life and restrictions on the imposition of the death penalty; the prohibition of torture and other cruel, inhuman or degrading treatment; freedom of thought, conscience and religion; freedom of expression; liberty of movement and freedom in choice of residence; restrictions on the expulsion of aliens lawfully in the territory of a State Party; and the right to take part in public affairs, the right to vote and to be elected and the right to have access to public service on terms of equality, or to limit the said commitment in an undefined manner.

The Government of the Kingdom of Spain also considers that the reservation whereby Pakistan declares that it does not recognize the competence of the Human Rights Committee provided for in article 40 of the Covenant is incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Kingdom of Spain considers that the above-mentioned reservations made by Pakistan, subordinating the application of certain articles of the Covenant either to their conformity with sharia law or to their conformity with the Constitution of Pakistan, or to both, to which general reference is made without specifying their content, in no way excludes the legal effects of the obligations arising from the relevant provisions of the Covenant.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Pakistan to articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the Covenant between the Kingdom of Spain and Pakistan.

SWEDEN

"... In this context the Government recalls that under international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Thus, the Government considers that some of the understandings made by the United States in substance constitute reservations to the Covenant.

A reservation by which a State modifies or excludes the application of the most fundamental provisions of the Covenant, or limits its responsibilities under that treaty by invoking general principles of national law, may cast doubts upon the commitment of the reserving State to the object and purpose of the Covenant. The reservations made by the United States of America include both reservations to essential and non-derogable provisions, and general references to national legislation. Reservations of this nature contribute to undermining the basis of international treaty law. All States Parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties.

Sweden therefore objects to the reservations made by the United States to:

- article 2; cf. Understanding (1);
- article 4; cf. Understanding (1);
- article 6; cf. Reservation (2);
- article 7; cf. Reservation (3);
- article 15; cf. Reservation (4);
- article 24; cf. Understanding (1).

This objection does not constitute an obstacle to the entry into force of the Covenant between Sweden and the United States of America."

"The Government of Sweden notes that the interpretative declarations regarding article 2, paragraph 1, article 3 and 23 imply that central provisions of the Covenant are being made subject to a general reservation referring to the contents of national law. The Government of Sweden further notes that the reservation concerning article 25 (b) is contrary to the object and purpose of the Covenant.

The Government of Sweden is of the view that these interpretative declarations and this reservation raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

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

The Government of Sweden therefore objects to the aforesaid interpretative declarations and reservation made by the Government of Kuwait upon accession to the [said Covenant].

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Sweden."

"The Government of Sweden has examined the reservation made by Botswana upon signature of the 1966 International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12 (3) of the Covenant.

The Government of Sweden notes that the said articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana.

The Government of Sweden is of the view that, in the absence of further clarification, this reservation raises doubts as to the commitment of Botswana to the object and purpose of the Covenant and would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted,

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

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Botswana to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between Botswana and Sweden. The Covenant enters into force in its entirety between the two States, without Botswana benefiting from its reservation."

The Government of Sweden has examined the declarations and reservation made by the Republic of Turkey upon ratifying the International Covenant on Civil and Political Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the State parties with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation of the Republic of Turkey makes it unclear to what extent the Republic of Turkey considers itself bound by the obligations of the Covenant. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. This statement also amounts, in the view of the Government of Sweden, to a reservation. It should be recalled that the duty to respect and ensure the rights recognized in the Covenant is mandatory upon State parties in relation to all individuals under their jurisdiction. A limitation to the national territory is contrary to the obligations of State parties in this regard and therefore incompatible with the object and purpose of the Covenant.

The Government of Sweden notes that the interpretation and application of article 27 of the Covenant is being made subject to a general reservation referring to the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. The general reference to the Constitution of the Republic of Turkey, which, in the absence of further clarification, does not clearly specify the extent of the Republic of Turkey's derogation from the provision in question, raises serious doubts as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Government of Sweden furthermore wishes to recall that the rights of persons belonging to minorities in accordance with article 27 of the Covenant are to be respected without discrimination. As has been laid down by the Human Rights Committee in its General comment 23 on Article 27 of the Covenant, the existence of a minority does not depend upon a decision by the state but requires to be established by objective criteria. The subjugation of the application of article 27 to the rules and provisions of the Constitution of the Republic of Turkey and the Treaty of Lausanne and its Appendixes is, therefore, in the view of the Government of Sweden, incompatible with the object and purpose of the Covenant.

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

The Government of Sweden therefore objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Republic of Turkey and Sweden. The Covenant enters into force in its entirety between the two States, without the Republic of Turkey benefiting from its reservations.

"The Government of Sweden has examined the declarations made by the Government of Mauritania upon accession to the International Covenant on Civil and Political Rights, regarding Article 18 and paragraph 4 of Article 23.

The Government of Sweden would like to recall that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty.The Government of Sweden considers that this declaration made by the Government of Mauritania in substance constitutes a reservation.

The reservations make general references to the Islamic Sharia. The Government of Sweden is of the view that the reservations which do not clearly specify the extent of Mauritania's derogation from the provisions in question raises serious doubts as to the commitment of Mauritania to the object and purpose of the Covenant. In addition, article 18 of the Covenant is among the provisions from which no derogation is allowed, according to article 4 of the Covenant.

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

The Government of Sweden therefore objects to the aforesaid reservations made by the Government of Mauritania to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection does not preclude the entry into force of the Covenant between Mauritania and Sweden. The Covenant enters into force in its entirety between the two States, without Mauritania benefiting from its reservation."

"...the Government of Sweden has examined the reservation made by the Government of the Republic of Maldives on 19 September 2006 to the International Covenant on Civil and Political Rights.

The Government of Sweden notes that the Maldives gives precedence to its Constitution over the application of article 18 of the Covenant. The Government of Sweden is of the view that this reservation, which does not clearly specify the extent of the Maldives' derogation from the provision in question, raises serious doubt as to the commitment of the Maldives to the object and purpose of the Covenant.

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

The Government of Sweden therefore objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection shall not preclude the entry into force of the

Covenant between the Maldives and Sweden. The Covenant enters into force in its entirety between the Maldives and Sweden, without the Maldives benefiting from its reservation."

"The Government of Sweden is of the view that these reservations raise serious doubt as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant, as the reservations are likely to deprive the provisions of the Covenant of their effect and are contrary to the object and purpose thereof.

The Government of Sweden furthermore notes that the Islamic Republic of Pakistan does not recognize the competence of the Committee provided for in article 40 of the Covenant. The Government of Sweden is of the view that the reporting mechanism is a procedural requirement of the Covenant, an integral undertaking of its States Parties and that the reservation is likely to undermine the international human rights treaty body system. Thus, the reservation to article 40 is contrary to the object and purpose of the Covenant.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. The Government of Sweden therefore objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection shall not preclude the entry into force of the Covenant between Pakistan and Sweden. The Covenant enters into force in its entirety between Pakistan and Sweden, without Pakistan benefiting from these reservations."

SWITZERLAND

Concerning the International Covenant on Civil and Political Rights of 16 December 1966:

"The Swiss Federal Council has examined the reservations made by the Islamic Republic of Pakistan upon its accession to the International Covenant on Civil and Political Rights of 16 December 1966, with regard to articles 3, 6, 7, 18 and 19 of the Covenant.

The reservations to the articles, which refer to the provisions of domestic law and Islamic Sharia law, do not specify their scope and raise doubts about the ability of the Islamic Republic of Pakistan to honour its obligations as a party to the Covenant. Furthermore, the Swiss Federal Council emphasizes that the third sentence of article 6, paragraph 1; article 7; and article 18, paragraph 2, constitute jus cogens and therefore enjoy absolute protection.

A general reservation to article 40, a key provision of the Covenant, raises serious doubts as to the compatibility of such a reservation with the object and purpose of the Covenant.

Article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969 prohibits any reservation that is incompatible with the object and purpose of a treaty.

Consequently, the Swiss Federal Council objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights of 16 December 1966.

This objection does not preclude the entry into force of the Covenant between Switzerland and the Islamic Republic of Pakistan."

The Swiss Federal Council has examined the reservations and declarations made by the State of Qatar upon accession to the International Covenant on Civil and Political Rights of 16 December 1966.

The Swiss Federal Council considers that the declarations concerning articles 7, 18 (2), 22 and 23 (2) of the Covenant amount in fact to reservations. Reservations subjecting all or part of articles 3, 7, 18 (2), 22 and 23 (3) and (4) of the Covenant in general terms to Sharia law and/or national legislation constitute reservations of general scope which raise doubts about the full commitment of the State of Qatar to the object and purpose of the Covenant. The Swiss Federal Council recalls that, according to sub-paragraph (c) of article 19 of the Vienna Convention of 23 May 1969 on the law of treaties, reservations incompatible with the object and purpose of the Covenant are not permitted.

It is in the common interest of States that instruments to which they have chosen to become parties be respected in their object and purpose by all parties and that States be prepared to amend their legislation in order to fulfil their treaty obligations.

Henceforth, the Swiss Federal Council objects to these reservations by the State of Qatar. This objection shall not preclude the entry into force of the Covenant, in its entirety, between Switzerland and the State of Qatar.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The Government of the United Kingdom have noted the statement formulated by the Government of the Republic of Korea on accession, under the title "Reservations". They are not however able to take a position on these purported reservations in the absence of a sufficient indication of their intended effect, in accordance with the terms of the Vienna Convention on the Law of Treaties and the practice of the Parties to the Covenant. Pending receipt of such indication, the Government of the United Kingdom reserve their rights under the Covenant in their entirety."

"The Government of the United Kingdom have examined the Declaration made by the Government of Mauritania to the International Covenant on Civil and Political Rights (done at New York on 16 December 1966) on 17 November 2004 in respect of Articles 18 and 23 (4).

The Government of the United Kingdom consider that the Government of Mauritania's declaration that:

'The Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Shariah. ...

The Mauritanian Government interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic Shariah' is a reservation which seeks to limit the scope of the Covenant on a unilateral basis. The Government of the United Kingdom note that the Mauritanian reservation specifies particular provisions of the Convention Articles to which the reservation is addressed. Nevertheless this reservation does not clearly define for the other States Parties to the Convention the extent to which the reserving Sta has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservation made by the Government of Mauritania.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Mauritania."

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the reservation made by the Government of the Maldives to the International Covenant on Civil and Political Rights, which reads:

'The application of the principles set out in Article 18 [freedom of thought, conscience and religion] of the

Covenant shall be without prejudice to the Constitution of the Republic of the Maldives.'

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a constitutional provision without specifying its implications does not do so. The Government of the United Kingdom therefore object to the reservation made by the Government of the Maldives.

This objection shall not preclude the entry into force of the Covenant between the United Kingdom and the Maldives."

"The Government of the United Kingdom of Great Britain and Northern Ireland has examined the reservations made by the Government of Pakistan to the [International] Covenant [on Civil and Political Rights] on 23 June 2010, which read:

1. [The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.

2. The Islamic Republic of Pakistan declares that the provisions of Articles 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan.

3. With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners.

4. [The] Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.

5. The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant.

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. Reservations which consist of a general reference to a constitutional provision, law or system of laws without specifying their contents do not do so.

In addition, the United Kingdom considers that the reporting mechanism enshrined in Article 40 is an essential procedural requirement of the Covenant, and an integral undertaking of States Parties to the Covenant.

The Government of the United Kingdom therefore objects to the reservations made by the Government of Pakistan.

The United Kingdom will re-consider its position in light of any modifications or withdrawals of the reservations made by the Government of Pakistan to the Covenant."

"The Government of the United Kingdom of Great Britain and Northern Ireland has examined the declarations made by the Government of the State of Qatar to the International Covenant on Civil and Political Rights ("the Covenant"), done at New York on 16 December 1966, which read:

Declarations

1. The State of Qatar shall interpret the term "punishment" in Article 7 of the Covenant in accordance with the applicable legislation of Qatar and the Islamic Sharia.

2. The State of Qatar shall interpret Article 18, paragraph 2, of the Covenant based on the understanding that it does not contravene the Islamic Sharia.

The State of Qatar reserves the right to implement such paragraph in accordance with such understanding.

3. The State of Qatar shall interpret that the term "trade unions" and all related matters, as mentioned in Article 22 of the Covenant, are in line with the Labor Law and national legislation. The State of Qatar reserves the right to implement such article in accordance with such understanding.

4. The State of Qatar shall interpret Article 23, paragraph 2, of the Covenant in a manner that does not contravene the Islamic Sharia. The State of Qatar reserves the right to implement such paragraph in accordance with such understanding.

5. The State of Qatar shall interpret Article 27 of the Covenant that professing and practicing one's own religion require that they do not violate the rules of public order and public morals, the protection of public safety and public health, or the rights of and basic freedoms of others.

The Government of the United Kingdom considers that the Government of the State of Qatar's declarations in respect of Article 7; Article 18, paragraph 2; Article 22; Article 23 and Article 27 are reservations which seek to limit the scope of the Covenant on a unilateral basis. The Government of the United Kingdom notes that a reservation to a convention which consists of a general reference to national law or a system of law without specifying its contents does not clearly define for the other States Parties to a convention the extent to which the reserving State has accepted the obligations of the convention. The Government of the United Kingdom therefore objects to the aforesaid reservations.

These objections shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the State of Qatar."

UNITED STATES OF AMERICA

"The Government of the United States of America objects to Pakistan's reservations to the ICCPR. Pakistan has reserved to Articles 3, 6, 7, 12, 13, 18, 19, and 25 of the Covenant, which address the equal right of men and women to the full enjoyment of civil and political rights, the right to life, protections from torture and other cruel inhuman or degrading treatment or punishment, freedom of movement, expulsion of aliens, the freedoms of thought, conscious and religion, the freedom of expression, and the right to take part in political affairs. Pakistan has also reserved to Article 40, which provides for a process whereby States Parties submit periodic reports on their implementation of the Covenant when so requested by the Human Rights Committee (HRC). These reservations raise serious concerns because they both obscure the extent to which Pakistan intends to modify its substantive obligations under the Covenant and also foreclose the ability of other Parties to evaluate Pakistan's implementation through periodic reporting. As a result, the United States considers the totality of Pakistan's reservations to be incompatible with the object and purpose of the Covenant. This objection does not constitute an obstacle to the entry into force of the Covenant between the United States and Pakistan, and the aforementioned articles shall apply between our two states, except to the extent of Pakistan's reservations."

URUGUAY

The Government of the Eastern Republic of Uruguay considers that the oversight procedures established by international human rights agreements are an essential tool for monitoring and determining the degree to which States Parties are complying with their obligations and an

integral part of the system for the international protection of human rights. Rejecting the competence of the Committee to request, receive and consider reports from the State Party thwarts the aim of promoting universal and effective respect for human rights and fundamental freedoms, as set forth in the preamble of the Covenant.

Accordingly, the Government of the Eastern Republic of Uruguay objects to the reservation made by the Islamic Republic of Pakistan with respect to article 40 of the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the Covenant between the Eastern Republic of Uruguay and the Islamic Republic of Pakistan.

Declarations recognizing the competence of the Human Rights Committee under article 41[44]
(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)

ALGERIA

[The Government of the Democratic People's Republic of Algeria] recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ARGENTINA

The instrument contains a declaration under article 41 of the Covenant by which the Government of Argentina recognizes the competence of the Human Rights Committee established by virtue of the International Covenant on Civil and Political Rights.

AUSTRALIA

"The Government of Australia declares that it recognizes, for and on behalf of Australia, the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforesaid Convention."

AUSTRIA

[The Government of the Republic of Austria] declares under article 41 of the Covenant on Civil and Political Rights that Austria recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant on Civil and Political Rights.

BELARUS

The Republic of Belarus declares that it recognizes the competence of the Committee on Human Rights in accordance with article 41 of the International Covenant on Civil and Political Rights to receive and consider communications to the effect that a State Party to the International Covenant on Civil and Political Rights claims that another State Party is not fulfilling its obligations under the Covenant.

BELGIUM

The Kingdom of Belgium declares that it recognizes the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights.

The Kingdom of Belgium declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Belgium, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

BOSNIA AND HERZEGOVINA

"The Republic of Bosnia and Herzegovina in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

BULGARIA

"The Republic of Bulgaria declares that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party which has made a declaration recognizing in regard to itself the competence of the Committee claims that another State Party is not fulfilling its obligations under the Covenant."

CANADA

"The Government of Canada declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Canada, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

CHILE

As from the date of this instrument, the Government of Chile recognizes the competence of the Human Rights Committee established under the International Covenant on Civil and Political Rights, in accordance with article 41 thereof, with regard to all actions which may have been initiated since 11 March 1990.

CONGO

Pursuant to article 41 of the International Covenant on Civil and Political Rights, the Congolese Government recognizes, with effect from today's date, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State party is not fulfilling its obligations under the above-mentioned Covenant.

CROATIA

The Government of the Republic of Croatia declares under article 41 of the Covenant on Civil and Political

Rights that the Republic of Croatia recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant on Civil and Political Rights.

CZECH REPUBLIC[7]

DENMARK

"[The Government of Denmark] recognizes, in accordance with article 41 of the International Covenant on Civil and Political Rights, opened for signature in New York on December 19, 1966, the competence of the Committee referred to in article 41 to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

ECUADOR

The Government of Ecuador recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforementioned Covenant, as provided for in paragraph 1 (a), (b), (c), (d), (e), (f), (g) and (h) of that article.

This recognition of competence is effective for an indefinite period and is subject to the provisions of article 41, paragraph 2, of the International Covenant on Civil and Political Rights.

FINLAND

"Finland declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Covenant."

GAMBIA

"The Government of the Gambia hereby declares that the Gambia recognises the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant."

GERMANY[10,45]

GERMANY[10,45]

The Federal Republic of Germany now recognizes for an unlimited period the competence of the Human Rights Committee under Article 41(1) of the Covenant to receive and consider communications to the effect that at State Party claims that another State Party is not fulfilling its obligations under the Covenant.

GHANA

“The Government of the Republic of Ghana recognizes the competence of the Human Rights Committee to consider complaints brought by or against the Republic in respect of another State Party which has made a Declaration recognising the competence of the Committee at least twelve months before Ghana becomes officially registered as Party to the Covenant.

[The Government of the Republic of Ghana] interprets Article 41 as giving the Human Rights Committee the competence to receive and consider complaints in respect of violations by the Republic of any rights set forth in the said Covenant which result from decisions, acts, commissions, developments or events occurring AFTER the date on which Ghana becomes officially regarded as party to the said Covenant and shall not apply to decisions, acts, omissions, developments or events occurring before that date.”

GUINEA-BISSAU

Recognize the competence of the Human Rights Committee to receive and examine communications in which a Party claims that another Party is not fulfilling its obligations under the present Covenant, signed by Guinea-Bissau on 12 September, 2000, and for which the instrument of ratification was deposited by Guinea-Bissau on 1 November 2010.

GUYANA

"The Government of the Co-operative Republic of Guyana hereby declares that it recognises the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforementioned Covenant."

HUNGARY

The Hungarian People's Republic [...] recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ICELAND

"The Government of Iceland [...] recognizes in accordance with article 41 of the International Covenant on Civil and Political Rights the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

IRELAND

"The Government of Ireland hereby declare that in accordance with article 41 they recognise the competence of the Human Rights Committee established under article 28 of the Covenant."

ITALY

The Italian Republic recognizes the competence of the Human Rights Committee, elected in accordance with article 28 of the Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

LIECHTENSTEIN

“The Principality of Liechtenstein declares under article 41 of the Covenant to recognize the competence of the Human Rights Committee, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant."

LUXEMBOURG

"The Government of Luxembourg recognizes, in accordance with article 41, the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the

effect that a State party claims that another State party is not fulfilling its obligations under the Covenant."

MALTA

"The Government of Malta declares that under article 41 of this Covenant it recognises the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to Malta, made a declaration under article 41 recognising the competence of the Committee to receive and consider communications relating to itself."

NETHERLANDS

"The Kingdom of the Netherlands declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

NEW ZEALAND

"The Government of New Zealand declares under article 41 of the International Covenant on Civil and Political Rights that it recognises the competence of the Human Rights Committee to receive and consider communications from another State Party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the declaration by such a state party was made less than twelve months prior to the submission by it of a complaint relating to New Zealand."

NORWAY

"Norway recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

PERU

Peru recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant on Civil and Political Rights, in accordance with article 41 of the said Covenant.

PHILIPPINES

"The Philippine Government, in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee set up in the aforesaid Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

POLAND

"The Republic of Poland recognizes, in accordance with article 41, paragraph 1, of the International Covenant on Civil and Political Rights, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

REPUBLIC OF KOREA

[The Government of the Republic of Korea] recognizes the competence of the Human Rights Committee under article 41 of the Covenant.

RUSSIAN FEDERATION

The Union of Soviet Socialist Republics declares that, pursuant to article 41 of the International Covenant on Civil and Political Rights, it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, in respect of situations and events occurring after the adoption of the present declaration, provided that the State Party in question has, not less than 12 months prior to the submission by it of such a communication, recognized in regard to itself the competence of the Committee, established in article 41, in so far as obligations have been assumed under the Covenant by the USSR and by the State concerned.

SAN MARINO

"The Republic of San Marino declares, in accordance with article 41 of the Covenant, that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant."

SENEGAL

The Government of Senegal declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Senegal, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

SLOVAKIA[7]

SLOVENIA

"[The] Republic of Slovenia, in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

SOUTH AFRICA

"The Republic of South Africa declares that it recognises, for the purposes of article 41 of the Covenant, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under present the Covenant."

SPAIN[46]

The Government of Spain declares that, under the provisions of article 41 of the [Covenant], it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

SRI LANKA

"The Government of the Democratic Socialist Republic of Sri Lanka declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant, from another State Party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself."

SWEDEN

"Sweden recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

SWITZERLAND

Switzerland declares, pursuant to article 41, that it shall recognize, for a period of five years, the competence of the Human Rights Committee to receive and to consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the present Covenant.

The Swiss Government declares, pursuant to article 41 (1) of the [said Covenant], that it shall recognize for a further period of five years, as from 18 September 1997, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant.

"… the Swiss Federal Council declares, pursuant to article 41 (1) of the International Covenant on Civil and Political Rights of 16 December 1966, that it recognizes for a further period of five years, beginning on 16 April 2010, the competence of the Human Rights Committee to receive and consider communications from States parties concerning non-compliance by other States parties with the obligations arising under the Covenant."

... Switzerland, pursuant to article 41 (1) of the International Covenant on Civil and Political Rights of 16 December 1966, recognizes the competence of the Human Rights Committee, for a period of five years from the present notification, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

TUNISIA

The Government of the Republic of Tunisia declares that it recognizes the competence of the Human Rights Committee established under article 28 of the [said Covenant] ..., to receive and consider communications to the effect that a State Party claims that the Republic of Tunisia is not fulfilling its obligations under the Covenant.

The State Party submitting such communications to the Committee must have made a declaration recognizing in regard to itself the competence of the Committee under article 41 of the [said Covenant].

UKRAINE

In accordance with article 41 of the International Covenant on Civil and Political Rights, Ukraine recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that any State Party claims that another State Party is not fulfilling its obligations under the Covenant.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The Government of the United Kingdom declare under article 41 of this Covenant that it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to the United Kingdom made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

UNITED STATES OF AMERICA

"The United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under article 41 in which a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ZIMBABWE

"The Government of the Republic of Zimbabwe recognizes with effect from today's date, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another state party is not fulfilling its obligations under the Covenant [provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Zimbabwe, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself]." *(*The text between brackets was received at the Secretariat on 27 January 1993.)"*

Notifications under Article 4 (3) of the Covenant (Derogations)

(Taking into account the important number of these declarations, and in order not to increase excessively the number of pages of the present publication, the text of the notifications has in some cases, exceptionally, been abridged. Unless otherwise indicated, when the notification concerns an extension, the said extension affects those articles of the Covenant originally derogated from, and was decided for the same reasons. The date on the right hand, above the notification, is the date of receipt.)

ALGERIA

In view of public disturbances and the threat of deterioration of the situation [...] a state of siege has been proclaimed, beginning at midnight in the night of 4/5 June 1991, for a period of four months throughout Algerian territory.

The Government of Algeria subsequently specified that these disturbances had been fomented with a view of preventing the general elections to be held on 27 June 1991 and to challenge the ongoing democratic process;

and that in view of the insurrectional situation which threatened the stability of the institutions, the security of the people and their property, and the normal operation of the public services, it had been necessary to derogate from the provisions of articles 9 (3), 12 (1), 17, 19 (2) and 21 of the Covenant.

The said state of siege was terminated throughout Algeria on 29 September 1991.

(Dated 13 February 1992)

In view of the serious threats to public order and the safety of individuals over the past few weeks, the growth of such threats during the month of February 1992 and the dangers of aggravation of the situation, the President of the High State Council, [...], has issued Presidential decree No. 92-44 of 9 February 1992, decreeing a state of emergency, throughout the national territory, with effect from 9 February 1992 at 2000 hours for a duration of twelve months, in accordance with articles 67, 74 and 76 of the Algerian Constitution. *[The Government of Algeria has specified that the articles of the Covenant which are derogated from are articles 9(3), 12, 17 and 21].*

The establishment of the state of emergency, which is aimed essentially at restoring public order, protecting the safety of individuals and public services, does not interfere with the democratic process inasmuch as the exercise of fundamental rights and freedoms continues to be guarantied.

The state of emergency may, however, be lifted ahead of schedule, once the situation which prompted its establishment has been resolved and normal conditions of life in the nation have been restored.

... by Presidential Ordinance No. 11-01 of 23 February 2011, the Government of the People's Democratic Republic of Algeria has lifted the state of emergency.

[The] [s]aid Ordinance [...] repealed Legislative Decree No. 93-02 of 6 February 1993 extending the duration of the state of emergency established by Presidential Decree No. 92-44 of 9 February 1992...

ARGENTINA

(Dated 7 June 1989)

Proclamation of the state of siege throughout the national territory for a period of 30 days in response to events [attacks and looting of retail shops, vandalism, use of firearms] whose seriousness jeopardizes the effective enjoyment of human rights and fundamental freedoms by the entire community. (Derogation from articles 9 and 21.)

(Dated 11 July 1989)

Termination of the state of siege as from 27 June 1989 throughout the national territory.

(Dated 21 December 2001)

By decree No. 1678/2001 of 19 December 2001, proclamation of a State of siege for 30 days in the territory of Argentina.

By decree No. 1689/2001 of 21 December 2001, suspension of the State of seige declared by Decree No. 1678/2001.

(Dated 23 December 2001)

By Decrees Nos. 16, 18 and 20/2001 of 21 December 2001, declaration of a 10-day siege in the provinces of Buenos Aires, Entre Rios and San Juan.

(Dated 4 January 2002)

Cessation, as from 31 December 2001, of martial law that had been imposed in the provinces of Buenos Aires, Entre Rios and San Juan.

(Dated 18 January 2002)

Communication concerning the state of siege declared by Decree No. 1678/2001 and the lifting of the state of siege by Decreee No. 1689/2001; and the state of siege declared by Decrees Nos. 16/2002, 18/2001 and 20/2001 and the cessation of the state of siege. [For the text of the communication, see depositary notification C.N.179.2002.TREATIES-3 of 27 February 2002.]

ARMENIA

..., in connection with the Decree of the President of the Republic of Armenia on Declaration of the State of Emergency in conformity with Article 55 paragraph 14 and Article 117 paragraph 6 of the Constitution of the Republic of Armenia,, dated 1 March 2008, and pursuant to Article 4 paragraph 3 of the Covenant, availed itself of the right of derogation from or limitation of application of the following provisions of the Covenant: Article 12 paragraph 1; Article 17 paragraph 1; Article 19 paragraphs 1-2; Article 21; Article 22 paragraph 1.

The above decree extends the state of emergency to the city of Yerevan for a period of 20 days in order to prevent the threat of danger to the constitutional order in the Republic of Armenia and protect the rights and legal interests of the population, following the mass disorders, resulting in human losses, personal injury and considerable material damage, which took place in Yerevan on 1 March 2008.

Amendments in NH-35-N Decree of 1 March 2008

Guided by point 14 of Article 55 and point 6 of Article 117 of the Constitution of the Republic of Armenia, I decree:

• 1. To declare null and void points 6 and 7 of paragraph 4 of the NH-35-N Decree of the President of the Republic of Armenia on Declaration of State of Emergency of 1 March 2008.

• 2. The decree comes into force from the moment of its announcement.

PRESIDENT OF THE REPUBLIC OF ARMENIA
R. KOCHARIAN

AZERBAIJAN

Proclamation of the state of emergency for a period of 60 days as from 6 a.m. on 3 April 1993 until 6 a.m. on 3 June 1993 in the territory of the Azerbaijani Republic. The Government of the Azerbaijani Republic declared that the measures were taken as a result of the escalating aggression by the armed forces of Armenia threatening the very existence of the Azerbaijani State.

(Derogation from articles 9, 12, 19, 21 and 22.)

Extension of the State of emergency for a period of 60 days as from 2 August 1993.

Lifting of the state of emergency proclaimed on 2 April 1993 as from 22 September 1993.

(Dated 5 October 1994)

Proclamation of a 60 day state of emergency in Baku by Decree of the President of 4 October 1994 with effect from 20 hours on 4 October 1994 owing to the fact that in September 1994, terrorist groups wounded two prominent Azerbaijani politicians followed by a series of terrorist acts in densely populated districts of the city which caused loss of life. These acts, designed to destabilize the social and political situation in the country were preliminary to the subsequent direct attempt to overthrow by force of arms the constitutional order of the Azerbaijani Republic and the country's democratically elected leader.

The Government of Azerbaijan specifed that the rights set forth in articles 9, 12, 19, 21 and 22 of the Covenant were derogated from.

(Dated 21 October 1994)

Declaration of a state of emergency in the city of Gyanja for a period of 60 days as from 11 October 1994 by Decree of the President of the Azerbaijani Republic dated 10 October 1994 following an attempted *coup d'état* in Gyanja since on 4 October 1994, control of the organs of State was seized by criminal groups and acts of violence were perpetrated against the civilian population. This action was the latest in a series of terrorist acts designed to destabilizethe situation in Baku. A number of the criminals involved in the insurrection are continuing their activities directed against the state system of Azerbaijan and are endeavouring to disrupt public order in the city of Gyanja.

It was specified that the rights set forth in articles 9, 12, 19, 21 and 22 of the Covenant were derogated from.

(Dated 13 December 1994)

Extension of the state of emergency in Baku, as from 2000 hours on 4 December 1994 in view of the incomplete elimination of the causes that served as the basis for its imposition.

(Dated 17 December 1994)

Extension of the state of emergency in the town of Gyandzha for a period of 60 days as from 2400 hours on 11 December 1994 in view of the incomplete elimination of the causes that served as the basis for its imposition.

(Dated 23 February 1995)

First notification:

By Decree by the President of the Republic dated 2 February 1995, extension of the state of emergency in Baku, for a period of 60 days, as from 2300 hours on 2 February 1995.

Second notification:

By Decree by the President of the Republic dated 2 February 1995 on the extension of the state of emergency in the town of Gyandzha, for a period of 60 days, as from 2400 hours on 9 February 1995.

The extension of the state of emergency in Baku and Gyandzha has been declared, as indicated by the Government of Azerbaijan, bearing in mind the need to maintain social order, to protect the rights and freedoms of citizens and to restore legality and law and order and in view of the incomplete elimination of the causes that served as the basis for the imposition in October 1994 of the state of emergency in the cities of Baku and Gyandzha.

It is recalled that the provisions from which it has been derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

(Dated 8 April 1995)

Extension of the state of emergency in Baku fora period of 60 days, by Decree of the President of the Republic dated 2 April 1995 as from 2000 hours on 3 April 1995. The extension of the state of emergency in Baku has been declared, as indicated by the Government of Azerbaijan, due to an attempted *coup d'état* which took place on 13-17 March 1995 in the city of Baku and to the fact that notwithstanding the suppression of the rebellion, criminal elements in the city of Baku are continuing activities inconsistent with the will of the people and endeavouring to disrupt public order. The Government of Azerbaijan also confirmed that the extension was decided in order to protect the constitutional order of the country, to maintain public order in the city of Baku, to protect the rights and freedoms of citizens and to restore legality and law and order.

(Dated 17 April 1995)

Termination, as from 11 April 1995, on the basis of a decision of the Milli Mejlis (Parliament) of the Azerbaijani Republic dated 11 April 1995, of the State of emergency in the city of Gyanja declared on 11 October 1994.

BAHRAIN

"... His Majesty King Hamad bin Issa Al Khalifa, King of the Kingdom of Bahrain, issued a Royal Decree 39 for the year 2011 on 08 May 2011, lifting the State of National Safety, effective 01 June 2011."

By Royal Decree No. 18 of 2011, the Kingdom of Bahrain declared a State of National Safety on 15 March 2011, for a period of three months in order to address and overcome the threat to the security , economy and society of Bahrain and its people. Bahrain invoked its right under article 4 of the Convenant to take measures derogating from Articles 9, 12, 13, 17, 21 and 22 of the Covenant.

...by Royal Decree No. 39 of 2011, the State of National Safety, declared by Royal Decree No. 18 of 2011, was lifted with effect from 1 June 2011, and that accordingly the derogations from the Covenant terminated from the same date.

BOLIVIA (PLURINATIONAL STATE OF)

... by Supreme Decree No. 29705 of 12 September 2008, the Government of the Plurinational State of Bolivia declared a state of emergency throughout the territorial jurisdiction of the Department of Pando in response to crimes against humanity which caused the deaths of citizens, the violent seizure of public and private institutions, the destruction of State property, road damage and roadblocks, and public disorder that generated public unrest and insecurity and caused massive disturbance in the Department of Pando in accordance with the provisions of article 111 of its Political Constitution.

... by Supreme Decree No. 29809 of 22 November 2008, the Government of the Purinational State of Bolivia lifted the state of emergency in the Department of Pando declared by Supreme Decree No. 29705 of 12 September 2008.

BURKINA FASO

The Secretary-General received from the Government of Burkina Faso a notification dated 17 April 2019, made under article 4 (3) of the above Covenant, regarding the declaration, by Decree No. 2018-1200/PRES of 31 December 2018, of a state of emergency in 14 provinces in the country, with effect from 1 January 2019, and its extension for a period of six months, from 13 January to 12 July 2019, pursuant to Act No. 001-2019/AN of 11 January 2019.

(See C.N.148.2019.TREATIES-IV-4 of 29 April 2019 for the text of the notification.)

CHILE

[Chile] has been under a state of siege for reasons of internal defence since 11 March 1976; the state of siege was legally proclaimed by Legislative Decree No. 1.369.

The proclamation was made in accordance with the constitutional provisions concerning state of siege, which have been in force since 1925, in view of the inescapable duty of the government authorities to preserve public order and the fact that there continue to exist in Chile extremist seditious groups whose aim is to overthrow the established Government.

As a consequence of the proclamation of the state of siege, the rights referred to in articles 9, 12, 13, 19 and 25 (b) of the Covenant on Civil and Political Rights have been restricted in Chile.

(Dated 16 September 1986)

By Decree No. 1.037, the Government of Chile declared a state of siege throughout the national territory from 8 September to 6 December 1986, for as long as circumstances warrant. The notification specifies that Chile has been subjected to a wave of terrorist aggression of alarming proportions, that an alarming number of attacks have taken the lives of a significant number of citizens and armed forces personnel, massive stockpiles of weapons were discovered in terrorists hands, and that for the first time in the history of the Republic, a terrorist attack was launched on H.E. the President of the Republic.

The notification specifies that the rights set forth in articles 9, 12, 13 and 19 of the Covenant would be derogated from.

(Dated 28 October 1986)

Termination of State of siege by Decree No. 1074 of 26 September 1986 in the Eleventh Region and by Decree No. 1155 of 16 October 1986 in the 12th Region (with the exception of the Commune of Punta Arenas), in the Province of Chiloé in the Tenth Region, and in the Province of Parinacota in the First Region.

(Dated 20 November 1986)

Termination of the state siege in the Provinces of

Cardenal Caro in the 6th Region, Arauco in the 8th Region and Palena in the 10th Region.

(Dated 20 January 1987)

Termination of the state of siege throughout Chile as at 6 January 1987.

Termination of the state of emergency and of the state of danger of disturbance of the domestic peace in Chile as from 27 August 1988, [...] thereby bringing to an end all states of ex ception in the country, which is now in a situation of full legal normality.

Owing to the earthquake that took place in Chile on 27 February 2010, the Government of Chile decreed a 30-day constitutional state of disaster emergency in the regions of Maule and Bío Bío, by Supreme Decrees Nos. 152 and 153 of 28 February 2010, respectively. In addition, by Supreme Decree No. 173, a constitutional state of disaster emergency was declared by the Government of Chile in the Libertador Bernardo O'Higgins region. Under these measures, the President of the Republic may restrict fundamental freedoms. The freedoms that may be restricted are freedom and movement and of assembly. Goods may be requisitioned and property rights limited in accordance with article 43 of the Constitution.

COLOMBIA

The Government, by Decree 2131 of 1976, declared that public order had been disturbed and that all of the national territory was in a state of siege, the requirements of the Constitution having been fulfilled, and that in the face of serious events that disturbed the public peace, it had become necessary to adopt extraordinary measures within the framework of the legal régime provided for in the National Constitution for such situations (art. 121 of the National Constitution). The events disturbing the public peace that led the President of the Republic to take that decision are a matter of public knowledge. Under the state of siege (art. 121 of the National Constitution) the Government is empowered to suspend, for the duration of the state of siege, those provisions that are incompatible with the maintenance and restoration of public order.

On many occasions the President of the Republic has informed the country of his desire to terminate the state of siege when the necessary circumstances prevail.

It should be observed that, during the state of siege in Colombia, the institutional order has remained unchanged, with the Congress and all public bodies functioning normally. Public freedoms were fully respected during the most recent elections, both the election of the President of the Republic and the election of members of elective bodies.

By Decree No. 1674 of 9 June 1982, the state of siege was terminated on 20 June of 1982.

(Dated 30 March 1984)

The Government of Colombia had declared a breach of the peace and a state of siege in the territory of the Departments of Caquetá, Huila, Meta and Cauca in response to the activities in those Departments of armed groups which wereseeking to undermine the constitutional system by means of repeated publidisturbances.

Further to Decree No. 615, Decree Nos. 666, 667, 668, 669 and 670 had been enacted on 21 March 1984 to restrict certainreedoms and to take other measures aimed at restoring public order. (For the provisions which were derogated from, see *in fine* notification of 8 June 1984 hereinafter.)

(Dated 7 May 1984)

The Government of Colombia indicated that it had, through Decree No. 1038 of 1 May 1984, declared a state of siege in the territory of the Republic of Colombia owing to the assassination in April of the Minister of Justice and to recent disturbances of the public order that occurred in the cities of Bogotá, Cali, Barranquilla, Medellín, Acevedo (Department of Huila), Corinto (Department of Cauca), Sucre and Jordon Bajo (Department of Santander), Giraldo (Department of Antioquia) and Miraflores (Comisaría of Guaviare).

Pursuant to the above-mentioned Decree No. 1038,the Government had issued Decrees Nos. 1039 and 1040 of 1 May 1984 and Decree No. 1042 of 2 May 1984, restricting certain freedoms and enacting other measures to restore public order. The Government of Colombia, in a subsequent communication dated 23 November 1984, indicated that the decrees affected the rights referred to in articles 12 and 21 of the Covenant.)

(Dated 11 December 1984)

Termination of derogation from article 21.

(Dated 9 August 1991)

Termination as of 7 July 1991 of the state of siege and of the measures adopted on 1 and 2 May 1984, which were still in force through the national territory.

(Dated 16 July 1992)

By Legislative Decree No. 1155 of 10 July 1992, which was to remain in force until 16 July 1992, the Government of Colombia declared a state of emergency throughout the national territory.... The state of emergency was proclaimed in order to preserve public order by preventing the cartels responsible for the most serious assaults on public order from evading justice. The prospect of a torrent of releases on parole of persons, many of which "awaiting trial for a wide vari of terrorist activities, ... in addition to the acts perpetrated by the drug-trafficking cartels which might have taken place under the provisions of a newly promulgated Code of Penal Procedure", in disregard of the applicability of special legislation, was causing "serious disturbances of public order".

The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

(Dated 10 November 1992)

By legislative Decree No. 1793 of 8 November 1992 which was to remain in force until 6 February 1993, the Government of Colombia declared a state of emergency throughout the national territory for a period of 90 days.... The state of emergency was due to the fact that "in recent weeks, the public order situation in the country ... has grown significantly worse because of terrorist activities by gorilla organizations and organized crime ... Those criminal groups have also managed to obstruct and evade judicial action because the criminal justice is unable to use military forces as a judicial police organ to gather the necessary evidence".

The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

(Dated 5 March 1993)

In accordance with Legislative Decree No. 261, extension for a period of 90 days from 5 February 1993 until 7 May 1993 of the state of emergencyin effect throughout the national territory. The extension was made necessary due to a continuation of the public order disturbances described above. The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

(Dated 6 May 1994))

By legislative Decree No. 874 of 1 May 1994 which is to remain in force until 10 May 1994, declaration of the state of emergency throughout the national territory for the following reasons:

Since November 1993, there has been a significant increase in the number of investigations carried out by the Procurator-General's Office. It has become necessary to take steps to ensure that the efforts made by the Procurator-General's Office to conclude on-going investigations are not hampered through improper situations such as obstructing an agreement, requesting the postponement of formal proceedings, etc.

The large number of cases in which prior circumstances have prevented characterisation within the stipulated time-limit constitutes an unforeseen situation which is generating social insecurity, public anxiety, a lack of trust in the administration of justice and strengthening of the criminal and guerilla warfare

organizations committed to disrupting law and order and destabilizing the institutions of government.

In view of the foregoing, measures must be adopted to ensure that the difficulties that have arisen do not affect institutional stability, national security and civil harmony, a judicial emergency must be declared and consequently, transition measures must be adopted in the area of administration and penal procedure.

(Dated 27 May 1994)

Termination of the state of civil unrest and extension of the applicability of the provisions relating to the judicial emergency. Pursuant to the Decree No. 874 of 1 May 1994 and in exercise of the powers conferred on the Government under article 213 of the Political Constitution, the Government enacted Legislative Decree No. 875 of 1 May 1994, "by means of which a judicial emergency has been declared and measures have been adopted with regard to penal procedure". Because of the declaration of judicial emergency, it was decided to suspend for two months, in respect of cases involving offences under the jurisdiction of regional and National Court judges, the time-limits established for obtaining release on bail.

By means of Decree No. 951 of 10 May 1994, measures were adopted to strengthen the functioning of the justice system.

The Government of Colombia has specified that the provision from which it has derogated is article 9 (3) of the Covenant.

(Dated 3 November 1995)

By Decree No. 1900 of 2 November 1995, declaration of a State of internal disturbance throughout the national territory for a period of ninety (90) days. The state of internal disturbance by the National Government is justified by the fact that acts of violence attributed to criminal and terrorist organizations have occurred in difference regions of the country and are seriously and manifestly disturbing public order.

(Dated 21 March 1996)

By Legislative Decree No. 1901 of 2 November, the Government limits or restricts fundamental rights or freedoms laid down in the [said] Covenant.

By Decree No. 205 of 29 January 1996, the state of internal disturbance was extended for 90 calendar days, starting on 31 January 1996.

The Government of Colombia has specified that the provision from which it has derogated are articles 17 and 9 respectively of the Covenant.

(Dated 21 March 1996)

Pursuant to paragraph 3 of Decree No. 0717 of 18 April 1996, the guarantee set forth in article 12 of the Covenant was to be restricted.

The measure was adopted in connection with Decree No. 1900 of 2 November 1995 whereby the state of internal disturbance was declared throughout the national territory *(see notification of 7 November 1995 above).*

(Dated 18 June 1996)

By Decree No. 777 of 29 April 1996, the state of internal disturbance (proclaimed by Decree No. 1900 of 2 November 1995) was extended for a further period of 90 calendar days, starting on 30 April 1996.

By Decree No. 900 of 22 May 1996, measures were adopted to control the activities of criminal and terrorist organizations in special public-order zones. The provisions of the Pact which were derogated from are articles 9 (1) and 12.

(Dated 30 July 1996)

By Decree No. 1303 of 25 July 1996, lifting of the state of internal disturbance (proclaimed by Decree No. 1900 of 2 November 1995) and extension of some of the measures instituted by means of Decree No. 1901 of 2 November 1995, Decree No. 208 of 29 January 1996 and Decree No. 777 of 29 April 1996.

(Dated 12 August 2002)

Transmission of Decree No. 1837 dated 11 August 2002, which declared a state of internal disturbance throughout the national territory, and Decree No. 1838 dated 11 August 2002, which introduced a special tax to meet the necessary expenditure under the country's General Budget to maintain democratic security.

(Dated 8 November 2002)

Transmisison of Decree No. 2555 dated 8 November 2002, which extended the state of internal disturbance declared by Decree 1837 of 11 August 2002 for ninety (90) calendar days, as from 9 November 2002.

(Dated 12 February 2003)

Transmission Decree 245 of 5 February 2003, concerning the second extension of the declaration of internal disturbance decreed on 5 February 2003 throughout the national territory.

..., by Legislative Decree No. 3929 of 9 October 2008, a nationwide state of internal disturbance has been declared for 90 days.

Pursuant to the provision of article 16 of Law No. 137 of 1994 and in keeping with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, I [...] inform you of the issuance of Decree No. 2799 of 2010, "which partially amends Decrees Nos. 2693 and 2694 of 2010".

By means of this measure, a special category of goods excluded from sales tax is temporarily created, with the aim of benefiting those people affected by the situation that led to teh declaration of a social emergency...

ECUADOR

The Government declared the extension of the state of emergency as from 20 to 25 October 1982 by Executive Decree No. 1252 of 20 October 1982 and derogation from article 12 (1) owing to serious disorders brought about by the suppression of subsidies, and termination of the state of emergency by Executive Decree No. 1274 of 27 October 1982

Derogation from articles 9 (1) and (2); 12 (1) and (3); 17; 19 (2) and 21 in the provinces of Napo and Esmeraldas by Executive Decree No. 2511 of 16 March 1984 owing to destruction and sabotage in these areas.

Termination of the state of emergency by Executive Decree No. 2537 of 27 March 1984.

(Dated 14 March 1986)

Declaration of the State of emergency in the provinces of Pichincha and Manabi due to the acts of subversion and armed uprising by a high-ranking officer no longer on active service, backed by extremist groups; thereby derogations from articles 12, 21 and 22, it being understood that no Ecuadorian may be exiled or deported outside the capitals of the provinces or to a region other than the one in which he lives.

(Dated 18 March 1986)

End of State of emergency as from 17 March 1986.

(Dated 28 October 1987)

Declaration of a state of national emergency throughout the national territory, effective as of 28 October 1987. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure was made necessary as a result of an illegal call for a national strike which would lead to acts of vandalism, offences against persons and property and would disrupt the peace of the State and the proper exercise of the civic rights of Ecuadorians.

Termination of the state of emergency throughout the national territory as from 0 hour on 29 October 1987.

(Dated 1 June 1988)

Declaration of a state of national emergency throughout the national territory, effective as of 9 p.m. on 31 May 1988. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure is the necessary legal response to the 24 hour strike called for by the United Workers Front, which would result in acts of vandalism, violation of the security of persons and attacks on public and private property.

(Dated 2 June 1988)

Termination of the state of emergency throughout the national territory as from 1 June 1988.

(Dated 12 January 1999) Declaration of a state of emergency in Guayas province, indicating the the measures were prompted by the serious internal disturbance resulting from the massive crime wave in Guayas Province. Subsequently, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

(Dated 15 March 1999)

Decree No. 681 by the President of the Republic dated 9 March 1999 by which a state of national emergency was declared and the entire territory of the Republic established as a security zone, as from 9 March 1999.

(Dated 22 March 1999)

Decree No. 717 by the President of the Republic dated 18 March 1999 by which the state of national emergency declared by Decree No. 681 dated 9 March 1999, was lifted as from 18 March 1999.

(Dated 27 August 1999)

Decree No. 1041 of 5 July 1999 by thePresident of the Republic, establishing a state of emergency in Ecuador in respect of public and private transport system throughout the country during the month of July 1999;

Decree No. 1070 of 13 July 1999 by the President of the Republic (following the revocation of Decree No. 1041 by the National Congress on 13 July 1999), declaring a state of national emergency and establishing the entire territory of the Republic as a secity zone; and

Decree No. 1088 of 17 July 1999 by the President of the Republic, lifting the state of national emergency and rescinding Decree No. 1070. Subsequently, the Government of Ecuador specified that the provisions from which it had derogated were articles 17 (1), 12 (1), 21 and 22 of the Covenant.

(Dated 9 December 1999)

Establishment of the State of Emergency in the Guayas Province by Decree No. 1557 of 30 November 1999 by the President of the Republic indicating that the measure was taken in response to the serious internal disturbance which produced a massive crime wave that continues to affect that province. The Decree states that “since the state of emergency declared in the Guayas Province in January 1999 *(see notification of 14 January 1999)* , was ended there has been an increase in criminal activity which as made it clear that extraordinary measures must once again be taken..., it is necessary to attenuate the serious repercussions of the ciminal activity in Guayas Province in order to prevent any change in the normal pattern of civil life...”.

Subsequently, on 28 January 2000, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

(Dated 6 January 2000)

On 5 January 2000, by Executive Decree, the President declared a state of national emergency establishing the entire territory of the Republic as a security zone. This measure was motivated by the serious internal unrest caused by the economic crisis which Ecuador is experiencing.

The Government of Ecuador specifed that the provisions from which it has derogated are articles 12 (1), 17 (1), 21 and 22 (1).

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1214 by the President of thec dated 2 February 2001, by which a state of national emergency was declared and the entire territory of the Republic was established as a security zone, as from 2 February 2001. The said Decree stipulates that this measure was adopted to overcome the adverse consequences of the economic crisis affecting Ecuador which has created a situation of serious internal unrest.

The Government of Ecuador specified that the provisions from which it has derogated are articles 12, 17 and 21 of the Covenant.

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1228 by the President of the Republic dated 9 February 2001, by which the state of national emergency, declared by Decree No. 1214 of 2 February 2001, was lifted as from 9 March 2001.

Sir,

In accordance with article 4 of the International Covenant on Civil and Political Rights, of which Ecuador is a State Party, and on behalf of the national Government, I am writing to notify you of the declarations of a stateof national emergency this year declared by Dr. Gustavo Noboa Bejarano, President of the Republic, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force, and when they were lifted. The details of these declarations follow:

Executive Decree No. 2404 of 26 February 2002 (Official Register No. 525): A state of emergency is declared in Sucumbios and Orellana provinces. The reason for this measure is the serious situation arising out of problems of the Colombian conflict on the frontiers;

Executive Decree No. 2421 of 4 March 2002: The state of emergency in Sucumbios and Orellana provinces is declared over, and accordingly Executive Decree 2404 of 22 February 2002 is abrogated;

Executive Decree No. 2492 of 22 March 2002: State of emergency in Esmeraldas, Guayas Los Ríos, Manabí and El Oroovinces. The reason for this measure is the severe storm on the Ecuadorian coast. The state of emergency was lifted on 22 May pursuant to the legal provision embodied in article 182, paragraph 2, of the Ecuadorian Constitution to the effect that "a decree of a state of emergency shall remain in force for up to a maximum of 60 days";

Executive Decree No. 2625 of 7 May 2002 (Official Register No. 575 of 14 May 2002): State of national emergency in respect of land transport. (This state of emergency has not been lifted but, will last until 7 July, unless the President declares that it is lifted in advance.)

Accept, Sir, the renewed assurances of my highest consideration.

On 18 August 2005, the Secretary-General received from the Government of Ecuador a notification made under article 4 (3) of the above Covenant,notifying of the declaration of a state of emergency in Sucumbios and Orellana Provinces, decreed by the President of the Republic on 17 August 2005, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force.

The Government of Ecuador specified that this measure was motivated by the serious internal unrest caused by crime waves in the aforementioned provinces. The declaration of emergency was made by means of Executive Decree No. 426 of 17 August 2005. Moreover, the articles of the Covenant which were derogated from were not indicated.

On 22 August 2005, the Secretary-General received from the Government of Ecuador notifications made under article 4 (3) of the above Covenant, notifying of the declaration of a state of emergency in the Canton of Chone, Manabi Province, decreed by the Constitutional President of the Republic on 19 August 2005, in accordance with articles 180 and 181 of the Political Constitution of Ecuador.

The Government of Ecuador specified that this measure was taken in response to serious internal unrest, which has led to a crime wave and to widespread looting in the aforementioned canton. The declaration of

emergency was made by means of Executive Decree No. 430 of 19 August 2005. Moreover, the Government of Ecuador specified that during the state of emergency the rights established in article 23, paragraphs 9, 12, 13, 14 and 19, and article 23 of the Political Constitution of the Republic were suspended.

Declaration of a state of emergency in a number of Ecuadorian provinces, issued on 21 March through Executive Decree No. 1269 which was suspended on 7 April 2006 through Executive Decree No. 1329.

The Secretary-General received from the Government of Ecuador a notification dated 3 June 2016, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the provinces of Esmeraldas, Manabí, Santa Elena, Santo Domingo de los Tsáchilas, Los Ríos and Guayas for a period of 60 days from 17 April 2016 by Executive Decree no. 1001.

(See C.N.455.2016.TREATIES-IV.4 of 11 January 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 11 July 2016 (and subsequently a notification dated 5 December 2016), made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the provinces of Esmeraldas, Manabí, Santa Elena, Santo Domingo de los Tsáchilas, Los Ríos and Guayas for a period of 30 days from 16 June 2016 by Executive Decree no. 1101.

(See C.N.981.2016.TREATIES-IV.4 of 11 January 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 25 July 2016 (and subsequently a notification dated 26 August 2016), made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency in the provinces of Esmeraldas and Manabí for a period of 60 days from 15 July 2016 by Executive Decree no. 1116.

(See C.N.982.2016.TREATIES-IV.4 of 16 January 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 5 December 2016, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the provinces of Esmeraldas and Manabí for a period of 60 days from 14 October 2016 by Executive Decree no. 1215.

(See C.N.983.2016.TREATIES-IV.4 of 16 January 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 17 January 2017 and subsequently a notification dated 3 February 2017, made under article 4 (3) of the above Covenant, regarding the renewal of the state of emergency in the province of Morona Santiago for a period of thirty days, beginning 12 January 2017, by Executive Decree no. 1294.

(See C.N.63.2017.TREATIES-IV.4 of 2 March 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 21 December 2016 and subsequently a notification dated 3 February 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the province of Morona Santiago for a period of thirty days, beginning 14 December 2016, by Executive Decree no. 1276.

(See C.N.988.2016.TREATIES-IV.4 of 2 March 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 20 January 2017 and subsequently a notification dated 15 March 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the provinces of Manabí and Esmeraldas for a period of sixty days, beginning 12 January 2017, by Executive Decree no. 1295.

(See C.N.163.2017.TREATIES-IV.4 of 31 March 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 19 August 2015 and subsequently a notification dated 1 June 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency throughout the national territory for as long as necessary to respond to the eruption of Mount Cotopaxi, but not longer than sixty days, beginning 15 August 2015, by Executive Decree no. 755.

(See C.N.315.2017.TREATIES-IV.4 of 15 June 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 15 March 2017 and subsequently a notification dated 1 June 2017, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the provinces of Manabí and Esmeraldas for a period of thirty days, beginning 13 March 2017, by Executive Decree no. 1338.

(See C.N.310.2017.TREATIES-IV.4 of 13 June 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 2 May 2017 and subsequently a notification dated 1 June 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the provinces of Manabí and Esmeraldas for a period of sixty days, beginning 13 April 2017, by Executive Decree no. 1364.

(See C.N.313.2017.TREATIES-IV.4 of 13 June 2017 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 29 December 2017 and subsequently a notification dated 3 January 2018, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in Zaruma Canton, El Oro Province for a period of sixty days, beginning 15 September 2017, by Executive Decree no. 158.

(See C.N.1.2018.TREATIES-IV.4 of 3 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 7 February 2018, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency in the cantons of San Lorenzo and Eloy Alfaro in the province of Esmeraldas by Executive Decree No. 296 of 27 January 2018 for a period of 60 days.

(See C.N.74.2018.TREATIES-IV-4 of 13 February 2018 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 3 April 2018, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency in the cantons of San Lorenzo and Eloy Alfaro in the province of Esmeraldas by Executive Decree No. 349 of 29 March 2018 for a period of 30 days.

(See C.N.200.2018.TREATIES-IV-4 of 6 April 2018 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 30 April 2018, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency in the canton of San Lorenzo, particularly in the localities of Mataje, El Pan and La Cadena, and in the canton of Eloy Alfaro in the province of Esmeraldas by Executive Decree No. 381 of 27 April 2018 for a period of 60 days.

(See C.N.224.2018.TREATIES-IV-4 of 30 April 2018 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 16 July 2019, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency in the parish of Merced de Buenos Aires, canton of Urcuquí, province of Imbabura by

Executive Decree No. 812 of 1 July 2019 for a period of 60 days.

(See C.N.315.2019.TREATIES-IV-4 of 19 July 2019 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 18 July 2019, made under article 4 (3) of the Covenant, regarding the extension of a state of emergency throughout the national social rehabilitation system by Executive Decree No. 823 of 15 July 2019 for a period of 30 days.

(See C.N.404.2019.TREATIES-IV-4 of 30 August 2019 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 26 July 2019, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency throughout the national social rehabilitation system by Executive Decree No. 741 of 16 May 2019 for a period of 60 days.

(See C.N.403.2019.TREATIES-IV-4 of 30 August 2019 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 8 October 2019, made under article 4 (3) of the Covenant, regarding the declaration of a state of emergency throughout throughout the national territory "because of the circumstances of serious domestic unrest, since the blockades in various parts of the country have disturbed public order and are impeding normal vehicular traffic, leading to outbreaks of violence that jeopardize the security and safety of individuals; as well as the warning that those actions may spread throughout the national territory, since the various groups are continuing to call for citizens' protests of indefinite duration. This situation requires urgent intervention in order to safeguard the security and rights of all individuals."

The state of emergency will remain in effect for 60 days following the signature of the Executive Decree No. 884, of 3 October 2019. The Executive Decree No. 884 has suspended the following rights set out in the International Covenant on Civil and Political Rights: article 12, paragraphs 1 and 3 (liberty of movement), article 21 (right of assembly); and article 22, paragraphs 1 and 2 (freedom of association).

Subsequently, on 8 October 2019, the Permanent Mission of Ecuador notified the United Nations Secretariat, in its note verbale No. 4-2-182/2019, that [i]n this regard and to complement the above-mentioned note, [it] has the honour to transmit the opinion on the constitutionality of Executive Decree No. 884, issued by the Constitutional Court of Ecuador, which recognizes that it is consistent with the Constitution and the domestic laws and rules of Ecuador. The opinion also establishes that the "declaration of the state of emergency shall only remain in effect for thirty days".

(See C.N.517.2019.TREATIES-IV-4 of 16 October 2019 for the text of the notification.)

The Secretary-General received from the Government of Ecuador a notification dated 10 October 2019, made under article 4 (3) of the Covenant, transmitting the Executive Decree No. 888, dated 8 October 2019, by which the President of the Republic, inter alia, decrees the transfer of the seat of Government to the city of Guayaquil for the duration of the state of emergency ordered by the Constitutional Court. Furthermore, it is stipulated that restrictions shall apply to "freedom of movement and mobility in the following terms: there shall be no movement from the hours of 8 p.m. to 5 a.m., from Monday to Sunday, in areas around buildings and strategic facilities such as the headquarters of the branches of Government and others defined by the Joint Command of the Armed Forces, for the duration of the state of emergency, based on the requirements established by the Ministry of the Interior and the National Police, in order to maintain internal public order; passes and similar documents may be issued, where appropriate."

(See C.N.523.2019.TREATIES-IV-4 of 16 October 2019 for the text of the notification.)

EL SALVADOR

(Dated 3 November 1983)

The Government has declared an extension for a period of 30 days of the suspension of constitutional guarantees by Legislative Decree No. 329 dated 28 October 1983. The constitutional guarantees have been suspended in accordance with article 175 of the Political Constitution because of disruption of public order. In a complimentary notification dated 23 January 1984 and received on 24 January 1984, the Government of El Salvador specified the following:

1) The provisions of the Covenant from which it is derogated are articles 12 and 19 by Decree No. 329 of 28 August 1983, and article 17 (in respect of interference with correspondence);

2) The constitutional guarantees were first suspended by Decree No. 155 dated 6 March 1980, with further extensions of the suspension for a total of 24 months. Decree No. 155 was modified by Decree No. 999 dated 24 February 1982, which expired on 24 March 1982. By Decree No. 1089 dated 20 April 1982, the Revolutionary Government Junta again suspended the constitutional guarantees. By Legislative Decree No. 7 dated 20 May 1982, the Constituent Assembly extended the suspension for an additional period of 30 days. The said Legislative Decree No. 7 was itself extended several times until the adoption of the above-mentioned Decree No. 329 dated 28 October 1983, which took effect on that date.

3) The reasons for the adoption of the initial suspension decree (No. 155 of 6 March 1980) were the same as for the adoption of the subsequent decrees.

(Dated 14 June 1984)

By Legislative Decree No. 28 of 27 January 1984, previous measures were amended to the effect that political parties would be permitted to conduct electoral campaigns, and were thus authorized to engage in partisan campaigning and electoral propaganda activities. The said Decree was extended for successive 30-day periods until the promulgation of Decree No. 97 of 17 May 1984, which rescinded theafore-mentioned change which had allowed political parties to conduct electoral campaigns.

The provisions of the Covenant from which it is derogated are articles 12, 19, 17 (in respect of interference with correspondence) and 21 and 22. As regards article 22, the suspension refers to the right of association in general, but does not affect the right to join professional associations (the right to form and join trade unions).

(Dated 31 July 1985)

[...] the Government of El Salvador has for successive periods extended martial law by the following legislative decrees:

Decrees No. 127 of 21 June 1984, No. 146 of 19 July 1984, No. 175 of 24 August 1984, No. 210 of 18 September 1984, No. 234 of 21 October 1984, No. 261 of 20 November 1984, No. 277 of 14 December 1984, No. 322 of 18 January 1985, No. 335 of 21 February 1985, No. 351 of 14 March 1985, No. 386 of 18 April 1985, No. 10 of 21 May 1985, No. 38 of 13 June 1985, and the most recent, Decree No. 96 of 11 July 1985 which extended the martial law for an additional period of 30 days beyond that date.

The provisions of the Covenant that are thus suspended are those of articles 12, 17 (in respect of interference with correspondence) and 19 (2).

The notification specifies that the reasons for the suspension of constitutional guarantees continue to be those originally indicated, namely: the need to maintain a climate of peace and tranquility, which had been

disturbed through the commission of acts designed to create a state of instability and social unrest which affected the economy and the public peace by persons seeking to obstruct the process of structural change, thus seriously disrupting public order.

(Dated 13 November 1989)

Suspension for a period of 30 days as from 12 November 1990 of various constitutional guarantees. (Derogation from articles 12, 17, 19, 21 and 22 of the Covenant.)

The notification indicates that this measure became necessary owing the use of terror and violence by the Frente Farabundo Marti to obtain the political authority, in complete disregard of previous elections.

FRANCE

On 15 November 2005, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 15 November 2005, made under article 4 (3) of the above Covenant, declaring a state of emergency had been established pursuant to the Decree dated 8 November 2005.

On 12 January 2006, the Secretary-General received from the Government of France a notification declaring the termination of the state of emergency established pursuant to the Decree dated 8 November 2005, with effect from 4 January 2006.

On 25 November 2015, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 23 November 2015, made under article 4 (3) of the above Covenant, declaring a state of emergency had been established pursuant to Decree No. 2015-1475 of 14 November 2015:

New York, 23 November 2015

Your Excellency,

On 13 November 2015, large-scale terrorist attacks took place in the Paris region.

Taking into account to information from the intelligence services and the international context, the terrorist threat in France is of a lasting nature.

The French Government has decided, by Decree No. 2015-1475 of 14 November 2015, to apply Act No. 55-385 of 3 April 1955 on the state of emergency.

Decrees No. 2015-1475, No. 2015-1476 and No. 2015-1478 of 14 November 2015 and No. 2015-1493 and No. 2015-1494 of 18 November 2015 have defined a number of measures that may be taken by the administrative authorities.

The extension of the state of emergency for three months, with effect from 26 November 2015, was authorized by Act No. 2015-1501 of 20 November 2015. This Act also amends certain of the measures provided for by the Act of 3 April 1955 in order to adapt its content to the current context.

The texts of the decrees and acts mentioned above are attached to this letter.

Such measures appeared necessary to prevent the commission of further terrorist attacks.

Some of these measures, prescribed by the decrees of 14 November 2015 and 18 November 2015 and by the Act of 20 November 2015, may involve a derogation from the obligations under the International Covenant on Civil and Political Rights, and particularly its articles 9, 12 and 17. I would therefore kindly request you to consider that this letter constitutes a notification for the purposes of article 4 of the Covenant.

Accept, Your Excellency, the assurances of my highest consideration.

(Signed) François Delattre

(See C.N.703.2015.TREATIES-IV.4 of 31 December 2015 for the text of the above-mentioned notification.)

On 26 February 2016, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 25 February 2016, made under article 4 (3) of the above Covenant, declaring the extension of the state of emergency pursuant to Decree No. 2016-162 of 19 February 2016.

(See C.N.538.2016.TREATIES-IV.4 of 29 July 2016 for the text of the above-mentioned notification.)

On 22 July 2016, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 22 July 2016, made under article 4 (3) of the above Covenant, declaring the extension of the state of emergency pursuant to Decree No. 2016-987 of 21 July 2016.

(See C.N.565.2016.TREATIES-IV.4 of 1 August 2016 for the text of the notification.)

On 21 December 2016, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 21 December 2016, made under article 4 (3) of the above Covenant, declaring the extension of the state of emergency pursuant to Decree No. 2016-1767 of 19 December 2016.

(See C.N.984.2016.TREATIES-IV.4 of 9 January 2017 for the text of the notification.)

On 14 July 2017, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 12 July 2017, made under article 4 (3) of the above Covenant, declaring the extension of the state of emergency pursuant to Act No. 2017-1154 of of 11 July 2017.

(See C.N.408.2017.TREATIES-IV.4 of 21 July 2017 for the text of the notification.)

On 20 July 2018, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 20 July 2018, made under article 4 (3) of the above Covenant, concerning the end of the state of emergency established through Act No. 2015-1475 of 14 November 2015.

(See C.N.337.2018.TREATIES-IV.4 of 20 July 2018 for the text of the notification.)

GEORGIA

Excellency,

In conformity with Article 4 of the Covenant on Civil and Political Rights and Article 15 of the Law on the State of Emergency of Georgia, I have to inform you that the President of Georgia on February 26, 2006 has issued the Decree No. 173 on "State of Emergency in the Khelvachauri district" which has been approved by the Parliament of Georgia on February 28, 2006. The Decree is aimed at preventing further spread throughout Georgia of the H5N1 virus (bird flu) that has been recently detected in the district in question. The restrictions imposed upon by the Decree are fully in line with provisions of Article 21, paragraphs 2 and 3 (on the restrictions related to property rights) and Article 22, paragraph 3 (on the restrictions related to the freedom of movement) and Article 46 (on the restrictions related to constitutional rights and freedoms) of the Constitution of Georgia and respective provisions of the Law on the State of Georgia.

You will be informed in due course when the above Decree is abolished.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Gela Bezhuashvili

(Dated 23 March 2006)

"In conformity with Article 4 of the Covenant on Civil and Political Rights and Article 15 of the Law of the State of Emergency of Georgia, I have to inform you that the President of Georgia on March 15, 2006 has issued the Decree No. 199 on "Abolishment of the State of Emergency in the Khelvachauri district", which has been approved by the Parliament of Georgia on March 16, 2006.

According to the above Decree, the Presidential Decree No. 173 of February 26, 2006 "On State of Emergency in the Khelvachauri district" has been declared null and void."

In conformity with Article 4 of the Covenant on Civil and Political Rights I would like to inform you that the President of Georgia on November 7, 2007 has issued the Order #621 on "the Decration of the State of Emergency on the entire territory of Georgia"and Decree N.1 "On the measures to be undertaken in connection with the declaration of the state of emergency on the entire territory of Georgia"which will be approved by the Parliament of Georgia within next 48 hours. Introduction of the state of emergency became necessary because of the extreme deterioration of the situation in Tbilisi as a result of the attempted coup d'état and massive disobedience and violent resistance to the law enforcement authorities. Due to the state of emergency, pursuant to Article 73, paragraph 1, subparagraph 'h', and Article 46 paragraph 1 of the Constitution of Georgia and Article 2, paragraph 1 of the Law of Georgia on the State of Emergency, right to receive and disseminate information (Article 24 of the Constitution of Georgia), freedom to assembly and manifestation (Article 25) and right to strike (Article 33) are restricted for the duration of the state of emergency. You will be informed in due course when the above Order and Decree are abolished.

GUATEMALA

(Dated 20 November 1998)

By Decree No. 1-98 of 31 October 1998, declaration of the state of public disaster throughout the national territory for a period of thirty (30) days, in order to resolve the hazardous situation caused by Hurricane Mitch and to mitigate its effects.

(Dated 26 July 2001)

By Government Decree No. 2-2001, extension of the state of emergency established by Government Decree No. 1-2001, for an additional 30 days throughout the national territory.

The Government Decree No. 1-2001 was not supplied to the Secretary-General. Moreover, the articles of the Covenant which were derogated from were not indicated.

(Dated 2 August 2001)

By Government Decree No. 3-2001, establishment of a state of emergency for a period of 30 days in the Department of Totonicapán with immidiate effect. The articles of the Covenant which were derogated from were not indicated.

(Dated 6 August 2001)

State of emergency declared by Decree No. 3-2001 has been rescinded by Government Decree No. 4-2001 with immediate effect.

On 14 October 2005, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying of a derogation from obligations under the Covenant.

The decision was adopted by the Congress of Guatemala on 6 October 2005 in Legislative Decree No. 70-2005, and it entered into force on 10 October 2005. The Decree recognizes a state of national disaster in the affected areas for a period of 30 days.

The Government of Guatemala specified that it has derogated from the provisions relating to the right of liberty of movement and the right of freedom of action, except for the right of persons not to be harassed for their opinions or for acts which do not violate the law. Moreover, the articles of the Covenant which were derogated from were not indicated.

On 5 September 2006, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying a declaration of a state of emergency in the municipalities of Concepción Tutuapa, Ixchiguán, San Miguel Ixtahuacán, Tajumulco and Tejuela, in the Department of San Marcos of the Republic of Guatemala.

The State of emergency was declared by Governmental Decree No. 1-2006 of 28 August 2006.

On 18 September 2006, the Secretary-General received from the Government of Guatemala a communication informing him of Government Decree No. 2-2006 of 31 August 2006, which repeals article 4, paragraph (d), of Government Decree No. 1-2006, which was sent earlier.

... by Government Decrees Nos. 5-2006 and 6-2006, the President of the Republic declared a state of emergency in some municipalities in the Departments of San Marcos, Huehuetenango and Quetzaltenango. The state of emergency remained in effect for eight days from the date indicated in the decrees, i.e., 17 November 2006.

(Dated 7 May 2008)

... by Government Decree No. 1-2008 of 7 May 2008, a state of emergency has been declared throughout the territory of the Republic of Guatemala.

Government Decree No. 1-2008, which entered into force immediately, will remain in effect for 15 days and will be applicable throughout the national territory. Accordingly, the exercise of the rights and freedoms guaranteed under articles 9, 19, 21, 22 (para. 1) and 22 (para. 2) of the International Covenant on Civil and Political Rights has been restricted.

On 12 May 2008, the Secretary-General received from the Government of Guatemala a letter dated 8 May 2008 from the Minister for Foreign Affairs of Guatemala providing information on the state of emergency declared in the Republic of Guatemala by Government Decree No. 1-2008.

In compliance with article 4, paragraph 3 of the International Covenant on Civil and Political Rights, the Government of Guatemala wishes to inform the Secretary-General that the state of emergency established by Government Decree No. 1-2008 expired on 22 May 2008. Accordingly, the rights and guarantees suspended by this Decree have been restored.

... by Government Decree No. 3-2008 the President of the Republic has decreed a state of emergency in the municipality of San Juan Sacatepéquez in the Department of Guatemala. The state of emergency will remain in effect for a period of 15 days from 22 June 2008.

On 14 October 2008, the Government of Guatemala notified the Secretary-General that by Decree No. 07-2008 various measures were adopted to suspend certain rights in the Municipality of Coatepeque in the Department of Quetzaltenango. The Decree remained in force for 15 days as of 5 October 2008.

(Dated 24 April 2009)

... by Governmental Decree No. 5-2009, a state of emergency was declared in the municipality of Huehuetenango, Department of Huehuetenango, for a period of 15 days.

On 25 April 2009, the President of the Republic of Guatemala repealed, by Government Decree 6-2009, the state of emergency in the Municipality of Huehuetenango, Department of Huehuetenango, that had been declared by Government Decree 5-2009.

(Dated 6 May 2009)

... by Government Decree No. 7-2009, a public health emergency has been declared throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Government Decree No. 7-2009, which was declared for a period of thirty (30) days, limits the rights and freedoms contained in articles 12, 19 and 21 of the International Covenant on Civil and Political Rights.

On 12 May 2009, by Government Decree No. 8-2009, the President of the Republic repealed Government Decree No.7-2009 dated 6 May 2009.

... by Government Decree No. 14-2009 of 22 December 2009, the President of the Republic declared a state of emergency in the Department of San Marcos. The

Decree entered into force immediately for a period of fifteen (15) days during which the exercise of the rights and freedoms guaranteed under articles 9, 12, 19 and 21 of the International Covenant on Civil and Political Rights has been restricted.

... by Government Decrees Nos. 01-2010 of 5 January 2010 and 02-2010 of 20 January 2010, the President of the Republic extended the state of emergency in the Department of San Marcos declared by Government Decree 14-2009 of 22 December 2009, each for a period of fifteen (15) days.

... by Government Decree No. 08-2010 of 18 March 2010, the President of the Republic extended the state of emergency in the Department of San Marcos for a period of fifteen (15) days.

... by Government Decree No. 4-2010 of 5 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

... by Government Decree No. 6-2010 of 19 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

... by Government Decrees No. 9-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days respectively.

... by Government Decrees No. 09-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 08-2009 of 18 March 2010) in the Department of San Marcos for a period of fifteen (15) days respectively.

... by Government Decree No. 13-2010 of 17 May 2010, the President of the Republic declared a state of emergency in the Department of San Marcos for a period of fifteen (15) days. The Decree restricted the exercise of the rights and freedoms referred to in articles 9, 12, 19 and 21 of the Covenant. The state of emergency concluded 15 days after it was declared.

... by Government Decree No. 14-2010, owing to the eruption of the Pacaya volcano, the President of the Republic declared a disaster emergency in the territory of the Departmenets of Escuintla, Sacatepéquez and Guatemala for a period of 30 days, partially restricting the rights and freedoms referred to in articles 12 and 21 of the Covenant.

... by Government Decree No. 15-2010 of 29 May 2010, owing to the natural disaster caused by tropical storm Agatha and the continuous rain affecting the country, the President of the Republic declared a national disaster emergency for a period of 30 days. On 25 June 2010, by Government Decree No. 16-2010, the disaster emergency was extended for a further 30 days in the Departments of Escuintla, Sacatepéquez and Guatemala owing to the continuance of the circumstances that led to the issuance of Government Decrees Nos. 14-2010 and 15-2010.

In each case, measures were adopted that partially restrict the content of articles 12 and 21 of the International Covenant.

... by Government Decree 17-2010 of 22 July 2010, the President of the Republic extended for a further 30 days the disaster emergency proclamed by Government Decree 14-2010.

... by Government Decree No. 6-2010 of 19 February 2010 extended the state of emergency in the Department of San Marcos, Guatemala.

The Government Decree entered into force immediately and has been issued for a period of fifteen (15) days in the Department of San Marcos, Guatemala. The exercise of the rights and freedoms established in articles 12, 19, paragraph 2 and 21 of the International Covenant on Civil and Political Rights has been partially restricted.

In a note received on 28 June 2010, the Government of Guatemala informed the Secretary-General that the State of public emergency declared by Government Decree 11-2010 of 16 April 2010 in the Department of San Marcos ended 15 days after its declaration.

... by Government Decree No. 23-2010 of 19 December 2010, the President of the Republic of Guatemala declared a state of siege in the Department of Alta Verapaz for a period of 30 days from the entry into force of the Decree in response to the need to regain control of the region where drugs traffickers have a strong presence, and where a series of violent events have taken place. Measures were adopted restricting the full application of articles 9, 12 and 21 of the Covenant.

... by Government Decree 01-2011, the state of siege is being extended because the conditions that led to the issuance of Government Decree No. 23-2010 [...] still persist.

... by Government Decree No. 4-2011 in the Council of Ministers, the President of the Republic of guatemala declared a state of emergency in the Department of Petén for a period of thirty (30) days, beginning on the date of the entry into force of the aforesaid Decree. Accordingly, the exercise of the rights and freedoms established in articles 9, 12 and 21 of the International Covenant on Civil and Political Rights have been restricted, as necessary.

... by Government decree No. 5-2011, the state of emergency declared by by Government Decree 4-2011 is extended for an additional period of 30 days in the Department of Petén. Measures restricting the application of articles 9, 12 and 21 of the Covenant remain in effect.

... by Government Decree No. 6-2011, the President of Guatemala extended for an additional 30 days the state of emergency in the Department of Petén declared by Government Decree No. 4-2011 and extended by Government Decree No. 5-2011. Measures restricting the application of articles 9, 12 and 21 of the Covenant remain in effect.

... by Government Decree No. 7-2011, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of emergency in the Department of Petén for 30 days as of 14 August 2011. The exercise of the rights and freedoms set out in articles 9, 12 and 21 of the Covenant have been restricted.

In a note received on 6 September 2011, the Government of Guatemala informed the Secretary-General that the state of public emergency declared by Government Decree 6-2011, dated 14 July 2011, ended on 17 August 2011.

... by Government Decree 9-2011, the Vice-President of the Republic of Guatemala, acting in the Council of Ministers and on the authority of the President of the Republic, declared a state of public emergency in the Department of Santa Rosa for a period of thirty (30) days as from the date of the entry into force of that Decree. In that connection, measures restricting the application of articles 9, 12 and 21 of the International Covenant on Civil and Political Rights were taken.

... on 14 August 2011, the President of the Republic of Guatemala, in the Council of Ministers, through Government Decree No. 7-2011, declared a state of emergency in the Department of Petén, Guatemala, for a period of thirty (30) days.

Because of the continuation of the conditions that led to declare the above-mentioned state of emergency, by Government Decree No. 8-2011, dated 13 September, 2011, the President of the Republic of Guatemala again extended the state of emergency for an additional 30 days in the Department of Petén, Guatemala.

On 15 October 2011, the President of the Republic of Guatemala declared in the Council of Ministers, by Government decree No. 10-2011, a state of emergency throughout the national territory, to run for thirty days

starting from the date of entry into force of that decree. Measures have been adopted to derogate as necessary from the provisions of articles 9, 12 and 21 of the aforementioned International Covenant.

[...] on 1 May 2012 the President of the Republic of Guatemala, in the Council of Ministers, declared a state of emergency in the town of Santa Cruz Barillas, Department of Huehuetenango, by Government Decree No. 1-2012.

Government Decree No. 1-2012 entered into force immediately for a period of thirty (30) days in the town of Santa Cruz Barillas, Department of Huehuetenango, Guatemala. It restricted the exercise of the rights referred to in articles 9, 12 and 21 of the International Covenant on Civil and Political Rights, with regard to lawful detention, freedom of movement and the right of assembly and demonstration, as well as the right to bear arms.

However, as the circumstances that led to that decree no longer exist, on 18 May 2012 the state of emergency in the town of Santa Cruz Barillas, Department of Huehuetenango, was lifted by Government Decree No. 2-2012.

On 7 November 2012, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos and Huehuetenango through Government Decree No. 3-2012. Subsequently, the President of the Republic, in the Council of Ministers, expanded the state of disaster declared through Government Decree No. 3-2012 to include the department of Suchitepéquez.

The relevant measures have been decreed for a period of fifteen (15) days and restrict the implementation of article 12 of the above-mentioned Covenant with regard to liberty of movement.

On 7 November 2012, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez through Government Decrees Nos. 3-2012 and 4-2012.

Because the conditions that gave rise to the aforementioned declaration of a state of disaster still persist, the President of the Republic of Guatemala has further extended, through Government Decree No. 5-2012 of 7 December 2012, the state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez, for a period of thirty additional days.

... on 7 November 2012, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez through Government Decrees Nos. 3-2012 and 4-2012.

Subsequently, on 7 December 2012, the President of the Republic of Guatemala extended the state of disaster for an additional thirty days in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez, through Government Decree 5-2012.

Because the conditions that gave rise to the aforementioned declaration of a state of disaster still persist, the President of the Republic of Guatemala has further extended, through Government Decree No. 1-2013 of 7 January 2013, the state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez, for a period of thirty additional days ...

... on 7 November 2012, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez through Government Decrees Nos. 3-2012, 4-2012, 5-2012 and 1-2013.

Because the conditions that gave rise to the aforementioned declaration of a state of disaster still persist, the President of the Republic of Guatemala has further extended, through Government Decree No. 2-2013 of 31 January 2013, the state of disaster in the Guatemalan departments of Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango and Suchitepéquez, for a period of thirty additional days.

... On 21 September 2014, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of alert in the municipality of San Juan Sacatepéquez in the Department of Guatemala through Government Decree No. 6-2014.

The measures have been decreed for a period of fifteen (15) days and restrict the implementation of articles 12 and 21 of the aforementioned Covenant.

... on 21 September 2014, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of alert in the municipality of San Juan Sacatepéquez, Department of Guatemala, by Government Decree No. 6-2014.

As the conditions that gave rise to the declaration of this state of alert still prevail, the President of the Republic of Guatemala, by Government Decree No. 8-2014 of 2 October 2014, has extended the state of alert in the municipality of San Juan Sacatepéquez, Department of Guatemala, for an additional 15 days.

... on 21 September 2014, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of alert in the municipality of San Juan Sacatepéquez, Department of Guatemala, by Government Decree No. 6-2014.

As the conditions that gave rise to the declaration of the state of alert still prevailed, the President of the Republic of Guatemala, by Government Decrees Nos. 8-2014 of 2 October 2014 and 9-2014 of 16 October 2014, twice extended the state of alert in the municipality of San Juan Sacatepéquez, Department of Guatemala, for an additional 15 days.

I wish to inform you that the state of alert that was implemented in the territory of the municipality of San Juan Sacatepéquez, Department of Guatemala, was lifted by Government Decree No. 11-2014 of 31 October 2014.

... pursuant to article 4(3) of the International Covenant on Civil and Political Rights.

On 21 June 2016, as a result of landslides caused by heavy rainfall that damaged roads, housing, schools, health facilities and other infrastructure, Mr. Jimmy Morales Cabrera, President of the Republic of Guatemala, in concert with the Cabinet, issued Government Decree No. 2-2016 declaring a state of emergency in the municipality of Jerez, department of Jutiapa, for 30 days beginning from the date of entry into force of the decree.

On 18 July 2016, the President of the Republic, in concert with the Cabinet, issued Government Decree No. 3-2016 extending the state of emergency for another 30 days, since the circumstances that gave rise to Government Decree No. 2-2016 continued to exist...

See C.N.601.2016.TREATIES-IV.4 of 6 September 2016.

... pursuant to article 4 (3) of the International Covenant on Civil and Political Rights, that on 21 June 2016, in concert with the Cabinet, Mr. Jimmy Morales Cabrera, President of the Republic of Guatemala, issued Government Decree No. 2-2016 declaring a state of emergency in the municipality of Jerez, Department of Jutiapa, for 30 days beginning from the date of entry into force of the decree.

The state of emergency was declared as a result of landslides caused by heavy rainfall in the municipality of Jerez, Department of Jutiapa, which damaged roads, housing, schools, health facilities and other infrastructure and impaired the provision of essential services, as well as

affecting production activities and human development. Accordingly, the measure is aimed at mitigating the damage, repairing roads and buildings, restoring essential services and minimizing the impact, as well as enabling the necessary measures to be taken, in places where the circumstances so warrant, to avoid or reduce the impact of the disaster and, above all, to protect the life, physical integrity and safety of the affected or at-risk population and to safeguard their property.

In this connection, measures have been taken to restrict the application of article 12 of the International Covenant on Civil and Political Rights with respect to liberty of movement...

See C.N.600.2016.TREATIES-IV.4 of 6 September 2016.

... on 19 September 2016, by Government Decree No. 5-2016, published on 20 September 2016 in the Official Gazette, the Government of Guatemala declared a state of emergency throughout Guatemala because of the heavy and constant rainfall affecting the country.

Subsequently, by Government Decree No. 6-2016 of 21 September 2016, published on 22 September 2016, the Government of Guatemala repealed Government Decree No. 5-2016, because of the differing and widespread interpretations among the population about the purposes for which the Decree had been issued...

... further to Note No. J/1/1119 of 27 September 2016 concerning Decree No. 5-2016 published on 20 September 2016 and Decree No. 6-2016 published on 22 September 2016, whereby Guatemala declared and subsequently lifted the national state of emergency.

In this regard and in accordance with article 4 of the International Covenant on Civil and Political Rights, I wish to inform you that the Government of Guatemala has decided to revoke the suspension of the following articles under Government Decree No. 6-2016:

1. Article 12: Movement
2. Article 19: Freedom of expression
3. Article 21: Peaceful assembly
4. Article 22: Association...

(See C.N.838.2016.TREATIES-IV.4 of 9 November 2016.)

... on 22 September 2016, the Government of Guatemala, issued Government Decree No. 7-2016, published in the Official Gazette on 23 September 2016, declaring a state of emergency in the national territory for a period of thirty (30) days, beginning on the date of entry into force of the aforesaid Decree.

The purpose of this Decree is to prevent the population from remaining in, or having access to, certain areas classified as vulnerable or at risk; to take all appropriate measures to mitigate the damage caused or which may be caused by the continuous heavy rainfall in order to prevent further consequences; and, in places where circumstances so warrant, to take the necessary action to alleviate or reduce its impact, thereby protecting the lives, safety and physical integrity of the Guatemalan population...

... further to Note No. J/1/1132 of 30 September 2016 concerning Decree No. 7-2016 published on 23 September 2016, whereby Guatemala declared a national state of emergency.

In this regard and in accordance with article 4 of the International Covenant on Civil and Political Rights, I wish to inform you that the Government of Guatemala has decided to take measures with regard to the provisions of article 12 of the Covenant... (See C.N.839.2016.TREATIES-IV.4 of 9 November 2016.)

J/1/563

New York, 18 May 2017

Sir,

I have the honour to inform you that on 10 May 2017, the Government of Guatemala, through Government Decree No. 2-2017, published on 12 May 2017 in the Official Gazette, declared a state of emergency in the municipalities of Ixchiguán and Tajumulco in the department of San Marcos, for a period of thirty days from the publication of the Decree in the Official Journal.

The state of emergency was decreed because in recent days a number of serious events have occurred in those municipalities that jeopardize the constitutional order, governance and security of the State, affecting individuals and families and endangering the lives, liberty, security, peace and full development of the people.

As a result of the above declaration and for as long as it remains in effect, full exercise of the constitutional rights of freedom of action, lawful arrest, interrogation of detainees or prisoners, freedom of movement, rights of assembly and demonstration and carrying of weapons, contained in articles 5, 6, 9, 26, 33 and paragraph two of article 38 of the Political Constitution of the Republic of Guatemala, as well as articles 12, 21 and 22 of the International Covenant on Civil and Political Rights, shall be suspended.

In this regard, and based on the provisions of article 4, paragraph 3, of the International Covenant on Civil and Political Rights, I request your good offices to convey to States parties the notification and attached Government decree for the files of the depositary, as well as for consultation.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Omar Castañeda Solares

Deputy Permanent Representative / Chargé d'affaires a.i.

(See C.N.290.2017.TREATIES-IV.4 of24 May 2017)

The Secretary-General received from the Government of Guatemala a notification dated 12 June 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the municipalities of Ixchiguán and Tajumulco in the Department of San Marcos, for a further thirty days by Government Decree No. 3-2017.

(See C.N.402.2017.TREATIES-IV.4 of 17 July 2017 for the text of the notification.)

The Secretary-General received from the Government of Guatemala a notification dated 5 September 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of siege on 4 September 2019 by Government Decree No. 1/2019 in the department of Izabal; in the municipalities of Tactic, Senahú, Tamahú, Tucurú, Panzós, Santa María Cahabón, Santa Catalina la Tinta, Chahal and Fray Bartolomé de las Casas in the department of Alta Verapaz; in the municipalities of Gualán, Río Hondo, Teculután and Usumatlán in the department of Zacapa; in the municipalities of San Agustín Acasaguastlán and San Cristóbal Acasaguastlán in the department of El Progreso; in the municipality of Purulhá in the department of Baja Verapaz; and in the municipality of San Luis in the department of Petén, for a period of thirty (30) days.

(See C.N.422.2019.TREATIES-IV.4 of 12 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Guatemala a notification dated 20 January 2020, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency on 16 January 2020 by Government Decree No. 1/2020 in the department of Izabal; in the municipalities of San Juan Sacatépequez and Mixco, both in the Department of Guatemala of the Republic of Guatemala, for a period of six (6) days.

(See C.N.37.2020.TREATIES-IV.4 of 24 January 2020 for the text of the notification.)

The Secretary-General received from the Government of Guatemala a notification dated 29 January 2020, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency on 24 January 2020 by Government Decree No. 2/2020 in the municipality of Villa Nueva, in the Department of Guatemala of the Republic of Guatemala, for a period of six (6) days.

(See C.N.45.2020.TREATIES-IV.4 of 31 January 2020 for the text of the notification.)

The Secretary-General received from the Government of Guatemala a notification dated 7 February 2020, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency on 4 February 2020 by Government Decree No. 3/2020 in the municipalities of Chimaltenango, El Tejar and San Andrés Itzapa in the Department de Chimaltenango of the Republic of Guatemala, for a period of six (6) days.

(See C.N.65.2020.TREATIES-IV.4 of 19 February 2020 for the text of the notification.)

The Secretary-General received from the Government of Guatemala a notification dated 17 February 2020, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency on 11 February 2020 by Government Decree No. 4/2020 in the municipalities of Escuintla, Nueva Concepción, Santa Lucía Cotzumalguapa, Tiquisate, San José and Palín in the Department of Escuintla of the Republic of Guatemala, for a period of six (6) days.

(See C.N.66.2020.TREATIES-IV.4 of 19 February 2020 for the text of the notification.)

ISRAEL

"Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence as well as on the life and property of its citizens.

"These have taken the form of threats of war, of actual armed attacks, and campaigns of terrorism resulting in the murder of and injury to human beings.

"In view of the above, the State of Emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant.

"The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.

"In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision."

JAMAICA

On 28 September 2004, the Secretary-General received from the Government of Jamaica a notification dated 28 September 2004, made under article 4 (3) of the above Covenant, transmitting a Proclamation declaring a state of emergency in the island. The proclamation shall remain in effect for an initial period of 30 days, unless the Governor-General is advised to repeal it or an extension is granted by the House of Representatives.

In a note received on 22 October 2004, the Government of Jamaica informed the Secretary-General that during the state of emergency, the provisions from which it may derogate are articles 12, 19, 21 and 22 (2) of the Covenant.

On 27 October 2004, the Secretary-General received from the Government of Jamaica a notification, made under article 4 (3) of the above Covenant, transmitting text of sections 26 (4) - (7) of the Constitution by which the proclamation of a state of public emergency issued by the Governor-General on 10 September 2004 terminated on 8 October 2004.

Furthermore, the Government of Jamaica informed the Secretary-General that the possible derogation from the rights guaranteed by Articles 12, 19, 21 and 22 (2) by Jamiaca ceased on 8 October 2004.

On 24 August 2007, the Secretary-General received from the Government of Jamaica a notification dated 23 August 2007, made under article 4 (3) of the above Covenant, transmitting a proclamation declaring a State of Public Emergency in the Island issued by the Governor on 19 August 2007. The proclamation shall remain in effect for an initial period of 30 days, unless the Governor-General is advised to repeal it.

In a note received on 27 August 2007, the Government of Jamaica informed the Secretary-General that the State of public emergency issued by the Governor on 19 August 2007 has since been lifted effective Friday 24 August.

"[...] in accordance with Article 4 (3) of the International Covenant on Civil and Political Rights has the honour to inform that on 23rd May 2010, the Governor-General of Jamaica issued a proclamation declaring a State of Public Emergency in the island.

The State of Public Emergency has been imposed in the parishes of Kingston and St. Andrew as a result of a threat to public safety and shall exist for a period of one month unless extended by the House of Representatives or terminated at an earlier time.

The Proclamation issued by the Governor-General is in strict compliance with the provisions of the International Covenant on Civil and Political Rights and with the Constitution of Jamaica. There may be derogation from the rights guaranteed by Articles 12, 19 and 21 of the International Covenant on Civil and Political Rights. [...]

The Government of Jamaica hereby requests that the Secretary-General in his capacity as depository of the International Covenant on Civil and Political Rights inform all Parties to the Covenant on the provision from which it may derogate and the reason for possible derogation.

The Permanent of Jamaica has the further honour to advise that the Government of Jamaica will inform the Secretary-General of measures taken by the authorities aimed at the termination of the State of Public of Emergency. [...]."

"... The Permanent Mission [of Jamaica to the United Nations] wishes to advise that, upon the decision of the House of Representatives for Jamaica, the State of Emergency [declared on 23 May 2010] has been extended by the Government of Jamaica, in accordance with Section 26 (4)-(7) of the Constitution, for a further period of twenty-eight (28) days from the date of June 23, 2010 for the parishes of Kingston, St. Andrew, as well as St. Catherine.

During the period of public emergency the Government may derogate from the provisions of Articles 9, 12, 17, 19 and 21 of the Covenant under regulations made pursuant to Emergency Powers Act. ...."

The Secretary-General received from the Government of Jamaica a notification dated 22 January 2018, made under article 4 (3) of the Covenant , regarding the declaration of a state of emergency in the Parish of St. James for a period of 14 Days.

(See C.N.51.2018.TREATIES-IV-4 of 24 January 2018 for the text of the notification.)

NAMIBIA

(Dated 5 August 1999)

Proclamation No. 23 by the President of the Republic of Namibia, establishing a state of emergency in the Caprivi region for an initial period of thirty (30) days, indicating that the measures were prompted by circumstances arisen in this region causing a public emergency threatening the life of the nation and the constitutional order;

Proclamation No. 24 by the President of the Republic of Namibia, setting out the emergency regulations to the Caprivi region.

Derogation from articles 9 (2) and 9 (3) of the Covenant.

(Dated 10 September 1999)

Proclamation No. 27 by the President of the Republic, revoking the declaration of state of emergency and emergency regulations in the Caprivi region promulgated

by Proclamations No. 23 of 2 August 1999 and No. 24 of 3 August 1999.

NEPAL

"..... in view of the serious situation arising out of terrorist attacks perpetrated by the Maoists in various districts, killing several security and civilian personnel and attacking the government installations, a state of emergency has been declared in the entire Kingdom effective from 26 November 2001, in accordance with the Article 115 of the Constitution of the Kingdom of Nepal, 2047 (BS). Accordingly, His Majesty the King, on the recommendation of the Council of Ministers, has suspended the right to freedom of opinion and expression (Article 12.2a), freedom to assemble peacefully without arms (12.2b) and to move throughout the Kingdom (12.2d). Press and publication right (13.1), right against preventive detention (Article 15), right to information (Article 16), right to property (Article 17), right to privacy (Article 22) and right to constitutional remedy (Article 23) have also been suspended. However, the right to the remedy of habeas corpus has not been suspended.

The Permanent Representative also would like to inform the Secretary-General that, while suspending the rights and freedoms, His Majesty's Government has fully observed the provision of Article 4, paragraphs 1 and 2 of the above mentioned Covenant. Accordingly, the rights and freedoms as contained in Articles 6, 7, 8 (1), 11, 15, 16 and 18 of the Covenant, which are also guaranteed by the Constitution of the Kingdom of Nepal, remain in effect."

"... following the dissolution of the Parliament, which was done in accordance with the relevant provisions of the Constitution of the Kingdom of Nepal - 2047, His Majesty's Government of Nepal has decided to hold the general elections on November 13, 2002 in a free and fair manner. In view of the current security situation in the country prompted by the Maoist insurgency, the Government has also extended the state of emergency by three more months. The Government, however, is committed to liftig the emergency as soon as there is an improvement in the security situation to facilitate free and peaceful general elections.

... in spite of these steps, the Government will stay the course in respect to development programs and socio-economic reforms."

(Dated 19 November 2002)

"... With reference to [...] note 0076/2002 dated 22 February 2002 and pursuant to clause 3 of Article 4 of the International Covenant on Civil and Political Rights 1966, ... [the Government of Nepal] lifted the state of emergency in the country, effective from 20 August 2002."

"The Permanent Mission of the Kingdom of Nepal to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (1966), has the honour to inform him that in view of a grave emergency threatening the sovereignty, integrity and security of the Kingdom of Nepal, His Majesty the King has, in accordance with clause (1) of Article 115 (1) of the Constitution of the Kingdom of Nepal, 1990 (2047), issued an order of a State of Emergency in respect of the whole of the Kingdom of Nepal on 1 February 2005 with immediate effect. As the situation in the country had reached a point where the survival of multiparty democracy and the nation's sovereignty had been seriously threatened and the people of Nepal had to go through a miserable period of time due to untold sufferings brought about by the rise in terrorist activities throughout the country, and as the governments formed during the past few years had not been serious enough about initiating a dialogue with terrorists, His Majesty as the protector of the Constitution and the symbol of national unity, had no alternative but to declare a state of emergency to meet the exigencies in exercise of His State authority and in keeping with the spirit of the Constitution of the Kingdom ofl, 1990 and taking into account Article 27 (3) of the Constitution, to protect and preserve the sovereignty of the Nation. His Majesty the King has also, in accordance with clause (8) of Article 115 of the Constitution, suspended sub-clauses (a) freedom of thought and expression, (b) freedom to assemble peaceably and without arms, and (d) freedom to move and reside in any part of Nepal, of clause (2) of Article 12; clause (1) of Article 13 press and publication right which provides that no news item, article or any other reading material shall be censored; and Article 15: right against private detention; Article 16: right to information; Article 17: right to property; Article 22: right to privacy; and Article 23: and the right to constitutional remedy (with the exception of the right to the remedy of habeus corpus) of the Constitution of the Kingdom of Nepal, 1990 (2047).

The Permanent Mission would further like to inform the Secretary-General that such measures are not inconsistent with Nepal's other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

The Permanent Mission would also like to inform the Secretary-General that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the International Covenant on Civil and PoliticalRights, which are guaranteed by the Constitution of the Kingdom of Nepal, 1990, have been kept intact."

"…. following the declaration of a State of Emergency throughout the Kingdom of Nepal on 1 February 2005, [the Government of Nepal] has derogated itself from the obligations under the articles, mentioned below, of the International Covenant on Civil and Political Rights (ICCPR) for a period of the State of Emergency in the country. 1. Derogation from Article 19 of the ICCPR following the suspension of sub-clause (a) of Clause 2 of Article 12, Clause (1) of Article 1and Article 16 of the Constitution (freedom of opinion and expression, right to press and publication and right to information respectively). 2. Derogation from Articles 12.1 and 12.2 of the ICCPR following the suspension of sub-clause (d) of Clause 2 of Article 12 of the Constitution (freedom to move and reside in any part of the Kingdom of Nepal). 3. Derogation from Article 17 of the ICCPR following the suspension of Article 22 of the Constitution (right to privacy). 4. Derogation from Article 2.3 of the ICCPR following the suspension of Article 23 of the Constitution (right to constitutional remedy except the writ of habeas corpus)."

On 5 May 2005, the Secretary-General received from the Government of Nepal a notification, dated the same, informing him that, as required by Article 4 (3) of the International Covenant on Civil and Political Rights, 1966, that *His Majesty the King* has, in accordance with clause (11) of Article 115 of the Constitution of the Kingdom of Nepal, 1990 (2047), revoked the Order of State of Emergency proclaimed on 1 Feburary 2005 in respect to fthe whole of the Kingdom of Nepal.

PANAMA

(Dated 11 June 1987)

Declaration of the State of emergency throughout the territory of the Republic of Panama. The notification specifies that the state of emergency was declared since, on 9 and 10 June 1987, there were outbreaks of violence, clashes between demonstrators and units of defence forces, and incitement to violence by individuals and political groups resulting in personal injury and considerable material damage. The measure was taken with a view to restoring law and order and safeguarding

the life, the dignity and the property of Panamanian nationals and of foreigners living in Panama.

The articles of the Covenant being derogated from are articles 12, paragraph 1; 17, with regard to the inviolability of correspondence; 19 and 21.

Termination of the State of emergency and reinstatement of all constitutional guarantees as at 30 June 1987.

PARAGUAY

Through note DM/No. 105/2010, the Ministry of Foreign Affairs of the Republic of Paraguay notified the Secretary-General that in response to criminal acts that are causing serious internal disturbances within the Republic and which pose an immediate threat to the proper functioning of constitutional bodies and to the lives, liberty, rights and property of the populations concerned, by act No. 3,994/10, a state of emergency was declared in the Departments of Concepción, San Pedro, Amambay, Alto Paraguay and Presidente Hayes for a period of 30 days as from 24 April 2010.

PERU

[For notifications made by Peru received by the Secretary-General between 22 March 1983 and 12 December 2006, see note 1 under "Peru" in the "Historical Information" section in the front matter of this volume.]

... by Supreme Decree No. 005-2007-PCM, issued on 18 January 2007, a state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the province of La Convención, department of Cusco; the province of Satipo, Andamarca district of the province of Concepción, and Santo Domingo de Acobamba district of the province of Huancayo, department of Junín, has been extended for 60 days from 25 January 2007.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 011-2007-PCM issued on 15 February 2007 together with a corrigendum, the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/044 dated 20 October 2006.

During the state of emergency, the rights recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru are suspended.

... by Supreme Decree No. 026-2007-PCM, issued on 22 March 2007, the state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the province of La Convención, Department of Cusco; and the province of Satipo, the Andamarca district of the province of Concepción and the Santo Domingo de Acobamba district of the province of Huancayo, Department of Junín, has been extended for a period of 60 days as from 26 March 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 016-2007-PCM, issued on 2 March 2007, a state of emergency was declared in the department of Arequipa, province of Islay, district of Cocachacra, for a period of 30 days.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, established in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 030-2007-PCM, issued on 31 March 2007, the state of emergency in the department of Arequipa, province of Islay, district of Cocachacra, was extended for a period of 30 days from 1 April 2007.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, established in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 039-2007-PCM issued on 18 April 2007, the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/06 of 20 February 2007.

During the state of emergency, the rights to the inviolability of the home, freedom of movement and assembly, and liberty and security of person recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 044-2007-PCM issued on 24 May 2007, a state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the province of La Convención, Department of Cusco; and the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, Department of Junín has been extended for a period of 60 days as from 25 May 2007. A previous extension was communicated in Note 7-1-SG/009 of 28 March 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 045-2007-PCM issued on 25 May 2007, a state of emergency has been declared in the Santa Anita district of the province of Lima, Department of Lima, for a period of seven days.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 056-2007-PCM issued on 2 July 2007, a state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/013 of 24 April 2007.

During the state of emergency, the rights to the inviolability of the home, freedom of movement and assembly, and liberty and security of person recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 065-2007-PCM, issued on 21 July 2007, extended the state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the districts of Kimbiri, Pichari and Vilcabambaof the provinceof La Convención, Department of Cusco; and the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, Department of Junín, for a period of 60 days as from 24 July 2007. A previous extension was communicated in Note 7-1-SG/017 of 6 June 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 077-2007-PCM, issued on 30 August 2007, extended the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days as from 31 August 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12 , 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 099-2007-PCM, issued on 28 December 2007, thestate of emergency in the Districts of San Buenaventura and Cholón, Province of Marañón, in the Province of Leoncio Prado and in the District of Monzón, Province of Huamalíes, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days as from 29 December 2007.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 005-2008-PCM, published on 19 January 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho, the province of Tayacaja, department of Huancavelica, the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco, the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancaya, department of Junín, has been extended for sixty days, beginning 20 January 2008. A previous extension and declaration were communicated in Note 7-1-SG/009 of 28 March 2007.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of association and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shallbe suspended.

... by Supreme Decree No. 012-2008-PCM, published on 18 February 2008, a state of emergency has been declared in the Provinces of Huaura, Huaral and Barranca, Department of Lima; in the Provinces of Huarmey, Casma and Santa, Department of Ancash; and in the Province of Virú, Department of La Libertad, for a period of seven days.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 019-2008-PCM, issued on 6 March 2008, a state of emergency has been declared in Cholón district of the province of Marañón, in Monzón district of the province of Huamalíes and in Leoncio Prado province, department of Huánuco; in Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, for a period of 60 days.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 019-2008-PCM, issued on 4 May 2008, the state of emergency in Cholón district of the Province of Marañón, in Monzón district of the Province of Huamalíes and in the Province of Leoncio Prado, Department of Huánuco; the Province of Tocache, Department of San Martín; and the Province of Padre Abad, Department of Ucayali, has been extended for a period of 60 days, beginning 6 May 2008. A previous extension was communicated in Note 7-1-SG/09 of 12 March 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 045-2008-PCM, published on 3 July 2008, the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days from 5 July 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 046-2008-PCM, issued on 12 July 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín has been extended for 60 days as from 18 July 2008.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are

recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 045-2008-PCM, published on 3 July 2008, the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days from 5 July 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 038-2008-PCM, issued on 15 May 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho, the province of Tayacaja, department of Huancavelica, the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco, the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for sixty days, beginning 19 May 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of association and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 058-2008-PCM, issued on 18 August 2008, a state of emergency was declared in the Provinces of Bagua

and Utcubamba, Department of Amazonas; the Province of Datem del Marañón, Department of Loreto; and the Echarate district of the Province of La Convención, Department of Cusco, for a period of thirty days as from 19 August 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 060-2008-PCM, issued on 28 August 2008, the state of emergency in the Cholón District in Marañón Province, the Monzón District in Huamalíes Province, and Leoncio Prado Province, all of which are located in the Department of Huánuco; in Tocache Province, Department of San Martín; and in Padre Abad Province, Department of Ucayali, has been extended for a period of 60 days from 3 September 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person enshrined in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 061-2008-PCM, which was issued on 28 August 2008, Supreme Decree No. 058-2008-PCM, which established a state of emergency in the Provinces of Bagua and Utcubamba in the Department of Amazonas; in the Province of Datem del Marañón in the Department of Loreto; and in the Echarate District of La Convención Province in the Department of Cusco, has been declared null and void.

... by Supreme Decree No. 063-2008-PCM, issued on 12 September 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; in the province of Satipo; in the Andamarca and Comas

districts of the province of Concepción; and in the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, beginning 16 September 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the InternationalCovenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 070-2008-PCM, issued on 4 November 2008, a state of emergency has been declared, as from 5 November 2008, in the provinces of Tacna, Jorge Basadre, Candarave and Tarata, department of Tacna.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 072-2008-PCM, published on 13 November 2008, the state of emergency has been extended for a period

of 60 days, beginning 15 November 2008, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas in the province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 072-2008-PCM, published on 13 November 2008, the state of emergency has been extended for 60 days,

beginning 15 November 2008, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas in the province of Concepción; and in the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitutionof Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 001-2009-PCM, published on 10 January 2009, the state of emergency has been extended for 60 days,

with effect from 14 January 2009, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the

districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; and in the districts of Andamarca and Comas in the province of Concepción and the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of thePolitical Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 015-2009-PCM, issued on 12 March 2009, the state of emergency has been extended for 60 days, with effect from 15 March 2009, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja,

department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; and in the districts of Andamarca and Comas in the province of Concepción and the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 013-2009-PCM, issued on 26 February 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, department of Huánuco; the

province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for sixty days with effect from 2 March 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 027-2009-PCM, issued on 9 May 2009, a state of emergency was declared in the Echarate and Kimbiri districts of the province of La Convención, department of Cuzco; the Sepahua district of the province of Atalaya, department of Ucayali; the Napo district of the province of Maynas, department of Loreto; the Andoas, Pastaza, Morona and Manseriche districts of the province of Datem del Marañón, department of Loreto; and the Imaza district of the province of Bagua, department of Amazonas, for a period of 60 days, with effect from 10 May 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 035-2009-PCM issued on 5 June 2009, the state of emergency declared under Supreme Decree No. 027-2009-PCM has been extended throughout the department of Amazonas, Datem del Marañón province of the department of Loreto and Jaén and San Ignacio provinces of the department of Cajamarca.

During the state of emergency, the right to the inviolability of the home, freedom of movement, freedom of association and liberty and security of person, contained in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, have been suspended.

... by Supreme Decree No. 028-2009-PCM, issued on 13 May 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 14 May 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 039-2009-PCM, issued on 22 June 2009, the state of emergency declared by Supreme Decree No. 027-

2009-PCM, and extended by Supreme Decree No. 035-2009-PCM, in all the territorial areas covered by those legal provisions (the Echarate and Kimbiri districts of the province of La Convención, department of Cusco; the Sepahua district of the province of Atalaya, department of Ucayali; the Napo district of the province of Maynas, department of Loreto; the Andoas, Pastaza, Morona and Manseriche districts of the province of Datem del Marañón, department of Loreto; and the Imaza district of the province of Bagua, department of Amazonas) has been lifted.

It should be noted that the state of emergency in the Kimbiri district of the province of La Convención, departmentof Cusco, will remain in effect pursuant to Supreme Decree No. 028-2009-PCM.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 041-2009-PCM, issued on 26 June 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for sixty days with

effect from 1 July 2009.

During the state of emergency, the rights of inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person recognized in article 2, paragraphs 9, 11, 12, and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 043-2009-PCM, issued on 9 July 2009, a state of emergency has been declared in the department of Ica, the provinces of Cañete and Yauyos of the department of Lima; and the provinces of Castrovirreyna, Huaytará and the districts of

Acobambilla and Manta of the province of Huancavelica, for a period of sixty days.

During the state of emergency, the rights of inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person recognized in article 2, paragraphs 9, 11, 12, and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21

and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

... by Supreme Decree No. 044-2009-PCM, issued on 9 July 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 13 July 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 055-2009-PCM, issued on 3 September 2009, the state of emergency in the provinces of Huanta and La

Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been

extended for 60 days, with effect from 11 September 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 060-2009-PCM, published on 10 September 2009, a state of emergency has been declared in the Cholón

district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all of which are located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, for a period of 60 days with effect from 11 September 2009.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 068-2009-PCM, issued on 30 October 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 10 November 2009.…

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

... by Supreme Decree No. 070-2009-PCM, published on 5 November 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all of which are located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for 60 days with effect from 10 November 2009.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

... by Supreme Decree No. 077-2009-PCM, published on 1 December 2009, a state of emergency was declared in the province of

Abancay, department of Apurimac, for a period of 60 days as from 2 November 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, have been suspended.

... by Supreme Decree No. 042-2010-PCM, issued on 31 March 2010 [...], a state of emergency was declared in the provinces of Nazca, Palpa and San Juan de Marcona, department of Ica; the provinces Tambopata and Manú, department of Madre de Dios; and the provinces of Carevelí and Camaná, department of Arequipa, for a period of 60 days as from 1 April 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 049-2010-PCM, issued on 29 April 2010 (copy attached), the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 9 May 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...]

[...] by Supreme Decree No. 057-2010-PCM, issued on 18 May 2010, a state of emergency has been declared in the constitutional province of Callao for a period of 60 days, with effect from 19 May 2010.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 055-2010-PCM of 15 May 2010, the public order having been disturbed in the provinces of Marañón, Leoncio Prado and Humanalíes, a

state of emergency has been declared in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all located in the department of Huánuco; in the province of Tocache, department of San Martín; and in the province of Padre Abad, department of Ucayali, for a period of 60 days with efect from 16 May 2010.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 078-2010-PCM, published on 31 July 2010 [...], a state of emergency has been declared in the Echarate district of the province of La Convención, department of Cusco, for a period of 60 days with effect from 1 August 2010.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...] by Supreme Decree No. 087-2010-PCM, issued on 26 August 2010 [...], the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Concepción, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 6 September 2010.

During the State of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...] by Supreme decree No. 091-2010-PCM, issued on 11 September 2010 [...], the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province departmetn of Ucayali, has been extended for 60 days, with effect from 12 September 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...] by Supreme Decree No. 091-2010-PCM, issued on 11 September 2010 [...], the State of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days, with effect from 12 September 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...] by Supreme Decree No. 093-2011-PCM, issued on 4 December 2011, [...], a state of emergency was declared for a period of sixty days, starting on 5 December 2011, in Cajamarca, Celendín, Hualgayoc and Contumazá provinces in the administrative department of Cajamarca.

During the state of emergency, the President has suspended the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, under article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru, and articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively.

... by Supreme Decree No. 096-2011-PCM, issued on 15 December 2011, the state of emergency in the provinces of Cajamarca, Celendín, Hualgayoc and Contumazá in the department of Cajamarca, declared in Supreme Decree No. 093-2011-PCM, has been lifted.

[...] by Supreme Decree No. 043-2012-PCM, issued on 10 April 2012, a state of emergency was declared for a period of 60 days, with effect from 11 April 2012, in the district of Echarate, province of La Convención, department of Cusco.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, under article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru, and articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] in reference to Supreme Decree 085-2011-PCM (5 November 2011), by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba, province of La Convención, department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas, province of Concepción; and in the districts of Santo Domingo de Acobamba and Pariahuanca, province of Huancayo, department of Junín. That state of emergency was extended by Supreme Decree 004-2012-PCM (4 January 2012).

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations informs the Secretariat of the United Nations that, by Supreme Decree 022-2012-PCM [...] the state of emergency was extended for 60 days, in effect from 6 March 2012.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, set out in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] reference is made to Supreme Decree 078-2011-PCM (12 September 2011) by which a state of emergency was declared in the district of Cholón, province of Marañón; in the district of Monzón, province of Humalíes; and in the province of Leoncio Prado, all in the department of Huánuco; in the province of Tocache, department of San Martín; and in the province of Padre Abad, department of Ucayali. The above-mentioned state of emergency was extended by Supreme Decrees 087-2011-PCM (11 November 2011) and 002-2012-PCM (3 January 2012).

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations informs the Secretariat of the United Nations that, by Supreme Decree 023-2012-PCM, a copy of which is attached to the present note, the aforementioned state of emergency was extended for 60 days, in effect from 11 March 2012.

During the state of emergency, the rights of inviolability of the home, freedom of movement, freedom

of assembly and liberty and security of person, set out in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 056-2012-PCM, issued on 28 May 2012, a state of emergency was declared for a period of thirty (30) days, in effect from 29 May 2012, in the province of Espinar, department of Cusco, where the National Police of Peru shall maintain public order.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, set out in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] in reference to Supreme Decree 085-2011-PCM (5 November 2011), by which a state of emergency was declared in the provinces of Huanta and La Mar, in the department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba, province of La Convención, in the department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas, province of Concepción; and in the districts of Santo Domingo de Acobamba and Pariahuanca province of Huancayo, department of Junín, the aforementioned state of emergency was extended by Supreme Decrees 004-2012-PCM (4 January 2012) and 022-2012-PCM (6 March 2012).

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, by Supreme Decree 060-2012-PCM, the state of emergency was extended for 60 days, in effect from 4 June 2012.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, set out in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 070-2012-PCM, promulgated on 3 July 2012, a state of emergency was declared for thirty (30) days in the provinces of Cajamarca, Celendín and Hualgayoc in the department of Cajamarca, with the National Police of Peru maintaining public order.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 078-2011-PCM (12 September 2011) a state of emergency was declared in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali. The aforementioned state of emergency was extended by Supreme Decrees Nos. 087-2011-PCM (11 November 2011), 002-2012-PCM (3 January 2012), 023-2012-PCM (10 March 2012) and 052-2012-PCM.

By Supreme Decree No. 073-2012-PCM, the aforementioned state of emergency was extended for 60 days, with effect from 9 July 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 070-2012-PCM, promulgated on 3 July 2012, a state of emergency was declared for thirty (30) days in the provinces of Cajamarca, Celendín and Hualgayoc, department of Cajamarca.

In this regard, and in compliance with the provisions of article 4 of the International Covenant on Civil and Political Rights, by Supreme Decree No. 082-2012-PCM, the aforementioned state of emergency has been extended for a period of thirty days as from 3 August 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 085-2011-PCM (5 November 2011), a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo, the Andamarca and Comas districts of the province of Concepción, and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín. It should be pointed out that the aforementioned state of emergency was extended by Supreme Decrees Nos. 004-2012-PCM (4 January 2012), 022-2012-PCM (6 March 2012) and 060-2012-PCM (29 May 2012).

In this regard, and in compliance with the provisions of article 4 of the International Covenant on Civil and Political Rights, by Supreme Decree No. 081-2012-PCM, the aforementioned state of emergency has been extended for a period of sixty days as from 3 August 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 061-2012-PCM (29 May 2012), a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco.

In this regard, and in compliance with the provisions of article 4 of the International Covenant on Civil and Political Rights, by Supreme Decree No. 080-2012-PCM, the aforementioned state of emergency has been extended for a period of sixty days as from 9 August 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 085-2011-PCM (5 November 2011) by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín. The above-mentioned state of emergency was extended by Supreme Decrees 004-2012-PCM (4 January 2012), 022-2012-PCM (6 March 2012),

060-2012-PCM (29 May 2012) and 081-2012-PCM (1 August 2012).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 098-2012-PCM, a copy of which is attached hereto, the aforementioned state of emergency has been extended for 60 days, with effect from 2 October 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 061-2012-PCM (29 May 2012) by which a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco. The above-mentioned state of emergency was extended by Supreme Decree 080-2012-PCM (1 August 2012).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 099-2012-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 8 October 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree 085-2011-PCM (5 November 2011) by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín. The abovementioned state of emergency was extended by Supreme Decrees 004-2012-PCM (4 January 2012), 022-2012-PCM (6 March 2012), 060-2012-PCM (29 May 2012), 081-2012-PCM (1 August 2012) and 098-2012-PCM (27 September 2012).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 115-2012-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 1 December 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree 061-2012-PCM (29 May 2012) by which a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco. The above-mentioned state of emergency was extended by Supreme Decree 080-2012-PCM (1 August 2012) and Supreme Decree 099-2012-PCM (27 September 2012).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 116-2012-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 7 December 2012.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 078-2011-PCM (12 September 2011) by which a state of emergency was declared in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali. The above-mentioned state of emergency was extended

by Supreme Decrees Nos. 087-2011-PCM (11 November 2011), 002-2012-PCM (3 January 2012), 023-2012-PCM (10 March 2012), 052-2012-PCM (9 May 2012), 073-2012-PCM (7 July 2012), 092-2012-PCM (6 September 2012) and 108-2012-PCM (26 October 2012).

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat of the United Nations that, by Supreme Decree No. 002-2013-PCM,the aforementioned state of emergency was extended for 60 days, with effect from 5 January 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, set out in article 2, paragraphs 9, 11, 12, and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree No. 078- 2011-PCM (12 September 2011) by which a state of emergency was declared in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalies and the province of Leoncio Prado, all located in the department of Huánuco; the province of Tocache, department of San Martin; and the province of Padre Abad, department of Ucayali. The above-mentioned state of emergency was extended by Supreme Decrees Nos. 087-2011-PCM (11 November 2011), 002-2012-PCM (3 January 2012), 023-2012-PCM (10 March 2012), 052-2012-PCM, 073-2012-PCM (7 July 2012), 092-2012-PCM (6 September 2012) and 108-2012-PCM (26 October 2012) and 001-2013-PCM (3 January 2013).

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat of the United Nations that, by Supreme Decree No. 022-2013-PCM, the aforementioned state of emergency was extended for 60 days, with effect from 6 March 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, set out in article 2, paragraphs 9, 11, 12, and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

[...] by Supreme Decree 061-2012-PCM (29 May 2012) by which a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco. The aforementioned state of emergency was extended by Supreme Decree 080-2012-PCM (1 August 2012), Supreme Decree 099-2012-PCM (27 September 2012) and Supreme Decree 116-2012-PCM (23 November 2012).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 011-2013-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 5 February 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 085-2011-PCM, issued on 5 November 2011, by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the districts of Kimbiri, Pichari and Vilcabamba, province of La Convención, department of Cusco; the province of Satipo; the districts of Andamarca and Comas, province of Concepción; and the districts of Santo Domingo de Acobamba and Pariahuanca, province of Huancayo, department of Junín. This state of emergency was extended under Supreme Decree 004-2012-PCM, issued on 4 January 2012; Supreme Decree 022-2012-PCM, issued on 6 March 2012; Supreme Decree 060-2012-PCM, issued on 29 May 2012; Supreme Decree 081-2012-PCM, issued on 1 August 2012; Supreme Decree 098-2012-PCM, issued on 27 September 2012; and Supreme Decree 115-2012-PCM, issued on 23 November 2012.

In this regard, under article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations wishes to note that, pursuant to Supreme Decree 010-2013-PCM, the state of emergency has been extended for 60 days from 30 January 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and freedom and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...] by Supreme Decree 085-2011-PCM (5 November 2011) by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; Andamarca and Comas districts of the province of Concepción, and Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín. The aforementioned state of emergency was extended by Supreme Decree 004-2012PCM (4 January 2012), 022-2012-PCM (6 March 2012), 060-2012-PCM (29 May 2012), Supreme Decree 081-2012-PCM (1 August 2012), Supreme Decree 098-2012-PCM (27 September 2012), Supreme Decree 115-2012-PCM (23 November 2012) and Supreme Decree 010-2013-PCM (26 January 2013).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 028-2013-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 31 March 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and of liberty and security of the person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree 061-2012-PCM (29 May 2012) by which a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco. The aforementioned state of emergency was extended by Supreme Decree 080-2012-PCM (1 August 2012), Supreme Decree 099-2012-PCM (27 September 2012), Supreme Decree 116-2012-PCM (23 November 2012) and Supreme Decree 011-2013-PCM (26 January 2013).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 029-2013-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 6 April 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and of liberty and security of the person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant of Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 078-2011-PCM of 12 September 2011, whereby a state of emergency was declared in the District of Cholón, Province of Marañón; in the District of Monzón, Province of Huamalíes; and in the Province of Leoncio Prado, all in the Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali. It should be noted that this state of emergency was extended by Supreme Decrees Nos. 087-2011-PCM of 11 November 2011, 002-2012-PCM of 3 January 2012, 023-2012-PCM of 10 March 2012, 052-2012-PCM, 073-2012-PCM of 7 July 2012, 092-2012-PCM of 6 September 2012, 108-2012-PCM of 26 October 2012, 001-2013-PCM of 3 January 2013 and 022-2013-PCM of 1 March 2013.

In that regard, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that the state of emergency has been extended by a further 60 days, with effect from 5 May 2013, pursuant to Supreme Decree No. 049-2013-PCM.

The rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, as set out in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended during the state of emergency.

[...] by Supreme Decree 061-2012-PCM (29 May 2012) by which a state of emergency was declared in the Echarate district of the province of La Convención, department of Cusco. The aforementioned state of emergency was extended by Supreme Decree 080-2012-PCM (1 August 2012), Supreme Decree 099-2012-PCM (27 September 2012), Supreme Decree 116-2012-PCM (23 November 2012), Supreme Decree 011-2013-PCM (26 January 2013) and Supreme Decree 029-2013-PCM (26 March 2013).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 059-2013-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 5 June 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and of liberty and security of the person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree 085-2011-PCM (5 November 2011) by which a state of emergency was declared in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; Andamarca and Comas districts of the province of Concepción, and Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín. The aforementioned state of emergency was extended by Supreme Decree 004-2012-PCM (4 January 2012), 022-2012-PCM (6 March 2012), 060-2012-PCM (29 May 2012), Supreme Decree 081-2012-PCM (1 August 2012), Supreme Decree 098-2012-PCM (27 September 2012), Supreme Decree 115-2012-PCM (23 November 2012), Supreme Decree 010-2013-PCM (26 January 2013) and Supreme Decree 028-2013-PCM (26 March 2013).

In that regard, and in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, the Permanent Mission of Peru to the United Nations hereby informs the Secretariat that, by Supreme Decree 058-2013-PCM, the aforementioned state of emergency has been extended for 60 days, with effect from 30 May 2013.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and of liberty and security of the person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

[...] by Supreme Decree No. 085-2013-PCM, issued on 28 July 2013, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 29 July 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/27 dated 29 May 2013.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 086-2013-PCM, issued on 28 July 2013, the state of emergency in the Echarate district of the province of La Convención, department of Cusco, has been extended for 60 days, with effect from 4 August 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/26 dated 29 May 2013.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 99-2013-PCM, issued on 30 August 2013, the state of emergency in the districts of Cholón of the province of Marañón and Monzón of the province of Huamalíes, and in the province of Leoncio Prado, all in the department of Huánuco; in the province of Tocache, department of San Martín; and in the province of Padre Abad, department of Ucayali, has been extended for 60 days, with effect from 1 September 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/21 dated 9 May 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 110-2013-PCM, issued on 21 September 2013, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri,

Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 27 September 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/34 dated 31 July 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 109-2013-PCM, issued on 21 September 2013, the state of emergency in the Echarate district of the province of La Convención, department of Cusco, has been extended for 60 days, with effect from 3 October 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/35 dated 31 July 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 121-2013-PCM, issued on 26 November 2013, the state of emergency in the Echarate district of the province of La Convención, department of Cusco, has been extended for 60 days, with effect from 2 December 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/45 dated 10 October 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 122-2013-PCM, issued on 26 November 2013, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 26 November 2013.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/44 dated 10 October 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 007-2014-PCM, issued on 23 January 2014, the state of emergency in the Echarate district of the province of La Convención, department of Cusco, has been extended for 60 days, with effect from 31 January 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/57 dated 5 December 2013.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, resprespectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 008-2014-PCM, issued on 23 January 2014, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja,department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 25 January 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/56 dated 5 December 2013.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decrees Nos. 134-2013-PCM and 017-2014-PCM, issued on 28 December 2013 and 27 February 2014 respectively, the state of emergency in the district of Cholón of the province of Marañón, in the district of Monzón of the province of Huamalíes and in the province of Leoncio Prado, all in the department of Huánuco; in the province of Tocache, department of San Martín; and in the province of Padre Abad, department of Ucayali, was successively extended for 60 days, with effect from 30 December 2013 and 27 February 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/46 dated 10 October 2013.

During the state of emergency, the right to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the national territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 021-2014-PCM, issued on 26 March 2014, the state of emergency in the Echarate district of the province of La Convención, department of Cusco, has been extended for 60 days, with effect from 1 April 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/7 dated 28 January 2013.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 020-2014-PCM, issued on 25 March 2014, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; in the province of Satipo; in the Andamarca and Comas districts of the province of Concepción; and in the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 26 March 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being Note 7-1-SG/6 dated 28 January 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to strengthen peacebuilding in the area and in the country.

[...] by Supreme Decree No. 030-2014-PCM, issued on 28 April 2014, the state of emergency in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the

Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days, with effect from 29 April 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/15 of 2 April 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 035-2014-PCM, issued on 15 May 2014, the state of emergency in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari and Vilcabamba in the Province of La Convención, Department of Cusco; and in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 25 May 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/13 of 2 April 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 036-2014-PCM, issued on 15 May 2014, the state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 31 May 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/14 of 2 April 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 045-2014-PCM, issued on 26 June 2014, the state of emergency in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days, with effect from 28 June 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/26 of 23 June 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 048-2014-PCM, issued on 23 July 2014, the state of emergency in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari and Vilcabamba in the Province of La Convención, Department of Cusco; and in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 24 July 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/27 of 23 June 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 049-2014-PCM, issued on 24 July 2014, the state of emergency in the District of Echarate in the province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 30 July 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/25 dated 23 June 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 059-2014-PCM, issued on 19 September 2014, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari and Vilcabamba in the Province of La Convención, Department of Cusco; in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 22 September 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/36 of 11 August 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on

Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 060-2014-PCM, issued on 19 September 2014, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 28 September 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/37 of 11 August 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 065-2014-PCM, issued on 24 October 2014, the state of emergency declared in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days, with effect from 26 October 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the forementioned places, the most recent communication being note No. 7-1-SG/38 of 11 August 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 004-2015-PCM, issued on 22 January 2015, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 26 January 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/010 of 13 February 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 075-2014-PCM, issued on 24 December 2014, the state of emergency declared in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days, with effect from 25 December 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/50 of 27 November 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 068-2014-PCM, issued on 20 November 2014, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 27 November 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being Note 7-1-SG/49 of 27 November 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 067-2014-PCM, issued on 20 November 2014, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari and Vilcabamba in the Province of La Convención, Department of Cusco; in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 21 November 2014.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/48 of 28 November 2014.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 002-2015-PCM, issued on 16 January 2015, the state of emergency declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, has been extended for 60 days, with effect from 19 January 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 069-2014-PCM, issued on 20 November 2014, a state of emergency was declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, for 60 days as from that date.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 057-2014-PCM, issued on 11 September 2014, a state of emergency was declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, for 60 days as from that date.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 015-2015-PCM, issued on 20 March 2015, a state of emergency was declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, for 60 days, with effect from 20 March 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 040-2015-PCM, issued on 22 May 2015, a state of emergency was declared in the Districts of Matarani, Mollendo, Mejía, Punta de Bombón, Dean Valdivia, La Curva, El Arenal, Cocachacra and Valle del Tambo in the Province of Islay, Department of Arequipa, for 60 days, with effect from 22 May 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[..] by Supreme Decree No. 031-2015-PCM, issued on 23 April 2015, the state of emergency in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, was extended for 60 days, with effect from 24 April 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the forementioned places, the most recent communication being note No. 7-1-SG/030 of 6 July 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 016-2015-PCM, issued on 20 March 2015, a state of emergency was declared in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi and Villa Virgen in the Province of La Convención, Department of Cusco; in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca, in the Province of Huancayo, Department of Junín for 60 days, with effect from 21 March 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[..] by Supreme Decree No. 009-2015-PCM, issued on 20 February 2015, the state of emergency in the District of Cholón in the Province of Marañón, the District of Monzón in the Province of Huamalíes, and the Province of Leoncio Prado, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, was extended for 60 days, with effect from 23 February 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/09 of 13 February 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[..] by Supreme Decree No. 041-2015-PCM, issued on 26 May 2015, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 26 May 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/032 of 6 July 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[..] by Supreme Decree No. 018-2015-PCM, issued on 25 March, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, was extended for sixty (60) days, with effect from 27 March 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/014 of 18 February 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12

and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 035-2015-PCM, issued on 15 May 2015, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi and Villa Virgen in the Province of La Convención, Department of Cusco; in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 20 May 2015.

The Permanent Mission has duly reported to the Secretariat previous declarations of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/041 of 4 August 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 036-2015-PCM, issued on 16 May 2015, the state of emergency declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, has been extended for 60 days, with effect from 20 May 2015.

The Permanent Mission has duly reported to the Secretariat previous declarations of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/040 of 4 August 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 068-2015-PCM, issued on 28 September 2015, the state of emergency is declared in the provinces of Cotabambas, Grau, Andahuaylas and Chincheros, Department of Apurímac, and the provinces of Chumbivilcas and Espinar, Department of Cusco, for a period of thirty (30) calendar days. The National Police of Peru shall maintain public order with the support of the armed forces. During the state of emergency and in the locations referred to in the preceding article, the constitutional rights relating to liberty and security of person, inviolability of the home, and freedom of assembly and movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and to articles 17, 12, 21 and 9 of the Covenant, shall be suspended.

[...] by Supreme Decree No. 047-2015-PCM, issued on 16 July 2015, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi and Villa Virgen in the Province of La Convención, Department of Cusco; in the Province of Satipo; and in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 19 July 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/44 of 5 August 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 046-2015-PCM, issued on 16 July 2015, the state of emergency declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, was extended for 60 days, with effect from 19 July 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/45 of 5 August 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 049-2015-PCM, issued on 16 July 2015, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, was extended for 60 days, with effect from 25 July 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/36 of 7 July 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country as a whole.

[...] by Supreme Decree No. 062-2015-PCM, issued on 12 September 2015, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 17 September 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/54 of 5 November 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in

articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 063-2015-PCM, issued on 12 September 2015, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 23 September 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/56 of 6 November 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

{...} by Supreme Decree No. 077-2015-PCM, issued on 12 November 2015, the state of emergency declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, has been extended for 60 days, with effect from 16 November 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/62 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 078-2015-PCM, issued on 12 November 2015, the state of emergency declared in the Provinces of Huanta and La Mar, Department of Ayacucho; in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 16 November 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/63 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 079-2015-PCM, issued on 12 November 2015, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 22 November 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/61 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 083-2015-PCM, issued on 4 December 2015, a state of emergency has been declared for 45 days in the Constitutional Province of Callao, with effect from 4 December 2015.

During the state of emergency, the rights relating to liberty and security of person and inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 061-2015-PCM, issued on 12 September 2015, the state of emergency declared in the Districts of Ramón Castilla and Yavarí in the Province of Mariscal Ramón Castilla, Department of Loreto, has been extended for 60 days, with effect from 17 September 2015.

The Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/55 of 6 November 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

[...] by Supreme Decree No. 004-2016-PCM issued on 16 January 2016, the state of emergency declared in the Constitutional Province of Callao has been extended for 45 days, with effect from 18 January 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat the declaration of a state of emergency in the aforementioned locality though note No. 7-1-SG/67 dated 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

(See C.N.116.2016.TREATIES-IV.4 of 7 April 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 003-2016-PCM, issued on 15 January 2016, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 21 January 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/64 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

(See C.N.117.2016.TREATIES-IV.4 of 7 April 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 013-2016-PCM issued on 2 March 2016, the state of emergency declared in the Constitutional Province of Callao has been extended for 45 days, with effect from 3 March 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat the extension of the state of emergency in the aforementioned locality though note No. 7-1-SG/15 dated 16 March 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

(See C.N.118.2016.TREATIES-IV.4 of 7 April 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 024-2016-PCM issued on 15 April 2016, the state of emergency declared in the Constitutional Province of Callao has been extended for 45 days, with effect from 17 April 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat the extensions of the state of emergency in the aforementioned locality, the most recent communication being note No. 7-1-SG/17 of 21 March 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

(See C.N.539.2016.TREATIES-IV.4 of 2 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 093-2015-PCM issued on 24 December 2015, a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended, in order to consolidate peace in the area and in the country.

(See C.N.554.2016.TREATIES-IV.4 of 5 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 018-2016-PCM, issued on 17 March 2016, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 21 March 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/14 of 16 March 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.540.2016.TREATIES-IV.4 of 2 August 2016 for the text of the above-mention.)

[...] by Supreme Decree No. 002-2016-PCM, issued on 14 January 2016, the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina, Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 15 January 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/66 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.542.2016.TREATIES-IV.4 of 2 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 009-2016-PCM issued on 10 February 2016, a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended, in order to consolidate peace in the area and in the country.

(See C.N.558.2016.TREATIES-IV.4 of 5 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 017-2016-PCM, issued on 15 March 2016, the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, the Districts of Andamarca and Comas in the Province of Concepción, and the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 15 March 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/45 of 24 June 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.557.2016.TREATIES-IV.4 of 5 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 032-2016-PCM issued on 12 May 2016, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 20 May 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/44 of 24 June 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.556.2016.TREATIES-IV.4 of 5 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 036-2016-PCM issued on 31 May 2016, the state of emergency declared in the Constitutional Province of Callao has been extended for 60 days, with effect from 1 June 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/43 dated 24 June 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

(See C.N.555.2016.TREATIES-IV.4 of 5 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 031-2016-PCM, issued on 12 May 2016, the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 14 May 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/49 of 29 June 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.581.2016.TREATIES-IV.4 of 17 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 020-2016-PCM issued on 24 March 2016, a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/50 of 29 June 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended, with the aim of consolidating peace in the area and in the country.

(See C.N.582.2016.TREATIES-IV.4 of 17 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 056-2016-PCM issued on 30 July 2016, a state of emergency in the Constitutional Province of Callao has been declared for 30 days, with effect from 31 July 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/47 dated 29 June 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

(See C.N.584.2016.TREATIES-IV.4 of 17 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 029-2016-PCM issued on 5 May 2016, a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash, with effect from 10 May 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/61 of 26 July 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended, in order to consolidate peace in the area and in the country.

(See C.N.585.2016.TREATIES-IV.4 of 17 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 044-2016-PCM, issued on 12 July 2016, the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 60 days, with effect from 13 July 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/60 of 26 July 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.586.2016.TREATIES-IV.4 of 18 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 041-2016-PCM issued on 23 June 2016, a state of emergency has been declared for

45 days in the Provinces of Santa and Casma, Department of Ancash, with effect from 24 June 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned places, the most recent communication being note No. 7-1-SG/65 of 2 August 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended, in order to consolidate peace in the area and in the country.

(See C.N.595.2016.TREATIES-IV.4 of 11 August 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 066-2016-PCM issued on 27 August 2016, the state of emergency in the Constitutional Province of Callao has been extended for 45 days, with effect from 30 August 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

(See C.N.845.2016.TREATIES-IV.4 of 14 September 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 070-2016-PCM, issued on 11 September 2016, the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 30 days, with effect from 11 September 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

(See C.N.846.2016.TREATIES-IV.4 of 14 September 2016 for the text of the above-mentioned notification.)

By Supreme Decree No. 057-2016-PCM, published on 5 August 2016,the state of emergency in the Provinces of Santa and Casma, Department of Ancash, is extended for a period of forty-five (45) calendar days, with effect from 8 August 2016.

During the extension of the state of emergency and in the locations referred to, the constitutional rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru, shall be suspended.

(See C.N.848.2016.TREATIES-IV.4 of 31 October 2016 for the text of the above-mentioned notification.)

By Supreme Decree No. 045-2016-PCM, issued on 12 July 2016, the state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, was extended for a period of sixty (60) calendar days, with effect from 19 July 2016.

During the state of emergency and in the location referred to, the constitutional rights relating to liberty and security of person, inviolability of the home and freedom of assembly and of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, shall be suspended.

(See C.N.847.2016.TREATIES-IV.4 of 31 October 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 071-2016-PCM issued on 15 September 2016, the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 25 days, with effect from 17 September 2016.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

(See C.N.849.2016.TREATIES-IV.4 of 31 October 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 072-2016-PCM issued on 15 September 2016, the state of emergency in the Provinces of Santa and Casma, Department of Ancash, has been extended for 30 days, with effect from 22 September 2016.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

(See C.N.850.2016.TREATIES-IV.4 of 31 October 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 076-2016-PCM, published on 6 October 2016, a state of emergency has been declared for 60 days, with effect from 11 October 2016, in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa, in the Province of Huanta; in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchihuay, in the Province of La Mar, in the Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca, in the Province of Tayacaja, in the Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen, in the Province of La Convención, in the Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo, in the Province of Satipo; in the Districts of Andamarca and Comas, in the Province of Concepción; and in the Districts of Santo Domingo de Acobamba and Pariahuanca, in the Province of Huancayo, in the Department of Junín.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 9, 12, 17 and 21 of the International Covenant on Civil and Political Rights, will be suspended in order to consolidate peace in the area and in the country as a whole.

(See C.N.969.2016.TREATIES-IV.4 of 14 November 2016 for the text of the above-mentioned notification.)

[...] by Supreme Decree No. 088-2016-PCM, issued on 29 November 2016 (copy attached), a state of emergency is declared for thirty (30) days, in the Province of San Román, Department of Puno, with effect from the aforementioned date.

During the state of emergency, the constitutional rights to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement in

the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 9, 12, 17 and 21 of the International Covenant on Civil and Political Rights, will be suspended in order to consolidate peace in the area and in the country as a whole.

(See C.N.989.2016.TREATIES-IV.4 of 21 February 2017 for the text of the above-mentionned notification.)

[...] by Supreme Decree No. 091-2016-PCM, issued on 8 December 2016, the state of emergency declared in various districts of the Provinces of Huanta and La Mar, Department of Ayacucho; the Province of Tayacaja, Department of Huancavelica; in the Province of La Convención, Department of Cusco, and in the Provinces of Satipo, Concepción and Huancayo, Department of Junín, has been extended for sixty (60) days, with effect from 10 December 2016.

During the state of emergency, the constitutional rights relating to liberty and security of person, the inviolability of the home and freedom of assembly and movement within the territory recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru are suspended.

(See C.N.986.2016.TREATIES-IV.4 of 13 January 2017 for the text of the above-mentioned notification.)

by Supreme Decree No. 093-2016-PCM, issued on 20 December 2016 (copy attached), a state of emergency is declared for thirty (30) days in the Province of Chumbivilcas, Department of Cusco, with effect from the aforementioned date.

During the state of emergency, the constitutional rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 9, 12, 17 and 21 of the International Covenant on Civil and Political Rights, will be suspended in order to consolidate peace in the area and in the country as a whole.

(See C.N.985.2016.TREATIES-IV.4 of 21 February 2017 for the text of the notification.)

[...] by Supreme Decree No. 010-2017-PCM, issued on 7 February 2017, the state of emergency declared in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble, Santiago de Tucuma and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi , Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Rio Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for sixty (60) days, with effect from 8 February 2017.

(See C.N.117.2017.TREATIES-IV.4 of 2 March 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 26 April 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the Province of Cotabambas, Department of Apurimac, for a period of thirty days from 10 February 2017 by Supreme Decree No. 015-2017-PCM.

(See C.N.259.2017.TREATIES-IV.4 of 4 May 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 26 April 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the District of Coporaque, Province of Espinar, Department of Cusco, for a period of thirty days from 21 February 2017 by Supreme Decree No. 020-2017-PCM.

(See C.N.260.2017.TREATIES-IV.4 of 4 May 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 June 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of thirty calendar days from 12 June 2017 by Supreme Decree No. 064-2017-PCM.

(See C.N.397.2017.TREATIES-IV.4 of 12 July 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 June 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi , Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Rio Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty calendar days from 8 June 2017 by Supreme Decree No. 063-2017-PCM.

(See C.N.396.2017.TREATIES-IV.4 of 12 July 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 27 June 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi , Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Rio Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty calendar days from 9 April 2017 by Supreme Decree No. 042-2017-PCM.

(See C.N.395.2017.TREATIES-IV.4 of 12 July 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 August 2017, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the District of

Tumán, Province of Chiclayo, Department of Lambayeque, for a period of thirty calendar days from 13 July 2017 by Supreme Decree No. 074-2017-PCM.

(See C.N.504.2017.TREATIES-IV.4 of 8 September 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 August 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the in the districts of Juliaca, Province of San Román, Department of Puno, in the districts of Wanchaq, San Sebastián and Cusco, Province of Cusco, and in the districts of Machupicchu and Ollantaytambo, Province of Urubamba, Department of Cusco, for a period of thirty calendar days from 19 July 2017 by Supreme Decree No. 078-2017-PCM.

(See C.N.505.2017.TREATIES-IV.4 of 8 September 2017 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 4 January 2018, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the Districts of Chalhuahuacho, Haquira and Mara in the Province of Cotabambas, Department of Apurímac, for a period of thirty (30) calendar days by Supreme Decree No. 085-2017-PCM issued on 16 August 2017.

(See C.N.13.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 5 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Districts of Chalhuahuacho, Haquira and Mara in the Province of Cotabambas, Department of Apurímac, for a period of thirty (30) calendar days from 16 September 2017, and the declaration of a state of emergency for a period of thirty (30) calendar days in the District of Capacmarca in the Province of Chumbivilcas, Department of Cusco by Supreme Decree No. 093-2017-PCM issued on 15 September 2017.

(See C.N.14.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 9 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma, Andaymarca, San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the Districts of Anco, Chinchihuasi, Churcampa, Cosme, El Carmen, La Merced, Locroja, Pachamarca, Paucarbamba, San Miguel de Mayocc, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín for a period of sixty calendar days from 5 December 2017 by Supreme Decree No. 114-2017-PCM.

(See C.N.35.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 9 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the Districts of Chalhuahuacho and Mara, in the Province of Cotabambas, Department of Apurímac, and in the District of Capacmarca, in the Province of Chumbivilcas, Department of Cusco for a period of thirty calendar days from 15 November 2017 by Supreme Decree No. 107-2017-PCM.

(See C.N.36.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 8 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque for a period of thirty calendar days from 11 September 2017 by Supreme Decree No. 090-2017-PCM.

(See C.N.28.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 8 January 2017, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the District of Luricocha in the Province of Huanta, Department of Ayacucho; in the Districts of San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the Province of Churcampa, Department of Huancavelica for a period of twenty calendar days by Supreme Decree No. 094-2017-PCM.

(See C.N.27.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 4 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Rio Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty calendar days from 7 August 2017 by Supreme Decree No. 079-2017-PCM.

(See C.N.17.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 9 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of thirty calendar days from 11 October 2017 by Supreme Decree No. 100-2017-PCM.

(See C.N.29.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 8 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Districts of Chalhuahuacho and Mara in the Province of Cotabambas, Department of Apurímac, and in the District of

Capacmarca in the Province of Chumbivilcas, Department of Cusco, for a period of thirty calendar days from 16 October 2017 by Supreme Decree No. 101-2017-PCM .

(See C.N.33.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 5 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of thirty calendar days from 12 August 2017 by Supreme Decree No. 083-2017-PCM.

(See C.N.18.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 10 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque for a period of thirty calendar days from 10 November 2017 by Supreme Decree No. 104-2017-PCM.

(See C.N.30.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 11 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque for a period of thirty calendar days from 10 December 2017 by Supreme Decree No. 119-2017-PCM.

(See C.N.31.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of sixty calendar days from 9 January 2018 by Supreme Decree No. 001-2018-PCM.

(See C.N.32.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 8 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma, Andaymarca, San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the Districts of Anco, Chinchihuasi, Churcampa, Cosme, El Carmen, La Merced, Locroja, Pachamarca, Paucarbamba, San Miguel de Mayocc, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín for a period of sixty calendar days from 6 October 2017 by Supreme Decree No. 97-2017-PCM.

(See C.N.34.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 10 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of a state of emergency in the Districts of Chalhuahuacho and Mara, in the Province of Cotabambas, Department of Apurímac, and in the District of Capacmarca, in the Province of Chumbivilcas, Department of Cusco for a period of thirty calendar days from 15 December 2017 by Supreme Decree No. 120-2017-PCM.

(See C.N.39.2018.TREATIES-IV.4 of 23 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of sixty (60) calendar days from 9 May 2018 by Supreme Decree No. 048-2018-PCM.

(See C.N.303.2018.TREATIES-IV.4 of 22 June 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of the provinces of Huanta and La Mar (Ayacucho), of the provinces of Tayacaja and Churcampa (Huancavelica), of the province of La Convención (Cusco) and of the provinces of Satipo, Concepción and Huancayo (Junín) for a period of sixty (60) calendar days from 4 April 2018 by Supreme Decree No. 035-2018-PCM.

(See C.N.300.2018.TREATIES-IV.4 of 22 June 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the District of Tumán, Province of Chiclayo, Department of Lambayeque, for a period of sixty (60) calendar days from 10 March 2018 by Supreme Decree No. 024-2018-PCM.

(See C.N.302.2018.TREATIES-IV.4 of 22 June 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of the provinces of Huanta and La Mar (Ayacucho), of the provinces of Tayacaja and Churcampa (Huancavelica), of the province of La Convención (Cusco) and of the provinces of Satipo, Concepción and Huancayo (Junín) for a period of sixty (60) calendar days from 3 February 2018 by Supreme Decree No. 011-2018-PCM.

(See C.N.299.2018.TREATIES-IV.4 of 22 June 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the districts of Quichuas and Pichos in the province of Tayacaja, Department of Huancavelica, for a period of thirty (30) calendar days from 31 January 2018 by Supreme Decree No. 013-2018-PCM.

(See C.N.301.2018.TREATIES-IV.4 of 22 June 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 12 June 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Quichuas and Pichos in the province of Tayacaja, Department of Huancavelica, for a period of sixty (60) calendar days from 2 May 2018 by Supreme Decree No. 045-2018-PCM.

(See C.N.324.2018.TREATIES-IV.4 of 6 July 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 2 July 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta and in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández and Colcabamba in the Province of Tayacaja and in the Districts of Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Rio Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty calendar days from 3 June 2018 by Supreme Decree No. 058-2018-PCM.

(See C.N.325.2018.TREATIES-IV.4 of 6 July 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 3 July 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Quichuas and Pichos in the province of Tayacaja, Department of Huancavelica, for a period of sixty (60) calendar days from 3 March 2018 by Supreme Decree No. 021-2018-PCM.

(See C.N.323.2018.TREATIES-IV.4 of 6 July 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 17 August 2018, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta, and in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the districts of Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty (60) calendar days, with effect from 2 August 2018 by Supreme Decree No. 078-2018-PCM.

(See C.N.384.2018.TREATIES-IV.4 of 23 August 2018 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency over the Apurimac-Cusco-Arequipa road corridor, of an approximate length of 482.2 kilometres, extending from national route PE-3S X, located in the district of Progreso, Province of Grau, Department of Apurímac, to national route PE-34 A, which ends in the small population centre of Pillones in the district of San Antonio de Chuca, Province of Caylloma, Department of Arequipa, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 30 August 2018 by Supreme Decree No. 091-2018-PCM.

(See C.N.30.2019.TREATIES-IV.4 of 12 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 30 September 2018 by Supreme Decree No. 100-2018-PCM.

(See C.N.31.2019.TREATIES-IV.4 of 12 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 30 October 2018 by Supreme Decree No. 105-2018-PCM.

(See C.N.32.2019.TREATIES-IV.4 of 12 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 29 November 2018 by Supreme Decree No. 115-2018-PCM.

(See C.N.33.2019.TREATIES-IV.4 of 12 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty

(30) calendar days, with effect from 29 December 2018 by Supreme Decree No. 128-2018-PCM.

(See C.N.34.2019.TREATIES-IV.4 of 12 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the in the Province of Putumayo, Department of Loreto, for a period of thirty (60) calendar days from 29 November 2018 by Supreme Decree No. 116-2018-PCM.

(See C.N.24.2019. TREATIES-IV.4 of 5 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta, and in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the districts of Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty (60) calendar days, with effect from 1st October 2018 by Supreme Decree No. 099-2018-PCM.

(See C.N.22.2019.TREATIES-IV.4 of 5 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 28 January 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa and Luricocha in the Province of Huanta, and in the districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay in the Province of La Mar, Department of Ayacucho; in the districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández and Colcabamba in the Province of Tayacaja, and in the districts of Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris in the Province of Churcampa, Department of Huancavelica; in the districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; and in the districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the districts of Andamarca and Comas in the Province of Concepción, and in the districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, for a period of sixty (60) calendar days, with effect from 30 November 2018 by Supreme Decree No. 117-2018-PCM.

(See C.N.23.2019.TREATIES-IV.4 of 5 February 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the districts of Tambopata, Inambari, Las Piedras and Laberinto in the Province of Tambopata (Department of Madre de Dios), for a period of sixty (60) calendar days effective 18 February 2019, by Supreme Decree No. 028-2019-PCM.

(See C.N.176.2019. TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the Province of Putumayo (Department of Loreto), for a period of sixty (60) calendar days effective 28 February 2019, by Supreme Decree No. 041-2019-PCM.

(See C.N.178.2019. TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoria in the Province of Puerto Inca (Department of Huánuco) and in the districts of Constitución, Palcazú and Puerto Bermúdez in the Province of Oxapampa (Department of Pasco), for a period of thirty (30) calendar days effective 28 March 2019, by Supreme Decree No. 050-2019-PCM.

(See C.N.180.2019. TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 27 February 2019 by Supreme Decree No. 038-2019-PCM.

(See C.N.175.2019.TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of fifteen (15) calendar days, with effect from 28 March 2019 by Supreme Decree No. 056-2019-PCM.

(See C.N.177.2019.TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 29 April 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared over the

stretch of the Apurímac-Cusco-Arequipa road corridor that extends from kilometre 130 (Ref. Muyu Orcco sector) to kilometre 160 (Ref. Tiendayoc sector) of national route PE-3SY, which encompasses the district of Colquemarca, Province of Chumbivilcas, Department of Cusco, including the five hundred (500) metres adjacent to either side of the road corridor, for a period of thirty (30) calendar days, with effect from 25 January 2019 by Supreme Decree No. 008-2019-PCM.

(See C.N.174.2019.TREATIES-IV.4 of 14 May 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency by Supreme Decree No. 009-2019-PCM for a period of sixty (60) days, with effect from 29 January 2019 until 29 March 2019, in districts of Ayahuanco, Santillana, Sivia, Llochegua, Canayre, Uchuraccay , and Pucacolpa of the province of Huanta and in the districts of Anco, Ayna, Chungui, Santa Rosa, Samugari, Anchihuay, of the province of La Mar of the department of Ayacucho; in the districts of, Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca and Colcabamba of the province of Tayacaja and in the districts of Chinchihuasi, Pachamarca, San Pedro de Goris of the province of Churcampa of the department of Huancavelica; in the districts of Echarate, Kimbiri, Pichari, Villa Kintiarina and Villa Virgen in the province of La Convencion in the department of Cusco; and, in the districts of Mazamari, Pangoa, Vizcatan of the Eney Rio Tambe of the province of Satipo, in the district of Andamarca of the province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca of the province of Huancayo, of the department of Junin.

(See C.N.406.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of the provinces of Huanta and La Mar (Ayacucho); in the provinces of Tayacaja and Churcampa (Huancavelica); in the province of La Convención (Cusco); and, in the provinces of Satipo, Concepción and Huancayo (Junin), for a period of sixty (60) days, with effect from 30 March 2019 until 28 May 2019 by Supreme Decree No. 055-2019-PCM.

(See C.N.407.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the end of the state of emergency declared in the district of Challhuahuacho, Province of Cotabambas, Department of Apurimac, as well as the end of the extension of the state of emergency over the part of the Apurímac-Cusco-Arequipa road corridor, provided for in the Supreme Decree No. 067-2019-PCM.

(See C.N.408.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency declared in the districts of Madre de Dios and Huepetuhe in the Province of Manu, Department of Madre de Dios, for a period of sixty (60) days, with effect from 20 April 2019 by Supreme Decree No. 079-2019-PCM. The Supreme Decree extends furthermore the state of emergency for a period of sixty (60) calendar days, with effect from 20 April 2019, in the districts of Tambopata, Inambari, Las Piedras and Laberinto in the Province of Tambopata, Department of Madre de Dios.

(See C.N.409.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the Province of Putumayo, Department of Loreto, for a period of sixty (60) days, with effect from 30 April 2019 by Supreme Decree No. 088-2019-PCM.

(See C.N.410.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoria in the Province of Puerto Inca (Department of Huánuco) and in the districts of Constitución, Palcazú and Puerto Bermúdez in the Province of Oxapampa (Department of Pasco), for a period of sixty (60) calendar days, with effect from 28 May 2019 by Supreme Decree No. 097-2019-PCM.

(See C.N.411.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Ayahuanco, Santillana, Sivia, Llochegua, Canayre, Uchuraccay , and Pucacolpa of the province of Huanta and in the districts of Anco, Ayna, Chungui, Santa Rosa, Samugari, Anchihuay, of the province of La Mar of the department of Ayacucho; in the districts of, Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca and Colcabamba of the province of Tayacaja and in the districts of Chinchihuasi, Pachamarca, San Pedro de Goris of the province of Churcampa of the department of Huancavelica; in the districts of Echarate, Kimbiri, Pichari, Villa Kintiarina and Villa Virgen in the province of La Convencion in the department of Cusco; and, in the districts of Mazamari, Pangoa, Vizcatan of the Eney Rio Tambe of the province of Satipo, in the district of Andamarca of the province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca of the province of Huancayo, of the department of Junin, for a period of sixty (60) days, with effect from 29 May 2019 by Supreme Decree No. 102-2019-PCM.

(See C.N.413.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Madre de Dios and Huepetuhe in the Province of Manu, and in the districts of Tambopata, Inambari, Las Piedras and Laberinto in the Province of Tambopata, Department of Madre de Dios, for a period of sixty (60) days, with effect from 19 June 2019 by Supreme Decree No. 116-2019-PCM.

(See C.N.414.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Ayahuanco, Santillana, Sivia, Llochegua, Canayre, Uchuraccay , and Pucacolpa of the province of Huanta and in the districts of Anco, Ayna, Chungui, Santa Rosa, Samugari, Anchihuay, of the province of La Mar of the department of Ayacucho; in the districts of Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca and Colcabamba of the province of Tayacaja and in the districts of Chinchihuasi, Pachamarca, San Pedro de Goris of the province of Churcampa of the department of Huancavelica; in the districts of Echarate, Kimbiri, Pichari, Villa Kintiarina and Villa Virgen in the province of La Convención in the department of Cusco; and, in the districts of Mazamari, Pangoa, Vizcátan del Eney, Río Tambe of the province of Satipo, in the district of Andamarca of the province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca of the province of Huancayo of the department of Junín, for a period of sixty (60) days, with effect from 28 July 2019 by Supreme Decree No. 135-2019-PCM.

(See C.N.415.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoria in the Province of Puerto Inca (Department of Huánuco) and in the districts of Constitución, Palcazú and Puerto Bermúdez in the Province of Oxapampa (Department of Pasco), for a period of sixty (60) days, with effect from 27 July 2019, by Supreme Decree No. 137-2019-PCM.

(See C.N.416.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency declared in the districts of Madre de Dios and Huepetuhe in the Province of Manu, and in the districts of Tambopata, Inambari, Las Piedras and Laberinto in the Province of Tambopata, Department of Madre de Dios, for a period of sixty (60) calendar days, with effect from 18 August 2019 by Supreme Decree No. 147-2019-PCM.

(See C.N.417.2019.TREATIES-IV.4 of 6 September 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 19 August 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency in the Provinces of Putumayo and Mariscal Ramón Castilla in the Department of Loreto, for a period of sixty (60) calendar days, with effect from 27 July 2019 by Supreme Decree No. 136-2019-PCM.

(See C.N.581.2019.TREATIES-IV.4 of 18 November 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency over the part of the road corridor Vial Apurímac – Cusco – Arequipa, including the five hundred meters adjacent to each side of the road, in the sections covered by the districts of Ccapacmarca, Colquemarca, Chamaca and Velille of the Province of Chumbivilvas of the Department of Cusco, for a period of thirty (30) calendar days, with effect from 16 October 2019, by Supreme Decree No. 169-2019-PCM.

(See C.N.604.2019.TREATIES-IV.4 of 3 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of Tambopata, Inambari, Las Piedras and Laberinto in the Province of Tambopata and in the districts of Madre de Dios and Huepetuhe in the Province of Manu, Department of Madre de Dios, for a period of sixty (60) calendar days, with effect from 17 October 2019, by Supreme Decree No. 170-2019-PCM.

(See C.N.601.2019.TREATIES-IV.4 of 3 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the declaration of the state of emergency in the district of Campoverde in the Province of Coronel Portillo, and in the districts of Neshuya and Alexander Von Humboldt in the Province of Padre Abad, Department of Ucayali, for a period of sixty (60) calendar days, with effect from 25 September 2019, by Supreme Decree No. 164-2019-PCM.

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoria in the Province of Puerto Inca, Department of Huánuco, and in the districts of Constitución, Palcazú and Puerto Bermúdez in the Province of Oxapampa, Department of Pasco, for a period of sixty (60) calendar days, with effect from 25 September 2019, by Supreme Decree No. 164-2019-PCM.

(See C.N.603.2019.TREATIES-IV.4 of 3 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of Ayahuanco, Santillana, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa of the Province of Huanta and in the districts of Anco, Ayna, Chungui, Santa Rosa, Samugari, Anchihuay of the Province of La Mar of the department of Ayacucho; in the districts of Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca and Colcabamba of the Province of Tayacaja and in the districts of Chinchihuasi, Pachamarca, San Pedro de Coris of the Province of Churcampa of the department of Huancavelica; in the districts of Echarate, Kimbiri, Pichari, Villa Kintiarina and Villa Virgen of the Province of La Convención in the Department of Cusco; and, in the districts of Mazamari, Pangoa, Vizcátan del Ene, Río Tambo of the Province of Satipo, in the district of Andamarca of the Province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca of the Province of Huancayo of the Department of Junín, for a period of sixty (60) calendar days, with effect from 26 September until 24 November 2019, by Supreme Decree No. 160-2019-PCM.

(See C.N.602.2019.TREATIES-IV.4 of 3 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 7 November 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Provinces of Putumayo and Mariscal Ramón Castilla in the Department of Loreto, for a period of sixty (60) calendar days, with effect from 25 September 2019, by Supreme Decree No. 159-2019-PCM.

(See C.N.600.2019.TREATIES-IV.4 of 3 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 17 December 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo and Honoria in the Province of Puerto Inca, Department of Huánuco, and in the districts of Constitución, Palcazú and Puerto Bermúdez in the Province of Oxapampa, Department of Pasco, for a period of sixty (60) calendar days, with effect from 24 November 2019, by Supreme Decree No. 182-2019-PCM.

(See C.N.622.2019.TREATIES-IV.4 of 24 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 17 December 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the districts of Ayahuanco, Santillana, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa of the Province of Huanta and in the districts of Anco, Ayna, Chungui, Santa Rosa, Samugari, Anchihuay of the Province of La Mar of the department of Ayacucho; in the districts of Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca and Colcabamba of the Province of Tayacaja and in the districts of Chinchihuasi, Pachamarca, San Pedro de Coris of the Province of Churcampa of the department of Huancavelica; in the districts of Echarate, Kimbiri, Pichari, Villa Kintiarina and Villa Virgen of the Province of La Convención in the Department of Cusco; and, in the districts of Mazamari, Pangoa, Vizcátan del Ene, Río Tambo of the Province of Satipo, in the district of Andamarca of the Province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca of the Province of Huancayo of the Department of Junín, for a period of thirty (30) calendar days, with effect from 25 November until 24 December 2019, by Supreme Decree No. 183-2019-PCM.

(See C.N.623.2019.TREATIES-IV.4 of 24 December 2019 for the text of the notification.)

The Secretary-General received from the Government of Peru a notification dated 17 December 2019, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency in the Provinces of Putumayo and Mariscal Ramón Castilla in the Department of Loreto, for a period of sixty (60) calendar days, with effect from 24 November 2019, by Supreme Decree No. 184-2019-PCM.

(See C.N.624.2019.TREATIES-IV.4 of 24 December 2019 for the text of the notification.)

POLAND

"In connection with the proclamation of martial law by the Council of State of the Polish People's Republic, as based on article 33, paragraph 2, of Poland's Constitution, there has been temporary derogation from or limitation of application of provisions of articles 9, 12 (paragraphs1 and 2), 14 (paragraph 5), 19 (paragraphs 2, 21 and 22) of the Covenant, to the extent strictly required by the exigencies of the situation ...

Temporary limitation of certain rights of citizens has been prompted by the supreme national interest. It was caused by the exigencies of averting a civil war, economic anarchy as well as destabilization of state and social structures ...

The restrictive measures in question are of a temporary nature. They have already been considerably cut back and along with the stabilizing of the situation, will be successively terminated."

Basing on the law by the Diet (Seym) of the Polish People's Republic of 18 December 1982 concerning special legal regulation in the time of suspension of martial law, derogation from Covenant's articles 9, 12 paragraphs 1 and 2, articles 21 and 22, has been terminated as of 31 December 1982.

By terms of the same law as well as a result of earlier successive measures, restrictions in the application of Covenant provisions which are still derogated from, namely article 14 paragraph 5 and article 19 paragraph 2, have also been considerably reduced.

For instance, with reference to Covenant's article 14 paragraph 5, emergency procedures have been lifted in relation to crimes and offences committed in social conflicts out of political motivations, they have only been retained with regard to crimes most dangerous to State's basic economic interests as well as to life, health and property of its citizens.

Termination as from 22 July 1983 of derogations.

RUSSIAN FEDERATION

(Dated 13 October 1988)

[Owing to] nationalistic clashes in the Soviet Union in the Nagorno-Karabach Autonomous Region and the Agdam district of the Azerbaydzhan Soviet Socialist Republic [and to] contraventions of public order, accompanied in a number of cases by the use of weapons, [which] have unfortunately resulted in casualties and damage to the property of the State and of private individuals [and owing to the attack of] some State institutions ... a state of emergency has been temporarily imposed, and a curfew is in effect, in the Nagorno-Karabach Autonomous Region and the Agdam district of the Azerbaydzhan SSR, as of 21 September 1988. The state of emergency has been imposed in order to restore public order, protect citizens' individual and property rights and enforce strict compliance with the law, in accordance with the powers conferred by the Presidium of the Supreme Soviet of the USSR.

While the state of emergency is in force, demonstrations, rallies, meetings and strikes are banned. The movements of civilians and vehicles are restricted between 9 p.m. and 6 a.m. These restrictions represent a partial departure from the provisions of articles 12 and 21 of the International Covenant on Civil and Political Rights. Steps to ensure the safety of civilians and maintain public order are being taken by units of the militia and the armed forces. The local and central organs of power and government are taking steps to normalize the situation; and elucidation effort is in progress, with the aim of preventing criminal acts and incitement to national hatred.

Further [information will be provided as concerns] the date on which the state of emergency is lifted after the normalization of the situation.

(Dated 15 January 1990)

Proclamation of the state of emergency as from 11 p.m. local time on 15 January 1990, in territory of the Nagorno-Karabach autonomous region, the regions of the Azerbaijan SSR adjacent thereto, the Gorissa region of the Armenian SSR and the border zone along the state frontier between the USSR and the territory of the Azerbaijan SSR. The state of emergency was proclaimed owing to incitement by extremist groups which are organizing disorders, stirring up dissension and hostility between nationalities, and do not hesitate to mine roads, open fire in inhabited areas and take hostages. Articles 9, 12, 19, 21 and 22 of the Covenant were accordingly suspended.

(Dated 29 January 1990)

Proclamation of the state of emergency, as from 20 January in the city of Baku and application to that territory of the Decree adopted by the Presidium of the Supreme Soviet of the USSR on 15 January 1990, in the light of massive disorders organized by criminal extremist forces to overthrow the Government, and also with a view to ensure the protection and security of citizens. Articles

9, 12, 19, 21 and 22 of the Covenant are accordingly suspended.

(Dated 23 March 1990)

Establishment of the state of emergency as from 12 February 1990 in Dushanbe (Tadzhik SSR) because of widespread disorders, arson and other criminal acts which resulted in a threat to the citizens. Articles 9, 12 and 21 of the Covenant were accordingly suspended.

(Dated 3 November 1992)

Establishment of the state of emergency from 2 p.m. on 2 November 1992 to 2 p.m. on 2 December 1992 in the territory of the North Ossetian SSR and the Ingush Republic as a result of the serious deterioration in the situation with mass disturbances and conflicts between minorities accompanied by violence involving the use of weapons and military equipment and leading to the loss of human lives, and also in view of the threat to the security and territorial integrity of the Russian Federation. Articles 9, 12, 19, 21 and 22 of the Covenant were accordingly suspended.

(Dated 7 April 1993)

Establishment of thetate of emergency from 1400 hours on 31 March 1993 to 1400 hours on 31 May 1993 in the Prigorodny district and adjacent areas of the North Ossetian SSR and part of the Nazran district of the Ingush Republic due to "the continuing deterioration of the situation in parts of the North Ossetian Socialist Republic and the Ingush Republic, popular unrest and inter-ethnic conflicts, accompanied by violence involving the use of arms and military equipment".

The provisions from which it has derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

(Dated 10 August 1993)

Proclamation of the state of emergency by Decree No. 1149 of 27 and 30 July 1993, as from 31 July 1993 at 1400 hours until 30 September 1993 at 1400 hours in the territories of the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian Soviet Socialist Republic (SSR) and the Malgobek and Nazran districts of the Ingush Republic due to the deterio ration of the situation in certain parts of these territories.

The provisions from which it has derogated are articles 12 (1), 13, 17(1), 19(2), 21 and 22.

(Dated 4 October 1993)

Proclamation of the state of emergency as from 3 October 1993 at 4 p.m. to 10 October 1993 at 4 p.m. in the city of Moscow "in connection with the attempts of extremist forces to provoke mass violence through organized attacks against the representatives of authority and the Police". The provisions from which it has derogated are articles 12(1), 13, 19(2) and 22.

(Dated 21 October 1993)

Extension of the state of emergency in the city of Moscow pursuant to Decree No. 1615 of 9 October 1993 until 18 October 1993 at 5 a.m. owing to "the need to ensure further normalization of the situation in Moscow, strengthen the rule of law and ensure the security of the inhabitants after the attempted armed *coup d'état* of 3-4 October 1993

Teration of the state of emergency established in Moscow pursuant to Decree of 3 October 1993 and extended pursuant to Decree of 9 October 1993, as from 18 October 1993 at 5 a.m.

(Dated 28 October 1993)

Proclamation of the state of emergency pursuant to Presidential Decree of 29 September 1993 as from 30 September 1993 at 1400 hours until 30 November 1993 at 1400 hours in the territories of the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian Soviet Socialist Republic and the Malgobek and Nazran districts of the Ingush Republic. The Government of the Russian Federation specified that the reasons for the state of emergency were the deterioration of the situation in a number of districts of the North Ossetian Soviet Socialist Republic and the Ingush Republic as a result of the non-implementation of the agreements concluded earlier by the two sides and the decisions of the interim administration regarding the settlement of the conflict, and the increase in the number of acts of terrorism and violence. (Derogations from articles 12(1), 13, 19(2) and 22.)

(Dated 23 December 1993)

Extension of the state of emergency until 31 January 1994 at 1400 hours by Presidential Decree to parts of the territories of the Republic of North Ossetia and the Ingush Republic ... necessitated by the worsening of the situation in a number of districts of the Republic of North Ossetia and the Ingush Republic.

(Dated 22 June 1993)

In view of the deterioration of the situation and the increased frequency of terrorist acts and widespread disorder on national soil involving the use of firearms, the President of Russia issued a Decree on 29 May 1993 declaring a state of emergency from 1400 hours on 31 May 1993 to 1400 hours on 31 July 1993 in the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian SSR and in the Malgobek and Nazran dtricts of the Ingush Republic.

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

(Dated 22 April 1994)

In view of the continuing state of tension in a number of districts of the Republic of North Ossetia and the Ingush Republic, the unceasing acts of terrorism and violence, including violence against the civilian population, and the still unresolved problem of refugees, the President of the Russian Federation issued Decree No. 657 on 4 April 1994 declaring a state of emergency from 1400 hours on 31 March 1994 until 1400 hours on 31 May 1994 in territories of the Mozdok district, the Pravoberezhny district, the Prigorodny district and the city of Vladikavkaz (Republic of North Ossetia) and of the Malgobek and Nazran districts (Ingush Republic).

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(Dated 20 May 1994)

Proclamation of the state of emergency by Decree No. 836 on 27 April 1994 from 2 p.m. on 27 April 1994 to 2 p.m. on 31 May 1994 in a portion of the territory of the Republic of North Ossetia. The said Decree extends the applicability of paragraphs 3 to 8 of presidential Decree No. 657 of 4 April 1994 to the territories of the Prigorodny district (the Oktyabrskoe, Kambileevskoe and Sunja populated areas) and Vladikavkaz (the Sputnik military cantonment), in the Republic of North Ossetia. *(In this regard, reference is made to the notification received on 25 April 1994 and dated 22 April 1994).*

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(Dated 21 June 1994)

Lifting, as from 31 May 1994, by virtue of Decreeo. 1112 of 30 May 1994, of the state of emergency in part of the territories of the Republic of North Ossetia and the Ingush Republic, instituted by the President of the Russian Federation under Decrees Nos. 657 of 4 April 1994 and 836 of 27 April 1994. *(In this regard, reference is made to the notifications received on 25 April and 23 May 1994, and dated 22 April and 20 May 1994, respectively)* .

Declaration of the state of emergency as from 31 May 1994 at 1400 hours until 31 July 1994 at 1400 hours in the following territories: Mozdok district, the Pravoberezhny district, the Prigorodny district, the city of Vladikavkaz (Republic of North Ossetia, the Malgobek, Nazran, Sunzha and Dzheirakh districts (Ingush Republic) by Decree 1112 of 30 May 1994, in view of the continuing state of tension in those districts and the need to ensure

the return of refugees and forcibly displaced persons to their places of permanent residence and implement a set of measures aimed at eliminating the consequences of the armed conflict.

Derogation from the provisions of article 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(Dated 12 August 1994)

Lifting as from 31 July 1994 of the state of emergency in part of the territories of the Republic of North Ossetia and the Ingush Republic, instituted on 30 May 1994 *(in this regard, reference is made to the notification received on 21 June 1994)* , and proclamation of a state of emergency from 1400 hours on 31 July 1994 until 1400 hours on 30 September 1994 in the territories of the Mozdok, Pravoberezhny, and Prigorodny districts, the city of Vladikavkaz (Republic of North Ossetia), and of Malgobek, Nazran, Sunja and Dzheirakh districts (Ingush Republic) in view of the continuing state of tension in those territories and the need for refugees and forcibly displaced persons to return to their places of permanent residence as well as for the elimination of the consequences of armed confict.

Derogation from the provisions of article 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(Dated 21 October 1994)

Lifting of the state of emergency instituted by Decree No. 1541 of 25 July 1994 and proclamation of a state of emergency with effect from 1400 hours on 3 October 1994 until 1400 hours on 2 December 1994 in the territories of the Mozdok, Pravoberzhny and Prigorodny districts and the city of Vladikavkaz (Republic of North Ossetia) and the Malgobek, Nazran, Sunja and Djeirakh districts (Ingush Republic) in view of the continuing state of tension and the need to ensure the return of forcibly displaced persons to their places of permanent residence and the implementation of a set of measures to deal with the aftermath of the armed conflict in order to guarantee State and public security.

Derogation from the provisions of articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(Dated 4 January 1995)

Proclamation by Decree No. 2145 of 2 December 1994 of the state of emergency from 1400 hours on 3 December 1994 until 1400 hours on 31 January 1995 in the territories of the Mozdok district, the Pravoberezhny district, the Pigorodny district and the city of Vladikavkaz (Republic of North Ossetia) and of the Malgobek, Narzan, Sunzha and Dzheyrakh districts (Ingush Republic) for the same reasons as those given in notification of 21 October 1994.

Derogation from the provisions of articles 12, 19 (2), 21 and 22 (1) and (2) of the Covenant.

SERBIA

(Dated 12 March 2003)

On 13 March 2003, the Secretary-General received from the Government of Serbia and Montenegro a notification, made under article 4 (3) of the above Covenant, transmitting the Decision and the Order dated 12 March 2003 from the Acting President of the Republic, concerning the declaration of a state of emergency in the Republic.

The above Order, issued by the Acting President of the Republic of Serbia concerning special measures to be applied during the state of emergency, provides for the derogation from rights guaranteed by Articles 9, 12, 14, 17, 19, 21 and 22 (2) of the Covenant.

(Dated 23 April 2003)

Termination of the state of emergency as proclaimed on 12 March 2003.

SRI LANKA

Proclamation of state of emergency throughout Sri Lanka, and derogation as a consequence from articles 9 (3) and 14 (3) (b) of the Covenant as from 18 May 1983.

The Government of Sri Lanka specified that the Emergency regulations and Special Laws were temporary measures necessitated by the existence of an extraordinary security situation and that it was not intended to continue with them longer than it was absolutely necessary.

(Dated 13 January 1989)

Termination of the state of emergency as from 11 January 1989.

(Dated 18 August 1989)

Establishment of the state of emergency for a period of 30 days as from 20 June 1989 and derogation from provisions of article 9 (2).

The notification specifies that the state of emergency was declared in view of the progressive escalation of violence, acts of sabotage and the disruption of essential services throughout the country as from the termination of the state of emergency on 11 January 1989 *(see previous notification of 16 January 1989)* .

(Dated 29 September 1994)

Lifting of the state of emergency established on 20 June 1989 and notified by notification of 18 August 1989, as from 4 September 1994, except with regard to the Northern and Eastern Provinces and certain areas which border the above two Provinces specifically designated in the Presidential Proclamation dated 1 September 1994.

(Dated 30 May 2000)

Declaration of a State of emergency in Sri Lanka

Derogation from articles 9 (2), 9 (3), 12 (1), 12 (2), 14 (3), 17 (1), 19 (2), 21 and 22.

"On 2nd May 2010 His Excellency the President of Sri Lanka promulgated the Emergency Regulations under Section 5 of the Public Security Ordinance (PSO). The Emergency Regulations have been officially proclaimed by the Gazette Extraordinary No. 1651/24 dated 2nd May 2010. The new proclamation amends and repeals a number of Emergency Regulations that have been in operation since their publication in the Gazette Extraordinary No. 1405/14 of 13th August 2005 as amended from time to time.

The Emergency Regulations prior to the recent amendments were promulgated in August 2005 immediately after the assassination of the former Foreign Minister of Sri Lanka Mr. Lakshman Kadirgamar. These Regulations were amended from time to time and continued due to the conflict situation which prevailed in certain areas of the island. As a result of the successful security operations launched by the Government of Sri Lanka, this situation ended in mid May 2009, with the elimination of the menace of terrorism posed by the ruthless organization styling itself the Liberation Tigers of Tamil Eelam (LTTE). However, there does remain a need for vigilance to ensure the complete recovery of arms caches secreted by the LTTE and the reintegration back into society of LTTE cadres, after successfully completing programmes of rehabilitation and of vocational training. Moreover, Sri Lanka requires to be alert against attempts by residues of the LTTE operating overseas to channel funds for de-stabilization and to try to re-kindle the embers of secession through endeavours such as the Provisional Transnational Government of Tamil Eelam. It is in this context that the Government of Sri Lanka decided to further significantly scale down the Emergency Regulations, while keeping in force only a limited number essential for national security.

The recent amendments to the Emergency Regulations that have come into effect from 2nd May 2010 are in keeping with the consistent commitment of Sri Lanka towards the promotion of human rights and the maintenance of strong judicial safeguards. It is in this

context that the Government of Sri Lanka at the outset wishes to enumerate the terminations of derogations of the following ICCPR articles [: 9 (2), 12, 14 (3), 17 (1), 19 (2), 21 and 22 (1)] ... "

In reference to previous notifications submitted by the Government of Sri Lanka under Article 4 of the International Covenant on Civil and Political Rights (ICCPR) to the Secretary-General of the United Nations, as the Depositary of the International Covenant on Civil and Political Rights (ICCPR) made on 9th June 2010 and 30th May 2000 respectively:

"The Government of Sri Lanka is pleased to notify His Excellency the Secretary General that the Emergency Regulations that have been promulgated under the Public Security Ordinance have been allowed to lapse since August 2011. The Emergency Regulations were promulgated in August 2005 by means of a Presidential Proclamation pursuant to Section 05 of the Public Security Ordinance. Due to the conflict situation which then prevailed in the country, the Regulations were amended from time to time and were allowed to continue in force. In view of the end of the conflict in 2009 and in keeping with Sri Lanka's commitments towards protection and promotion of human rights, the emergency regulations have been allowed to lapse since August 2011.

The Government of Sri Lanka therefore wishes to notify the Secretary-General of the termination of all derogations previously notified under the ICCPR, pursuant to the lapse of the Emergency Regulations in August 2011."

This communication is being made pursuant to Sri Lanka's obligations under Article 4 of the International Covenant on Civil and Political Rights, which stipulate the obligations of the State Parties to notify the derogation as well as the termination of such derogations."

SUDAN

(Dated 21 August 1991)

"The state of emergency was declared all over the Sudan on June 30, 1989, when the Revolution for National Salvation took over the power, in order to ensure security and safety of the country. *[The articles of the Covenant which are being derogated from are articles 2 and 22 (1) as subsequently indicated by the Government of the Sudan.]*

The reasons for declaring the State of Emergency were [that] the Revolution has in June 1989, inherited a very chaotic socio-economic and political situation with a civil war raging in the South (the Civil War started in 1983 and since then the state of emergency was declared), and lawlessness engulfing the North, and armed-robbery being practised, in a serious manner, in the west (as a result of the present crisis in Tchad), and also in the east, in addition to possible threats of foreign interventions.

The emergency regulations were also issued to complement the provisions of the Constitutional Decree No. (2) (the State of Emergency) which contain more that 40 sections aimed at ensuring security and safety of the country. But no person has ever been convicted till now, or sentenced to death in accordance with these regulations since the declaration of the state of emergency. The army officers who were executed on July 26, 1990, were charged in accordance with: -

I) The People's Armed Forces Act (Section 47).

II) Rules of Procedure for the People's Armed Forces Act, 1983 (Section127).

III) The Penal Code, 1983 (Section 96).

Other three civilians were sentenced to death in accordance with the provisions of the Dealing in Currency Act, 1981.

It has to be mentioned that the President of the National Salvation Revolution Command Council had issued last April a general amnesty by which all the political detainees were released, and powers of detention entrusted to the Judiciary. Also a decree had been issued abrogating the Special courts which were established in accordance with the constitution of the Special Courts Act, 1989 and its Amendment of January 30, 1990, to have Jurisdiction over acts and charges arising from violation of the Constitutional Decrees and the Emergency Regulations.

Under those circumstances, it became necessary for the Revolution to proclaim the State of Emergency Regulations.

In conclusion, it was to be emphasised that the existence of the state of emergency in the Sudan came well before the eruption of the National Salvation Revolution in June 1989. As stated above, it initially came as a direct result of the political and military situation that existed, and still exists, in the Southern part of the country.

However, with the achievement of progress in the peace process and the establishment of the political system, which is currently underway, the State of Emergency will naturally be lifted."

The Government of the Sudan informed [the Secretary-General] that the state of emergency in the Sudan has been extended until 31 December 2001.

(Dated 19 December 2001)

The Government of the Sudan informed [the Secretary-General] that the state of emergency in the Sudan has been extended until 31 December 2002.

The Secretary-General received from the Government of the Republic of the Sudan a notification dated 8 March 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a National State of Emergency for a period of one year starting from 22 February 2019. Subsequently, on 13 March 2019, the Government of the Republic of the Sudan notified the Secretary-General that the National Legislative Assembly "the Parliament" approved on 11 March 2019 by the majority of votes the State of Emergency and shortened it from one year to six months.

(See C.N.88.2019.TREATIES-IV-4 of 22 March 2019 for the text of the notification.)

The Secretary-General received from the Government of the Republic of the Sudan a notification dated 8 March 2019, made under article 4 (3) of the above Covenant, regarding the declaration of a state of emergency in the State of Kassala and in the State of North Kordofan for a period of 6 months from 1 January 2019 to 30 June 2019.

(See C.N.87.2019.TREATIES-IV-4 of 22 March 2019 for the text of the notification.)

SURINAME

Termination, as from 1 September 1989, of the state of emergency declared on 1 December 1986 in the territory of the Districts of Marowijne, Commewijne, Para, Brokopondo and in part of the territory of the district of Sipaliwini (between the Marowijne river and 56 º WLO. The articles of the Covenant being derogated from were articles 12, 21 and 22 of the Covenant.

THAILAND

"[...] pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), and has the honour to inform [...] that the Royal Thai Government has declared a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Muang, Bang Phli, Phra Pradang, Phra Samut Chedi,

Bang Boh and Bang Sao Thong Districts, Samut Prakan Province; Thanyaburi, Lad Lumkaew, Sam Kok, Lam Luk Ka and Khlong Luang Districts, Pathumthani Province; Phutthamonthon District, Nakhon Pathom Province; and Wang Noi, Bang Pa-in, Bang Sai and Lat Bua Luang Districts, Ayutthaya Province, since 7 April 2010.

The Declaration of a Severe Emergency Situation was promulgated by Mr. Abhisit Vejjajiva, Prime Minister of Thailand, in accordance with Sections 5 and 11 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), as well as Section 29 in conjunction with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand, to deal effectively with the actions of a group of persons that caused grave disturbances and led to disorder in certain parts of the country. The Emergency Decree was invoked in order to quickly resolve and put an end to the situation of turmoil as well as to restore normalcy in the country.

In light of the above-mentioned reasons, the Royal Thai Government has exercised its right to derogation under Paragraph 1 of Article 4 of the Covenant, specifically in relation to its obligations under Articles 12 (right to liberty of movement), 19 (freedom of expression and freedom of the press) and 21 (right of peaceful assembly) of the Covenant for the duration of the Emergency Situation in the aforementioned areas.

The Permanent Mission would further like to inform [..] that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant, which are guaranteed by the Constitution of the Kingdom of Thailand, have been kept intact.

[...]"

"The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the former's Note no. 56101/242 dated 14 April 2010, has the honour to inform the latter that the Royal Thai Government has lifted the declaration of a severe emergency situation as referred to in the above-mentioned Note and that, in accordance with Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), any and all derogations of rights covered under the Covenant made pursuant to the said declaration have been terminated effective as of 22 December 2010.

The Permanent Mission would therefore appreciate it if the Secretary-General could notify other States Parties to the Covenant of the foregoing information as required by Article 4 of the Covenant."

The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), has the honour to inform the latter that the Royal Thai Government has declared a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Lad Lumkaew District, Pathumthani Province; and Bang Phli District, Samut Prakan Province, since 22 January 2014.

The Declaration of a Severe Emergency Situation was promulgated by Ms. Yingluck Shinawatra, Prime Minister of Thailand, in accordance with Sections 5, 6 and 11 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) as well as Section 29 in conjunction with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand, to deal effectively with the actions of a group of persons that caused grave disturbances and led to disorder in certain parts of the country. The Emergency Decree was invoked in order to quickly resolve and put an end to the situation of turmoil as well as to restore normalcy in the country.

In light of the above-mentioned reasons, the Royal Thai Government has exercised its right of derogation under Paragraph 1 of Article 4 of the Covenant, specifically in relation to its obligations with regards to the right to liberty of movement under Article 12, the right to freedom of expression under Article 19, and the right of peaceful assembly under Article 21 of the Covenant for the duration of the Emergency Situation in the aforementioned areas.

The Permanent Mission wishes to further inform the Secretary-General that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant, which are guaranteed by the Constitution of the Kingdom of Thailand, have been kept intact.

The Permanent Mission is forwarding herewith a copy of the unofficial translation of the Declaration of a Severe Emergency Situation of 21 January 2014 and would appreciate it if the Secretary-General could notify other States Parties to the Covenant of the foregoing information as required by Article 4 of the Covenant.

"The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the former's Note No. 56101/50 dated 28 January 2014, informing the latter of the declaration of a severe emergency situation in certain areas of the country, has the honour to inform the latter that the Royal Thai Government has lifted the declaration as referred to in the above-mentioned Note and that, in accordance with Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), any and all derogations of rights under the Covenant made pursuant to the said declaration have been terminated, effective as of 19 March 2014.

The Permanent Mission would therefore appreciate it if the Secretary-General could notify other States Parties to the said Covenant of the above information as required by Article 4 of the Covenant."

"The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to Article 4 of the International Covenant on Civil and Political Rights (ICCPR), has the honour to inform the latter that Martial Law has been invoked throughout the Kingdom of Thailand on 20 May 2014 at 03.00 hrs. by the Commander-in-Chief of the Royal Thai Army, in accordance with the Martial Law Act B.E. 2457 (1914), to ensure an effective maintenance of peace and order, solely on the grounds of affording vital national security protection.

In this regard, the Kingdom of Thailand has exercised its right of derogation under Paragraph 1 of Article 4 of the ICCPR, specifically in relation to its obligation under: Article 12 (1), by the announcement of a curfew which was lifted on 13 June 2014; Article 14 (5), only where a jurisdiction has been conferred to the Martial Court over Sections 107-112 of the Penal Code and the offences against the internal security of the Kingdom; Article 19, by the prohibition of broadcasting or publishing certain content, particularly those inciting conflict and alienation in the society, false or provoking messages, and Article 21, by the limitation of political gathering. These restrictions are under constant review and are progressively lifted.

The Permanent Mission would further like to inform the Secretary-General that the nonderogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant have not been affected."

The Secretary-General received from the Government of Thailand a notification dated 3 October 2019, made under article 4 (3) of the above Covenant, regarding the termination of the derogations of rights covered under the ICCPR referred to in its note no. 56101/672 of 3 July B.E. 2557 (2014). Subsequently, on 24 December 2019, Thailand notified that the said termination has been effective since 16 July B.E. 2562 (2019), as per Royal Decree Announcement dated 1 April B.E. 2558 (2015) and Head of NCPO Order no. 9/2562 dated 9 July B.E. 2562 (2019).

(See C.N.629.2019.TREATIES-IV.4 of 27 December 2019 for the text of the notification.)

TRINIDAD AND TOBAGO

(Dated 15 August 1990)

Proclamation of state of emergency in the Republic of Trinidad and Tobago as from 28 July 1990 for a period of ninety days and derogation from articles 9, 12, 21 and 14 (3).

(Dated 11 August 1995)

By a Proclamation issued on 3 August 1995, a state of emergency has been declared in the City of Port of Spain as of 3 August 1995 owing to the fact that, as indicated by the Government of Trinidad and Tobago, action has been taken or is immediately threatened by persons or bodies of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community of supplies or services essential to life. The provisions of the Covenant from which the Government of Trinidiad and Tobago has derogated are articles 9, 12, 14 (3) and 21.

The said state of emergency was lifted on 7 August 1995 by a resolution of the House of Representatives.

By Legal Notice No. 162 of 2011, on 21 August 2011, the President of the Republic of Trinidad and Tobago declared the existence of a state of public emergency in the Republic of Trinidad and Tobago. In accordance with Chapter 1:01 of the Constitution of the Republic of Trinidad and Tobago, the president of the Republic was satisfied "that action has been taken or is immediately threatened by persons or bodies of persons of such a nature and on so extensive a scale to be likely to endanger the public safety".

Further, in accordance with Section 10 (1) of the Constitution, the Proclamation was on September 4, 2011 extended by resolution, supported by a simple majority vote of the House of Representatives, for a further period of three months (Legal Notice No. 175 of 2011).

By the enactment of the Emergency Powers Regulations, 2011 (Legal Notice No. 163 of 2011 and the Emergency Powers (Amendment) Regulations, 2011 (Legal Notice No. 171 of 2011), rights protected by Articles, 9, 12, 14 and 21 are suspended.

By note 692 dated 28 September 2011, the President of the Republic of Trinidad and Tobago notified that the state of public emergency declared in Trinidad and Tobago on 21st August 2011, for a period of fifteen days with a further extension by Parliament for a period of three months has ended at midnight on Monday 5th December 2011.

TURKEY

On 2 August 2016, the Secretary-General was notified of the following:

"... The Republic of Turkey is taking the required measures as prescribed by law, in line with the national legislation and its international obligations. In this context, on 20 July 2016, the Government of Turkey declared a State of Emergency for a duration of 90 days, in accordance with the Turkish Constitution (Article 120) and the Law No. 2935 on State of Emergency (Article 3/1b)...

The decision was published in the Official Gazette and approved by the Turkish Grand National Assembly on 21 July 2016. In this process, measures taken may involve derogation from obligations under the International Covenant on Civil and Political Rights regarding Articles 2/3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27, as permissible in Article 4 of the said Covenant..."

For the full text of the notification, see depositary notification C.N.580.2016.TREATIES-IV.4 of 11 August 2016.

On 14 October 2016, the Secretary-General was notified of the following:

"... with reference to our letter no. 2016/11235663 dated 21 July 20l6, through which we had brought to your attention that on 20 July 2016, a State of Emergency was declared by the Government of Turkey for a duration of 90 days, in accordance with the Turkish Constitution (article 120) and the Law No. 2935 on State of Emergency (article 3/1b).

In this framework, I wish to inform you that the State of Emergency has been extended for a period of three months starting from 19 October 2016 at 01.00 AM by Decision no. 1130 dated 11 October 20l6..."

For the full text of the notification, see C.N.775.2016.TREATIES-IV.4 of 21 October 2016.

The Secretary-General received from the Government of Turkey a notification signed by the Deputy Permanent Representative and Chargé d'affaires, dated 9 January 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 January 2017 pursuant to Decision no. 1134 of 3 January 2017.

(See C.N.4.2017.TREATIES-IV.4 of 10 January 2017 for the text of the above-mentioned notification.)

The Secretary-General received from the Government of Turkey a notification signed by the Permanent Representative, dated 19 April 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 April 2017 pursuant to Decision no. 1139 of 18 April 2017.

(See C.N.241.2017.TREATIES-IV.4 of 20 April 2017 for the text of the notification.)

The Secretary-General received from the Government of Turkey a notification signed by the Chargé d'affaires a.i., dated 24 July 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 July 2017 pursuant to Decision no. 1154 of 17 July 2017.

(See C.N.424.2017.TREATIES-IV.4 of 27 July 2017 for the text of the notification.)

The Secretary-General received from the Government of Turkey a notification signed by the Permanent Representative, dated 19 October 2017, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 October 2017 pursuant to Decision no. 1165 of 17 October 2017.

(See C.N.683.2017.TREATIES-IV.4 of 26 October 2017 for the text of the notification.)

The Secretary-General received from the Government of Turkey a notification signed by the Deputy Permanent Representative and Chargé d'affaires, dated 19 January 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 January 2018 pursuant to Decision no. 1178 of 18 January 2018.

(See C.N.45.2018.TREATIES-IV.4 of 22 January 2018 for the text of the notification.)

The Secretary-General received from the Government of Turkey a notification signed by the Permanent Representative, dated 19 April 2018, made under article 4 (3) of the above Covenant, regarding the extension of the state of emergency for a period of three months from 19 April 2018 pursuant to Decision no. 1182 of 18 April 2018.

(See C.N.215.2018.TREATIES-IV.4 of 23 April 2018 for the text of the notification.)

On 8 August 2018, the Secretary-General received from the Government of Turkey a notification signed by the Deputy Permanent Representative dated 8 August 2018, made under article 4 (3) of the above Covenant, concerning the end of the state of emergency, established

by Decision 2016/9064 by the Council of Ministers and subsequently extended.

(See C.N.378.2018.TREATIES-IV.4 of 9 August 2018 for the text of the notification.)

UKRAINE

"The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with the reference to the Article 4 of the International Covenant on Civil and Political Rights, has the honour to transmit herewith the text of the Declaration of the Verkhovna Rada (Parliament) of Ukraine 'On derogation from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms' adopted 21 May 2015."

See C.N.416.2015.TREATIES-IV.4 of 16 July 2015 for the text of the above-mentioned declaration.

"The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with the reference to its Note Verbale No. 4132/28-194/501-803 of 5 June 2015, has the honor to inform that Ukraine exercises the right of derogation from its obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms with regard to the territory of certain areas of the Donetsk and Luhansk regions of Ukraine, that are under control/partial control of the Government of Ukraine.

The list of localities in the Donetsk and Luhansk regions that are under control/partial control of the Government of Ukraine as of October 1, 2015 is attached hereto.

See C.N.656.2015.TREATIES-IV.4 of 14 December 2015 for the text of the above-mentioned declaration.

"The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the United Nations and, with the reference to its Verbal Notes No. 4132/28-194/501-803 of 5 June 2015 and No. 4132/28-194/501-1987 of 24 November 2015, has the honor to convey [...] information in accordance with the obligations of the Government of Ukraine under Article 4, paragraph 3, of the International Covenant on Civil and Political Rights.

...

ln pursuance of Article 4, paragraph 3, of the Covenant the Permanent Mission of Ukraine to the United Nations has the honour to transmit the reviewed list of localities in Donetsk and Luhansk oblasts under control/partially controlled by the Government of Ukraine as of 14 June 2016..."

See C.N.502.2016.TREATIES-IV.4 of 18 July 2016 for the text of the above-mentioned notification.

The Secretary-General received from the Government of Ukraine a notification No. 132/28/-194/501-128 of 20 January 2017, made under article 4 (3) of the International Covenant on Civil and Political Rights.

See C.N.612.2019.TREATIES-IV.4 of 13 December 2019 for the text of the above-mentioned notification.

The Secretary-General received from the Government of Ukraine a notification No. 4132/23-194/501-2057 of 26 November 2019, made under article 4 (3) of the International Covenant on Civil and Political Rights, made under article 4 (3) of the above Covenant.

See C.N.618.2019.TREATIES-IV.4 of 13 December 2019 for the text of the above-mentioned notification.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The Government of the United Kingdom notify other States Parties to the present Covenant, in accordance with article 4, of their intention to take and continue measures derogating from their obligations under the Covenant.

"There have been in the United Kingdom in recent years campaigns of organised terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant. The emergency commenced prior to the ratification by United Kingdom of the Covenant and Legislation has, from time to time, been promulgated with regard to it.

"The Government of the United Kingdom have found it necessary (and in some cases continue to find it necessary) to take powers, to the extent strictly required by the exigencies of the situation, for the protection of life, for the protection of property and the prevention of outbreaks of public disorder, and including the exercise of powers of arrest and detention and exclusion. In so far as any of these measures is inconsistent with the provisions of articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 or 22 of the Covenant, the United Kingdom hereby derogates from its obligations under those provisions."

Termination forthwith of derogations from articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 and 22 of the Covenant.

[The Government of the United Kingdom of Great Britain and Northern Ireland] have found it necessary to take or continue measures derogating in certain respects from their obligations under article 9 of the Covenant. *(For the reasons of that decision, see paragraph 2 of a previous notification of 17 May 1976, which continue to apply)* .

Persons reasonably suspected of involvement in terrorism connected with the affairs of Northern Ireland, or of offences under the legislation and who have been detained for 48 hours may be, on the authority of the Secretary of State, further detained without charge for periods of up to five days.

Notwithstanding the judgement of 29 November 1988 by the European Court of Human Rights in the case of *Brogan and Others* the Government has found it necessary to continue to exercise the powers described above but to the extent strictly required by the exigencies of the situation to enable necessary enquiries and investigations properly to be completed in order to decide whether criminal proceedings should be instituted. [This notice is given] in so far as these measures may be inconsistent with article 9 (3) of the Covenant.

(Dated 23 March 1989)

Replacement as from 22 March 1989, of the measures indicated in the previous notification of 23 December 1988 by section 14 of and paragraph 6 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989, which make comparable provisions.

(Dated 12 December 1989)

"The Government of the United Kingdom have [previously] found it necessary to take and continue [various measures], derogating in certain respects from obligations under Article 9 of the International Covenant on Civil and Political Rights.

On 14 November 1989 the Home Secretary announced that the Government had concluded that a satisfactory procedure for the review of detention of terrorist suspects involving the judiciary had not been identified and that the derogation notified under Article 4 of the Covenant would therefore remain in place for as long as circumstances require."

(Dated 20 February 2001)

Notification to the effect that the derogation from article 9 (3) of the Covenant is terminated with effect from Mony, 26 February 2001.

The notification further states that the termination of the derogation only applies to the United Kingdom of Great Britain and Northern Ireland and that it is not yet possible to terminate the derogation in respect of the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.

The terrorist attacks in New York, Washington, D.C. and Pennsylvania on 11th September 2001 resulted in several thousand deaths, including many British victims and others from 70 different countries. In its resolutions 1368 (2001) and 1373 (2001), the United Nations Security Council recognised the attacks as a threat to international peace and security.

The threat from international terrorism is a continuing one. In its resolution 1373 (2001), the Security Council, acting under Chapter VII of the United Nations Charter, required all States to take measures to prevent the commission of terrorist attacks, including by denying safe haven to those who finance, plan, support or commit terrorist attacks.

There exists a terrorist threat to the United Kingdom from persons suspected of involvement in international terrorism. In particular, there are foreign nationals present in the United Kingdom who are suspected of being concerned in the commission, preparation or instigation of acts of international terrorism, of being members of organisations or groups which are so concerned or of having links with members of such organisations orand who are a threat to the national security of the United Kingdom.

As a result, a public emergency, within the meaning of Article 4(1) of the Covenant, exists in the United Kingdom.

As a result of the public emergency, provision is made in the Anti-terrorism, Crime and Security Act 2001, inter alia, for an extended power to arrest and detain a foreign national which will apply where it is intended to remove or deport the person from the United Kingdom but where removal or deportation is not for the time being possible, with the consequence that the detention would be unlawful under existing domestic law powers. The extended power to arrest and detain will apply where the Secretary of State issues a certificate indicating his belief that the person's presence in the United Kingdom is a risk to national security and that he suspects the person of being an international terrorist. That certificate will be subject to an appeal to the Special Immigration Appeals Commission ('SIA'), established under the Special Immigration Appeals Commission Act 1997, which will have power to cancel it if it considers that the certificate should not have been issued. There will be an appeal on a point of law from a ruling by SIAC. In addition, the certificate will be reviewed by SIAC at regular intervals. SIAC will also be able to grant bail, where appropriate, subject to conditions. It will be open to a detainee to end his detention at any time by agreeing to leave the United Kingdom.

The extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001 is a measure which is strictly required by the exigencies of the situation. It is a temporary provision which comes into force for an initial period of 15 months and then expires unless renewed by Parliament. Thereafter, it is subject to annual renewal by Parliament. If, at any time, in the Government's assessment, the public emergencyer exists or the extended power is no longer strictly required by the exigencies of the situation, then the Secretary of State will, by Order, repeal the provision.

The Government has powers under the Immigration Act 1971 ('the 1971 Act') to remove or deport persons on the ground that their presence in the United Kingdom is not conducive to the public good on national security grounds. Persons can also be arrested and detained under Schedules 2 and 3 to the 1971 Act pending their removal or deportation. The courts in the United Kingdom have ruled that this power of detention can only be exercised during the period necessary, in all the circumstances of the particular case, to effect removal and that, if it becomes clear that removal is not going to be possible within a reasonable time, detention will be unlawful (Rv Governor of Durham Prison, ex parte Singh[1984] All ER 983).

In some cases, where the intention remains to remove or deport a person on national security grounds, continued detention may not be consistent with Article 9 of the Covenant. This may be the case, for example, if the person has established that removal to their own country might result in treatment contrary to Article 7 of the Covenant. In such circumstances, irrespective of the gravity of the threat to national security posed by the person concerned, it is well established that the international obligations of the United Kingdom prevent removal or deportation to a place where there is a real risk that the person will suffer treatment contrary to that article. If no alternative destination is immediately available then removal or deportation may not, for the time being, be possible even though the ultimate intention remains to remove or deport the person once satisfactory arrangements can be made. In addition, it may not be possto prosecute the person for a criminal offence given the strict rules on the admissibility of evidence in the criminal justice system of the United Kingdom and the high standard of proof required.

The Government has considered whether the exercise of the extended power to detain contained in the Anti-terrorism, Crime and Security Act 2001 may be inconsistent with the obligations under Article 9 of the Covenant. To the extent that the exercise of the extended power may be inconsistent with the United Kingdom's obligations under Article 9, the Government has decided to avail itself of the right of derogation conferred by Article 4(1) of the Covenant and will continue to do so until further notice.]

(Dated 15 March 2005)

"The provisions referred to in the 18 December 2001 notification, namely the extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001, ceased to operate on 14 March 2005. Accordingly, the notification is withdrawn as from that date, and the Government of the United Kingdom confirm that the relevant provisions of the Covenant will again be executed as from then."

URUGUAY

[The Government of Uruguay] has the honour to request that the requirement laid down in article 4 (3) of the International Covenant on Civil and Political Rights should be deemed to have been formally fulfilled with regard to the existence and maintenance in Uruguay of a public emergency as referred to in article 4 (1).

This emergency situation, the nature and consequences of which match the description given in article 4, namely that they threaten the life of the nation, is a matter of universal knowledge, and the present communication might thus appear superfluous in so far as the provision of substantive information is concerned.

This issue has been the subject of countless official statements at both the regional and the international level.

Nonetheless, [the Government of Uruguay] wishes both to comply formally with the above-mentioned requirement and to reiterate that the emergency measures which it has taken, and which comply strictly with the requirements of article 4 (2), are designed precisely to achieve genuine, effective and lasting protection of human rights, the observance and promotion of which are the essence of our existence as an independent and sovereign nation.

Notwithstanding what has been stated above, the information referred to in article 4 (3) concerning the nature and duration of the emergency measures will be provided in more detailed form when the report referred to in article 40 of the Covenant is submitted, so that the scope and evolution of these measures can be fully understood.

VENEZUELA (BOLIVARIAN REPUBLIC OF)

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

(Dated 4 February 1992)

Temporary suspension of certain constitutional guarantees throughout Venezuela with a view to facilitating the full restoration of public order throughout the national territory.

The Government of Venezuela specified that "the measures were made necessary after criminal attempt was made to assassinate the President of the Republic with the aim of upsetting the rule of law and undermining the constitutional order of the Re public thereby constituting an attempt against the achievements of the Venezuelan people over more than three decades of fully democratic government".

The constitutional guarantees suspended in Venezuela relate to the rights provided for in articles 9, 12, 17, 19 and 21. The right to strike was also temporarily suspended.

(Dated 21 February 1992)

Restoration, as from 17 February 1991, of the guarantees provided for under articles 12 and 19 of the Covenant and also of the right to strike.

(Dated 30 April 1992)

Restoration, as from 21 February 1991, of the guarantees provided for in articles 9, 17 and 21 of the Covenant, thereby fully ending the state of emergency declared on 4 February 1992.

(Dated 30 November 1992)

On 27 November 1992, certain constitutional guarantees relating to the rights provided for in articles 9, 17, 19 and 21 of the Covenant have been suspended in Venezuela.

This measure was made necessary after a group of civil subversives in connivance with a small military squad took over Palo Negro air base in the city of Maracay, Aragua State, and Francisco de Miranda Base in the city of Caracas, which services as Headquarters of the Air Force Command, thereby threatening the democratic system.

On 28 November 1992, restoration, as from that date, of the rights provided for in article 21 of the Covenant, so as to allow public electioneering in contemplation of the elections to be held on 6 December 1992.

Restoration, pursuant to Decree No. 2764 of 16 January 1993, of rights regarding personal liberty corresponding to articles 9 (1) and 11 of the Covenant throughout the national territory. Rights regarding liberty and security of person as well as the inviolability of the home and the right to demonstrate had been restored as from 22 December 1992.

Restoration, pursuant to Decree No. 2672 of 1 December 1992 of certain rights which had been suspended by Decree No. 2668 of 27 November 1992.

Suspension, pursuant to Decree 2765 of 16 January 1993, of certain rights in the State of Sucre as a result of a breach of the peace in that State. These rights, corresponding to articles 12 (1) and 21, were restored by Decree No. 2780 on 25 January 1993.

(Dated 29 June 1994)

By Decree No. 241 of 27 June 1994, suspension of certain constitutional guarantees in view of the fact that the economic and financial situation of the country has created circumstances liable to endanger public order.

Derogation from the provisions of articles 9, 12 and 17 of the Covenant.

(Dated 18 July 1995)

By Decree No. 739 of 6 July 1995, restoratif the constitutional guarantees, suspended by Decree No. 241 of 27 June 1994 *[see notification received on 7 July 1994]* , throughout the national territory, except in the autonomous municipalities of Rosario de Perijá and Catatumbo, State of Zulia; García de Hevia, Pedro María Ureña, Bolivar, Panamericano and Fernández Feo, State of Táchira; Páez, Pedro Camejo and Rómulo Gallegos, State of Apure; and Atures, Atuana, Manapiare, Atabapo, Alto Orinoco and Guainía, State of Amazonas. The Government considers that the situation in these border municipalities, where the theatre of conflict and the theatre of operations No. 1 were decreed, requires that, in the interest of protecting its borders, the above guarantees remain suspended.

(Dated 3 March 1999)

Resoration of the guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by Decree No. 739 of 6 July 1995 . *[See notification received on 1 September 1995.]*

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

(Dated 4 February 1992)

Temporary suspension of certain constitutional guarantees throughout Venezuela with a view to facilitating the full restoration of public order throughout the national territory.

The Government of Venezuela specified that "the measures were made necessary after criminal attempt was made to assassinate the President of the Republic with the aim of upsetting the rule of law and undermining the constitutional order of the Re public thereby constituting an attempt against the achievements of the Venezuelan people over more than three decades of fully democratic government".

The constitutional guarantees suspended in Venezuela relate to the rights provided for in articles 9, 12, 17, 19 and 21. The right to strike was also temporarily suspended.

(Dated 21 February 1992)

Restoration, as from 17 February 1991, of the guarantees provided for under articles 12 and 19 of the Covenant and also of the right to strike.

(Dated 30 April 1992)

Restoration, as from 21 February 1991, of the guarantees provided for in articles 9, 17 and 21 of the

Covenant, thereby fully ending the state of emergency declared on 4 February 1992.

(Dated 30 November 1992)

On 27 November 1992, certain constitutional guarantees relating to the rights provided for in articles 9, 17, 19 and 21 of the Covenant have been suspended in Venezuela.

This measure was made necessary after a group of civil subversives in connivance with a small military squad took over Palo Negro air base in the city of Maracay, Aragua State, and Francisco de Miranda Base in the city of Caracas, which services as Headquarters of the Air Force Command, thereby threatening the democratic system.

On 28 November 1992, restoration, as from that date, of the rights provided for in article 21 of the Covenant, so as to allow public electioneering in contemplation of the elections to be held on 6 December 1992.

Restoration, pursuant to Decree No. 2764 of 16 January 1993, of rights regarding personal liberty corresponding to articles 9 (1) and 11 of the Covenant throughout the national territory. Rights regarding liberty and security of person as well as the inviolability of the home and the right to demonstrate had been restored as from 22 December 1992.

Restoration, pursuant to Decree No. 2672 of 1 December 1992 of certain rights which had been suspended by Decree No. 2668 of 27 November 1992.

Suspension, pursuant to Decree 2765 of 16 January 1993, of certain rights in the State of Sucre as a result of a breach of the peace in that State. These rights, corresponding to articles 12 (1) and 21, were restored by Decree No. 2780 on 25 January 1993.

(Dated 29 June 1994)

By Decree No. 241 of 27 June 1994, suspension of certain constitutional guarantees in view of the fact that the economic and financial situation of the country has created circumstances liable to endanger public order.

Derogation from the provisions of articles 9, 12 and 17 of the Covenant.

(Dated 18 July 1995)

By Decree No. 739 of 6 July 1995, restoratif the constitutional guarantees, suspended by Decree No. 241 of 27 June 1994 *[see notification received on 7 July 1994]* , throughout the national territory, except in the autonomous municipalities of Rosario de Perijá and Catatumbo, State of Zulia; García de Hevia, Pedro María Ureña, Bolivar, Panamericano and Fernández Feo, State of Táchira; Páez, Pedro Camejo and Rómulo Gallegos, State of Apure; and Atures, Atuana, Manapiare, Atabapo, Alto Orinoco and Guainía, State of Amazonas. The Government considers that the situation in these border municipalities, where the theatre of conflict and the theatre of operations No. 1 were decreed, requires that, in the interest of protecting its borders, the above guarantees remain suspended.

(Dated 3 March 1999)

Resoration of the guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by Decree No. 739 of 6 July 1995 . *[See notification received on 1 September 1995.]*

YUGOSLAVIA (FORMER)[1]

Territorial Application

Participant	*Date of receipt of the notification*	*Territories*
Netherlands[34]	11 Dec 1978	Netherlands Antilles
Portugal[4]	27 Apr 1993	Macau
United Kingdom of Great Britain and Northern Ireland[6,47]	20 May 1976	Belize, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas) and Dependencies, Gibraltar, Gilbert Islands, Guernsey, Hong Kong, Isle of Man, Bailiwick of Jersey, Montserrat, Pitcairn Island, St. Helena and Dependencies, Solomon Islands, Turks and Caicos Islands and Tuvalu

Notes:

[1] The former Yugoslavia had signed and ratified the Convenant on 8 August 1967 and 2 June 1971, respectively. It will be recalled that the former Yugoslavia had deposited the following notifications under article 4(3) of the Covenant (Derogations), on the dates indicated hereinafter:

17 April 1989 (Dated 14 April 1989)

Derogation from articles 12 and 21 of the Covenant in the Autonomous Province of Kosovo as from 28 March 1989. The measure became necessary because of disorders which led to the loss of human lives and which had threatened the established social system. This situation which represented a general danger was a threat to the rights, freedoms and security of all the citizens of the Province regardless of nationality.

30 May 1989 (Dated 29 May 1989)

Termination of the derogation from the provisions of article 12 of the Covenant in the Autonomous Province of Kosovo as from 21 May 1989. The right of public assembly [article 21] continues to be temporarily suspended but only as concerns demonstrations. This is aimed at protecting public order, peace and the rights of citizens, regardless of nationality.

20 March 1990 (Dated 19 March 1990)

As of 21 February 1990 and owing to the escalation of disorders which had led to the loss of human lives, the movement of persons in Kosovo was prohibited from 9 PM to 4 AM, thereby derogating from article 12; and that public

assembly was prohibited for the purpose of demonstration, thereby derogating from article 21. The Government of Yugoslavia further indicated that the measure derogating from article 12 had been terminated as of 10 March 1990.

26 April 1990 (Dated 24 April 1990)

Termination of the state of emergency with effect from 18 April 1990.

See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

[2] Although Democratic Kampuchea had signed both [the International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights] on 17 October 1980, the Government of Cambodia deposited an instrument of accession to the said Covenants.

[3] The signature was effected by Democratic Kampuchea. In this regard the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of the so-called Democratic Kampuchea, a régime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

"The signing of the Human Rights Covenants by an individual, whose régime during its short period of reign in Kampuchea had exterminated about 3 million people and had thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants is a regrettable precedence, which discredits the noble aims and lofty principles of the United Nations Charter, the very spirit of the above-mentioned Covenants, gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Government of the following States on the dates indicated and their texts were circulated as depositary notifications or, at the request of the States concerned, as official documents of the General Assembly (A/33/781 and A/35/784):

Participant:	***Date of receipt:***		
German Democratic Republic	11	Dec	1980
Poland	12	Dec	1980
Ukraine	16	Dec	1980
Hungary	19	Jan	1981
Bulgaria	29	Jan	1981
Belarus	18	Feb	1981
Russian Federation	18	Feb	1981
Czechoslovakia	10	Mar	1981

[4] On 3 December 1999, the Government of China notified the Secretary-General that:

1. The application of the Covenant, and its article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Covenant.

Subsequently, the Secretary-General received communications concerning the status of Macao from China and Portugal (see note 3 under “China” and note 1 under “Portugal” regarding Macao in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Covenant with the statement made by China will also apply to the Macao Special Administrative Region.

[5] Signed on behalf of the Republic of China on 5 October 1967. See note 1 under “China” in the “Historical Information” section in the front matter of this volume.

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives of Permanent Missions to the United Nations of Bulgaria, Byelorussian SSR, Czechoslovakia, Mongolia, Romania, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol".

[6] With regard to the application of the Covenant to Hong Kong, the Secretary-General received communications concerning the status of Hong Kong from the United Kingdom and China (see note 2 under “United Kingdom of Great Britain

and Northern Ireland" and note 2 under "China" in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Covenant will also apply to the Hong Kong Special Administrative Region.

[7] Czechoslovakia had signed and ratified the Convention on 7 October 1968 and 23 December 1975, respectively, with reservations and declarations. For the texts of the reservations and declarations made upon signature and ratification, see United Nations, *Treaty Series* , vol. 999, pp. 283 and 289.

Subsequently, on 12 March 1991, the Government of Czechoslovakia had declared the following:

[The Czech and Slovak Federal Republic] recognizes the competence of the Human Rights Committee established on the basis of article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

Further, on 7 June 1991, the Government of Czechoslovakia had made the following objection:

"The Government of the Czech and Slovak Federal Republic considers the reservations entered by the Government of the Republic of Korea to the provisions of paragraphs 5 and 7 of article 14 and article 22 of the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant. In the opinion of the Czechoslovak Government these reservations are in contradiction to the generally recognized principle of international law according to which a state cannot invoke the provisions of its own internal law as justification for its failure to perform a treaty.

"Therefore, the Czech and Slovak Federal Republic does not recognize these reservations as valid. Nevertheless the present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the Czech and Slovak Federal Republic and the Republic of Korea."

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

[8] On 25 August 1997, the Secretary-General received from the Government of the Democratic People's Republic of Korea a notification of withdrawal from the Covenant, dated 23 August 1997.

As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification.

As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree with such a withdrawal.

The above notification of withdrawal and the aide-mémoire were duly circulated to all States Parties under cover of C.N.467.1997.TREATIES-10 of 12 November 1997.

[9] See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of this volume.

[10] The German Democratic Republic had signed and ratified the Covenant with reservations and declarations, on 23 March 1973 and 8 November 1973, respectively (See, C.N.88.1973.TREATIES-3 of 20 April 1973). For the text of the reservations and declarations, see United Nations, *Treaty Series* , vol. 999, p. 294. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

[11] See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

[12] See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

[13] With respect to the interpretative declarations made by Algeria the Secretary-General received, on 25 October 1990, from the Government of Germany the following declaration:

[The Federal Republic of Germany] interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

[14] By a communication received on 6 November 1984, the Government of Australia notified the Secretary-General of its decision to withdraw the reservations and declarations made upon ratification with regard to articles 2 and 50, 17, 19, 25 and to partially withdraw its reservations to articles 10 and 14. For the text of the reservations and declarations, see United Nations, *Treaty Series* , vol. 1197, p. 411.

[15] The reservation was lodged with the Secretary-General on 4 December 2006 by Bahrain, following its accession to the Covenant on 20 September 2006.

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the reservation in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 12 months from the date of the relevant depositary notification. In the absence of any such objection, the above reservation would be accepted in deposit upon the expiration of the above-stipulated 12 month period, that is on 28 December 2007.

In view of the below objections, the Secretary-General did not accept the reservation made by Bahrain in deposit. The Secretary-General received the following objections on the dates indicated hereinafter:

Netherlands (27 July 2007):

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Kingdom of the Netherlands considers that the reservations were too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Shariah. This makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Governmnt of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

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

The Government of the Kingdom of the Netherlands objects to all of the reservations made by the Kingdom of Bahrain since they were made after accession, and specifically objects to the content of the reservation on articles 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Bahrain."

Latvia (13 August 2007):

"The Government of the Republic of Latvia has noted that the reservation made by the Kingdom of Bahrain is submitted to the Secretary General on 4 December 2006, but the consent to be bound by the said Covenant by accession is expressed on 20 September 2006. In accordance with Article 19 of the Vienna Convention on the Law of Treaties reservations might be made upon signature, ratification, acceptance, approval or accession. Taking into considerations the aforementioned, the Government of the Republic of Latvia considers that the said reservation is not in force since its submission."

Portugal (29 August 2007):

"The Government of the Portuguese Republic has carefully examined the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights (ICCPR). The Government of the Portuguese Republic notes that the reservations were made after the accession of the Kingdom of Bahrain to the Covenant and is of the view that the practice of late reservations should be discouraged.

According to the first part of the reservation, the Government of the Kingdom of Bahrain interprets the provisions of articles 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah. These provisions deal namely with the questions of equality between men and women, freedom of thought, conscience and religion and the protection of family and marriage.

Portugal considers that these articles are fundamental provisions of the Covenant and the first reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant, raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international law.

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

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservation made by the Kingdom of Bahrain to the ICCPR.

This objection shall not preclude the entry into force of the Convention between Portugal and Bahrain."

Czech Republic (12 September 2007):

"The Government of the Czech Republic has carefully examined the contents of reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Czech Republic considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Czech Republic is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

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

The Government of the Czech Republic therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the Kingdom of Bahrain, without the Kingdom of Bahrain benefiting from its reservation."

Estonia (12 September 2007):

"The Government of Estonia has carefully examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Estonia considers that the reservations were late and therefore inconsistent with international customary law as codified into Article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservations made by the Kingdom of Bahrain to Articles 3, 18 and 23 of the Covenant make a general reference to the prescriptions of the Islamic Shariah. The Government of Estonia is of the view that in the absence of any further clarification, the reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

Therefore, the Government of Estonia objects to all of the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights since they were made after the accession, and specifically objects to the content of the reservations to Articles 3, 18 and 23.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights as between Estonia and the Kingdom of Bahrain."

Canada (18 September 2007):

"The Government of Canada has carefully examined the declaration made by the Government of the Kingdom of Bahrain upon acceding to the International Covenant on Civil and Political Rights, in accordance with which the Government of the Kingdom of Bahrain ‘interprets the Provisions of Article 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah'.

The Government of Canada notes that these declarations constitute in reality reservations and that they should have been lodged at the time of accession by Bahrain to the Covenant.

The Government of Canada considers that by making the interpretation of articles 3, 18 and 23 of the Covenant subject to the prescriptions of the Islamic Shariah, the Government of the Kingdom of Bahrain is formulating reservations with a general, indeterminate scope, such that they make it impossible to identify the modifications to obligations under the Covenant, which they purport to introduce and they do not clearly define for the other States Parties to the Convention the extent to which the reserving State haaccepted the obligations of the Convention.

The Government of Canada notes that the reservations made by the Government of the Kingdom of Bahrain, addressing some of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Covenant. In addition, article 18 of the Covenant is among the provisions from which no derogation is allowed, according to article 4 of the Covenant.

The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Kingdom of Bahrain. This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Kingdom of Bahrain."

Australia (18 September 2007):

"The Government of Australia has examined the reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. As the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Australia considers that the reservations were late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

The Government of Australia considers that the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant. The Government of Australia recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

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

The Government of Australia considers that the Kingdom of Bahrain is, through this reservation, purporting to make the application of the International Covenant on Civil and Political Rights subject to Islamic Shariah law. As a result, it is unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of Australia recalls the general principle of treaty interpretation, codified in the Vienna Convention on the Law of Treaties, according to which a party may not invoke the provisions of its internal lawas justification for its failure to perform a treaty.

Further, as regards the reservation with respect to article 18, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

The Government of Australia objects to all of the reservations made by the Kingdom of Bahrain as they were made after accession, and specifically objects to the content of the reservation on article 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Australia and the Kingdom of Bahrain."

Ireland (27 September 2007):

"The Government of Ireland has examined the reservations made on 4 December 2006 by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

The Government of Ireland notes that the reservation was not made by the Kingdom of Bahrain at the time of its accession to the International Covenant on Civil and Political Rights on 20 September 2006.

The Government of Ireland further notes that the Kingdom of Bahrain subjects application of Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights to the prescriptions of the Islamic Shariah. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland also notes that the Kingdom of Bahrain does not consider that Article 9 (5) detracts from its right to layout the basis and rules of obtaining the compensation mentioned therein. The Government of Ireland is of the view that a reservation which is vague and general in nature as to the basis and rules referred to may similarly make it unclear to what extent the reserving State considers itself bound by the obligations of the Covenant and cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant.

The Government of Ireland further notes that the Kingdom of Bahrain considers that no obligation arises from Article 14 (7) beyond those contained in Article 10 of its national Criminal Law. The Government of Ireland is of the view that such a reservation may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant and may undermine the basis of international treaty law.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Kingdom of Bahrain."

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Government of the Kingdom of Bahrain to Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that the reservation of the Government of the Kingdom of Bahrain, whereby it excludes any interpretation of the provisions of Articles 3, 18 and 23, which would affect the prescription of the Islamic Shariah, does not clearly define the extent to which the reserving State has accepted the obligation under these Articles.

This reservation raises serious doubts about the real extent of the commitment undertaken by the Government of the Kingdom of Bahrain and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Government of the Kingdom of Bahrain. This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Government of the Kingdom of Bahrain."

Poland (3 December 2007)

“The Government of the Republic of Poland has examined the reservations made by the Kingdom of Bahrain after its accession to the International Covenant on Civil and Political Rights, opened for signature at New York on 19 December 1966, hereinafter called the Covenant, in respect of article 3, article 9 paragraph 5, article 14 paragraph 7, article 18 and article 23.

The Government of the Republic of Poland considers that the reservations made by the Kingdom of Bahrain are so called late reservations, since they were made after the date of accession of the Kingdom of Bahrain to the Covenant. Therefore the reservations are inconsistent with article 19 of the Vienna Convention on the Law of Treaties, which provides for the possibility of formulation of reservations only when signing, ratifying, accepting, approving or acceding to a treaty.

Furthermore, the Government of the Republic of Poland considers that as a result of reservations with respect to articles 3, 18 and 23 of the Covenant, the implementation of provisions of these articles by the Kingdom of Bahrain is made subject to the prescriptions of the Islamic Shariah, with the result that the extent to which the Kingdom of Bahrain has accepted the obligations of the said articles of the Covenant is not defined precisely enough for the other State Parties. The Republic of Poland considers that these reservations lead to differentiation in enjoyment of the rights warranted in the Covenant, which is incompatible with the purpose and object of the Covenant and therefore not permitted (article 19 c) of the Vienna Convention on the Law of Treaties).

The Government of the Republic of Poland therefore objects to the reservations made by the Kingdom of Bahrain.

However this objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Kingdom of Bahrain.”

Sweden (3 December 2007)

“The Government of Sweden notes that the reservations made by the Kingdom of Bahrain were made after its accession to the Covenant. Since these reservations were formulated late they are to be considered inconsistent with the general principle of pacta sunt servanda as well as customary international law as codified in the Vienna Convention on the Law of Treaties.

Furthermore the Government of Sweden notes that the Government of the Kingdom of Bahrain has made a reservation with respect to articles 3, 18 and 23 giving precedence to the provisions of Islamic Shariah and national legislation over the application of the provisions of the Covenant. This reservation does not, in the opinion of the Government of Sweden, clearly specify the extent of the derogation by the Government of the Kingdom of Bahrain from the provisions in question and raises

serious doubts as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

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

The Government of Sweden therefore objects to all of the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, as they were made after accession, and specifically objects to the content of the reservations on articles 3, 18 and 23 made by the Government of the Kingdom of Bahrain to the Covenant, and considers them null and void.

This objection shall not preclude the entry into force of the Covenant [in] its entirety between the Kingdom of Bahrain and Sweden, without the Kingdom of Bahrain benefiting from its reservations."

Hungary (4 December 2007)

"The Government of the Republic of Hungary has carefully examined the contents of the reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Republic of Hungary considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Republic of Hungary is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

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

The Government of the Republic of Hungary therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Hungary and the Kingdom of Bahrain."

Mexico (13 December 2007)

The Permanent Mission of Mexico to the United Nations presents its compliments to the Treaty Section of the Office of Legal Affairs and has the honour to refer to the accession of the Kingdom of Bahrain to the 1966 International Covenant on Civil and Political Rights on 20 December 2006 and to the reservations that it made to various provisions, including articles 3, 18 and 23.

In that regard, the Permanent Mission of Mexico would like to state that the Government of Mexico has studied the content of Bahrain's reservation and is of the view that it should be considered invalid because it is incompatible with the object and purpose of the Covenant.

The reserve formulated, if applied, would have the unavoidable result of making implementation of the articles mentioned subject to the provisions of Islamic Shariah, which would constitute discrimination in the enjoyment and exercise of the rights enshrined in the Covenant; this is contrary to all the articles of this international instrument. The principles of the equality of men and women and non-discrimination are enshrined in the preamble and article 2, paragraph 1 of the Covenant and in the preamble and Article 1, paragraph 3 of the Charter of the United Nations.

The objection of the Government of Mexico to the reservation in question should not be interpreted as an impediment to the entry into force of the Covenant between Mexico and the Kingdom of Bahrain.

Slovakia (18 December 2007):

"The Government of Slovakia has carefully examined the content of the reservations made by the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the opinion that the reservation of the Kingdom of Bahrain, whereby it excludes any interpretation of the provisions of Articles 3, 18 and 23, which would affect the prescription of the Islamic Shariah, does not clearly define the extent to which the reserving State has accepted the obligation under these Articles. This reservation is too general and raises serious doubts as to the commitment of the Kingdom of Bahrain to the object and the purpose of the Covenant.

For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Government of the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Slovakia and the Kingdom of Bahrain. The Covenant enters into force in its entirety between Slovakia and the Kingdom of Bahrain without the Kingdom of Bahrain benefiting from its reservations."

United Kingdom of Great Britain and Northern Ireland (27 December 2007):

"The United Kingdom objects to Bahrain's reservations as they were made after the date of Bahrain's accession to the Covenant.

The United Kingdom further objects to the substance of Bahrain's first reservation, to Articles 3, 18 and 23. In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a system of law without specifying its contents does not do so.

These objections shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Bahrain. However on account of their lateness the reservations shall have no effect as between Bahrain and the United Kingdom."

[16] On 30 September 1992, the Government of Belarus notified the Secretary-General its decision to withdraw the reservation made upon signature and confirmed upon ratification. For the text of the declaration regarding article 48 (1) so withdrawn, see United Nations, *Treaty Series* , vol. 999, p. 282.

[17] In a notification received on 14 September 1998, the Government of Belgium informed the Secretary-General that it had decided to withdraw its reservation with regard to articles 2, 3 and 25 made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1312, p. 328.

[18] With regard to the reservation made by Botswana upon signature and confirmed upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

Austria (17 October 2001):

"Austria has examined the reservation made by the Government of the Republic of Botswana upon signature of the 1966 International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding Articles 7 and 12 para. 3 of the Covenant.

The fact that Botswana is making the said articles subject to a general reservation referring to the contents of existing national legislation, in the absence of further clarification raises doubts as to the commitment of Botswana to the object and purpose of the Covenant. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. In Austria's view the reservation in question is therefore inadmissible to the extent that its application could negatively affect the compliance by Botswana with its obligations under Articles 7 and 12 para. 3 of the Covenant.

For these reasons, Austria objects to the reservation made by the Government of the Republic of Botswana to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant in its entirety between Botswana and Austria, without Botswana benefiting from its reservation."

Italy (20 December 2001):

"The Government of the Italian Republic has examined the reservations made by the Republic of Botswana upn signature of the International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12, paragraph 3 of the Covenant.

The Government of the Italian Republic notes that the aforesaid articles of the Covenant are being made subject to a general reservation referring to the contents of exsing legislation in Botswana. The Government of the Italian Republic is of the view that, in the absence of further clarification, these reservations referring to international legislation raise doubts as to the commitment of Botswana to fulfill its obligation under the Covenant.

The Government of the Italian Republic considers these reservations to be incompatible with the object and the purpose of the Covenant according to article 19 of the 1969 Vienna Convention on the law of treaties. These reservations do not fall within the rule of article 20, paragraph 5, and can be objected at any time.

Therefore, the Italian Government objects to the aforesaid reservations made by the Republic of Botswana to the Covenant.

This objection does not preclude the entry into force of the Covenant between Italy and Botswana".

[19] On 2 April 2014, Denmark modified the reservation made upon ratification which reads as follows:

"1. The Government of Denmark makes a reservation in respect of Article 10, paragraph 3, second sentence. In Danish practice, considerable efforts are made to ensure appropriate age distribution of convicts serving sentences of imprisonment, but it is considered valuable to maintain possibilities of flexible arrangements.

2. (a). Article 14, paragraph 1, shall not be binding on Denmark in respect of public hearings. In Danish law, the right to exclude the press and the public from trials may go beyond what is permissible under this Covenant, and the Government of Denmark finds that this right should not be restricted.

(b). Article 14, paragraphs 5 and 7, shall not be binding on Denmark.

The Danish Administration of Justice Act contains detailed provisions regulating the matters dealt with in these two paragraphs. In some cases, Danish legislation is less restrictive than the Covenant (e.g. a verdict returned by a jury on the question of guilt cannot be reviewed by a higher tribunal, cf. paragraph 5); in other cases, Danish legislation is more restrictive than the Coven ant (e.g. with respect to resumption of a criminal case in which the accused party was acquitted, cf. paragraph 7).

3. Reservation is further made to Article 20, paragraph 1. This reservation is in accordance with the vote cast by Denmark in the XVI General Assembly of the United Nations in 1961 when the Danish Delegation, referring to the preceding article concerning freedom of expression, voted against the prohibition against propaganda for war."

[20] In communications received on 29 March 1985 and 26 July 1990, the Government of Finland notified the Secretary-General of its decision to withdraw the reservations made upon ratification with respect to articles 13 and 14 (1) (the notification indicates that the withdrawal was effected because the relevant

provisions of the Finnish legislation have been amended as to correspond fully to articles 13 and 14 (1) of the Covenant), and with respect to articles 9 (3) and 14 (3) (d), respectively. For the text of the reservations, see United Nations, *Treaty Series* , vol. 999, p. 291.

[21] In a communication received on 22 March 1988, the Government of France notified the Secretary-General of its decision to withdraw, with effect from that date, its reservation with regard to article 19 made upon accession to the said Covenant. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1202, p. 395.

[22] In a communication received on 26 July 2012, the Government of France notified the Secretary-General of its decision to partially withdraw, its reservation with regard to article 14, paragraph 5 made upon accession. The reservation upon accession read as follows:

The Government of the Republic interprets article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain offences subjct to the initial and final adjudication of a police court and of criminal offences. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.

[23] In a communication received on that same date, the Government of Germany indicated that it wishes to call attention to the reservations made by the Federal Republic of Germany upon ratification of the Covenant with regard to articles 19, 21 and 22 in conjunction with articles 2 (1), 14 (3), 14 (5) and 15 (1).

[24] On 18 October 1993, the Government of Iceland notified the Secretary-General of its decision to withdraw as of 18 October 1993, the reservation to paragraph 3(a) of article 8, made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1144, p. 386.

[25] On 19 October 2009, the Government of Iceland notified the Secretary-General of its decision to withdraw the reservation concerning article 13 (3), made upon ratification to the Covenant. The text of the reservation withdrawn reads as follows:

Article 13, to the extent that it is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion.

[26] On 12 April 1994 and 24 August 1998, respectively, the Government of Ireland notified the Secretary-General of its decision to withdraw the declaration with respect to article 6 (5), on the one hand, and the reservations made to articles 14 (6) and 23 (4), on the other, made upon ratification. For the text of the declaration and reservations, see United Nations, *Treaty Series* , vol. 1551, p. 352.

On 26 January 2009, the Government of Ireland notified the Secretary-General that it had decided to withdraw the reservation with respect to article 14 made upon ratification, which read as follows: “Ireland reserves the right to have minor offences against military law dealt with summarily in accordance with current procedures, which may not, in all respects, conform to the requirements of article 14 of the Covenant.”

[27] On 15 December 2011, the Government of Ireland informed the Secretary-General that it had decided to withdraw its reservation concerning article 19 paragraph 2 of the Covenant made upon ratification. The text of the reservation withdrawn reads as follows:

“Ireland reserves the right to confer a monopoly on or require the licensing of broadcasting enterprises.”

[28] With reference to the ratification of the above Covenant by Italy, the Government of Italy informed the Secretary-General, by a notification received on 20 December 2005, of its decision to withdraw the following reservations in respect of articles 9 (5), 12 (4) and 14 (5), made upon ratification of the Covenant:

Article 9, paragraph 5

The Italian Republic, considering that the expression "unlawful arrest or detention" contained in article 9, paragraph 5, could give rise to differences of interpretation, declares that it interprets the aforementioned expression as referring exclusively to cases of arrest or detention contrary to the provisions of article 9, paragraph 1.

Article 12, paragraph 4

Article 12, paragraph 4, shall be without prejudice to the application of transitional provision XIII of the Italian Constitution, respecting prohibition of the entry into and sojourn in the national territory of certain members of the House of Savoy.

Article 14, paragraph 5

Article 14, paragraph 5, shall be without prejudice to the application of existing Italian provisions which, in accordance with the Constitution of the Italian Republic, govern the conduct, at one level only, of proceedings instituted before the Constitutional Court in respect of charges brought against the President of the Republic and its Ministers.

[29] On 20 May 2016, the Government of the State of Kuwait notified the Secretary-General of its decision to partially withdraw the reservation to article 25 (b) made upon its accession to the Covenant. The reservation made upon acession read as follows:

"The Government of Kuwait wishes to formulate a reservation with regard to article 25(b). The provisions of this paragraph conflict with the Kuwaiti electoral law, which restricts the right to stand and vote in elections to males.

It further declares that the provisions of the article shall not apply to members of the armed forces or the police."

[30] With regard to the reservation made by the Lao People's Democratic Republic upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

United Kingdom of Great Britain and Northern Ireland (21 October 2010):

"The United Kingdom of Great Britain and Northern Ireland has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political rights.

The United Kingdom considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The United Kingdom considers that a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national law without specifying its implications does not do so.

The United Kingdom therefore objects to the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Lao People's Democratic Republic."

Sweden (18 October 2010):

"The Government of Sweden notes that the Lao People's Democratic Republic has reserved the right to interpret Article 22 in accordance with Article 1, and to apply to Article 22 as to be in conformity with the Constitution and relevant national laws of the Lao People's Democratic Republic. The Government of Sweden is of the belief that this reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of the Lao People's Democratic Republic to the object and purpose of the Covenant.

According to international customary law, as codified in Article 19 of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention shall not be permitted. It is in the common interest of all States that treaties, to which they have chosen to become parties, are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligation under the treaties.

Furthermore, the Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is modified or excluded does not determine its status as a reservation to the treaty. It is the understanding of the Government of Sweden that the declaration of the Lao People's Democratic Republic concerning articles 1 and 18 of the Covenant modifies the legal effect of the provisions of the Covenant in their application to Lao People's Democratic Republic. Hence the Government of Sweden considers that these interpretative declarations in substance constitute reservations.

The Government of Sweden therefore objects to the aforesaid reservations made by the Lao People's Democratic Republic to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection does not preclude the entry into force of the Covenant between the Lao People's Democratic Republic and Sweden. The Covenant enters into force in its entirety between the two States, without Lao People's Democratic Republic benefiting from its reservations."

31 On 28 April 2000, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw its reservation to article 20 paragraph 2 of the Covenant made upon accession. The text of the reservation reads as follows:

"The Principality of Liechtenstein reserves the right not to adopt further measures to ban propaganda for war, which is prohibited by article 20, paragraph 1 of the Covenant. The Principality of Liechtenstein reserves the right to adopt a criminal provision which will take into account the requirements of article 20, paragraph 2, on the occasion of its possible accession to the Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination."

On 13 October 2009, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw its reservation concerning article 24 paragraph 3 of the Covenant made upon accession. The text of the reservation withdrawn reads as follows:

"The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

32 With regard to the reservation made by Maldives upon accession, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Republic of Maldives with respect to Article 18 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that, by providing that the application of Article 18 is without prejudice to the Constitution of the Republic of Maldives, the reservation does not clearly define the extent to which the reserving State has accepted the obligation under that Article. This reservation raises serious doubts about the real extent of the commitment undertaken by the Republic of Maldives and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Republic of Maldives.

This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Republic of Maldives."

Slovakia (21 December 2007):

"The Government of Slovakia has carefully examined the content of the reservations made by the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the view that general reservation made by the Republic of Maldives that (The application of the principles set out in Article 18 of the

Covenant shall be without prejudice to the Constitution of the Republic of Maldives(is too general and does not clearly specify the extent of the obligations under the Covenant for the Republic of Maldives.

According to the Maldivian legal system, mainly based on the principles of Islamic law, the reservation raises doubts as to the commitment of of the Republic of Maldives to its obligations under the Covenant, essential for the fulfillment of its object and purpose.

The Government of Slovakia objects for these reasons to the above mentioned reservation made by the Government of the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

[33] On 15 March 2002, the Government of Mexico notified the Secretary-General of a partial withdrawal of its reservation to article 25 (b) made upon accession. The reservation made upon accession read as follows:

Article 25, subparagraph (b):

The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither an active nor a passive vote, nor the right to form associations for political purposes.

On 11 July 2014, the Government of Mexico notified the Secretary-General of the Partial withdrawal of the reservation made upon accession. The portion of the reservation which has been withdrawn read as follows:

Article 13. The Government of Mexico makes a reservation to this article, in view of the present text of article 33 of the Political Constitution of the United Mexican States.

[34] In a communication received on 20 December 1983, the Government of the Netherlands notified the Secretary-General that it was withdrawing its reservation with regard to article 25 (c). The text of the reservation read as follows:

"The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles."

See notes 1 and 2 under “Netherlands” regarding Aruba/Netherlands Antilles in the “Historical Information” section in the front matter of this volume.

[35] In a notification received by the Secretary-General on 12 December 1979, the Government of Norway withdrew the reservation formulated simultaneously in respect of article 6 (4).

[36] The Secretary-General received the following communication(s) related to the reservations made by Pakistan, on the date(s) indicated hereinafter:

The Netherlands (30 June 2011)

“The Government of the Kingdom of the Netherlands has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights

The Government of the Kingdom of the Netherlands considers that with its reservations to the Articles 3, 6, 7, 12, 13,18, 19 and 25 of the Covenant, the Islamic Republic of Pakistan has made the application of essential obligations under the Covenant concerning, amongst others, equality between men and women, the right to life, including restrictions on the imposition of the death penalty, the prohibition of torture, freedom of thought, conscience and religion, freedom of expression, the right to liberty of movement and freedom in the choice of residence, restrictions on the expulsion of aliens lawfully in the territory of a State Party, the right to take part in public affairs, the right to vote and to be elected and the right to have access to public service on terms of equality subject to the Sharia laws and/or the constitutional and/or national laws in force in Pakistan.

This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that reservations of this kind must be regarded as incompatible with the object and purpose of the Covenant and would recall that, according to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Kingdom of the Netherlands has also examined the reservation of the Islamic Republic of Pakistan with respect to Article 40 of the Covenant.

The Government of the Netherlands considers that the supervisory machinery established under the Covenant, including the system of periodic reporting to the Human Rights Committee established pursuant to Article 40 forms an essential part of the treaty. Accordingly, a reservation such as the reservation of the Islamic Republic of Pakistan, in which a State Party declares not to recognize the competence of the Human Rights Committee to review and comment State periodic reports must be considered contrary to the object and purpose of the Covenant and shall therefore not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservations of the Islamic Republic of Pakistan to the aforesaid Articles of the Covenant.

This objection does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the Islamic Republic of Pakistan.”

Subsequently, in a communication received on 20 September 2011, the Government of Pakistan notified the Secretary-General that it had decided to partially withdraw the reservations, made upon ratification, to articles 3 and 25 of the Convention.

These reservations read as follows:

Article 3

‘"The Government of the Islamic Republic of Pakistan declares that the provisions of Article 3 of the International Covenant on Civil and Political Rights shall be so applied as to be in conformity with Personal Law of the citizens and Qanoon-e-Shahadat".

Article 25

‘"The Government of the Islamic Republic of Pakistan states that the application of Article 25 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in Article 41 (2) and Article 91 (3) of the Constitution of Pakistan".

Subsequently, in a communication received on 20 September 2011, the Government of Pakistan notified the Secretary-General that it had decided to partially withdraw the reservations, made upon ratification, to articles 6, 7, 12, 13, 18, 19 and 40 of the Convention.

These reservations read as follows:

“Article 3, 6, 7, 18 and 19

‘[The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws’.

Article 12

‘The Islamic Republic of Pakistan declares that the provisions of Articles 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan’.

Article 13

‘With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners’.

Article 40

‘The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant’.”

[37] The Secretary-General received the following communication(s) related to the reservations made by Qatar, on the date(s) indicated hereinafter:

Sweden (22 May 2019)

“The Government of Sweden has examined the statements and the reservation made by the State of Qatar upon accession to the International Covenant on Civil and Political Rights. In this context the Government of Sweden would like to recall, that under well-established international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Thus, the Government of Sweden considers that the statements in respect to Articles 7, 18.2, 22, 23.2 and 27 made by the State of Qatar concerning, in the absence of further clarification, in substance [constitute] reservations to the [Covenant].

The Government of Sweden notes that the interpretation and application of Articles 3, 7, 18.2, 22, 23.2 and 23.4 and 27 are made subject to general reservations by essentially referring to Islamic sharia and/or national legislation.

The Government of Sweden is of the view that such reservations, which do not clearly specify the extent of the derogations, [raise] doubt as to the commitment of the State of Qatar to the object and purpose of the [Covenant].

According to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of the [Covenant] shall not be permitted. It is in the common interest of states that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For this reason, the Government of Sweden objects to the aforementioned reservations made by the Government of Qatar. The [Covenant] shall enter into force in its entirety between the two States, without Qatar benefitting from its reservations.”

[38] On 15 March 1991, 19 January 1993 and 2 April 2007, respectively, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw the reservations made in respect of article 23 (4) (with effect from 15 March 1991), of article 14 (7) (with effect from 21 January 1993) and of article 14 (5) (with effect from 2 April 2007) made upon accession.

[39] On 16 October 1995, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation to article 20, paragraph 2 made upon accession, which reads as follows:

Switzerland reserves the right to adopt a criminal provision which will take into account the requirements of article 20, paragraph 2, on the occasion of its forthcoming accession to the 1966 International Convention on the Elimination of All Forms of Racial Discrimination.

Further, on 12 January 2004, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation to article 14, paragraph 3, sub-paragraphs (d) and (f) made upon accession, which reads as follows:

The guarantee of free legal assistance assigned by the court and of the free assistance of an interpreter does not definitively exempt the beneficiary from defraying the resulting costs.

Further, on 1 May 2007, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservations to article 10, paragraph 2 (b) and article 14, paragraph 1 and 5 made upon accession, which reads as follows:

(a) Reservation concerning article 10, paragraph 2 (b):

The separation of accused juvenile persons from adults is not unconditionally guaranteed.

(b) Reservations concerning article 14, paragraph 1:

The principle of a public hearing is not applicable to proceedings which involve a dispute relating to civil rights and obligations or to the merits of the prosecution's case in a criminal matter; these, in accordance with cantonal laws, are held before an administrative authority. The principle that any judgement rendered shall be made public is adhered to without prejudice to the cantonal laws on civil and criminal procedure,

which provide that a judgement shall not be rendered at a public hearing, but shall be transmitted to the parties in writing.

The guarantee of a fair trial has as its sole purpose, where disputes relating to civil right and obligations are concerned, to ensure final judicial review of the acts or decisions of public authorities which have a bearing on such rights or obligations. The Term "final judicial review" means a judicial examination which is limited to the application of the law, such as a review by a Court of Cassation.

The right to liberty of movement and freedom to choose one's residence is applicable, subject to the federal laws on aliens, which provide that residence and establishment permits shall be valid only for the canton which issues them.

(c) Reservation concerning article 14, paragraph 5:

The reservation applies to the federal laws on the organization of criminal justice, which provide for an exception to the right of anyone convicted of a crime to have his conviction and sentence reviewed by a higher tribunal, where the person concerned is tried in the first instance by the highest tribunal.

[40] On 6 July 2012, the Government of the Thailand notified the Secretary-General that it had decided to withdraw its declarations made upon accession with respect to articles 6 (5) and 9 (3) of the Covenant. The text of the withdrawn declarations read as follows:

"2. With respect to article 6, paragraph 5 of the Covenant, the Thai Penal Code enjoins, or in some cases allows much latitude for, the Court to take into account the offender's youth as a mitigating factor in handing down sentences. Whereas Section 74 of the Code does not allow any kind of punishment levied upon any person below fourteen years of age, Section 75 of the same Code provides that whenever any person over fourteen years but not yet over seventeen years of age commits any act provided by the law to be an offence, the Court shall take into account the sense of responsibility and all other things concerning him in order to come to decision as to whether it is appropriate to pass judgment inflicting punishment on him or not. If the court does not deem it appropriate to pass judgment inflicting punishment, it shall proceed according to Section 74 (viz . to adopt other correction measures short of punishment), or if the Court deems it appropriate to pass judgment inflicting punishment, it shall reduce the scale of punishment provided for such offence by one half. Section 76 of the same Code also states that whenever any person over seventeen years but not yet over twenty years of age, commits any act provided by the law to be an offence, the Court may, if it thinks fit, reduce the scale of the punishment provided for such offence by one third or one half. The reduction of the said scale will prevent the Court from passing any sentence of death. As a result, though in theory, sentence of death may be imposed for crimes committed by persons below eighteen years, but not below seventeen years of age, the Court always exercises its discretion under Section 75 to reduce the said scale of punishment, and in practice the death penalty has not been imposed upon any persons below eighteen years of age. Consequently, Thailand considers that in real terms it has already complied with the principles enshrined herein.

3. With respect to article 9, paragraph 3 of the Covenant, Section 87, paragraph 3 of the Criminal Procedure Code of Thailand provides that the arrested person shall not be kept in custody for more than forty-eight hours from the time of his arrival at the office of the administrative or police official, but the time for bringing the arrested person to the Court shall not be included in the said period of forty-eight hours. In case it is necessary for the purpose of conducting the inquiry, or there arises any other necessity, the period of forty-eight hours may be extended as long as such necessity persists, but in no case shall it be longer than seven days."

The instrument of withdrawal included an annex which read as follows:

The Government of Kingdom of Thailand declares that:

1. With respect to Article 6 paragraph 5 of the Covenant, Section 18 of the Thai Criminal Code has been amended to include provisions stipulating that the death and life sentences shall not be imposed on an offender who is below the age of 18 and in which case, the sentence shall be reduced to a sentence of 50 years imprisonment.

2. As with regard to Article 9 paragraph 3 of the Covenant, Section 40 paragraph 7 of the 2007 Constitution of the Kingdom of Thailand stipulates that in criminal cases, the accused or defendant shall have the right to proper, prompt and fair investigations or trial and Section 87 of the Thai Criminal Procedural Code has been amended to stipulate that an arrested person shall not be held in custody

beyond the necessity of the circumstances of the case. In the case of a petty offence, the arrested person shall be in custody only until such time as that person has given his/her pleadings, and that the identity and the location of that person have been sought. In the case where the arrested person has not been temporarily released and it is necessary to investigate or try the person, the arrested person shall be arraigned before the Court within 48 hours from the time the person was taken to the offices of the inquiry officer in accordance with Section 83 of the same Code unless for reasons of force majeure or other unavoidable necessity.

3. Such amendments are fully in compliance with Article 6 paragraph 5 and Article 9 paragraph 3 of the Covenant.

[41] In a communication received by the Secretary-General on 31 January 1979, the Government of Trinidad and Tobago confirmed that paragraph (vi) constituted an interpretative declaration which did not aim to exclude nor modify the legal effect of the provisions of the Covenant.

[42] In a communication received on 2 February 1993, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of its decision to withdraw the reservation to sub-paragraph c) of article 25 made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1007, p. 394.

In a communication received on 4 February 2015, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of its decision to withdraw the following reservation:

"The Government of the United Kingdom reserve the right not to apply article 11 in Jersey."

[43] The formality was effected by Democratic Yemen. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

[44] See "ENTRY INTO FORCE:" at the beginning of this chapter.

[45] Previous declarations, received 22 April 1976, 28 March 1981, 24 March 1986, 10 May 1991 and 22 January 1997 expired on 28 March 1981, 28 March 1986, 28 March 1991, 10 May 1996 and 22 January 2002.

[46] A note verbal, dated 28 January 1998, transmitting the text of the declaration made by the Government of Spain recognizing the competence of the Human Rights Committee under article 41 of the Covenant was deposited on 30 January 1998. Subsequently, in order to correct an error contained in that decalration, the Secretary-General received from the Government of Spain a note verbal dated 9 March 1998, transmitting a corrected and signed text of the declaration which was deposited on 11 March 1998.

Previous declarations were received on 25 January 1985 and 21 December 1988, and expired on 25 January 1988 and 21 December 1993, respectively.

[47] On 3 October 1983, the Secretary-General received from the Government of Argentina the following declaration in respect of the territorial application of the Covenant to the Falkland Islands:

[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands".

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

With reference to the above-mentioned objection the Secretary-General received on 28 February 1985 from the Government of the United Kingdom of Great Britain and Northern Ireland, the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

With reference to the above-mentioned declaration by the Government of the United Kingdom of Great Britain and Northern Ireland, the Secretary-General received from the Government of Argentina the following declaration made upon ratification:

The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights,adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, whichrm anntegral part of its national territory.

The General Assembly of the United Nations had adopted resol- utions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

With reference to the above-mentioned declaration by the Govern- ment of Argentina, the Secretary-General received on 13 January 1988 from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"The Government of the United Kingdom of Great Britain and Northern Irelan d rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Islands, when ratifying [the said Covenants and acceding to the said Protocol].

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories."

Subsequently, on 5 October 2000, the Secretary-General recieved the from the Government of Argentina the following communication:

[The Argentine Republic] wishes to refer to the report submitted by the United Kingdom of Great Britain and Northern Ireland to the Human Rights Committee concerning its overseas territories (CCPR/C/UKOT/99/5).

In that connection, the Argentine Republic wishes to recall that by its note of 3 October 1983 it rejected the extension of the application of the International Covenant on Civil and Political Rights to the Malvinas Islands, which waseffected bythe United Kingdom of Great Britain and Northern Ireland on 20 May 1976.

The Government of Argentina rejects the designation of the Malvinas Islands as Overseas Dependent Territories of the United Kingdom or any other similar designation.

Consequently, the Argentine Republic does not recognize the section concerning the Malvinas Islands contained in the report which the United Kingdom has submitted to the Human Rights Committee (CCPR/C/UKOT/99/5) or any other document or instrument having a similar tenor that may derive from this alleged territorial extension.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes that a dispute

exists concerning sovereignty over the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations with a view to resolving the dispute peacefully and definitively as soon as possible, assisted by the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory.

Further, on 20 December 2000, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communcation:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects as unfounded the claims made by the Argentine Republic in its communication to the depositary of 5 [October] 2000. The Government of the United Kingdom recalls that in its declaration received by the depositary on 13 January 1988 it rejected the objection by the Argentine Republic to the extension by the United Kingdom of the International Covenant on Civil and Political Rights to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential rights to apply the Convention with respect to those territories."

4. PACTE INTERNATIONAL RELATIF AUX DROITS CIVILS ET POLITIQUES

New York, 16 décembre 1966

ENTRÉE EN VIGUEUR: 23 mars 1976, conformément à l'article 49, pour toutes les dispositions à l'exception de celles de l'article 41 (Comité des droits de l'homme); 28 mars 1979 pour les dispositions de l'article 41, conformément au paragraphe 2 dudit article 41.

ENREGISTREMENT: 23 mars 1976, No 14668.

ÉTAT: Signataires: 74. Parties: 173.

TEXTE: Nations Unies, *Recueil des Traités*, vol. 999, p. 171 et vol. 1057, p. 407 (procès verbal de rectification du texte authentique espagnol); notification dépositaire C.N.782.2001.TREATIES-6 du 5 octobre 2001 [Proposition de correction du texte original du Pacte (texte authentique chinois)] et C.N.8.2002.TREATIES-1 du 3 janvier 2002 (Rectification de l'original du Pacte (texte authentique chinois)].

Note: Le Pacte a été ouvert à la signature a New York le 19 décembre 1966.

Participant	*Signature*	*Adhésion(a), Succession(d), Ratification*
Afghanistan		24 janv 1983 a
Afrique du Sud	3 oct 1994	10 déc 1998
Albanie		4 oct 1991 a
Algérie	10 déc 1968	12 sept 1989
Allemagne[1,2]	9 oct 1968	17 déc 1973
Andorre	5 août 2002	22 sept 2006
Angola		10 janv 1992 a
Antigua-et-Barbuda		3 juil 2019 a
Argentine	19 févr 1968	8 août 1986
Arménie		23 juin 1993 a
Australie	18 déc 1972	13 août 1980
Autriche	10 déc 1973	10 sept 1978
Azerbaïdjan		13 août 1992 a
Bahamas	4 déc 2008	23 déc 2008
Bahreïn		20 sept 2006 a
Bangladesh		6 sept 2000 a
Barbade		5 janv 1973 a
Bélarus	19 mars 1968	12 nov 1973
Belgique	10 déc 1968	21 avr 1983
Belize		10 juin 1996 a
Bénin		12 mars 1992 a
Bolivie (État plurinational de)		12 août 1982 a
Bosnie-Herzégovine[3]		1 sept 1993 d
Botswana	8 sept 2000	8 sept 2000
Brésil		24 janv 1992 a
Bulgarie	8 oct 1968	21 sept 1970
Burkina Faso		4 janv 1999 a
Burundi		9 mai 1990 a
Cabo Verde		6 août 1993 a
Cambodge[4,5]	17 oct 1980	26 mai 1992 a
Cameroun		27 juin 1984 a
Canada		19 mai 1976 a
Chili	16 sept 1969	10 févr 1972
Chine[6,7,8]	5 oct 1998	
Chypre	19 déc 1966	2 avr 1969
Colombie	21 déc 1966	29 oct 1969
Comores	25 sept 2008	
Congo		5 oct 1983 a
Costa Rica	19 déc 1966	29 nov 1968
Côte d'Ivoire		26 mars 1992 a
Croatie[3]		12 oct 1992 d
Cuba	28 févr 2008	
Danemark	20 mars 1968	6 janv 1972
Djibouti		5 nov 2002 a
Dominique		17 juin 1993 a
Égypte	4 août 1967	14 janv 1982
El Salvador	21 sept 1967	30 nov 1979
Équateur	4 avr 1968	6 mars 1969
Érythrée		22 janv 2002 a
Espagne	28 sept 1976	27 avr 1977
Estonie		21 oct 1991 a
Eswatini		26 mars 2004 a
État de Palestine		2 avr 2014 a
États-Unis d'Amérique	5 oct 1977	8 juin 1992
Éthiopie		11 juin 1993 a

Participant	*Signature*	*Adhésion(a), Succession(d), Ratification*
Fédération de Russie	18 mars 1968	16 oct 1973
Fidji		16 août 2018 a
Finlande	11 oct 1967	19 août 1975
France		4 nov 1980 a
Gabon		21 janv 1983 a
Gambie		22 mars 1979 a
Géorgie		3 mai 1994 a
Ghana	7 sept 2000	7 sept 2000
Grèce		5 mai 1997 a
Grenade		6 sept 1991 a
Guatemala		5 mai 1992 a
Guinée	28 févr 1967	24 janv 1978
Guinée-Bissau	12 sept 2000	1 nov 2010
Guinée équatoriale		25 sept 1987 a
Guyana	22 août 1968	15 févr 1977
Haïti		6 févr 1991 a
Honduras	19 déc 1966	25 août 1997
Hongrie	25 mars 1969	17 janv 1974
Îles Marshall		12 mars 2018 a
Inde		10 avr 1979 a
Indonésie		23 févr 2006 a
Iran (République islamique d')	4 avr 1968	24 juin 1975
Iraq	18 févr 1969	25 janv 1971
Irlande	1 oct 1973	8 déc 1989
Islande	30 déc 1968	22 août 1979
Israël	19 déc 1966	3 oct 1991
Italie	18 janv 1967	15 sept 1978
Jamaïque	19 déc 1966	3 oct 1975
Japon	30 mai 1978	21 juin 1979
Jordanie	30 juin 1972	28 mai 1975
Kazakhstan	2 déc 2003	24 janv 2006
Kenya		1 mai 1972 a
Kirghizistan		7 oct 1994 a
Koweït		21 mai 1996 a
Lesotho		9 sept 1992 a
Lettonie		14 avr 1992 a
Liban		3 nov 1972 a
Libéria	18 avr 1967	22 sept 2004
Libye		15 mai 1970 a
Liechtenstein		10 déc 1998 a
Lituanie		20 nov 1991 a
Luxembourg	26 nov 1974	18 août 1983
Macédoine du Nord[3]		18 janv 1994 d
Madagascar	17 sept 1969	21 juin 1971
Malawi		22 déc 1993 a
Maldives		19 sept 2006 a
Mali		16 juil 1974 a
Malte		13 sept 1990 a
Maroc	19 janv 1977	3 mai 1979
Maurice		12 déc 1973 a
Mauritanie		17 nov 2004 a
Mexique		23 mars 1981 a
Monaco	26 juin 1997	28 août 1997
Mongolie	5 juin 1968	18 nov 1974
Monténégro[9]		23 oct 2006 d
Mozambique		21 juil 1993 a
Namibie		28 nov 1994 a
Nauru	12 nov 2001	
Népal		14 mai 1991 a
Nicaragua		12 mars 1980 a
Niger		7 mars 1986 a
Nigéria		29 juil 1993 a
Norvège	20 mars 1968	13 sept 1972
Nouvelle-Zélande[10]	12 nov 1968	28 déc 1978
Ouganda		21 juin 1995 a
Ouzbékistan		28 sept 1995 a
Pakistan	17 avr 2008	23 juin 2010
Palaos	20 sept 2011	
Panama	27 juil 1976	8 mars 1977
Papouasie-Nouvelle-Guinée		21 juil 2008 a
Paraguay		10 juin 1992 a
Pays-Bas	25 juin 1969	11 déc 1978
Pérou	11 août 1977	28 avr 1978
Philippines	19 déc 1966	23 oct 1986
Pologne	2 mars 1967	18 mars 1977
Portugal[6]	7 oct 1976	15 juin 1978
Qatar		21 mai 2018 a
République arabe syrienne		21 avr 1969 a
République centrafricaine		8 mai 1981 a
République de Corée		10 avr 1990 a
République démocratique du Congo		1 nov 1976 a
République démocratique populaire lao	7 déc 2000	25 sept 2009

Participant	*Signature*	*Adhésion(a), Succession(d), Ratification*
République de Moldova		26 janv 1993 a
République dominicaine		4 janv 1978 a
République populaire démocratique de Corée[11]		14 sept 1981 a
République tchèque[12]		22 févr 1993 d
République-Unie de Tanzanie		11 juin 1976 a
Roumanie	27 juin 1968	9 déc 1974
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord[8]	16 sept 1968	20 mai 1976
Rwanda		16 avr 1975 a
Sainte-Lucie	22 sept 2011	
Saint-Marin		18 oct 1985 a
Saint-Vincent-et-les Grenadines		9 nov 1981 a
Samoa		15 févr 2008 a
Sao Tomé-et-Principe	31 oct 1995	10 janv 2017
Sénégal	6 juil 1970	13 févr 1978
Serbie[3]		12 mars 2001 d
Seychelles		5 mai 1992 a
Sierra Leone		23 août 1996 a
Slovaquie[12]		28 mai 1993 d
Slovénie[3]		6 juil 1992 d
Somalie		24 janv 1990 a
Soudan		18 mars 1986 a
Sri Lanka		11 juin 1980 a
Suède	29 sept 1967	6 déc 1971
Suisse		18 juin 1992 a
Suriname		28 déc 1976 a
Tadjikistan		4 janv 1999 a
Tchad		9 juin 1995 a
Thaïlande		29 oct 1996 a
Timor-Leste		18 sept 2003 a
Togo		24 mai 1984 a
Trinité-et-Tobago		21 déc 1978 a
Tunisie	30 avr 1968	18 mars 1969
Turkménistan		1 mai 1997 a
Turquie	15 août 2000	23 sept 2003
Ukraine	20 mars 1968	12 nov 1973
Uruguay	21 févr 1967	1 avr 1970
Vanuatu	29 nov 2007	21 nov 2008
Venezuela (République bolivarienne du)	24 juin 1969	10 mai 1978
Viet Nam		24 sept 1982 a
Yémen		9 févr 1987 a
Zambie		10 avr 1984 a
Zimbabwe		13 mai 1991 a

Déclarations et Réserves

(En l'absence d'indication précédant le texte, la date de réception est celle de la ratification, de l'adhésion ou de la succession. Pour les objections et les déclarations reconnaissant la compétence du Comité des droits de l'homme en vertu de l'article 41, voir ci-après.)

AFGHANISTAN

[Voir au chapitre IV.3.]

ALGÉRIE[13]

[Voir au chapitre IV.3.]

ALLEMAGNE[2,14]

ARGENTINE

Le Gouvernement argentin déclare que l'application du paragraphe 2 de l'article 15 du Pacte international relatif aux droits civils et politiques sera subordonnée au principe consacré à l'article 18 de la Constitution argentine.

AUSTRALIE[15]

Article 10

En ce qui concerne le paragraphe 2 a), le principe de la séparation est accepté en tant qu'objectif à réaliser progressivement. Pour ce qui est du paragraphe 2 b) et de la seconde phrase du paragraphe 3, l'obligation de procéder à une séparation n'est acceptée que dans la mesure où les autorités compétentes considèrent une telle séparation avantageuse pour les jeunes délinquants et les adultes en cause.

Article 14

L'Australie formule une réserve tendant à ce que l'indemnisation prévue en cas d'erreur judiciaire dans les circonstances visées au paragraphe 6 de l'article 14 puisse être effectuée selon une procédure administrative plutôt que conformément à une disposition législative spécifique.

Article 20

L'Australie interprète les droits prévus aux articles 19, 21 et 22 comme étant compatibles avec les dispositions de

l'article 20; par conséquent, le Commonwealth et les États fédérés ayant légiféré dans les domaines visés à l'article 20 à l'égard de questions intéressant directement l'ordre public, l'Australie se réserve le droit de ne pas adopter de disposition législative supplémentaire en la matière.

L'Australie est dotée d'un système constitutionnel fédéral dans lequel les pouvoirs législatifs, exécutifs et judiciaires sont partagés ou répartis entre les autorités du Commonwealth et celles des États fédérés. L'application du traité sur tout le territoire australien relèvera de la compétence des autorités du Commonwealth et des divers États et territoires, compte tenu de leurs pouvoirs constitutionnels respectifs et des dispositions concernant l'exercice de ces pouvoirs.

AUTRICHE

1. Le paragraphe 4 de l'article 12 du Pacte sera appliqué pour autant qu'il ne porte pas atteinte à la loi du 3 avril 1919 (Journal officiel de l'État autrichien, no 209) relative au bannissement de la maison de Habsbourg-Lorraine et à l'aliénation de ses biens, telle qu'elle a été modifiée par la loi du 30 octobre 1919 (Journal officiel de l'État autrichien no 501), par la loi constitutionnelle fédérale du 30 juillet 1925 (Journal officiel de la République fédérale d'Autriche, no 292) et par la loi constitutionnelle fédérale du 26 janvier 1928 (Journal officiel de la République fédérale d'Autriche, no 30) et compte tenu de la loi constitutionnelle fédérale du 4 juillet 1963 (Journal officiel de la République fédérale d'Autriche no 172).

2. L'article 9 et l'article 14 du Pacte seront appliqués pour autant qu'ils ne portent pas atteinte aux dispositions en matière de poursuites et de mesures privatives de liberté stipulées dans les lois de procédure administrative et dans la loi portant répression des infractions fiscales sous réserve du contrôle de leur légalité par la Cour administrative fédérale et la Cour constitutionnelle fédérale, conformément à la Constitution fédérale autrichienne.

3. Le paragraphe 3 de l'article 10 du Pacte sera appliqué pour autant qu'il ne porte pas atteinte aux dispositions législatives permettant de détenir des prisonniers mineurs avec des adultes de moins de 25 ans dont on n'a pas à craindre qu'ils puissent avoir une influence négative sur eux.

4. L'article 14 du Pacte sera appliqué pour autant qu'il ne porte pas atteinte aux principes régissant la publicité des procès, tels qu'ils sont énoncés à l'article 90 de la loi constitutionnelle fédérale, telle qu'elle a été modifiée en 1929, et que :

a) L'alinéa d du paragraphe 3 ne soit pas incompatible avec les dispositions législatives prévoyant que tout accusé qui trouble l'ordre à l'audience ou dont la présence risque de gêner l'interrogatoire d'un autre accusé ou l'audition d'un témoin ou d'un expert peut être exclu de la salle d'audience;

b) Le paragraphe 5 ne soit pas incompatible avec les dispositions législatives qui stipulent qu'après un acquittement ou une condamnation à une peine légère prononcés par un tribunal de première instance une juridiction supérieure peut prononcer la culpabilité ou infliger une peine plus sévère pour la même infraction, mais qui ne donnent pas à la personne déclarée coupable le droit de soumettre cette déclaration de culpabilité ou cette condamnation à une peine plus sévère à une juridiction encore plus élevée.

c) Le paragraphe 7 ne soit pas incompatible avec les dispositions législatives qui autorisent la réouverture d'un procès ayant conduit à une déclaration définitive de condamnation ou d'acquittement d'une personne.

5. Les articles 19, 21 et 22, en liaison avec le paragraphe 1 de l'article 2 du Pacte, seront appliqués, pour autant qu'ils ne soient pas incompatibles avec les restrictions légales visées à l'article 16 de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales.

6. L'article 26 est interprété comme n'excluant pas la distinction de traitement selon qu'il s'agit de ressortissants autrichiens ou de ressortissants étrangers permise en vertu du paragraphe 2 de l'article 1 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale.

BAHAMAS

Le Gouvernement des Bahamas reconnaît et accepte le principe de l'indemnisation en cas de détention injustifiée, énoncé au paragraphe 6 de l'article 4, mais il se réserve actuellement le droit de ne pas l'appliquer étant donné les problèmes posés par son application.

BAHREÏN[16]

Le Gouvernement du Royaume de Bahreïn fait la déclaration ci-après concernant les articles 3, 18 et 23, le paragraphe 5 de l'article 9 et le paragraphe 7 de l'article 14 du Pacte international relatif aux droits civils et politiques, adopté par l'Assemblée générale des Nations Unies le 16 décembre 1966.

1. Le Gouvernement du Royaume de Bahreïn interprète les dispositions des articles 3, 18 et 23 comme n'ayant aucun effet sur les prescriptions de la charia islamique.

2. Le Gouvernement du Royaume de Bahreïn interprète les dispositions du paragraphe 5 de l'article 9 comme étant sans préjudice de son droit de définir les bases et les règles de l'obtention de la réparation visée à ce paragraphe.

3. Le Gouvernement du Royaume de Bahreïn interprète le paragraphe 7 de l'article 14 comme n'entraînant pas d'obligation outre celles visées à l'article 10 de la Loi pénale de Bahreïn, qui dispose ce qui suit :

" Nul ne peut être poursuivi en raison d'une infraction pour laquelle il a déjà été acquitté par une juridiction étrangère ou condamné en vertu d'un jugement définitif dès lors que sa peine a été entièrement purgée ou abolie par une prescription ".

BANGLADESH

Article 14 :

Le Gouvernement de la République populaire du Bangladesh se réserve le droit de ne pas appliquer les dispositions du paragraphe 3 d) de l'article 14, eu égard au fait que, tout en reconnaissant à tout accusé le droit, en temps normal, d'être présent à son procès, la législation bangladaise en vigueur prévoit aussi la possibilité de le juger en son absence s'il est en fuite ou si, tenu de comparaître, il ne se présente pas ou s'abstient d'expliquer à la satisfaction du juge les raisons pour lesquelles il n'a pas comparu.

Article 10 :

En ce qui concerne la première partie du paragraphe 3 de l'article 10, relative à l'amendement et au reclassement social des condamnés, le Bangladesh ne possède pas d'installations à cette fin, en raison de contraintes financières et faute du soutien logistique voulu. La dernière partie de ce paragraphe, disposant que les jeunes délinquants sont séparés des adultes, constitue une obligation en droit interne, et il y est donné effet à ce titre.

Article 11 :

L'article 11, aux termes duquel « nul ne peut être emprisonné pour la seule raison qu'il n'est pas en mesure d'exécuter une obligation contractuelle », cadre en général avec les dispositions de la Constitution et de la législation nationales, sauf dans quelques circonstances très exceptionnelles où la loi prévoit la contrainte par corps pour inexécution délibérée d'une décision de justice. Le Gouvernement de la République populaire du Bangladesh appliquera cet article conformément à son droit interne en vigueur.

Article 14 :

En ce qui concerne la disposition du paragraphe 3 d) de l'article 14 relative à l'octroi de l'aide juridictionnelle,

toute personne accusée d'une infraction pénalea légalement droit à cette aide si elle n'a pas les moyens de se la procurer. Le Gouvernement de la République populaire du Bangladesh, nonobstant son acceptation du principe de l'indemnisation pour erreur judiciaire, posé au paragraphe 6 de l'article 14, n'est pas en mesure pour le moment de garantir une application systématique de cette disposition. Toutefois, la victime a le droit d'obtenir effectivement une indemnité pour erreur judiciaire par une procédure distincte, et il arrive que le juge accorde de son propre chef une indemnité aux victimes d'erreurs judiciaires. En tout état de cause, le Bangladesh a l'intention de faire en sorte que cette disposition soit intégralement mise en oeuvre dans un avenir proche.

BARBADE

Le Gouvernement de la Barbade déclare qu'il se réserve le droit de ne pas appliquer intégralement la garantie concernant l'assistance judiciaire gratuite visée à l'alinéa d du paragraphe 3 de l'article 14 du Pacte; en effet, bien qu'il souscrive aux principes énoncés dans ledit paragraphe, il ne peut, étant donné l'ampleur des difficultés d'application, garantir actuellement la mise en oeuvre intégrale de cette disposition.

BÉLARUS[17]

BELGIQUE[18]

"...

"2. Le Gouvernement belge considère que la disposition de l'article 10, paragraphe 2 a), selon laquelle les prévenus sont, sauf dans les circonstances exceptionnelles, séparés des condamnés, doit s'interpréter conformément au principe déjà consacré par l'Ensemble des règles minima pour le traitement des détenus (Résolution (73) 5 du Comité des Ministres du Conseil de l'Europe du 19 janvier 1973), en ce sens que les prévenus ne peuvent être mis contre leur gré en contact avec des détenus condamnés (Règles 7, b, et 85, 1). S'ils en font la demande, ceux-ci peuvent être admis à participer avec les personnes condamnées à certaines activités communautaires."

"3. Le Gouvernement belge considère que la disposition de l'article 10, paragraphe 3, selon laquelle les jeunes délinquants sont séparés des adultes et soumis à un régime approprié à leur âge et à leur statut légal, vise exclusivement les mesures judiciaires prévues par le régime de protection des mineurs d'âge, organisé par la loi belge relative à la protection de la jeunesse. À l'égard des autres jeunes délinquants relevant du droit commun le Gouvernement belge entend se réserver la possibilité d'adopter des mesures éventuellement plus souples et conçues dans l'intérêt même des personnes concernées."

"4. Concernant l'article 14, le Gouvernement belge considère que le paragraphe 1 in fine de cet article semble laisser aux Etats la faculté de prévoir ou non certaines dérogations au principe de la publicité du jugement. En ce sens, est conforme à cette disposition le principe constitutionnel belge qui ne prévoit pas d'exception au prononcé public du jugement. Quant au paragraphe 5 de cet article il ne s'appliquera pas aux personnes qui, en vertu de la loi belge, sont déclarées coupables et condamnées une seconde instance, ou qui, en vertu de la loi belge, sont directement déférées à une juridiction supérieure telles articles 19, 21 et 22 seront appliqués par le Gouvernement belge dans le contexte des dispositions et des limitations énoncées ou autorisées aux articles 10 et 11 de la Convention de sauvegarde des droits de l'Homme et des libertés fondamentales du 4 novembre 1950, par ladite Convention."

"6. Le Gouvernement belge déclare qu'il n'estime pas être obligé de légiférer dans le domaine de l'article 20, paragraphe 1, et que l'ensemble de l'article 20 sera appliqué en tenant compte des droits à la liberté de pensée et de religion, d'opinion, de réunion et d'association proclamés par les articles 18, 19, et 20 de la Déclaration universelle des Droits de l'Homme et réaffirmés aux articles 18, 19, 21 et 22 du [Pacte]."

"7. Le Gouvernement belge déclare interpréter le paragraphe 2 de l'article 23 en ce sens que le droit de se marier et de fonder une famille à partir de l'âge nubile postule non seulement que la loi nationale fixe l'âge de la nubilité mais qu'elle puisse également réglementer l'exercice de ce droit."

BELIZE

a) Le Gouvernement bélizien se réserve le droit de ne pas appliquer le paragraphe 2 de l'article 12 compte tenu des dispositions réglementaires qui exigent des personnes souhaitant se rendre à l'étranger qu'elles fournissent des certificats d'acquittement de l'impôt;

b) Le Gouvernement bélizien se réserve le droit de ne pas appliquer dans son intégralité l'alinéa d) du paragraphe 3 de l'article 14 qui prévoit l'attribution sans frais d'un défenseur car, quand bien même il accepte les principes énoncés dans ce paragraphe et les applique dans certains cas précis, cette disposition pose des problèmes tels que son application intégrale ne peut pas être garantie actuellement;

c) Le Gouvernement bélizien reconnaît et accepte le principe de l'indemnisation en cas de détention injustifiée, énoncé au paragraphe 6 de l'article 14, mais il se réserve actuellement le droit de ne pas l'appliquer étant donné les problèmes posés par son application.

BOTSWANA[19]

Le Gouvernement de la République du Botswana se considère lié par :

a) L'article 7 du Pacte dans la mesure où les termes "torture, traitements cruels, inhumains ou dégradants" visent la torture et toutes peines ou traitements inhumains ou dégradants interdits par l'article 7 de la Constitution de la République du Botswana;

b) L'article 12, paragraphe 3, du Pacte dans la mesure où ses dispositions sont compatibles avec l'article 14 de la Constitution de la République du Botswana concernant l'imposition de certaines restrictions raisonnablement nécessaires dans certains cas exceptionnels.

BULGARIE

[Voir au chapitre IV.3.]

CONGO

"Le Gouvernement de la République populaire du Congo déclare qu'il ne se sent pas lié par les dispositions de l'article 11. . . .

"L'article 11 du Pacte international relatif aux droits civils et politiques diverge sensiblement avec les articles 386 et suivants du Code congolais de procédure civile, commerciale, administrative et financière, résultant de la Loi 51/ 83 du 21 avril 1983 aux termes desquels, en matière de droit privé, l'exécution des décisions ou des procès-verbaux de conciliation peut être poursuivie par la voie de la contrainte par corps lorsque les autres voies d'exécution ont été utilisées en vain, que le montant en principal de la condamnation excède 20,000 francs CFA et que le débiteur, âgé de plus de 18 ans et moins de 60 ans, s'est rendu insolvable par mauvaise foi."

CUBA

La République de Cuba déclare que la Révolution a permis au peuple cubain d'exercer tous les droits énoncés dans le Pacte international des droits civils et politiques.

Le blocus économique, commercial et financier imposé par les États-Unis d'Amérique ainsi que leur

politique hostile et agressive envers Cuba sont les plus graves obstacles à l'exercice par le peuple cubain des droits énoncés dans le Pacte.

La Constitution de la République et la législation nationale consacrent les droits protégés en vertu de ce Pacte.

Les politiques et programmes de l'État garantissent effectivement l'exercice et la protection desdits droits à tous les Cubains et Cubaines.

En ce qui concerne la portée et l'application de certaines dispositions de cet instrument international, la République de Cuba formulera les réserves ou déclarations interprétatives qu'elle estimera nécessaires.

DANEMARK[20]

Modification suivante de la réserve formulée lors de la ratification :

2. b) i) Le paragraphe 5 de l'article 14 s'appliquera de la manière suivante :

- un droit illimité de recours n'a pas à être institué dans les cas où la condamnation concerne une infraction mineure et la peine infligée est une amende et/ou la confiscation inférieure à un certain montant fixé par la loi.
- un droit à un recours supplémentaire n'a pas à être institué dans les cas où l'accusé, ayant été acquitté par une juridiction de première instance, est condamné pour la première fois par une juridiction en appel d'une décision d'acquittement.
- un droit de recours n'a pas à être institué dans le cadre d'une procédure pénale contre un membre du gouvernement ou de toute autre personne devant la Haute Cour du Royaume (Rigsretten).

ii) Le paragraphe 7 de l'article 14 s'applique de manière telle que les poursuites pénales qui ont conduit à une déclaration définitive de culpabilité ou d'acquittement peuvent être réouvertes dans certaines circonstances fixées par la loi.

Le gouvernement danois a confirmé que la réserve au paragraphe 5 de l'article 14 ci-dessus réduit la portée de la réserve formulée lors de la ratification et que la réserve au paragraphe 7 de l'article 14 ci-dessus clarifie la réserve formulée lors de la ratification.

Le paragraphe 1, l'alinéa a) du paragraphe 2 et le paragraphe 3 de la réserve du Danemark formulée lors de la ratification restent inchangés :

1. Le Gouvernement danois fait une réserve en ce qui concerne la deuxième phrase du paragraphe 3 de l'article 10. Au Danemark, on ne néglige aucun effort, dans la pratique, pour assurer une répartition appropriée, suivant leur âge, des personnes condamnées à des peinesd'emprisonnement, mais on estime qu'il convient de se réserver la possibilité d'adopter des solutions souples.

2. a) Le Danemark ne sera pas tenu par les dispositions du paragraphe 1 de l'article 14 concernant la publicité des procédures judiciaires.

En droit danois, la faculté de prononcer le huis clos pendant un procès peut être plus large que celle qui est prévue dans le Pacte, et le Gouvernement danois estime que cette faculté ne doit pas être restreinte.

3. Le Gouvernement danois fait également une réserve en ce qui concerne le paragraphe 1 de l'article 20. Cette réserve est conforme au vote exprimé par le Danemark à la seizième session de l'Assemblée générale desNations Unies, en 1961, lorsque la délégation danoise, compte tenu de l'article précédent du Pacte concernant la liberté d'expression, a voté contre l'interdiction de la propagande en faveur de la guerre.

ÉGYPTE

[Voir au chapitre IV.3.]

ÉTATS-UNIS D'AMÉRIQUE

1) L'article 20 n'autorise pas les États-Unis et n'exige pas d'eux qu'ils adoptent des lois ou autres mesures de nature à restreindre la liberté d'expression et d'association protégée par la Constitution et les lois des États-Unis.

2) Les États-Unis se réservent le droit, sous réserve des limitations imposées par leur Constitution, de prononcer la peine de mort contre toute personne (autre qu'une femme enceinte) dûment reconnue coupable en vertu de lois en vigueur ou futures permettant l'imposition de la peine de mort, y compris pour des crimes commis par des personnes âgées de moins de 18 ans.

3) Les États-Unis se considèrent liés par l'article 7 pour autant que l'expression `peines ou traitements cruels, inhumains ou dégradants' s'entend des traitements ou peines cruels et inaccoutumés interdits par les Cinquième, Huitième et/ou Quatorzième Amendements à la Constitution des États-Unis.

4) Dans la mesure où aux États-Unis la loi applique généralement à l'auteur d'une infraction la peine en vigueur au moment où l'infraction a été commise, les États-Unis n'adhèrent pas à la troisième clause du paragraphe 1 de l'article 15.

5) La politique et la pratique des États-Unis sont généralement conformes aux dispositions du Pacte touchant le traitement des mineurs par le système de justice pénale et leur sont solidaires. Néanmoins, les États-Unis se réservent le droit, dans des circonstances exceptionnelles, de traiter les mineurs comme des adultes, nonobstant les dispositions des paragraphes 2 b) et 3 de l'article 10 et du paragraphe 4 de l'article 14. Ils formulent en outre une réserve vis-à-vis de ces dispositions relativement aux individus qui se portent volontaires pour le service militaire avant l'âge de 18 ans.

1) La Constitution et les lois des États-Unis garantissent à toutes les personnes l'égalité devant la loi et organisent d'importantes mesures de protection contre la discrimination. Les États-Unis interprètent les distinctions fondées sur la race, la couleur, le sexe, la langue, la religion, l'opinion politique ou toute autre opinion, l'origine nationale ou social, la fortune, la naissance ou toute autre situation - au sens où ces termes sont entendus au paragraphe 1 de l'article 2 et à l'article 26 - comme étant permises lorsqu'elles sont, à tout le moins, raisonnablement liées à un objectif d'ordre public légitime. Les États-Unis interprètent par ailleurs la prohibition énoncée au paragraphe 1 de l'article 4 touchant toute discrimination, en cas de danger public exceptionnel fondée `uniquement' sur la race, la couleur, le sexe, la langue, la religion ou l'origine sociale comme n'interdisant pas les distinctions qui sont susceptibles d'avoir un effet disproportionné sur les personnes ayant un statut déterminé.

2) Les États-Unis interprètent le droit à réparation visé au paragraphe 5 de l'article 9 et au paragraphe 6 de l'article 14 comme nécessitant l'organisation de voies d'exécution efficaces permettant tout individu victime d'arrestation ou de détention illégale ou encore d'un déni de justice de rechercher et, s'il y a lieu, d'obtenir réparation soit auprès de l'individu responsable soit auprès de l'entité publique compétente. Le droit à réparation peut être soumis à des conditions raisonnables par le droit interne.

3) Les États-Unis interprètent la référence à des `circonstances exceptionnelles' au paragraphe 2 a) de l'article 10 comme autorisant l'emprisonnement d'un accusé avec des personnes condamnées, s'il y a lieu, en considération du danger que celui présente et comme permettant à tous prévenus de renoncer au droit qu'ils ont d'être séparés des condamnés. Les États-Unis interprètent par ailleurs le paragraphe 3 de l'article 10 comme ne remettant pas en cause les buts de répression, de dissuasion et de neutralisation en tant qu'objectifs complémentaires légitimes de tous s alinéas b) et d) du paragraphe 3 de l'article 14 comme n'exigeant pas de fournir à la personne accusée un défenseur de son choix lorsqu'un conseil a été commis d'office à sa défense pour motif d'indigence, lorsqu'il a les moyens financiers de

s'attacher les services d'un autre conseil ou lorsqu'il ne fait pas l'objet d'emprisonnement. Les États-Unis interprètent par ailleurs l'alinéa e) du paragraphe 3 comme n'interdisant pas d'exiger du défendeur qu'il rapporte la preuve que tout témoin qu'il a l'intention de citer est nécessaire à sa défense. Ils interprètent en outre la prohibition de la dualité des poursuites faite au paragraphe 7 comme ne jouant que lorsque l'arrêt d'acquittement a été rendu par un tribunal du même ordre gouvernemental, fédéral ou des États, que celui qui cherche à ouvrir un nouveau procès pour le même motif.

5) Les États-Unis interprètent le présent Pacte comme devant être appliqué par le Gouvernement fédéral pour autant qu'il exerce une compétence législative et judiciaire sur les matières qui y sont visées et, autrement par les États et les administrations locales; pour autant que les administrations des États et locales exercent une compétence sur ces matières, le Gouvernement fédéral prendra toutes mesures appropriées en ce qui concerne le système fédéral pour faire en sorte que les autorités compétentes au niveau des États ou des administrations locales puissent prendre les mesures qui s'imposent en vue d'appliquer le Pacte.

1) Les États-Unis déclarent que les dispositions des articles 1 à 27 du Pacte ne sont pas exécutoires d'office.

2) De l'avis des États-Unis, les États parties au Pacte doivent, dans la mesure du possible, s'abstenir d'imposer toutes restrictions ou limitations à l'exercice des droits consacrés et protégés par le Pacte, même lorsque ces restrictions et limitations sont permises aux termes de celui-ci. Pour les États-Unis, le paragraphe 2 de l'article 5 aux termes duquel il ne peut être admis aucune restriction ou dérogation aux droits fondamentaux de l'homme reconnus ou en vigueur dans tout État partie au Pacte sous prétexte que le Pacte les reconnaît à un moindre degré, entretient un rapport spécial avec le paragraphe 3 de l'article 19 qui autorise certaines restrictions à la liberté d'expression. Les États-Unis déclarent qu'ils continueront de se tenir aux prescriptions et limitations imposées par leur Constitution relativement à toutes ces restrictions et limitations.

FÉDÉRATION DE RUSSIE

L'Union des Républiques socialistes soviétiques déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'États ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des États, les Pactes devraient être ouverts à la participation de tous les États intéressés sans aucune discrimination ou limitation.

FINLANDE[21]

Pour ce qui est des paragraphes 2, b, et 3 de l'article 10 du Pacte, la Finlande déclare que, bien qu'en règle générale les jeunes délinquants soient séparés des adultes, elle n'estime pas souhaitable d'instituer une interdiction absolue qui ne permettrait pas d'arrangements plus souples;

Au sujet du paragraphe 7 de l'article 14 du Pacte, la Finlande déclare qu'elle poursuivra sa pratique actuelle, selon laquelle une peine peut être aggravée s'il est établi qu'un membre ou un fonctionnaire du tribunal, le procureur ou l'avocat de la défense ont obtenu l'acquittement du défendeur ou une peine beaucoup plus légère par des moyens délictueux ou frauduleux, ou si de faux témoignages ont été présentés avec le même résultat, et selon laquelle un délit qualifié peut être jugé à nouveau si, dans un délai d'un an, de nouvelles preuves sont présentées qui, si elles avaient été connues, auraient entraîné une condamnation ou une peine beaucoup plus sévère;

En ce qui concerne le paragraphe 1 de l'article 20 du Pacte, la Finlande déclare qu'elle n'appliquera pas ses dispositions, celles-ci étant incompatibles avec le point de vue que la Finlande a déjà exprimé à la seizième Assemblée générale de l'Organisation des Nations Unies en votant contre l'interdiction de la propagande en faveur de la guerre, faisant valoir que cela risque de compromettre la liberté d'expression mentionnée à l'article 19 du Pacte.

FRANCE[22,23]

"1) Le Gouvernement de la République considère que, conformément à l'Article 103 de la Charte des Nations Unies, en cas de conflit entre ses obligations en vertu du Pacte et ses obligations en vertu de la Charte (notamment des articles 1er et 2 de celle-ci), ses obligations en vertu de la Charte prévaudront.

"2) Le Gouvernement de la République émet une réserve concernant le paragraphe 1 de l'article 4 en ce sens, d'une part, que les circonstances énumérées par l'article 16 de la Constitution pour sa mise en oeuvre, par l'article 1er de la Loi du 3 avril 1978 et par la Loi du 9 août 1849 pour la déclaration de l'état de siège, par l'article 1er de la Loi no 55 - 385 du 3 avril 1955 pour la déclaration de l'état d'urgence et qui permettent la mise en application de ces textes, doivent être comprises comme correspondant à l'objet de l'article 4 du Pacte, et, d'autre part, que pour l'interprétation et l'application de l'article 16 de la Constitution de la République française, les termes "dans la stricte mesure où la situation l'exige" ne sauraient limiter le pouvoir du Président de la République de prendre `les mesures exigées par les circonstances'.

"3) Le Gouvernement de la République émet une réserve concernant les articles 9 et 14 en ce sens que ces articles ne sauraient faire obstacle à l'application des règles relatives au régime disciplinaire dans les armées.

"4) Le Gouvernement de la République déclare que l'article 13 ne doit pas porter atteinte au chapitre IV de l'ordonnance no 45-2658 du 2 novembre 1945 relative à l'entrée et au séjour des étrangers en France, ni aux autres textes relatifs à l'expulsion des étrangers en vigueur dans les parties du territoire de la République où l'ordonnance du 2 novembre 1945 n'est pas applicable.

"5) Le Gouvernement de la République interprète l'article 14 paragraphe 5 comme posant un principe général auquel la loi peut apporter des exceptions limitées. Il en est ainsi, notamment, pour certaines infractions relevant en premier et dernier ressort du Tribunal de Police. Au demeurant les décisions rendues en dernier ressort peuvent faire l'objet d'un recours devant la Cour de Cassation qui statue sur la légalité de la décision intervenue.

"6) Le Gouvernement de la République déclare que les articles 19, 21 et 22 du Pacte seront appliqués conformément aux articles 10, 11 et 16 de la Convention Européenne de Sauvegarde des Droits de l'Homme et des Libertés Fondamentales en date du 4 novembre 1950.

"7) Le Gouvernement de la République déclare que le terme `guerre' qui figure à l'article 20 paragraphe 1 doit s'entendre de la guerre contraire au droit international et estime, en tout cas, que la législation française en ce domaine est adéquate.

"8) Le Gouvernement français déclare, compte tenu de l'article 2 de la Constitution de la République française, que l'article 27 n'a pas lieu de s'appliquer en ce qui concerne la République."

GAMBIE

Pour des raisons financières, seules les personnes accusées de crime capital peuvent bénéficier, selon notre Constitution, de l'assistance judiciaire. En conséquence, le Gouvernement gambien souhaite formuler une réserve

en ce qui concerne le paragraphe 3, d, de l'article 14 du Pacte international relatif aux droits civils et politiques.

GUINÉE

"Se fondant sur le principe selon lequel tous les États dont la politique est guidée par les buts et principes de la Charte des Nations Unies ont le droit de devenir partie aux pactes qui touchent les intérêts de la Communauté internationale, le Gouvernement de la République de Guinée estime que les dispositions du paragraphe premier de l'article 48 du Pacte international relatif aux droits civils et politiques sont en contradiction avec le principe de l'universalité des traités internationaux et avec celui de la démocratisation des relations internationales."

GUYANA

Le Gouvernement de la République de Guyane accepte le principe d'une assistance judiciaire, si besoin est, en cas de poursuites pénales, il s'efforce d'en faire une réalité et il l'applique actuellement dans certains cas précis, mais l'application d'un plan global d'assistance judiciaire pose de tels problèmes qu'elle ne peut être pleinement garantie à ce stade.

Le Gouvernement de la République de Guyane accepte le principe d'une indemnisation au cas où une personne serait emprisonnée à tort, mais il n'est pas possible actuellement d'appliquer ce principe.

HONGRIE

[Voir au chapitre IV.3.]

INDE

[Voir au chapitre IV.3.]

INDONÉSIE

En ce qui concerne l'article premier du Pacte international relatif aux droits civils et politiques, le Gouvernement de la République d'Indonésie déclare que, conformément à la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux et à la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les États conformément à la Charte des Nations Unies, ainsi qu'au paragraphe pertinent de la Déclaration et du Programme d'action de Vienne de 1993, les mots " le droit de disposer d'eux-mêmes " figurant dans cet article ne s'appliquent pas à une partie de la population d'un État indépendant souverain et ne sauraient être interprétés comme autorisant ou encourageant une quelconque action qui fragmenterait ou entraverait, en tout ou en partie, l'intégrité territoriale ou l'unité politique d'États souverains et indépendants.

IRAQ

[Voir au chapitre IV.3.]

IRLANDE[24,25]

L'Irlande accepte les principes énoncés au paragraphe 2 de l'article 10 et les applique dans toute la mesure où les circonstances pratiques le lui permettent. Elle se réserve le droit de considérer la pleine application de ces principes comme un objectif à réaliser progressivement.

...

L'Irlande souscrit au principe énoncé au paragraphe 1 de l'article 20 et l'applique pour autant qu'il soit praticable. Étant donné qu'il est difficile de définir une infraction spécifique passible de poursuites devant une juridiction nationale de manière à tenir compte à la fois des principes généraux de droit reconnus par la communauté des nations et du droit à la liberté d'expression, elle se réserve le droit de n'examiner la possibilité d'apporter des additions ou des modifications à la législation en vigueur qu'au moment où elle le jugera nécessaire pour réaliser l'objectif visé au paragraphe 1 de l'article 20.

ISLANDE[26,27]

1. ...

2. L'alinéa b du paragraphe 2 et la deuxième phrase du paragraphe 3 de l'article 10, relatifs à la séparation des jeunes prévenus des adultes. En principe, le droit islandais prévoit cette séparation, mais il n'est pas jugé opportun d'accepter une obligation aussi absolue que celle que contiennent les dispositions du Pacte.

3. ...

4. Le paragraphe 7 de l'article 14, relatif à la réouverture d'une affaire déjà jugée. Le code de procédure islandais contient sur la question des dispositions précises qu'il n'est pas jugé opportun de modifier.

5. Le paragraphe 1 de l'article 20, étant donné que le fait d'interdire la propagande en faveur de la guerre pourrait limiter la liberté d'expression. Cette réserve va dans le sens de la position adoptée par l'Islande à la seizième session de l'Assemblée générale.

Les autres dispositions du Pacte seront strictement observées.

ISRAËL

En ce qui concerne l'article 23 du Pacte ainsi que toute autre disposition de celui-ci à laquelle peuvent s'appliquer les présentes réserves, les questions relatives à l'état des personnes sont régies en Israël par les lois religieuses des parties en cause. Dans la mesure où ces lois sont incompatibles avec ses obligations au titre du Pacte, Israël se réserve le droit d'appliquer lesdites lois.

ITALIE[28]

.....

"Se référant à la dernière phrase du paragraphe 1er de l'article 15 `si, postérieurement à cette infraction, la loi prévoit l'application d'une peine plus légère, le délinquant doit en bénéficier', la République italienne déclare interpréter cette disposition comme s'appliquant exclusivement aux procédures en cours.

"De ce fait, une personne qui a été déjà condamnée par une décision définitive ne pourra bénéficier d'une loi, postérieure à cette décision, qui prévoit l'application d'une peine plus légère.

"Les dispositions du paragraphe 3 de l'article 19 sont interprétées comme étant compatibles avec le régime d'autorisation existant pour la Radio-Télévision nationale et avec les restriction établies par la loi pour les entreprises de radio et télévision locales ainsi que pour les installations de répétition de programmes étrangères."

JAPON

[Voir au chapitre IV.3.]

KOWEÏT[29]

LIBYE

L'approbation et l'adhésion de la République arabe libyenne touchant les Pactes dont il s'agit ne signifient nullement que la République araba libyenne reconnaît Israël ni qu'elle établira avec Israël les relations que régissent lesdits Pactes.

LIECHTENSTEIN[30]

La Principauté du Liechtenstein déclare qu'elle interprète pas les dispositions de l'article 3 du Pacte

comme faisant obstacle aux règles constitutionnelles relatives à la succession héréditaire au trône du Prince régnant.

La Principauté du Liechtenstein réserve le droit de n'appliquer les dispositions du paragraphe 1 de l'article 14 du Pacte, qui concernent le principe selon lequel les audiences doivent avoir lieu et les jugements être prononcés en public, que dans les limites résultant des principes consacrés à ce jour dans la législation sur les procédures judiciaires du Liechtenstein.

La Principauté du Liechtenstein émet une réserve à l'effet que le droit au respect de la vie familiale, garanti par le paragraphe 1 de l'article 17 du Pacte, s'exerce, à l'égard des étrangers, conformément aux principes consacrés à ce jour dans la législation sur les étrangers.

...

La Principauté du Liechtenstein réserve le droit de ne garantir les droits pévus à l'article 26 du Pacte, qui concerne l'égalité de tous devant la loi et le droit de toute personne, sans aucune discrimination, à l'égale protection de la loi, qu'en rapport avec les autres droits prévus au présent Pacte.

LUXEMBOURG

a) "Le Gouvernement luxembourgeois considère que la disposition de l'article 10, paragraphe 3, selon laquelle les jeunes délinquants sont séparés des adultes et soumis à un régime approprié à leur âge et à leur statut légal, vise exclusivement les mesures judiciaires prévues par le régime de protection des mineurs d'âge, organisé par la loi luxembourgeoise relative à la protection de la jeunesse. À l'égard des autres jeunes délinquants relevant du droit commun, le Gouvernement luxembourgeois entend se réserver la possibilité d'adopter des mesures éventuellement plus souples et conçues dans l'intérêt même des personnes concernées."

b) "Le Gouvernement luxembourgeois déclare appliquer le paragraphe 5 de l'article 14 comme n'étant pas incompatible avec les dispositions légales luxembourgeoises qui prévoient qu'après un acquittement ou une condamnation prononcés par un tribunal de première instance une juridiction supérieure peut prononcer une peine, ou confirmer la peine prononcée ou infliger une peine plus sévère pour la même infraction, mais qui ne donnent pas à la personne déclarée coupable en appel le droit de soumettre cette condamnation à une juridiction d'appel encore plus élevée.

Le Gouvernement luxembourgeois déclare encore que le même paragraphe 5 ne s'appliquera pas aux personnes qui, en vertu de la loi luxembourgeoise, sont directement déférées à une juridiction supérieure ou traduites devant la Cour d'Assises."

c) "Le Gouvernement luxembourgeois accepte la disposition de l'article 19, paragraphe 2, à condition qu'elle ne l'empêche pas de soumettre des entreprises de radiodiffusion, de télédiffusion ou de cinéma à un régime d'autorisations."

d) "Le Gouvernement luxembourgeois déclare qu'il n'estime pas être obligé de légiférer dans le domaine de l'article20, paragraphe 1, et que l'ensemble de l'article 20 sera appliqué en tenant compte des droits à la liberté de pensée et de religion, d'opinion, de réunion et d'association proclamés par les articles 18, 19 et 20 de la Déclaration universelle des droits de l'homme et réaffirmés aux articles 18, 19, 21 et 22 du prédit instrument."

“Le Gouvernement luxembourgeois déclare appliquer le paragraphe 5 de l'article 14 comme n'étant pas incompatible avec les dispositions légales luxembourgeoises qui prévoient qu'après un acquittement ou une condamnation prononcés par un tribunal de première instance une juridiction supérieure peut prononcer une peine, ou confirmer la peine prononcée ou infliger une peine plus sévère pour la même infraction, mais qui ne donnent pas à la personne déclarée coupable en appel le droit de soumettre cette condamnation à une juridiction d'appel encore plus élevée.

Le Gouvernement luxembourgeois déclare encore que le même paragraphe 5 ne s'appliquera pas aux personnes qui, en vertu de la loi luxembourgeoise, sont directement déférées à une juridiction supérieure."

[Dans un délai de 12 mois à compter de la date de la circulation (soit le 1er décembre 2003) de la notification dépositaire, aucune des Parties contractantes au Pacte susmentionné n'a notifié d'objection au Secrétaire général. En conséquence, la réserve modifiée est considérée comme ayant été acceptée en dépôt à l'expiration du délai de 12 mois ci-dessus, soit le 1er décembre 2004.]*

MALDIVES[31]

L'application des principes énumérés à l'article 18 du Pacte se fera sans préjudice de la Constitution de la République des Maldives.

MALTE

1. Article 13 - Bien qu'il approuve les principes énoncés à l'article 13, le Gouvernement maltais n'est pas en mesure, dans les circonstances actuelles, de se conformer pleinement aux dispositions de cet article;

2. Article 14, par.2 - Le Gouvernement maltais déclare que, selon lui, le paragraphe 2 de l'article 14 du Pacte n'exclut pas qu'une loi puisse imposer à une personne accusée en vertu de cette loi la charge de la preuve de certains faits;

3. Article 14, par. 6 - Bien que le Gouvernement maltais approuve le principe d'une indemnisation à la suite d'une détention injustifiée, il n'est pas en mesure, à l'heure actuelle, d'appliquer ce principe d'une manière conforme au paragraphe 6 de l'article 14 du Pacte;

4. Article 19 - Soucieux de dissiper toute incertitude à propos de l'application de l'article 19 du Pacte, le Gouvernement maltais déclare qu'en vertu de la Constitution maltaise, les fonctionnaires peuvent se voir imposer des restrictions à leur liberté d'expression, pour autant qu'elles apparaissent raisonnables et justifiées dans une société démocratique. C'est ainsi que le code de conduite des fonctionnaires maltais interdit à ceux-ci de participer à des discussions politiques ou à d'autres activités politiques pendant les heures ou sur les lieux de travail;

D'autre part, le Gouvernement maltais se réserve le droit de ne pas appliquer l'article 19, pour autant que cela serait entièrement compatible avec la loi no 1 de 1987 intitulée "An Act to regulate the limitations on the political activities of aliens" (Loi réglementant les restrictions imposées aux activités politiques des étrangers), et conforme à l'article 16 de la Convention de sauvegarde des droits de l'homme et des libertés fondamentales (Rome, 1950) et à l'article 41 (2) a) ii) de la Constitution maltaise;

5. Article 20 - Selon le Gouvernement maltais, l'article 20 est compatible avec les droits reconnus par les articles 19 et 21 du Pacte. Cela étant, il se déclare le droit de ne prévoir aucune législation aux fins de l'article 20;

6. Article 22 - Le Gouvernement maltais se réserve le droit de ne pas appliquer l'article 22, dans la mesure où certaines des dispositions légales en vigueur ne seraient pas pleinement compatibles avec ledit article.

MAURITANIE

ARTICLE 18

"1. Toute personne a droit à la liberté de pensée, de conscience et de religion; ce droit implique la liberté d'avoir ou d'adopter une religion ou une conviction de son choix, ainsi que la liberté de manifester sa religion ou sa conviction, individuellement ou en commun, tant en

public qu'en privé, par le culte et l'accomplissement des rites, les pratiques et l'enseignement.

2. Nul ne subira de contrainte pouvant porter atteinte à sa liberté d'avoir ou d'adopter une religion ou une conviction de son choix.

3. La liberté de manifester sa religion ou ses convictions ne peut faire l'objet que des seules restrictions prévues par la loi et qui sont nécessaires à la protection de la sécurité, de l'ordre et de la santé publique, ou de la morale ou des libertés et droits fondamentaux d'autrui.

4. Les États parties au présent Pacte s'engagent à respecter la liberté des parents et, le cas échant, des tuteurs légaux, de faire assurer l'éducation religieuse et morale de leurs enfants conformément à leurs propres convictions." Le Gouvernement maritanien tout en souscrivant aux dispositions énoncées à l'article 18 relatif à la liberté de pensée, de conscience et de religion, déclare que leur application se fera sans préjudice de la chari'a islamique.

ARTICLE 23 ALINEA 4

"Les États parties au présent Pacte prendront les mesures appropriées pour assurer l'égalité de droits et de responsabilités des époux au regard du mariage, durant le mariage et lors de sa dissolution. En cas de dissolution, des dispositions seront prises afin d'assurer aux enfants la protection nécessaire. Le Gouvernement mauritanien interprète les dispositions de l'alinéa 4 de l'article 23 relatives aux droits et responsabilité des époux au regard du mariage comme ne portant en aucun cas atteinte aux prescriptions de la chari'a islamique."

MEXIQUE[32]

Article 9, paragraphe 5

Conformément à la Constitution politique des États-Unis du Mexique et à ses lois et règlements, tout individu bénéficie des garanties consacrées en matière pénale, et, en conséquence, nul ne peut être illégalement arrêté ou détenu. Néanmoins, si en raison d'une fausse dénonciation ou plainte, il est porté atteinte à ce droit fondamental de tout individu, celui-ci est notamment habilité, conformément aux dispositions des lois applicables, à obtenir une réparation effective et juste.

Article 18

Conformément à la Constitution politique des États-Unis du Mexique, toute personne est libre de professer les convictions religieuses de son choix et d'observer les cérémonies, pratiques de dévotion ou actes du culte correspondants; néanmoins, les actes du culte publics ne doivent être célébrés que dans les lieux du culte et, en ce qui concerne l'enseignement, la validité des études faites dans les établissements destinés à la formation professionnelle des ministres du culte n'est pas officiellement reconnue. Le Gouvernement mexicain estime que ces restrictions entrent dans le cadre de celles prévues au paragraphe 3 de cet article.

Article 25, alinéa b)

Le Gouvernement mexicain fait également une réserve au sujet de cette disposition, compte tenu du texte actuel de l'article 130 de la Constitution politique des États-Unis du Mexique disposant que les ministres du culte n'ont ni le droit d'être élus ni le droit d'association à des fins politiques.

MONACO

"Le Gouvernement monégasque déclare interpréter les dispositions des articles 2, paragraphes 1 et 2, 3 et 25 comme ne faisant pas obstacle aux règles constitutionnelles relatives à la dévolution de la Couronne, selon lesquelles la succession au Trône s'opère dans la descendance directe légitime du Prince régnant, par ordre de primogénitude avec priorité des descendants mâles au même degré de parenté, non plus qu'à celles relatives à l'exercice des fonctions de Régence.

Le Gouvernement Princier déclare que l'application du principe énoncé à l'article 13 ne saurait porter atteinte aux textes en vigueur relatifs à l'entrée et au séjour des étrangers en Principauté non plus qu'à ceux relatifs à l'expulsion des étrangers du territoire monégasque.

Le Gouvernement Princier interprète l'article 14, paragraphe 5, comme posant un principe général auquel la loi peut apporter des exceptions limitées. Il en est ainsi, notamment pour certaines infractions relevant en premier et dernier ressort du tribunal de police ainsi que pour les infractions de nature criminelle. Au demeurant, les décisions rendues en dernier ressort peuvent faire l'objet d'un recours devant la Cour de révision qui statue sur la légalité de la décision intervenue.

Le Gouvernement Princier déclare considérer l'article 19 comme étant compatible avec le régime de monopole et d'autorisation existant pour les entreprises de radio et de télédiffusion.

Le Gouvernement Princier, retenant que l'exercice des droits et libertés énoncés aux articles 21 et 22 comporte des devoirs et des responsabilités, déclare interpréter ces articles comme n'interdisant pas d'imposer des formalités, conditions, restrictions ou sanctions prévues par la Loi et qui constituent des mesures nécessaires dans une société démocratique à la sécurité nationale, à la défense de l'ordre et à la prévention du crime, à la protection de la santé ou de la morale, à la protection de la réputation d'autrui, pour empêcher la divulgation d'informations confidentielles ou pour garantir l'autorité et l'impartialité du judiciaire.

Le Gouvernement Princier émet une réserve concernant l'article 25 en ce sens que cette disposition ne saurait faire obstacle à l'application de l'article 25 de la Constitution et de l'Ordonnance no 1730 du 7 mai 1935 sur les emplois publics.

L'article 26, en conjonction avec les articles 2, paragraphe 1, et 25, est interprété comme n'excluant pas la distinction de traitement selon qu'il s'agit de ressortissants monégasques ou de ressortissants étrangers permise en vertu du paragraphe 2 de l'article 1 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale et compte tenu des distinctions opérées par les articles 25 et 32 de la Constitution monégasque."

MONGOLIE

[Voir au chapitre IV.3.]

NORVÈGE[33]

Avec réserves à l'article 10, paragraphe 2 b, et paragraphe 3, en ce qui concerne l'obligation de séparer les jeunes prévenus et les jeunes délinquants des adultes, à l'article 14, paragraphes 5 et 7, et à l'article 20, paragraphe 1.

[Le Gouvernement norvégien] déclare qu'à la suite de l'entrée en vigueur d'un amendement au code de procédure pénale concernant le droit de faire appel de toute condamnation devant une juridiction supérieure, la réserve faite par le Royaume de Norvège sur le paragraphe 5 de l'article 14 du Pacte continuera de s'appliquer uniquement dans les cas exceptionnels suivants :

1. *"Risksrett" (Haute Cour)"*

Selon l'article 86 de la Constitution norvégienne, une cour spéciale sera constituée pour juger des affaires pénales impliquant des membres du Gouvernement, du Storting (Parement) ou de la Cour suprême; ses jugements ne seront pas sans appel.

2. *Condamnation par une juridiction d'appel*

Dans le cas où l'inculpé a été acquitté en première instance mais condamné par une juridiction d'appel, il ne peut faire appel de cette condamnation pour erreur dans l'appréciation des faits concernant sa culpabilité. Si la juridiction d'appel est la Cour suprême, il ne peut être fait appel de la condamnation pour aucun motif.

NOUVELLE-ZÉLANDE

Le Gouvernement néo-zélandais se réserve le droit de ne pas appliquer l'alinéa b du paragraphe 2 de l'article 10 et le paragraphe 3 de l'article 10, lorsque du fait de l'absence de locaux appropriés suffisant il est impossible de séparer les jeunes détenus et les adultes; il se réserve également le droit de ne pas appliquer le paragraphe 3 de l'article 10 si l'intérêt d'autres jeunes détenus dans un établissement exige que l'un d'entre eux soit retiré de l'établissement, ou si un régime non séparé est considéré comme servant les intérêts des personnes intéressées.

Le Gouvernement néo-zélandais se réserve le droit de ne pas appliquer le paragraphe 6 de l'article 14 dans la mesure où il estime non satisfaisant le système actuel qui consiste à accorder une indemnité à titre gracieux aux victimes d'erreurs judiciaires.

Le Gouvernement néo-zélandais a déjà pris des dispositions législatives réprimant l'appel à la haine nationale ou raciale et l'incitation à l'hostilité ou à l'animosité à l'encontre de tout groupe de personnes et, tenant compte du droit à la liberté d'expression, il se réserve le droit de ne pas adopter de nouvelles mesures législatives dans les domaines couverts par l'article 20.

Le Gouvernement néo-zélandais se réserve le droit de ne pas appliquer les dispositions de l'article 22 portant sur le droit syndical, dans la mesure où les dispositions législatives en vigueur, qui ont été adoptées afin d'assurer une représentation syndicale efficace et d'encourager des relations professionnelles harmonieuses, pourraient ne pas être pleinement compatibles avec ledit article.

PAKISTAN[34]

Réserve :

Le Gouvernement de la République islamique du Pakistan réserve son droit de formuler les réserves voulues, de faire des déclarations et d'exposer son interprétation en ce qui concerne diverses dispositions du Pacte lorsqu'il ratifiera celui-ci.

PAYS-BAS[35]

Article 10

Le Royaume des Pays-Bas souscrit au principe énoncé au paragraphe 1 de cet article, mais considère que les idées concernant le traitement des prisonniers sont à tel point sujettes à changement qu'il ne souhaite pas être lié par les obligations énoncées au paragraphe 2 et au paragraphe 3 (deuxième phrase).

Article 12, paragraphe 1

Le Royaume des Pays-Bas considère les Pays-Bas et les Antilles néerlandaises comme des territoires distincts d'un même État aux fins de cette disposition.

Article 12, paragraphes 2 et 4

Le Royaume des Pays-Bas considère les Pays-Bas et les Antilles néerlandaises comme des pays distincts aux fins de ces dispositions.

Article 14, paragraphe 3 d)

Le Royaume des Pays-Bas se réserve la possibilité statutaire d'expulser de la salle d'audience une personne accusée d'une infraction pénale si cela est dans l'intérêt de la bonne marche du procès.

Article 14, paragraphe 5

Le Royaume des Pays-Bas réserve la prérogative statutaire de la Cour suprême des Pays-Bas d'exercer une juridiction exclusive pour juger certaines catégories de personnes accusées d'infractions graves commises dans l'exercice d'une fonction officielle.

Article 14, paragraphe 7

Le Royaume des Pays-Bas accepte cette disposition seulement dans la mesure où il n'en découle pas d'autres obligations que celles énoncées à l'article 68 du Code pénal des Pays-Bas et à l'article 70 du Code pénal des Antilles néerlandaises, tels qu'ils sont actuellement appliqués. Ces articles sont ainsi conçus :

1. Sauf en cas de révision d'une condamnation, dans des conditions prévues, nul ne peut être poursuivi à nouveau en raison d'une infraction pour laquelle un tribunal des Pays-Bas ou des Antilles néerlandaises aura rendu un jugement irrévocable.

2. Si le jugement a été rendu par un autre tribunal, la même personne ne pourra pas être poursuivie pour la même infraction : I) en cas d'acquittement ou de désistement d'action; II) en cas de condamnation suivie de l'exécution complète de la sentence, d'une remise de peine ou d'une annulation de la sentence.

Article 19, paragraphe 2

Le Royaume des Pays-Bas accepte cette disposition à condition qu'elle ne l'empêche pas de soumettre des entreprises de radiodiffusion, de télévision ou de cinéma à un régime d'autorisations.

Article 20, paragraphe 1

Le Royaume des Pays-Bas n'accepte pas l'obligation énoncée dans cette disposition pour les Antilles néerlandaises.

Le Royaume des Pays-Bas précise que, bien que les réserves énoncées soient en partie de caractère interprétatif, il a décidé de formuler dans tous les cas des réserves plutôt que des déclarations interprétatives, étant donné que si cette dernière formule était utilisée, il pourrait être mis en doute que le texte du Pacte permette les interprétations proposées. En utilisant la formule des réserves, le Royaume des Pays-Bas souhaite faire en sorte dans tous les cas que les obligations visées découlant du Pacte ne lui soient pas applicables, ou le soient seulement de la manière indiquée.

...Le Royaume des Pays-Bas, comprenant, à compter du 10 octobre 2010, la partie européenne des Pays-Bas, la partie caribéenne des Pays-Bas (les îles de Bonaire, Sint Eustatius et Saba), Aruba, Curaçao et Sint Maarten, considère ces différentes parties comme des territoires distincts aux fins du paragraphe 1 de l'article 12 et comme des pays distincts aux fins des paragraphes 2 et 4 de l'article 12 du Pacte.

QATAR[36]

L'État du Qatar ne se considère pas lié par les dispositions ci-après du Pacte international relatif aux droits civils et politiques pour les raisons visées ci-dessous :

1. L'article 3 en ce qui concerne les dispositions relatives à la succession au pouvoir, qui sont contraires aux dispositions de l'article 8 de la Constitution.

2. Le paragraphe 4 de l'article 23, qui est contraire à la charia.

1. L'État du Qatar interprète le terme « peine » à l'article 7 du Pacte conformément à la législation applicable du Qatar et à la charia.

2. L'État du Qatar interprète le paragraphe 2 de l'article 18 du Pacte de manière à ne pas contrevenir à la charia. L'État du Qatar se réserve le droit d'appliquer ce paragraphe conformément à cette interprétation.

3. L'État du Qatar interprète le terme « syndicats », et toutes les questions connexes, tel que visé à l'article 22 du Pacte, conformément à la législation du travail et à la législation nationale. L'État du Qatar se réserve le droit d'appliquer cet article conformément à cette interprétation.

4. L'État du Qatar interprète le paragraphe 2 de l'article 23 du Pacte comme n'étant pas contraire à la charia. L'État du Qatar se réserve le droit d'appliquer ce paragraphe conformément à cette interprétation.

5. L'État du Qatar interprète l'article 27 du Pacte relatif au droit de professer et de pratiquer sa propre religion comme exigeant le respect des règles de l'ordre public et des bonnes mœurs, de la sécurité et de la santé publiques, ou le respect des droits et libertés fondamentaux d'autrui.

RÉPUBLIQUE ARABE SYRIENNE

[Voir au chapitre IV.3.]

RÉPUBLIQUE DE CORÉE[37]

La République de Corée déclare que les dispositions de [...], celles de l'article 22 [...] du Pacte seront appliquées en conformité des lois de la République de Corée y compris sa Constitution.

RÉPUBLIQUE DÉMOCRATIQUE POPULAIRE LAO[38]

Le Gouvernement de la République démocratique populaire lao accepte l'article 22 du Pacte sous réserve que ledit article soit interprété conformément au droit à l'autodétermination énoncé à l'article 1 et appliqué dans le respect de la Constitution et des lois de la République démocratique populaire lao.

Le Gouvernement de la République démocratique populaire lao déclare que l'article 1 du Pacte, relatif au droit des peuples à disposer d'eux-mêmes, sera interprété comme compatible avec la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les États conformément à la Charte des Nations Unies, adoptée le 24 octobre 1970 par l'Assemblée générale, et les Déclaration et Programme d'action de Vienne, adoptés le 25 juin 1993 par la Conférence mondiale sur les droits de l'homme.

Le Gouvernement de la République démocratique populaire lao déclare que l'article 18 du Pacte ne sera pas interprété comme autorisant ou encourageant quiconque à se livrer, y compris par des moyens économiques, à une quelconque activité qui oblige ou contraigne, directement ou indirectement, une personne à croire ou à ne pas croire en une religion ou à se convertir à une autre religion ou croyance. Le Gouvernement lao considère que tout acte créant une division ou une discrimination entre groupes ethniques et entre religions est incompatible avec l'article 18 du Pacte.

RÉPUBLIQUE TCHÈQUE[12]

ROUMANIE

Lors de la signature :"Le Gouvernement de la République socialiste de Roumanie déclare que les dispositions de l'article 48, paragraphe 1, du Pacte international relatif aux droits civils et politiques ne sont pas en concordance avec le principe selon lequel tous les États ont le droit de devenir parties aux traités multilatéraux réglementant les questions d'intérêt général."Lors de la ratification :"a) Le Conseil d'État de la République socialiste de Roumanie considère que les provisions de l'article 48, point 1er, du Pacte international relatif aux droits civils et politiques, ne sont pas en concordance avec le principe selon lequel les traités internationaux multilatéraux dont l'objet et le but intéressent la communauté internationale dans son ensemble doivent être ouverts à la participation universelle."b) Le Conseil d'État de la République socialiste de Roumanie considère que le maintien de l'état de dépendance de certains territoires auxquels se réfère l'article 1er, point 3, du Pacte international relatif aux droits civils et politiques n'est pas en concordance avec la Charte des Nations Unies et les documents adoptés par cette organisation sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, y compris la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les États conformément à la Charte des Nations Unies, adoptée à l'unanimité par la résolution de l'Assemblée générale de l'Organisation des Nations Unies n o 2625 (XXV) de 1970, qui proclame solennellement le devoir des États de favoriser la réalisation du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes, dans le but de mettre rapidement fin au colonialisme."

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD[39]

Premièrement, le Gouvernement du Royaume-Uni déclare qu'il considère qu'en vertu de l'Article 103 de la Charte des Nations Unies, en cas de conflit entre ses obligations aux termes de l'article premier du Pacte et ses obligations aux termes de la Charte (aux termes notamment de l'Article premier et des Articles 2 et 73 de ladite Charte), ses obligations aux termes de la Charte prévaudront.

Deuxièmement, le Gouvernement du Royaume-Uni déclare que :

a) En ce qui concerne l'article 14 du Pacte, il doit se réserver le droit de ne pas appliquer ou de ne pas appliquer intégralement la garantie d'assistance judiciaire gratuite énoncée à l'alinéa d) du paragraphe 3, dans la mesure où le manque d'hommes de loi et d'autres considérations rendent l'application de cette garantie impossible au Honduras britannique, aux Fidji et à Sainte-Hélène;

b) En ce qui concerne l'article 23 du Pacte, le Gouvernement du Royaume-Uni doit se réserver le droit de ne pas appliquer la disposition énoncée dans la première phrase du paragraphe 4, dans la mesure où ladite phrase vise une inégalité quelconque pouvant résulter de l'application de la loi sur le domicile;

c) En ce qui concerne l'article 25 du Pacte, le Gouvernement du Royaume-Uni doit se réserver le droit de ne pas appliquer :

i) L'alinéa b, dans la mesure où cette disposition peut impliquer l'institution à Hong-kong d'un organe législatif élu et l'introduction du suffrage égal, pour les différents collèges électoraux, pour les élections aux Fidji; et

ii) L'alinéa c, dans la mesure où il concerne [...] l'emploi de femmes mariées dans la fonction publique en Irlande du Nord, aux Fidji et à Hong-kong.

Enfin, le Gouvernement du Royaume-Uni déclare que les dispositions du Pacte ne s'appliqueront pas à la Rhodésie du Sud tant qu'il n'aura pas fait savoir au Secrétaire général de l'Organisation des Nations Unies qu'il était à même de garantir que les obligations que lui impose le Pacte quant à ce territoire peuvent être intégralement remplies.

Premièrement, le Gouvernement du Royaume-Uni maintient la déclaration qu'il a faite lors de la signature du Pacte en ce qui concerne l'article premier.

Le Gouvernement du Royaume-Uni se réserve le droit d'appliquer aux membres et au personnel des forces armées de la Couronne ainsi qu'aux personnes légalement détenues dans des établissements pénitentiaires de quelque catégorie qu'ils soient les lois et procédures qu'il peut de temps à autre estimer nécessaires pour le maintien de la discipline militaire et pénitentiaire et il accepte les dispositions du Pacte sous réserve des restrictions qui peuvent de temps à autre être autorisées par la loi à ces fins.

Dans tous les cas où il n'existe pas de locaux pénitentiaires appropriés ou lorsqu'il apparaît souhaitable à la fois pour les adultes et pour les jeunes délinquants de ne pas être séparés, le Gouvernement du Royaume-Uni se réserve le droit de ne pas appliquer l'alinéa b du paragraphe 2 de l'article 10 et le paragraphe 3 dudit article, dans la mesure où ces dispositions stipulent que les jeunes délinquants doivent être séparés des adultes, et de ne pas appliquer à Gibraltar, à Montserrat et dans les

îles Turques et Caïques l'alinéa a du paragraphe 2 de l'article 10, qui prévoit que les prévenus doivent être séparés des condamnés.

Le Gouvernement du Royaume-Uni se réserve le droit d'interpréter les dispositions du paragraphe 1 de l'article12 concernant le territoire d'un État comme s'appliquant séparément à chacun des territoires qui forment le Royaume-Uni et ses dépendances.

Le Gouvernement du Royaume-Uni se réserve le droit de continuer à appliquer les lois sur l'immigration régissant l'admission et le séjour au Royaume-Uni et le départ du Royaume-Uni, qu'il peut estimer nécessaire de temps à autres, et, en conséquene, il accepte le paragraphe 4 de l'article 12 ainsi que les autres dispositions du Pacte sous réserve de toutes dispositions législatives applicables aux personnes qui n'ont pas, à tel moment, le droit d'entrer et de rester au Royaume-Uni en vertu de la législation du pays. Le Royaume-Uni se réserve également un droit analogue en ce qui concerne chacun de ses territoires dépendants.

Le Gouvernement du Royaume-Uni se réserve le droit de ne pas appliquer l'article 13 à Hong-kong dans la mesure où il accorde à un étranger le droit de faire examiner une décision d'expulsion et de se faire représenter à cette fin devant l'autorité compétente.

Le Gouvernement du Royaume-Uni se réserve le droit de ne pas appliquer ou de ne pas appliquer intégralement la garantie d'assistance judiciaire gratuite, énoncées à l'alinéa d du paragraphe 3 de l'article 14, dans la mesure où l'application de cette garantie est impossible dans les îles Vierges britanniques, les îles Caïmanes, les îles Falkland, les îles Gilbert, le groupe des îles Pitcairn, Sainte-Hélène et ses dépendances et Tuvalu, faute d'hommes de loi en nombre suffisant.

Le Gouvernement du Royaume-Uni interprète les dispositions de l'article 20 dans l'esprit des droits conférés par les articles 19 et 21 du Pacte et, ayant légiféré sur des questions d'ordre pratique dans l'intérêt de l'ordre public, il se réserve le droit de ne pas promulguer de nouvelles lois. Le Royaume-Uni se réserve aussi un droit analogue en ce qui concerne chacun de ses territoires dépendants.

Le Gouvernement du Royaume-Uni se réserve le droit de différer l'application du paragraphe 3 de l'article 23 en ce qui concerne un petit nombre de mariages coutumiers célébrés dans les îles Salomon.

Le Gouvernement du Royaume-Uni se réserve le droit de promulguer les lois relatives à la nationalité qu'il peut estimer nécessaires de temps à autre pour réserver l'acquisition et la possession de la citoyenneté en vertu de ladite législation aux personnes qui ont des liens suffisants avec le Royaume-Uni ou l'un quelconque de ses territoires dépendants, et, en conséquence, il accepte le paragraphe 3 de l'article 24 ainsi que les autres dispositions du Pacte sous réserve des dispositions de toutes lois de ce genre.

Le Gouvernement du Royaume-Uni se réserve le droit de ne pas appliquer l'alinéa b de l'article 25 dans la mesure où cette disposition peut impliquer la création d'un Conseil exécutif ou législatif élu à Hong-kong.

Enfin, le Gouvernement du Royaume-Uni déclare que les dispositions du Pacte ne s'appliqueront pas à la Rhodésie du Sud tant qu'il n'aura pas fait savoir au Secrétaire général de l'Organisation des Nations Unies qu'il est à même de garantir que les obligations que lui impose le Pacte quant à ce territoire peuvent être intégralement remplies.

SAMOA

Déclarations :

L'interprétation des termes « travail forcé ou obligatoire » qui figurent au paragraphe 3 de l'article 8 du Pacte international relatif aux droits civils et politiques de 1966 est compatible avec celle qui est faite aux alinéas a, b, c et d, du paragraphe 2 de l'article 8 de la Constitution de 1960 de l'État indépendant de Samoa, qui disposent que le « travail forcé ou obligatoire » ne comprend ni a) les travaux, quels qu'ils soient, imposés par décision d'un tribunal; ni b) les travaux, quels qu'ils soient, effectués dans le cadre d'un service à caractère militaire ou, dans le cas des objecteurs de conscience, d'un service imposé se substituant au service militaire obligatoire; ni c) les services, quels qu'ils soient, imposés en cas d'urgence ou de catastrophe menaçant l'existence ou le bien-être de la collectivité; ni d) les travaux ou services, quels qu'ils soient, imposés par les coutumes de Samoa, ou constituant des obligations civiques normales.

Le Gouvernement de l'État indépendant de Samoa considère que les paragraphes 2 et 3 de l'article 10, qui disposent que les jeunes délinquants sont séparés des adultes et soumis à un régime approprié à leur âge et à leur statut légal se réfèrent uniquement aux mesures juridiques adoptées dans le cadre du système de protection des mineurs prévu par la loi samoane de 2007 sur les jeunes délinquants.

SLOVAQUIE[12]

SUÈDE

"La Suède se réserve le droit de ne pas appliquer les dispositions du paragraphe 3 de l'article 10 en ce qui concerne l'obligation de séparer les jeunes délinquants des adultes, du paragraphe 7 de l'article 14 et du paragraphe 1 de l'article 20 du Pacte."

SUISSE[40]

"...

b. *Réserve portant sur l'article 12, paragraphe 1 :*

Le droit de circuler et de choisir librement sa résidence est applicable sous réserve des dispositions de la législation fédérale sur les étrangers, selon lesquelles les autorisations de séjour et d'établissement ne sont valables que pour le canton qui les a délivrées.

...

f. *Réserve portant sur l'article 20 :*

La Suisse se réserve le droit de ne pas adopter de nouvelles mesures visant à interdire la propagande en faveur de la guerre, qui est proscrite par l'article 20, paragraphe 1.

...

g. *Réserve portant sur l'article 25, lettre b :*

La présente disposition sera appliquée sans préjudice des dispositions du droit cantonal et communal qui prévoient ou admettent que les élections au sein des assemblées ne se déroulent pas au scrutin secret.

h. *Réserve portant sur l'article 26 :*

L'égalité de toutes les personnes devant la loi et leur droit à une égale protection de la loi sans discrimination ne seront garantis qu'en liaison avec d'autres droits contenus dans le présent Pacte."

THAÏLANDE[41]

Le Gouvernement du Royaume de Thaïlande déclare que :

1. Le terme "autodétermination", qui figure au paragraphe 1 de l'article premier du Pacte, est interprété dans le sens qui lui est donné dans la Déclaration et le Programme d'action de Vienne, que la Conférence mondiale sur les droits de l'homme a adoptés le 25 juin 1993.
2. [Retiré]
3. [Retiré]
4. La Thaïlande interprète le terme "guerre" qui figure au paragraphe 1 de l'article 20 du Pacte comme désignant la guerre menée en violation du droit international.

TRINITÉ-ET-TOBAGO[42]

i) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit de ne pas appliquer intégralement les dispositions du paragraphe 2 de l'article 4 du Pacte, car aux termes de l'article 7 3), de la

Constitution, le Parlement peut valablement adopter des lois même en contradiction avec les articles 4 et 5 de ladite Constitution;

ii) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit, au cas où des installations appropriées feraient défaut dans les prisons, de ne pas appliquer les dispositions des articles 10 (2) (b) et 10 (3), pour autant qu'elles prévoient que les jeunes détenus devront être séparés des adultes;

iii) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit de ne pas appliquer le paragraphe 2 de l'article 12, compte tenu des dispositions légales internes qui imposent aux personnes souhaitant se rendre à l'étranger l'obligation de fournir un quitus fiscal;

iv) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit de ne pas appliquer le paragraphe 5 de l'article 14, car l'article 43 de la loi no 12 de 1962 sur l'organisation judiciaire de la Cour suprême n'accorde pas aux condamnés un droit d'appel absolu, et dans certains cas le recours auprès de la Cour d'appel n'est possible qu'avec l'autorisation de celle-ci ou celle du *Privy Council* ;

v) Le Gouvernement de la République de Trinité-et-Tobago reconnaît le principe du droit à l'indemnité pour les personnes ayant subi une peine de prison à la suite d'une erreur judiciaire, mais n'est pas actuellement en mesure de lui donner l'application concrète prévue au paragraphe 6 de l'article 14 du Pacte;

vi) En ce qui concerne la dernière phrase du paragraphe 1 de l'article 15 ("Si, postérieurement à cette infraction, la loi prévoit l'application d'une peine plus légère, le délinquant doit en bénéficier"), le Gouvernement de la République de Trinité-et-Tobago interprète cette disposition comme s'appliquant uniquement aux affaires pendantes. Aussi aucun condamné à titre définitif ne pourra bénéficier de dispositions législatives postérieures à sa condamnation pour se voir appliquer une peine plus légère.

vii) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit d'imposer les restrictions raisonnablement nécessaires et/ou prévues par la loi en ce qui concerne le respect du droit de réunion prévu à l'article 21 du Pacte;

viii) Le Gouvernement de la République de Trinité-et-Tobago se réserve le droit de ne pas appliquer les dispositions de l'article 26 du Pacte dans la mesure où elles portent sur l'exercice du droit de propriété à Trinité-et-Tobago, car, dans ce domaine, les étrangers doivent, en vertu du Aliens Landholding Act, solliciter des autorisations qui peuvent leur être accordées ou refusées.

TURQUIE

La République turque déclare qu'elle s'acquittera des obligations qui lui incombent en vertu du Pacte conformément aux obligations qu'elle a contractées en vertu de la Charte des Nations Unies (en particulier de l'article premier et de l'article 2 de celle-ci).

La République turque déclare qu'elle n'appliquera les dispositions de ce Pacte qu'envers les États avec lesquels elle entretient des relations diplomatiques.

La République turque déclare que ce Pacte est ratifié exclusivement pour le territoire national sur lequel sont appliquées sa Constitution, sa législation et sa réglementation administrative.

La République turque se réserve le droit d'interpréter et d'appliquer les dispositions de l'article 27 du Pacte international relatif aux droits civils et politiques conformément aux dispositions et articles connexes de sa Constitution ainsi que du Traité de Lausanne en date du 24 juillet 1923 et de ses appendices.

UKRAINE

La République socialiste soviétique d'Ukraine déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'États ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des États, les Pactes devraient être ouverts à la participation de tous les États intéressés sans aucune discrimination ou limitation.

VENEZUELA (RÉPUBLIQUE BOLIVARIENNE DU)

Le cinquième paragraphe de l'article 60 de la Constitution de la République du Venezuela stipule: "Nul ne pourra être l'objet d'une condamnation pénale sans avoir personnellement reçu communication préalable des charges et avoir été entendu dans les formes prescrites par la loi. Les personnes accusées de délits contre la chose publique peuvent être jugées par contumace, les garanties et dans la forme fixées par la loi". La possibilité que les personnes accusées de délits contre la chose publique soient jugées par contumace n'étant pas prévue à l'alinéa d du paragraphe 3 de l'article 14 du Pacte, le Venezuela formule une réserve à ce sujet.

VIET NAM

[Voir au chapitre IV.3.]

YÉMEN[43]

[Voir au chapitre IV.3.]

Objections
(En l'absence d'indication précédant le texte, la date de réception est celle de la ratification, de l'adhésion ou de la succession.)

ALLEMAGNE

[Voir sous "Objections" au chapitre IV.3.]

Le Gouvernement de la République fédérale d'Allemagne fait objection [à la réserve i) faite par le Gouvernement de la Trinité-et-Tobago]. De l'avis du Gouvernement de la République fédérale d'Allemagne il découle du texte et de l'histoire du Pacte que ladite réserve est incompatible avec l'objet et le but du Pacte.

À l'égard des déclarations interprétatives formulées par l'Algérie lors de l'adhésion :

[Voir au chapitre IV.3.]

[La République fédérale d'Allemagne] interprète la déclaration comme signifiant que la République de Corée n'a pas l'intention de restreindre les obligations que lui impose l'article 22 en invoquant son système juridique interne.

Le Gouvernement de la République fédérale d'Allemagne formule des objections aux réserves émises par les États-Unis d'Amérique au sujet du paragraphe 5 de l'article 6 du Pacte qui interdit l'imposition de la peine capitale pour les crimes commis par des personnes âgées de moins de 18 ans. La réserve concernant cette disposition est incompatible tant avec les termes qu'avec l'esprit et l'intention de l'article 6 qui, comme l'indique

clairement le paragraphe 2 de l'article 4, énonce des normes minimales de protection du droit à la vie.

Le Gouvernement de la République fédérale d'Allemagne interprète la "réserve" émise par les États-Unis d'Amérique au sujet de l'article 7 du Pacte comme une référence à l'article 2 du Pacte, et donc comme sans effet sur les obligations des États-Unis d'Amérique en tant qu'État partie au Pacte.

À l'égard des déclarations et laréserve formulées par le Kowëit lors de l'adhésion :

[Voir sous "Objections" au chapitre IV.3.]

Le Gouvernement de la République turque a déçlaré qu'il n'appliquerait les dispositions du Pacte qu'aux États avec lesquels il entretient des relations diplomatiques. En outre, le Gouvernement de la République turque a déclaré qu'il ratifiait le Pacte exclusivement pour le territoire national où s'appliquent la Constitution et l'ordre juridique et administratif de la République turque. De plus, le Gouvernement de la République turque s'est réservé le droit d'interpréter et d'appliquer les dispositions de l'article 27 du Pacte conformément aux dispositions et règles connexes de la Constitution de la République turque et au Traité de Lausanne du 24 juillet 1923 et à ses appendices.

Le Gouvernement de la République fédérale d'Allemagne voudrait rappeler qu'il est dans l'intérêt de tous les États que l'objet et le but des traités auxquels ceux-ci ont choisi de devenir parties soient respectés par toutes les parties, et que les États soient disposés à apporter à leur législation les modifications nécessaires pour s'acquitter des obligations qui leur incombent en vertu de ces traités. Le Gouvernement de la République fédérale d'Allemagne juge donc préoccupantes les déclarations et les réserves telles que celles qu'a faites la République turque concernant le Pacte international relatif aux droits civils et politiques.

Toutefois, le Gouvernement de la République fédérale d'Allemagne estime que ces déclarations ne visent pas à restreindre la portée du Pacte à l'égard des États avec lesquels la Turquie a établi des liens en vertu du Pacte, et qu'elles ne visent pas non plus à imposer d'autres restrictions qui ne sont pas prévues par le Pacte. Le Gouvernement de la République fédérale d'Allemagne attache une grande importance aux droits garantis par l'article 27 du Pacte. Il comprend la réserve émise par le Gouvernement de la République turque comme signifiant que les droits garantis par l'article 27 du Pacte seront également accordés à toutes les minorités qui ne sont pas mentionnées dans les dispositions et règles visées dans la réserve.

Le Gouvernement de la République fédérale d'Allemagne a examiné la déclaration faite par le Gouvernement mauritanien le 17 novembre 2004 eu égard aux articles 18 et 23 (4) du Pacte international relatif aux droits civils et politiques.

Le Gouvernement de la République fédérale d'Allemagne est d'avis que les limites émises dans la déclaration soulèvent des doutes quant à la volonté de la Mauritanie de s'acquitter des obligations qui lui incombent en vertu du Pacte.

Le Gouvernement de la République fédérale d'Allemagne juge donce cette déclaration comme étant une réserve et incompatible avec l'objet et le but du Pacte.

Le Gouvernement de la République fédérale d'Allemagne s'oppose donc à la réserve susmentionnée faite par le Gouvernement mauritanien au Pacte international relatif aux droits civils et politiques. Cette objection n'empêche pas l'entrée en vigueur du Pacte entre la République fédérale d'Allemagne et la Mauritanie.

Le Gouvernement de la République fédérale d'Allemagne a examiné attentivement la déclaration faite par le Gouvernement de la République des Maldives le 19 septembre 2006 au sujet de l'article 18 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement de la République fédérale d'Allemagne estime qu'une réserve qui consiste en une référence d'ordre général à un système de normes - comme la Constitution ou la législation de l'État réservataire - dont elle ne précise pas le contenu, ne permet pas d'apprécier la mesure dans laquelle cet État se considère comme lié par les obligations découlant du Pacte. Qui plus est, de telles normes peuvent faire l'objet de modifications. La réserve de la République des Maldives n'est donc pas formulée en termes suffisamment précis pour permettre de déterminer la nature des limitations au Pacte ainsi introduites. Le Gouvernement de la République fédérale d'Allemagne estime par conséquent que la réserve risque d'être contraire à l'objet et au but du Pacte.

En conséquence, le Gouvernement de la République fédérale d'Allemagne considère la réserve susmentionnée comme incompatible avec l'objet et le but du Pacte. La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République fédérale d'Allemagne et la République des Maldives.

Le Gouvernement de la République fédérale d'Allemagne a soigneusement examiné les réserves formulées par la République islamique du Pakistan le 23 juin 2010 ayant trait aux articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement de la République fédérale d'Allemagne est d'avis que [les réserves formulées par la République islamique du Pakistan] soumettent l'application des articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte [international relatif aux droits civils et politiques] à un système de normes internes dont la teneur n'est pas précisée, faisant planer un doute sur la mesure dans laquelle la République islamique du Pakistan accepte d'être liée par les obligations qui découlent du Pacte et suscitant de sérieuses craintes quant à sa détermination à s'en acquitter. Ces réserves sont donc considérées comme incompatibles avec l'objet et le but du Pacte, et par conséquent contraires à l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Par son refus de reconnaître la compétence du Comité établie à l'article 40 du Pacte, la République du Pakistan remet en question l'ensemble du mécanisme de présentation de rapports, qui est un élément de procédure essentiel du système du Pacte. Cette réserve à l'article 40 doit donc être également considérée comme contraire à l'objet et au but du Pacte.

En conséquence, le Gouvernement de la République fédérale d'Allemagne objecte aux réserves susmentionnées en ce qu'elles sont incompatibles avec l'objet et le but du Pacte.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République fédérale d'Allemagne et la République islamique du Pakistan.

Le Gouvernement de la République fédérale d'Allemagne a examiné attentivement les réserves et déclarations formulées par l'État du Qatar en ce qui concerne le Pacte international relatif aux droits civils et politiques du 16 décembre 1966.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23, ainsi que les déclarations 1 à 4 assujettissent l'application de dispositions spécifiques du Pacte à la charia ou à la législation nationale. Les déclarations 1 à 4 sont donc en fait également des réserves.

Le Gouvernement de la République fédérale d'Allemagne est d'avis qu'en soumettant l'application des articles 3, 7, du paragraphe 2 de l'article 18, de l'article 22 et des paragraphes 2 et 4 de l'article 23 du Pacte à la charia ou au droit national, l'État du Qatar a formulé des réserves qui suscitent des doutes quant à la mesure dans laquelle il entend s'acquitter des obligations qui lui incombent au titre du Pacte.

Les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte et ne sont donc pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités du 23 mai 1969. La

République fédérale d'Allemagne s'oppose donc à ces réserves.

L'objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République fédérale d'Allemagne et l'État du Qatar.

AUSTRALIE

Le Gouvernement australien estime que la réserve concernant l'article 18 du Pacte est incompatible avec l'objet et le but du Pacte.

Il rappelle que, en vertu du droit international coutumier codifié dans la Convention de Vienne sur le droit des traités, une réserve incompatible avec l'objet et le but d'un traité ne saurait être admise.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur but et objet, par toutes les parties, et que les États soient disposés à entreprendre toute modification législative nécessaire pour honorer leurs obligations en vertu des traités. Le Gouvernement australien estime en outre que la République des Maldives, par cette réserve, prétend soumettre l'application du Pacte international relatif aux droits civils et politiques aux dispositions du droit constitutionnel en vigueur en République des Maldives. De ce fait, il est difficile de savoir dans quelle mesure la République des Maldives se considère liée par les obligations qui lui incombent en vertu du Pacte, ce qui soulève un doute sur son engagement à en respecter l'objet et le but.

Le Gouvernement australien estime que la réserve concernant l'article 18 du Pacte est soumise au principe général de l'interprétation des traités, en vertu de l'article 27 de la Convention de Vienne sur le droit des traités, selon lequel une partie ne saurait invoquer les dispositions de son droit interne pour justifier la non-exécution d'un traité.

Par ailleurs, le Gouvernement australien rappelle que, selon le paragraphe 2 de l'article 4 du Pacte, aucune dérogation à l'article 18 n'est autorisée.

Pour ces raisons,le Gouvernement australien fait objection à ladite réserve faite par la République des Maldives au Pacte international relatif aux droits civils et politiques et exprime l'espoir que la République de Maldives sera bientôt en mesure de lever sa réserve, compte tenu de la révision en cours de la Constitution maldivienne.

La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Australie et la République des Maldives.

Le Gouvernement australien a examiné les réserves de la République islamique du Pakistan au Pacte international relatif aux droits civils et politiques et formule les objections ci-après au nom de l'Australie :

Le Gouvernement australien estime que les réserves de la République islamique du Pakistan sont incompatibles avec l'objet et le but du Pacte international relatif aux droits civils et politiques (le Pacte).

Le Gouvernement australien rappelle que le droit international coutumier, tel qu'il a été codifié par la Convention de Vienne sur le droit des traités, interdit la formulation d'une réserve incompatible avec l'objet et le but d'un traité.

Il est dans l'intérêt commun des États qui ont choisi de devenir partie à un traité que toutes les parties en respectent l'objet et le but, les États devant être prêts à procéder aux éventuelles modifications législatives nécessaires pour se conformer aux obligations que leur imposent les traités.

Le Gouvernement australien estime en outre que, par ses réserves, la République islamique du Pakistan vise à subordonner l'application du Pacte aux dispositions de son droit interne général qui sont en vigueur. On ignore donc la mesure dans laquelle elle s'estime liée par les obligations du Pacte, ce qui suscite des craintes quant à son attachement à l'objet et au but de celui-ci.

Le Gouvernement australien considère que les réserves au Pacte sont régies par le principe général de l'interprétation des traités énoncé à l'article 27 de la Convention de Vienne sur le droit des traités, qui prévoit qu'une partie ne peut invoquer les dispositions de son droit interne comme justifiant la non-exécution d'un traité.

De plus, le Gouvernement australien rappelle que le paragraphe 2 de l'article 4 du Pacte interdit toute dérogation à l'article 18.

Pour toutes ces raisons, le Gouvernement australien objecte aux réserves susmentionnées formulées par la République islamique du Pakistan au Pacte tout en exprimant l'espoir qu'elle les retirera.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Australie et la République islamique du Pakistan.

AUTRICHE

Le Gouvernement autrichien a examiné avec attention la réserve faite le 19 septembre 2006 par le Gouvernement de la République des Maldives concernant l'article 18 du Pacte international relatif aux droits civils et politiques. Le Gouvernement autrichien estime que les réserves qui consistent en une référence générale à un ensemble de normes (telles que la constitution ou le régime juridique de l'État auteur de la réserve) et ne donnent pas davantage de précisions ne permettent pas de savoir dans quelle mesure l'État se considère lié par les obligations qui lui incombent en vertu du traité. En outre, ces normes peuvent être appelées à évoluer. La réserve formulée par la République des Maldives n'est donc pas suffisamment précise pour qu'il soit possible de connaître les restrictions imposées à l'accord. Le Gouvernement autrichien estime par conséquent que la réserve pourrait être contraire à l'objet et au but du Pacte.

Le Gouvernement autrichien considère donc ladite réserve comme incompatible avec l'objet et le but du Pacte. La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République d'Autriche et la République des Maldives.

Le Gouvernement autrichien a examiné la réserve formulée par le Gouvernement de la République démocratique populaire lao à l'article 22 lors de la ratification du Pacte international relatif aux droits civils et politiques.

De l'avis de l'Autriche, une réserve doit clairement définir pour les autres États parties au Pacte dans quelle mesure l'État auteur de la réserve a accepté les obligations découlant du Pacte. Ce n'est pas le cas d'une réserve qui consiste à faire des références générales aux dispositions constitutionnelles sans en préciser les conséquences. Le Gouvernement autrichien fait donc objection à la réserve formulée par le Gouvernement de la République démocratique populaire lao.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre l'Autriche et la République démocratique populaire lao.

Le Gouvernement irlandais a examiné les réserves émises le 23 juin 2010 par la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement autrichien estime qu'en voulant exclure l'application des dispositions du Pacte jugées incompatibles avec la Constitution pakistanaise, la charia et certaines lois nationales, la République islamique du Pakistan formule des réserves d'une portée générale et indéterminée et ne permet pas aux autres États parties de savoir précisément dans quelle mesure l'État réservataire accepte les obligations énoncées dans le Pacte.

En conséquence, le Gouvernement autrichien considère que les réserves formulées par la République islamique du Pakistan au sujet des articles 3, 6, 7, 18 et 19, ainsi que des articles 12, 13 et 25, sont incompatibles avec l'objet et le but du Pacte, et fait objection à ces réserves.

L'Autriche estime en outre que le Comité visé à l'article 40 du Pacte a un rôle central à jouer dans la mise en œuvre du Pacte. Le Pacte ne prévoit pas la possibilité de ne pas reconnaître la compétence du Comité, ce qui serait, selon l'Autriche, incompatible avec son objet et son but. Le Gouvernement autrichien fait donc objection à cette réserve.

Ces objections ne font toutefois pas obstacle à l'entrée en vigueur du Pacte entre l'Autriche et la République islamique du Pakistan.

Le Gouvernement autrichien a examiné attentiyement les réserves et les déclarations formulées par l'État du Qatar lors de l'adhésion au Pacte international relatif aux droits civils et politiques.

L'Autriche considère les déclarations 1, 2, 3 et 4 comme des réserves car elles ne visent à appliquer les dispositions du Pacte qu'en conformité avec la législation nationale ou avec la charia islamique. Cependant, le Pacte doit être appliqué conformément au droit international, et pas seulement conformément à la législation d'un État donné.

En faisant référence à sa législation nationale ou à la charia islamique, les réserves relatives à l'article 7, au paragraphe 2 de l'article 18, l'article 22, et aux paragraphes 2 et 4 de l'article 23 du Pacte formulées par le Qatar ont une portée générale et indéterminée. Ces réserves ne permettent pas autres États parties de savoir dans quelle mesure l'État qui a formulé la réserve a accepté les obligations du Pacte. En outre, la réserve relative au paragraphe 4 de l'article 23 contrevient à l'article 3 du Pacte, l'une de ses dispositions les plus fondamentales.

L'Autriche considère donc les réserves comme incompatibles avec l'objet et le but du Pacte et s'y oppose. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République d'Autriche et l'État du Qatar. Le Pacte entrera donc en vigueur entre les deux États sans que le Qatar ne puisse se prévaloir des réserves susmentionnées.

BELGIQUE

[Le Gouvernement belge] souhaiterait faire remarquer que le champ d'application de l'article 11 est particulièrement restreint. En effet, l'article 11 n'interdit l'emprisonnement que dans le cas où il n'existe pas d'autre raison d'y recourir que le fait que le débiteur n'est pas en mesure d'exécuter une obligation contractuelle. L'emprisonnement n'est pas en contradiction avec l'article 11 lorsqu'il existe d'autres raisons d'infliger cette peine, par exemple dans le cas où le débiteur s'est mis de mauvaise foi ou par manoeuvres frauduleuses dans l'impossibilité d'exécuter ses obligations. Pareille interprétation de l'article 11 se trouve confirmée par la lecture des travaux préparatoires (cfr. le document A/2929 du 1er juillet 1955).

Après avoir examiné les explications formulées par le Congo concernant la réserve émise, le [Gouvernement belge] est arrivé provisoirement à la conclusion que cette réserve est superflue. Il croit en effet comprendre que la législation congolaise autorise l'emprisonnement pour dettes d'argent en cas d'échec des autres moyens de contrainte, lorsqu'il s'agit d'une dette de plus de 20.000 francs CFA et lorsque le débiteur a entre 18 et 60 ans et qu'il s'est rendu insolvable de mauvaise foi. Cette dernière condition montre à suffisance qu'il n'y a pas de contradiction entre la législation congolaise et la lettre et l'esprit de l'article 11 du Pacte.

En vertu des dispositions de l'article 4, paragraphe 2 du Pacte susnommé, l'article 11 est exclu du champ d'application du règlement qui prévoit qu'en cas de danger public exceptionnel, les États Parties au Pacte peuvent, à certaines conditions, prendre des mesures dérogeant aux obligations prévues dans le Pacte. L'article 11 est un de ceux qui contiennent une disposition à laquelle il ne peut être dérogé en aucune circonstance. Toute réserve concernant cet article en détruirait les effets et serait donc en contradiction avec la lettre et l'esprit du Pacte.

En conséquence, et sans préjudice de son opinion ferme selon laquelle le droit congolais est en parfaite conformité avec le prescrit de l'article 11 du Pacte, [le Gouvernement belge] craint que la réserve émise par le Congo puisse constituer, dans son principe, un précédent dont les effets au plan international pourraient être considérables.

[Le Gouvernement belge] espère dès lors que cette réserve pourra être levée et, à titre conservatoire, souhaite élever une objection à l'encontre de cette réserve."

"Le Gouvernement belge tient à émettre une objection à la réserve formulée par les États-Unis d'Amérique à l'égard du paragraphe 5 de l'article 6 du Pacte qui interdit l'imposition de toute sentence de mort pour des crimes commis par des personnes âgées de moins de 18 ans.

Le Gouvernement belge considère que la formulation de cette réserve est incompatible avec les dispositions et l'objectif poursuivi par l'article 6 du Pacte, qui, comme le précise le paragraphe 2 de l'article 4 du Pacte, établit des mesures minimales pour la protection du droit à la vie.

L'expression de cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre la Belgique et les États-Unis d'Amérique."

"La Belgique a examiné attentivement les réserves formulées par le Pakistan lors de son adhésion le 23 juin 2010 au Pacte international relatif aux droit civils et politiques.

Le caractère vague et général des réserves formulées par le Pakistan à l'égard des articles 3, 6, 7, 12, 13, 18, 19 et 25 au Pacte international relatif aux droits civils et politiques peut contribuer à saper les bases des traités internationaux relatifs aux droits de l'homme.

Ces réserves ont pour effet de subordonner l'application des dispositions du Pacte à leur compatibilité avec la Sharia islamique et/ou la législation en vigueur au Pakistan. Il en résulte une incertitude quant à l'étendue des obligations du Pacte que le Pakistan entend respecter et crée un doute sur le respect par le Pakistan de l'object et du but du Pacte.

Concernant la réserve formulée à l'égard de l'article 40, la Belgique souligne que l'objet et le but du Pacte est non seulement de conférer des droits aux individus, et donc des obligations corrélatives à charge des États, mais également de mettre sur pied un mécanisme de supervision efficace quant au respect des obligations contractées.

Il est de l'intérêt commun des États que toutes les parties respectent les traités auxquels elles ont adhéré et que les États soient disposés à entreprendre tous les amendements législatifs nécessaires aux fins de se conformer aux obligations des traités.

La Belgique constate par ailleurs que ces réserves portent sur des dispositions fondamentales du Pacte.

Subséquemment, la Belgique considère que ces réserves sont incompatibles avec l'objet et le but du Pacte.

La Belgique rappelle qu'en vertu du droit international coutumier, tel que codifié par la Convention de Vienne sur le Droit des Traités, une réserve incompatible avec l'objet et le but d'un traité n'est pas permise (article 19 (c)).

En outre, l'Article 27 de la Convention de Vienne sur le Droit des Traités prescrit qu'une partie ne peut

invoquer les dispositions de son droit interne comme justifiant la non-exécution d'un traité.

En conséquence, la Belgique émet une objection aux réserves formulées par le Pakistan à l'égard des articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques.

La Belgique précise que cette objection ne constitue pas un obstacle à l'entrée en vigueur dudit Pacte entre le Royaume de Belgique et le Pakistan."

« Le Royaume de Belgique a examiné attentivement les réserves et déclarations formulées par l'État du Qatar à l'occasion de son adhésion, le 21 mai 2018, au Pacte international relatif aux droits civils et politiques.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23, ainsi que les déclarations 1 à 4 relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 ont pour effet de subordonner l'application des dispositions du Pacte à leur compatibilité avec la Charia ou à la législation nationale. Le Royaume de Belgique considère que ces réserves et déclarations tendent à limiter la responsabilité de l'État du Qatar en vertu du Pacte par le biais d'une référence générale aux règles du droit national et à la Charia. Il en résulte une incertitude quant à l'étendue des obligations du Pacte que l'État du Qatar entend respecter et crée un doute sur le respect par l'État du Qatar de l'objet et du but du Pacte.

Le Royaume de Belgique rappelle qu'aux termes de l'article 19 de la Convention de Vienne sur le droit des traités, un État ne peut formuler une réserve incompatible avec l'objet et le but d'un traité. En outre, l'article 27 de la Convention de vienne sur le droit des traités stipule qu'une partie ne peut invoquer les dispositions de son droit interne comme justifiant la non-exécution d'un traité.

En conséquence, le Royaume de Belgique émet une objection aux réserves formulées par l'État du Qatar à l'égard de l'article 3 et du paragraphe 4 de l'article 23 ainsi qu'aux déclarations qu'il a formulées à l'égard de l'article 7, du paragraphe 2 de l'article 18, de l'article 22 et du paragraphe 2 de l'article 23 du Pacte international relatif aux droits civils et politiques.

Le Royaume de Belgique précise que cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre le Royaume de Belgique et l'État du Qatar. »

CANADA

"Le Gouvernement du Canada a examiné attentivement la réserve faite par le Gouvernement des Maldives lors de son adhésion au Pacte international relatif aux droits civils et politiques aux termes de laquelle <l'application des principes énumérés à l'article 18 du Pacte se fera sans préjudice de la Constitution de la République des Maldives>.

Le Gouvernement du Canada considère qu'une réserve qui consiste en une référence d'ordre général aux prescriptions du droit interne de l'État réservataire, constitue en réalité une réserve d'une portée générale et indéterminée telle qu'elle ne permet pas d'identifier les modifications des obligations du Pacte qu'elle est destinée à introduire et ne permet donc pas aux autres Parties au Pacte d'apprécier la mesure dans laquelle cet État se considère lié par le Pacte.

Le Gouvernement du Canada considère qu'une réserve ainsi formulée, qui concerne une des dispositions les plus essentielles du Pacte auquel d'ailleurs il n'est pas permis de déroger aux termes de l'article 4 du Pacte, est incompatible avec l'objet et le but du Pacte. Le Gouvernement du Canada fait donc objection à la réserve formulée par le Gouvernement des Maldives. La présente objection ne fait pas obstacle à l'entrée en vigueur de l'intégralité des dispositions du Pact entre le Canada et les Maldives."

« Le Gouvernement du Canada a examiné attentivement les réserves formulées par le Gouvernement de la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques, lesquelles réserves prévoient que :

« les dispositions des articles 3, 6, 7, 18 et 19 sont appliquées dans la mesure où elles ne sont pas contraires aux dispositions de la Constitution du Pakistan et à la Charia »;

« les dispositions de l'article 12 sont appliquées de telle manière qu'elles soient conformes aux dispositions de la Constitution du Pakistan »;

« S'agissant de l'article 13, le Gouvernement de la République islamique du Pakistan se réserve le droit d'appliquer son droit relatif aux étrangers »;

« les dispositions de l'article 25 sont appliquées dans la mesure où elles ne sont pas contraires aux dispositions de la Constitution du Pakistan »;

Le Gouvernement de la République islamique du Pakistan « ne reconnaît pas la compétence que l'article 40 du Pacte confère au Comité ».

Le Gouvernement du Canada considère que des réserves qui consistent en une référence d'ordre général au droit interne ou aux prescriptions de la Charia islamique constituent, en réalité, des réserves d'une portée générale et indéterminée. Ceci a pour effet de rendre impossible l'identification des modifications aux obligations prévues par le Pacte que chacune de ces réserves vise à introduire, et empêche les autres États parties au Pacte de connaître la mesure dans laquelle le Pakistan a accepté d'assumer les obligations prévues par le Pacte. Il en découle une incertitude qui est inacceptable, en particulier dans le contexte de traités liés aux droits de l'homme.

Le Gouvernement du Canada estime en outre que la compétence du Comité de recevoir et d'étudier les rapports présentés par les États parties ainsi que de formuler des observations à leur sujet conformément à l'article 40 du Pacte est essentielle à la mise en œuvre du Pacte. Étant donné ses fonctions et ses activités, le Comité des droits de l'homme joue un rôle essentiel dans la surveillance du respect des obligations des États parties au Pacte. La participation au mécanisme de présentation de rapports prévu à l'article 40, qui vise à encourager une mise en œuvre plus efficace des obligations conventionnelles des États parties, est une pratique courante des États parties au Pacte.

Le Gouvernement du Canada constate que les réserves formulées par le Gouvernement de la République islamique du Pakistan, qui concernent plusieurs des dispositions clés du Pacte et visent à exclure les obligations découlant de ces dispositions, sont incompatibles avec l'objet et le but du Pacte, et donc contraires à l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités. De plus, aucune dérogation aux articles 6, 7 et 18 du Pacte n'est autorisée en vertu de l'article 4 du Pacte. Le Gouvernement du Canada fait donc objection aux réserves précitées qui ont été formulées par le Gouvernement de la République islamique du Pakistan.

La présente objection ne fait pas obstacle à l'entrée en vigueur de l'intégralité du Pacte entre le Canada et la République islamique du Pakistan. »

Le Gouvernement du Canada a examiné attentivement les réserves et les déclarations formulées par le Gouvernement du Qatar lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement du Canada estime que les réserves consistant en une référence générale à la législation nationale ou aux ordonnances de la charia islamique constituent en réalité des réserves de portée générale et indéterminée, ceci rend impossible d'identifier les modifications découlant du Pacte que la réserve entend introduire. Avec une telle réserve, les autres États parties au Pacte ne savent pas dans quelle mesure l'État qui a

formulé la réserve a accepté les obligations du Pacte. Cette incertitude est inacceptable, en particulier dans le contexte des traités relatifs aux droits de l'homme.

Le Gouvernement du Canada note que les réserves relatives à certaines des dispositions les plus essentielles du Pacte et visant à exclure ou à limiter les obligations découlant de ces dispositions, formulées par le Gouvernement du Qatar, sont incompatibles avec l'objet et le but du Pacte et, en tant que telles, irrecevables en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Le Gouvernement du Canada note que les déclarations du Gouvernement du Qatar visent à appliquer une disposition du Pacte uniquement en conformité avec la législation nationale ou la charia islamique. Cependant, le Pacte doit être appliqué conformément au droit international. Le Gouvernement du Canada considère que ces déclarations sont des réserves déguisées, incompatibles avec l'objet et le but du Pacte et, de ce fait, irrecevables en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Il est dans l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur objet et leur but par toutes les parties et que les États soient prêts à apporter les modifications législatives nécessaires pour s'acquitter de leurs obligations découlant des traités.

Le Gouvernement du Canada fait donc objection aux réserves et aux déclarations du Gouvernement du Qatar. La présente objection ne fait pas obstacle à l'entrée en vigueur intégrale du Pacte entre le Canada et le Qatar.

CHYPRE

La Mission permanente de la République de Chypre auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation et a l'honneur de l'informer que le Gouvernement chypriote a examiné la déclaration faite le 23 septembre 2003 par le Gouvernement de la République turque à propos du Pacte international relatif aux droits civils et politiques (New York, 16 décembre 1966), déclaration selon laquelle il n'appliquera les dispositions du Pacte qu'envers les États Parties qu'il reconnaît et avec lesquels il entretient des relations diplomatiques.

De l'avis du Gouvernement chypriote, cette déclaration équivaut à une réserve, laquelle crée une incertitude quant aux États Parties envers lesquels la Turquie s'engage à respecter les obligations qui découlent du Pacte et fait peser un doute sur l'attachement de la Turquie à l'objet et au but de ce dernier. Le Gouvernement chypriote fait donc objection à la réserve formulée par le Gouvernement turc en ce qui concerne le Pacte international relatif aux droits civils et politiques.

Ni cette réserve ni l'objection qui s'y rapporte ne constituent un obstacle à l'entrée en vigueur du Pacte entre la République de Chypre et la République turque.

DANEMARK

... Ayant examiné le contenu des réserves faites par les États-Unis, le Danemark appelle l'attention sur le paragraphe 2 de l'article 4 du Pacte, aux termes duquel même dans le cas où un danger public exceptionnel menace l'existence de la nation, aucune dérogation n'est autorisée à certain nombre d'articles fondamentaux, dont les articles 6 et 7.

De l'avis du Danemark, la réserve 2 des États-Unis concernant la peine de mort pour des crimes commis par des personnes âgées de moins de 18 ans ainsi que la réserve 3, relative à l'article 7, constituent des dérogations de caractère général aux articles 6 et 7, alors qu'aux termes du paragraphe 2 de l'article 4 du Pacte de telles dérogations ne sont pas autorisées.

C'est pourquoi, et compte tenu du fait que les articles 6 et 7 protègent deux des droits les plus fondamentaux qu'énonce le Pacte, le Gouvernement danois considère lesdites réserves comme incompatibles avec l'objet et le but du Pacte; en conséquence, le Danemark formule des objections à ces réserves.

Ces objections ne constituent pas un obstacle à l'entrée en vigueur du Pacte entre le Danemark et les États-Unis.

Le Gouvernement danois a examiné la teneur des réserves au Pacte relatif aux droits civils et politiques formulées par le Gouvernement botswanais. Les réserves se réfèrent à la législation en vigueur au Botswana se rapportant au champ d'application de deux dispositions fondamentales du Pacte : l'article 7 et l'article 12, paragraphe 3. Le Gouvernement danois considère que ces réserves font douter de la volonté du Botswana de remplir les obligations qui lui incombent en vertu du Pacte et qu'elles sont incompatibles avec l'objet et le but du Pacte.

Pour ces motifs, le Gouvernement danois fait objection aux réserves formulées par le Gouvernement botswanais. Cette objection n'empêche pas le Pacte d'entrer en vigueur dans son intégralité entre le Botswana et le Danemark, sans que les réserves produisent leurs effets à l'égard du Botswana.

Le Gouvernement du Royaume du Danemark a examiné les réserves formulées par le Gouvernement de la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement danois estime que les réserves formulées par la République islamique du Pakistan à l'égard des articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte, qui subordonnent le respect de ces dispositions essentielles à leur conformité à la charia et à la Constitution pakistanaise et d'autres textes de droit pakistanais, font douter que la République islamique du Pakistan se considère liée par les obligations découlant du Pacte et suscitent des inquiétudes quant à sa volonté de respecter l'objet et le but du Pacte.

Le Gouvernement danois a également examiné la réserve formulée par la République islamique du Pakistan à l'article 40 du Pacte.

Le Gouvernement danois estime que le mécanisme de contrôle prévu par le Pacte, et notamment la présentation périodique de rapports au Comité des droits de l'homme, est une composante essentielle du traité.

Partant, une réserve par laquelle un État partie refuse de reconnaître la compétence du Comité des droits de l'homme pour examiner les rapports des États et formuler des observations à leur égard doit être considérée comme incompatible avec l'objet et le but du Pacte.

Le Gouvernement danois tient à rappeler que le droit international coutumier tel qu'il est codifié dans la Convention de Vienne sur le droit des traités n'admet pas les réserves incompatibles avec l'objet et le but du Pacte.

Considérant donc que les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte, le Gouvernement danois estime qu'elles sont irrecevables et sans effet en droit international.

En conséquence, le Gouvernement danois fait objection aux réserves susmentionnées formulées par le Gouvernement pakistanais, sans préjudice de l'entrée en vigueur intégrale du Pacte entre la République islamique du Pakistan et le Danemark.

Le Gouvernement danois recommande au Gouvernement pakistanais de revenir sur les réserves qu'il a formulées au Pacte international relatif aux droits civils et politiques.

ESPAGNE

... Après avoir étudié de manière approfondie les réserves formulées par les États-Unis d'Amérique, l'Espagne souhaite insister sur la teneur du paragraphe 2 de l'article 4 du Pacte, selon lequel aucune dérogation à une série d'articles fondamentaux, notamment aux articles 6 et 7 , n'est autorisée de la part d'un État partie, même dans le cas où un danger public exceptionnel menace l'existence de la nation.

De l'avis de l'Espagne, la réserve 2) des États-Unis concernant la peine capitale pour les crimes commis par des personnes âgées de moins de 18 ans, ainsi que la réserve 3) relative à l'article 7, constituent des dérogations générales aux articles 6 et 7, alors que, aux termes du paragraphe 2 de l'article 4 du Pacte, de telles dérogations ne sont pas autorisées.

C'est pourquoi, compte tenu du fait que les articles 6 et 7 protègent deux des droits les plus fondamentaux visés par le Pacte, le Gouvernement espagnol estime que les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte et il émet donc une objection à ces réserves. Cette prise de position ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre le Royaume d'Espagne et les États-Unis d'Amérique.

Le Gouvernement du Royaume d'Espagne a examiné la réserve formulée, le 16 octobre 2000, par le Gouvernement de la République du Botswana à l'article 7 du Pacte international relatif aux droits civils et politiques, en ce sens que le Botswana assujettit son adhésion audit article à la conformité de celui-ci au contenu actuel de sa législation intérieure.

Le Gouvernement du Royaume d'Espagne considère que ladite réserve formulée par renvoi à la législation intérieure porte atteinte à l'un des droits fondamentaux énoncés dans le Pacte (interdiction de la torture, droit à l'intégrité physique) qui ne souffrent pas de dérogation en vertu du paragraphe 2 de l'article 4 du Pacte. De plus, le Gouvernement espagnol estime que la formulation d'une réserve en se référant à la législation nationale, en l'absence de précisions ultérieures, fait naître des doutes quant au degré de détermination de la République du Botswana en tant qu'État partie au Pacte.

Le Gouvernement du Royaume d'Espagne fait donc objection à la réserve émise par le Gouvernement de la République du Botswana à l'article 7 du Pacte international relatif aux droits civils et politiques de 1966.

Cette objection n'empêche pas l'entrée en vigueur du Pacte entre le Royaume d'Espagne et la République du Botswana.

Le Gouvernement du Royaume d'Espagne a soigneusement examiné la réserve formulée par la République des Maldives le 19 septembre 2006 au moment de son adhésion au Pacte international relatif aux droits civils et politiques en date du 16 décembre 1966.

Le Gouvernement espagnol considère que la formulation très générale de la réserve, qui assujettit l'application de l'article 18 du Pacte international relatif aux droits civils et politiques à sa conformité à la Constitution des Maldives, sans en préciser la teneur, empêche de savoir dans quelle mesure la République des Maldives s'estime liée par les obligations découlant de cette disposition, et amène à douter de l'attachement des Maldives à l'objet et au but du Pacte.

Le Gouvernement espagnol considère que la réserve formulée par la République des Maldives à l'égard du Pacte international relatif aux droits civils et politiques est incompatible avec l'objet et le but de ce dernier.

Le Gouvernement espagnol rappelle que le droit international coutumier, tel que codifié par la Convention de Vienne sur le droit des traités, dispostraité n'est autorisée. Le Gouvernement espagnol fait donc objection à la réserve formulée par la République des Maldives à l'égard du Pacte international relatif aux droits civils et politiques.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre le Royaume d'Espagne et la République des Maldives.

Le Gouvernement du Royaume d'Espagne a examiné les réserves relatives aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques formulées par le Pakistan au moment de la ratification de cet instrument international.

Le Gouvernement du Royaume d'Espagne considère que lesdites réserves sont incompatibles avec l'objet et le but du Pacte car elles tendent à exclure ou limiter indéfiniment la responsabilité qui incombe au Pakistan de respecter certaines dispositions essentielles du Pacte et d'en garantir l'application, notamment l'égalité entre les hommes et les femmes, le droit à la vie et les restrictions concernant l'application de la peine de mort, l'interdiction de la torture et des traitements cruels, inhumains ou dégradants, le droit à la liberté de pensée, de conscience et de religion, le droit de circuler librement et de choisir sa résidence, les dispositions restreignant l'expulsion des étrangers qui se trouvent légalement sur le territoire d'un État partie au Pacte, le droit de prendre part à la direction des affaires publiques, le droit de voter et d'être élu, et le droit d'accéder, dans des conditions générales d'égalité, aux fonctions publiques de son pays.

Le Gouvernement du Royaume d'Espagne considère également comme incompatible avec l'objet et le but du Pacte la réserve par laquelle le Pakistan ne reconnaît pas la compétence du Comité des droits de l'homme d'exercer ses fonctions en application de l'article 40 dudit traité.

En outre, le Gouvernement du Royaume d'Espagne considère que les réserves susmentionnées, qui subordonnent l'application de certains articles du Pacte à leur conformité à la charia, à la Constitution pakistanaise ou aux deux, en faisant une référence générale à ces principes sans en préciser la teneur, ne permettraient en aucun cas d'exclure l'effet juridique des obligations découlant des dispositions correspondantes du Pacte.

En conséquence, le Gouvernement du Royaume d'Espagne fait objection aux réserves formulées par le Pakistan à propos des articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume d'Espagne et le Pakistan.

ESTONIE

Le Gouvernement estonien a examiné attentivement la réserve faite par la République des Maldives à l'article 18 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement estonien considère cette réserve comme incompatible avec les objectifs et les buts du Pacte, du fait qu'elle soumet l'application du Pacte international relatif aux droits civils et politiques aux dispositions du droit constitutionnel. Il estime que cette réserve jette l'incertitude sur la mesure dans laquelle la République des Maldives se considère comme liée par les obligations énoncées dans le Pacte, et soulève des préoccupations quant à l'attachement de la République des Maldives aux objectifs et aux buts du Pacte.

En conséquence, le Gouvernement estonien élève une objection à la réserve faite par la République des Maldives à l'article 18 du Pacte international relatif aux droits civils et politiques, et exprime l'espoir qu'elle sera bientôt en mesure de retirer sa réserve, compte tenu de la révision en cours de la Constitution maldivienne.

La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre l'Estonie et la République des Maldives.

Le Gouvernement de la République d'Estonie a examiné attentivement les réserves formulées par la République islamique du Pakistan aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques.

S'agissant des articles 3, 6, 7, 12, 13, 18, 19 et 25, le Gouvernement estonien estime que les réserves sont incompatibles avec l'objet et le but du Pacte, du fait qu'elles subordonnent l'application du Pacte international aux dispositions du droit constitutionnel.

Le Gouvernement estonien est d'avis que cette réserve, qui consiste en une référence générale à une

législation interne, sans en préciser la teneur, n'indique pas clairement dans quelle mesure la République islamique du Pakistan s'estime liée par les obligations énoncées aux articles pertinents du Pacte et fait donc naître de sérieux doutes quant à son attachement à l'objet et au but du Pacte.

Le Gouvernement estonien estime en outre que la réserve émise par la République islamique du Pakistan à l'article 40 du Pacte est contraire au but du Pacte, du fait que ledit article décrit les obligations qui incombent aux États à l'égard du Comité des droits de l'homme et que le mécanisme d'établissement des rapports constitue un élément essentiel de l'application du Pacte.

En conséquence, le Gouvernement estonien objecte aux réserves susmentionnées qui ont été formulées par la République islamique du Pakistan au Pacte international relatif aux droits civils et politiques, sans préjudice de l'entrée en vigueur du Pacte entre la République d'Estonie et la République islamique du Pakistan.

Le Gouvernement estonien a examiné attentivement les réserves formulées par l'État du Qatar à l'article 3 et au paragraphe 4 de l'article 23, ainsi que les déclarations relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 du Pacte.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23 ainsi que les déclarations 1 à 4 subordonnent l'application des dispositions spécifiques du Pacte à leur conformité à la charia islamique ou la législation nationale. Les déclarations 1 à 4 sont donc essentiellement des réserves. Les réserves ainsi que les déclarations 1 à 4 suscitent des doutes quant à la mesure dans laquelle l'État du Qatar entend s'acquitter des obligations qui lui incombent en vertu du Pacte.

L'Estonie considère que les réserves et déclarations susmentionnées formulées par l'État du Qatar sont incompatibles avec l'objet et le but du Pacte, et ne sont pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des Traités du 23 mai 1969. Le Gouvernement estonien s'y oppose donc.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République d'Estonie et l'État du Qatar.

ÉTATS-UNIS D'AMÉRIQUE

Le Gouvernement des États-Unis d'Amérique fait objection aux réserves formulées par le Pakistan au sujet du Pacte international relatif aux droits civils et politiques, en particulier les articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte, qui portent sur le droit égal des hommes et des femmes de jouir de tous les droits civils et politiques, le droit à la vie, la protection contre la torture et d'autres peines ou traitements cruels, inhumains ou dégradants, le droit de circuler librement, l'expulsion des étrangers, la liberté de pensée, de conscience et de religion, la liberté d'expression et le droit de prendre part aux affaires politiques. Le Pakistan a également émis une réserve au sujet de l'article 40, qui instaure la procédure par laquelle les États parties rendent compte périodiquement de l'application du Pacte au Comité des droits de l'homme, à la demande de celui-ci. Ces réserves sont très préoccupantes car elles masquent la mesure dans laquelle le Pakistan entend modifier les obligations de fond que lui fait le Pacte et empêchent les autres Parties d'évaluer la manière dont le Pakistan applique le Pacte grâce à l'établissement de rapports périodiques. Par conséquent, les États-Unis considèrent que toutes les réserves formulées par le Pakistan sont incompatibles avec l'objet et le but du Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre les États-Unis et le Pakistan. Les articles susmentionnés s'appliquent entre nos deux États, sauf dans la mesure prévue par les réserves formulées par le Pakistan.

FINLANDE

On se souviendra qu'au regard du droit international des traités, le nom donné à une déclaration qui annule ou modifie l'effet juridique de certaines dispositions d'un traité n'est pas déterminant quant au caractère de réserve audit traité que revêt cette déclaration. La déclaration interprétative 1), concernant les articles 2, 4 et 26 du Pacte, est donc en substance considérée comme étant une réserve qui vise certaines de ses dispositions les plus essentielles du Pacte, à savoir celles qui interdisent la discrimination. Pour le Gouvernement finlandais, une réserve de ce type est contraire à l'objet et au but du Pacte, en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

En ce qui concerne la réserve 2), relative à l'article 6 du Pacte, on se souviendra qu'aux termes du paragraphe 2 de l'article 4, aucune réserve n'est autorisée aux articles 6 et 7 du Pacte. Pour le Gouvernement finlandais, le droit à la vie est d'une importance fondamentale dans le Pacte et ladite réserve est donc incompatible avec l'objet et le but du Pacte.

En ce qui concerne la réserve 3), le Gouvernement finlandais estime qu'elle tombe sous le coup du principe général d'interprétation des traités selon lequel une partie ne peut invoquer les dispositions de son droit interne comme justifiant la non-exécution d'un traité.

Pour les raisons ci-dessus, le Gouvernement finlandais formule des objections aux réserves faites par les États-Unis en ce qui concerne les articles 2, 4 et 26 [voir déclaration interprétative 1)], l'article 6 (voir réserve 2) et l'article 7 (voir réserve 3). Toutefois, le Gouvernement finlandais ne considère pas que ces objections fassent obstacle à l'entrée en vigueur du Pacte entre la Finlande et les États-Unis d'Amérique.

Le Gouvernement finlandais estime que ces réserves générales font douter de l'adhésion du Koweït à l'objet et au but du Pacte et souhaite rappeler qu'aucune réserve incompatible avec l'objet et le but du Pacte n'est autorisée. En ce qui concerne la réserve formulée vis-à-vis de l'alinéa b) de l'article 25, le Gouvernement finlandais souhaite rappeler l'objection qu'il avait faite à la réserve formulée par le Koweït concernant l'article 7 de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties, et que celles-ci soient disposées à apporter toutes les modifications nécessaires à leur législation pour s'acquitter des obligations qui leur incombent en vertu desdits traités.

Le Gouvernement finlandais considère en outre que les réserves générales telles que celles formulées par le Gouvernement koweïtien, qui ne précisent pas clairement la mesure dans laquelle elles dérogent aux dispositions du Pacte, contribuent à saper les fondements du droit international conventionnel.

Le Gouvernement finlandais fait donc objection aux réserves susmentionnées que le Gouvernement koweïtien a formulées vis-à-vis [dudit Pacte] et considère qu'elles sont irrecevables.

La présente objection ne fait pas obstacle à l'entrée en vigueur de l'intégralité des dispositions du Pacte entre le Koweït et la Finlande.

Le Gouvernement de la Finlande a examiné les déclarations et la réserve formulées par la République de Turquie en ce qui concerne le Pacte international relatif aux droits économiques, sociaux et culturels. Il note que la République de Turquie se réserve le droit d'interpréter et d'appliquer les dispositions de l'article 27 du Pacte en se conformant aux dispositions et aux règles y relatives de la Constitution de la République de Turquie et du Traité de Lausanne du 24 juillet 1923 et de ses appendices.

Le Gouvernement de la Finlande souligne la grande importance que revêtent les droits des minorités prévus à l'article 27 du Pacte international relatif aux droits économiques, sociaux et culturels. La référence à certaines dispositions de la Constitution de la République de Turquie est de nature générale et ne constitue pas une

indication précise de la nature de la réserve formulée. Le Gouvernement de la Finlande souhaite donc déclarer qu'il part du principe que le Gouvernement de la République de Turquie garantira le plein respect des droits reconnus dans le Pacte et fera tout son possible pour mettre la législation nationale en conformité avec les obligations imposées par le Pacte, l'objectif étant pour lui de lever la réserve qu'il a formulée. La présente déclaration ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Turquie et la Finlande.

Le Gouvernement finlandais a examiné attentivement la teneur de la déclaration faite par le Gouvernement mauritanien concernant l'article 18 et le paragraphe 4 de l'article 23 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement finlandais note qu'une réserve qui consiste en une référence d'ordre général à un droit religieux ou à un droit interne et ne précise pas quelles dispositions de ce droit sont concernées ne permet pas aux autres Parties au Pacte d'apprécier la mesure dans laquelle l'État réservataire se considère lié par le Pacte et met gravement en question la volonté de cet État de s'acquitter des obligations qu'il a souscrites. De surcroît, ce genre de réserve est soumis au principe général d'interprétation des traités qui veut qu'une partie ne puisse invoquer les dispositions de son droit interne pour se dispenser d'exécuter ses obligations conventionnelles.

Le Gouvernement finlandais note que les réserves formulées par le Gouvernement mauritanien, qui concernent certaines des dispositions les plus essentielles du Pacte et tendent à rejeter les obligations nées de ces dispositions, sont incompatibles avec l'objet et le but du Pacte.

Le Gouvernement finlandais élève donc une objection contre la déclaration susmentionnée du Gouvernement mauritanien concernant le Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République islamique de Mauritanie et la Finlande. Le Pacte entre donc en vigueur entre ces deux États sans que la République islamique de Mauritanie puisse se prévaloir de sa déclaration.

Le Gouvernement finlandais a examiné attentivement la réserve faite par la République des Maldives au Pacte international relatif aux droits civils et politiques. Le Gouvernement finlandais note que la République des Maldives réserve le droit d'interpréter et d'appliquer les dispositions de l'article 18 du Pacte conformément aux dispositions correspondantes et aux règles énoncées dans la Constitution maldivienne.

Le Gouvernement finlandais fait observer qu'une réserve qui consiste en une référence générale au droit interne sans en préciser la teneur ne définit pas clairement à l'intention des autres Parties la mesure dans laquelle l'État réservataire se considère comme lié par le Pacte, et soulève des doutes sérieux quant à sa détermination à s'acquitter des obligations qui y sont énoncées. Ces réserves relèvent en outre du principe général du droit des traités selon lequel une partie n'est pas en droit d'invoquer les dispositions de son droit interne pour justifier la transgression de ses obligations découlant d'un traité

En outre, le Gouvernement finlandais souligne la grande importance du droit à la liberté de pensée, de conscience et de religion énoncé à l'article 18 du Pacte international relatif aux droits civils et politiques. Il tient donc à déclarer qu'il présume que le Gouvernement de la République des Maldives garantira l'exercice du droit à la liberté de pensée, de conscience et de religion reconnu dans le Pacte, et fera tout son possible pour aligner sa législation nationale sur les obligations souscrites en vertu du Pacte, en vue de retirer sa réserve.

La présente déclaration ne fait pas obstacle à l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre la République des Maldives et la Finlande. Le Pacte deviendra donc exécutoire entre les deux États sans que la République des Maldives puisse se prévaloir de sa réserve.

Le Gouvernement finlandais salue la ratification du Pacte international relatif aux droits civils et politiques par la République démocratique populaire lao. La Finlande a pris note des réserves formulées par la République démocratique populaire lao concernant l'article 22 du Pacte lors de sa ratification. Le Gouvernement finlandais note que le paragraphe 2 de l'article 22 prévoit que les États parties peuvent, sous certaines conditions particulières et pour des raisons précises, restreindre le droit protégé par le paragraphe 1 de l'article 22. Le Gouvernement finlandais pense que les réserves formulées par la République démocratique populaire lao visent à limiter, dans une mesure qui est incompatible avec le paragraphe 2 de l'article 22, l'obligation qui lui est faite de ne pas restreindre le droit à la liberté d'association. Les réserves limiteraient ainsi l'une des obligations essentielles de la République démocratique populaire lao au titre du Pacte et font peser de sérieux doutes sur sa volonté de respecter l'objet et le but du Pacte.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur objet et leur but par toutes les parties, et que les États soient prêts à procéder aux changements législatifs nécessaires pour s'acquitter des obligations découlant de ces traités. Par ailleurs, selon la Convention de Vienne sur le droit des traités du 23 mai 1969, et selon le droit coutumier international établi, des réserves contraires à l'objet et au but du traité ne devraient pas être permises.

Le Gouvernement finlandais fait donc objection aux réserves formulées par le Gouvernement lao concernant l'article 22 du Pacte international relatif aux droits civils et politiques. Cette objection ne s'oppose pas à l'entrée en vigueur du Pacte entre la République démocratique populaire lao et la Finlande. Le Pacte entrera donc en vigueur entre les deux États sans que la République démocratique populaire lao puisse invoquer ses réserves.

Le Gouvernement finlandais se félicite de la ratification du Pacte international relatif aux droits civils et politiques par la République islamique du Pakistan. Le Gouvernement finlandais a soigneusement examiné les réserves relatives aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte formulées par la République islamique du Pakistan au moment de sa ratification.

Le Gouvernement finlandais note que la République islamique du Pakistan se réserve le droit d'appliquer les dispositions des articles 3, 6, 7, 18 et 19 dans la mesure où elles ne sont pas contraires aux dispositions de la Constitution pakistanaise et des lois de la charia, les dispositions de l'article 12 de façon qu'elles soient conformes aux dispositions de la Constitution pakistanaise et les dispositions de l'article 25 dans la mesure où elles ne sont pas contraires aux dispositions de la Constitution pakistanaise. En ce qui concerne les dispositions de l'article 13, la République islamique du Pakistan se réserve le droit d'appliquer sa législation relative aux étrangers.

Le Gouvernement finlandais note qu'une réserve consistant en une référence générale à la législation nationale sans spécifier sa teneur n'indique pas clairement aux autres parties au Pacte la mesure dans laquelle l'État exprimant la réserve s'engage à respecter le Pacte et suscite de sérieux doutes quant à l'engagement de l'État exprimant des réserves à s'acquitter de ses obligations en vertu du Pacte. Ces réserves sont en outre subordonnées au principe général de l'interprétation des traités en vertu duquel une partie ne peut invoquer les dispositions de sa législation interne pour justifier le non-respect de ses obligations découlant d'un traité.

Qui plus est, le Gouvernement finlandais note que la République islamique du Pakistan déclare qu'elle ne reconnaît pas la compétence du Comité des droits de l'homme visée à l'article 40 du Pacte. Or, le mécanisme d'établissement de rapports établi en vertu de l'article 40

constitue un aspect essentiel du système de protection des droits de l'homme créé par le Pacte et un engagement intégral de la part des États parties à respecter le Pacte.

Toutes les réserves susmentionnées visent à limiter les obligations essentielles de la République islamique du Pakistan en vertu du Pacte et soulèvent de sérieux doutes quant à l'engagement de la République islamique du Pakistan en faveur de l'objet et du but du Pacte. Le Gouvernement finlandais souhaite rappeler qu'en vertu de l'article 19 c) de la Convention de Vienne sur le droit des traités et du droit international coutumier, une réserve contraire à l'objet et au but d'un traité n'est pas autorisée. Il est dans l'intérêt commun des États que les traités auxquels ils ont décidé de devenir parties soient respectés quant à leur objet et à leur but et que les États soient prêts à procéder à tous les changements législatifs nécessaires au respect de leurs obligations en vertu des traités.

Le Gouvernement finlandais se réjouit d'apprendre que l'État du Qatar est devenu partie au Pacte international relatif aux droits civils et politiques. Toutefois, le Gouvernement finlandais a examiné attentivement les réserves à l'article 3 et au paragraphe 4 de l'article 23, ainsi que les déclarations relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article, 22 et au paragraphe 2 de l'article 23 formulées par l'État du Qatar lors de l'adhésion et est d'avis qu'elles soulèvent certaines questions. En fait, ces declarations constituent également des réserves qui entendent subordonner l'application de dispositions spécifiques du Pacte à la charia islamique ou à la législation nationale.

Les réserves à l'article 3, l'article 7, au paragraphe 2 de l'article 18, à l'article 22, au paragraphe 2 de l'article 23 et au paragraphe 4 de l'article 23 assujettissent l'application de ces dispositions du Pacte à la charia islamique ou à la législation nationale. Ainsi, le Gouvernement finlandais est d'avis que l'État du Qatar a formulé des réserves qui suscitent des doutes quant à l'engagement du Qatar à l'objet et au but du Pacte. De telles reserves sont, en outre, soumises au principe général d'interprétation des traités selon lequel une partie ne peut invoquer les dispositions de son droit interne comme justification d'un manquement à l'exécution de ses obligations

conventionnelles.

Les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte et ne sont donc pas permises en vertu de l'alinéa (c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Par conséquent, le Gouvernement finlandaisfait objection à ces réserves. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Finlande et l'État du Qatar. Le Pacte entrera donc en vigueur entre les deux États sans que le Qatar ne puisse se prévaloir de la reserve susmentionnée.

FRANCE

"Le Gouvernement de la République formule une objection à la réserve faite par le Gouvernement de la République de l'Inde à l'article premier du Pacte international relatif aux droits civils et politiques, ladite réserve posant des conditions non prévues par la Charte des Nations Unies à l'exercice du droit à l'autodétermination. La présente déclaration ne sera pas considérée comme faisant obstacle à l'entrée en vigueur du Pacte entre la République française et la République de l'Inde."

"Lors de leur ratification [dudit Pacte], les États-Unis d'Amérique ont formulé une réserve relative à l'article 6 paragraphe 5 du Pacte qui interdit d'imposer la peine de mort pour des crimes commis par des personnes âgées de moins de 18 ans.

La France considère que la réserve ainsi formulée par les États-Unis d'Amérique n'est pas valide en ce qu'elle est incompatible avec l'objet et le but de la Convention.

Une telle objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la France et les États-Unis."

"Le Gouvernement de la République française a examiné les réserves du Botswana au Pacte des Nations Unies relatif aux droits civils et politiques. Les deux réserves visent à limiter l'engagement du Botswana au regard des articles 7 et 12 paragraphe 3 du Pacte dans la mesure où ces dispositions sont compatibles avec les articles 7 et 14 de la Constitution du Botswana.

Le Gouvernement de la République française considère que la première réserve introduit des doutes sur l'engagement du Botswana et pourrait priver d'effet l'article 7 du Pacte qui prohibe en termes généraux la torture ainsi que les peines ou traitements cruels, inhumains ou dégradants.

En conséquence, le Gouvernement de la République française oppose une objection à la réserve de l'article 7 du Pacte formulée par le Gouvernement du Botswana.

"Le Gouvernement de la République française a examiné les déclarations formulées par le Gouvernement mauritanien lors de l'adhésion au Pacte international relatif aux droits civils et politiques adopté le 16 décembre 1966, en vertu desquelles le Gouvernement mauritanien, d'une part, "tout en souscrivant aux dispositions énoncées à l'article 18 relatif à la liberté de pensée, de conscience et de religion, déclare que leur application se fera sans préjudice de la Chari'a islamique" et, d'autre part, "interprète les dispositions de l'alinéa 4 de l'article 23 relatives aux droits et responsabilité des époux au regard du mariage comme ne portant en aucun cas atteinte aux prescriptions de la Chari'a islamique". En subordonnant l'application de l'article 18 et l'interprétation de l'article 23, alinéa 4 du Pacte aux prescriptions de la Chari'a islamique, le Gouvernement mauritanien formule, en réalité, des réserves d'une portée générale et indéterminée telles qu'elles ne permettent pas d'identifier les modifications des obligations du Pacte qu'elles sont destinées à introduire. Le Gouvernement de la République française considère que les réserves ainsi formulées sont susceptibles de priver les dispositions du Pacte de tout effet et sont contraires à l'objet et au but de celui-ci. Il oppose donc une objection à ces réserves. Cette objection n'empêche pas l'entrée en vigueur du Pacte entre la France et la Mauritanie."

"Le Gouvernement de la République française a examiné la réserve formulée par la République des Maldives lors de l'adhésion au pacte international du 16 décembre 1966 relatif aux droits civils et politiques, en vertu de laquelle la République des Maldives entend appliquer les principes énumérés à l'article 18 du Pacte relative à la liberté de pensée, de conscience et de religion sans préjudice de sa propre constitution.

Le Gouvernement de la République française considère qu'en subordonnant à son droit interne l'application générale d'un droit énuméré dans le pacte, la République des Maldives formule une réserve susceptible de priver de tout effet une disposition du pacte et qui ne permet pas aux autres États parties de connaître l'étendue de son engagement.

Le Gouvernement de la République française considère que cette réserve est contraire à l'objet et au but du pacte. Il oppose donc une objection à cette réserve. Cette objection n'empêche pas l'entrée en vigueur du pacte entre la République française et la République des Maldives."

« Le Gouvernement de la République française a examiné les réserves formulées par la République islamique du Pakistan lors de la ratification, le 23 juin 2010, du Pacte international relatif aux droits civils et politiques.

S'agissant des réserves aux articles 3, 6, 7, 12, 18, 19 et 25, la France estime qu'en visant à exclure l'application de dispositions du Pacte dans la mesure où elles seraient contraires ou non conformes à la Constitution du Pakistan et/ou à la Charia, la République islamique du Pakistan a

formulé des réserves qui revêtent une portée générale et indéterminée. En effet, ces réserves sont vagues car elles ne précisent pas quelles dispositions du droit interne sont visées. Dès lors, elles ne permettent pas aux autres États parties d'apprécier la portée de l'engagement de la République islamique du Pakistan et notamment leur compatibilité avec l'objet et le but du Pacte.

S'agissant de la réserve à l'article 40, la France estime qu'en visant à exclure la compétence du Comité des droits de l'Homme d'examiner les rapports périodiques, la République islamique du Pakistan prive cet organe clé du régime instauré par le Pacte de sa fonction principale. En cela, le Gouvernement de la République française estime que cette réserve est contraire à l'objet et au but du Pacte.

Dès lors, le Gouvernement de la République française oppose une objection aux réserves formulées par la République islamique du Pakistan. Cette objection ne s'oppose cependant pas à l'entrée en vigueur du Pacte entre la France et le Pakistan. »

GRÈCE

Le Gouvernement grec a examiné les déclarations faites par la République turque à la ratification du Pacte international relatif aux droits civils et politiques.

La République turque a déclaré qu'elle n'appliquerait les dispositions du Pacte qu'envers les États avec lesquels elle entretient des relations diplomatiques.

De l'avis du Gouvernement grec, cette déclaration équivaut en fait à une réserve, qui est incompatible avec le principe selon lequel la réciprocité entre États n'a pas place dans le contexte des traités relatifs aux droits de l'homme, qui confèrent des droits aux individus.

La République turque déclare en outre que le Pacte est ratifié exclusivement pour le territoire national sur lequel sont appliquées sa Constitution, sa législation et sa réglementation administrative.

De l'avis du Gouvernement grec, cette déclaration équivaut en fait à une réserve, qui est contraire à l'esprit et à la lettre du paragraphe 1 de l'article 2 du Pacte. Les États Parties sont tenus en réalité de respecter et de garantir les droits reconnus dans le Pacte à tous les individus relevant de leur compétence ou de leur contrôle effectif, même s'ils ne se trouvent pas sur leur territoire. Ainsi, cette réserve est contraire à l'objet et aux buts du Pacte.

Le Gouvernement grec élève donc une objection aux réserves susmentionnées faites par la République turque au Pacte international relatif aux droits civils et politiques.

Cette objection ne constitue pas d'obstacle à l'entrée en vigueur du Pacte entre la République hellénique et la République turque. Le Pacte entre donc en vigueur entre les deux États sans que la République turque bénéficie de ces réserves.

Le Gouvernement de la Répubique hellénique a examiné les réserves à l'article 18 et au paragraphe 4 de l'article 23 du Pacte international relatif aux droits civils et politiques (New York, le 16 décembre 1966) formulées par le Gouvernement de la République islamique de Mauritanie au moment de son adhésion.

Le Gouvernement de la République hellénique estime que ces déclarations, qui cherchent à restreindre unilatéralement la portée des dispositions susmentionnées, constituent en fait des réserves.

Le Gouvernement de la République hellénique considère en outre que, même si ces réserves visent des dispositions particulières du Pacte, elles sont de caractère général car elles ne précisent pas expressément la mesure dans laquelle l'État réservataire a accepté les obligations découlant du Pacte.

Pour ces motifs, le Gouvernement de la République hellénique formule une objection aux réserves susmentionnées du Gouvernement de la République islamique de Mauritanie.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre la Grèce et la Mauritanie.

Le Gouvernement de la République hellénique considère que les articles 3, 6 et 7 du Pacte sont fondamentaux et que les réserves formulées par la République islamique du Pakistan à l'égard de ces articles, qui font référence de façon générale aux dispositions de la Constitution du Pakistan et à la charia sans préciser la portée des dérogations qu'elles induisent, sont incompatibles avec l'objet et le but du Pacte.

De plus, le Gouvernement de la République hellénique considère que les réserves formulées à l'égard de l'article 40 du Pacte sont incompatibles avec l'objet et le but de ce texte qui prévoit notamment l'établissement d'un mécanisme de suivi effectif du respect des obligations auxquelles sont tenus les États parties.

C'est pourquoi le Gouvernement de la République hellénique s'oppose aux réserves susmentionnées de la République islamique du Pakistan.

Cette objection ne devrait toutefois pas empêcher l'entrée en vigueur du Pacte entre la Grèce et la République islamique du Pakistan.

Le Gouvernement de la République hellénique a examiné les réserves et les déclarations formulées par l'État du Qatar lors de son adhésion au Pacte international relatif aux droits civils et politiques du 16 décembre 1966 (ci-après dénommé « le Pacte »).

Dans les réserves susmentionnées, l'État du Qatar déclare qu'il ne se considère pas lié par les dispositions de l'article 3 et du paragraphe 4 de l'article 23 du Pacte respectivement contraires aux dispositions de l'article 8 de la Constitution du Qatar et à la charia islamique.

En outre, dans les déclarations formulées lors de l'adhésion au Pacte, l'État du Qatar déclare notamment qu'il interprétera l'article 7, le paragraphe 2 de l'article 18, l'article 22 et le paragraphe 2 de l'article 23, « conformément à la législation applicable du Qatar » et/ou « de manière à ne pas contrevenir à la charia ». Toutefois, de l'avis du Gouvernement de la République hellénique, ces déclarations constituent en fait des réserves puisqu'elles limitent la portée de l'application des dispositions pertinentes du Pacte pour autant que l'application des dispositions du Pacte ne soit pas contraire à la charia islamique et à la législation nationale du Qatar.

Le Gouvernement de la République hellénique note que les réserves susmentionnées ont une portée générale et indéterminée car elles ont pour objet de subordonner l'application des dispositions susmentionnées du Pacte à la charia islamique et à la législation nationale sans toutefois en préciser la teneur et sont, par conséquent, contraires à l'objet et au but du Pacte puisqu'ils ne définissent pas clairement pour les autres États parties dans quelle mesure le Qatar a accepté les obligations du Pacte.

Pour les raisons susmentionnées, le Gouvernement de la République hellénique estime que les réserves susmentionnées du Qatar ne sont pas permises car contraires à l'objet et au but du Pacte conformément au droit international coutumier tel que codifié par la Convention de Vienne sur le droit des traités.

Le Gouvernement de la République hellénique fait donc objection aux réserves susmentionnées de l'État du Qatar formulées lors de son adhésion au Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République hellénique et l'État de Qatar.

HONGRIE

Le Gouvernement de la République de Hongrie a examiné la réserve formulée le 19 septembre 2006 par le Gouvernement de la République des Maldives lors de son adhésion au Pacte international relatif aux droits civils et politiques du 16 décembre 1966. Aux termes de la réserve, l'application des dispositions de l'article 18 du Pacte s'entend sans préjudice du respect de la Constitution de la République des Maldives.

Le Gouvernement de la République de Hongrie estime que la réserve formulée concernant l'article 18 placera fatalement la République des Maldives dans une situation juridique incompatible avec l'objet et le but de la Convention.

En effet, la réserve fait qu'il est difficile de savoir dans quelle mesure la République des Maldives se considère liée par les obligations qui lui incombent en vertu du Pacte, ce qui soulève un doute sur son engagement à en respecter l'objet et le but.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur but et objet, par toutes les parties, et que les États soient disposés à entreprendre toute modification législative nécessaire pour honorer les obligations qui leur incombent en vertu des traités.

En vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités de 1969, un État peut formuler une réserve à moins que celle-ci ne soit incompatible avec l'objet et le but du traité.

Pour ces raisons, le Gouvernement de la République de Hongrie fait objection à ladite réserve. La présente objection ne s'oppose pas à l'entrée en vigueur du Pacte entre l'Australie et la République des Maldives.

S'agissant des réserves formulées par la République islamique du Pakistan :

Le Gouvernement de la République de Hongrie a examiné les réserves ayant trait aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques formulées par la République islamique du Pakistan lors de son adhésion audit Pacte, adopté le 16 décembre 1966.

Le Gouvernement de la République de Hongrie estime que les réserves formulées par la République islamique du Pakistan à propos des articles 3, 6, 7, 12, 13, 18 et 19 sont en contradiction avec le principe général d'interprétation des traités selon lequel un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier le fait qu'il ne respecte pas les obligations qui lui incombent en vertu dudit traité. Par ailleurs, les réserves constituent une référence générale aux dispositions de la Constitution, de la charia et du droit interne pakistanais concernant les étrangers sans en spécifier la teneur et en tant que telles, n'indiquent pas clairement aux autres parties au Pacte l'importance que l'État réservataire attache au Pacte.

Le Gouvernement de la République de Hongrie rappelle qu'il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États soient prêts à modifier leur législation pour s'acquitter des obligations qui leur incombent en vertu desdits traités. Selon le droit coutumier international, tel que codifié dans la Convention de Vienne sur le droit des traités, une réserve qui est incompatible avec l'objet et le but d'un traité n'est pas autorisée.

Le Gouvernement de la République de Hongrie fait par conséquent objection aux réserves susmentionnées formulées par la République islamique du Pakistan à propos des articles 3, 6, 7, 12, 13, 18 et 19 du Pacte. Cette objection n'empêche pas l'entrée en vigueur du Pacte entre la République de Hongrie et la République islamique du Pakistan.

La Hongrie a examiné les réserves et déclarations formulées par l'État du Qatar lors de la ratification du Pacte international relatif aux droits civils et politiques fait à New York le 16 décembre 1966.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23 et les déclarations 1 à 5 subordonnent l'application de ces dispositions du Pacte à la Constitution de l'État du Qatar, à la charia islamique ou à la législation nationale. La Hongrie considère également comme des réserves les déclarations 1 à 5 formulées par l'État du Qatar.

La Hongrie est d'avis que de subordonner l'application de l'article 3, du paragraphe 4 de l'article 23, ainsi que de l'article 7, du paragraphe 2 de l'article 18, de l'article 22, du paragraphe 2 de l'article 23, et de l'article 27 du Pacte à la Constitution de l'État du Qatar, à la charia islamique et à la législation nationale, suscite des doutes quant à l'engagement du Qatar à s'acquitter de ses obligations au titre du Pacte et est incompatible avec l'objet et le but du Pacte, à savoir promouvoir, protéger et assurer le plein et égal exercice de toutes les libertés civiles et politiques par tous les individus.

En conséquence, la Hongrie considère que les réserves susmentionnées sont irrecevables car elles ne sont pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités, et fait donc objection à ces réserves. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la Hongrie et l'État du Qatar. Le Pacte prendra donc effet entre les deux États sans que l'État du Qatar ne puisse se prévaloir de ses réserves.

IRLANDE

Le Gouvernement irlandais a examiné le texte des réserves émises par le Gouvernement de la République du Botswana au sujet de l'article 7 et du paragraphe 3 de l'article 12 du Pacte international relatif aux droits civils et politiques.

Les dites réserves font référence à la législation nationale de la République du Botswana. Le Gouvernement irlandais est d'avis que lesdites réserves peuvent faire douter de l'attachement au Pacte de l'État auteur et qu'elles pourraient contribuer à saper les fondements du droit international écrit.

Le Gouvernement irlandais fait donc objection aux réserves émises par le Gouvernement de la République du Botswana au sujet de l'article 7 et du paragraphe 3 de l'article 12 du Pacte. Cette objection ne constitue pas un obstacle à l'entrée en vigueur de la Convention entre l'Irlande et la République du Botswana.

Le Gouvernement irlandais note que la République des Maldives soumet l'application de l'article 18 du Pacte international relatif aux droits civils et politiques à la Constitution de la République des Maldives.

Le Gouvernement irlandais estime qu'une réserve qui consiste en une référence générale à la Constitution de l'État auteur de la réserve et ne donne pas de précisions sur l'étendue de la dérogation envisagée peut faire douter de la volonté de l'État auteur de s'acquitter des obligations qui lui incombent en vertu du Pacte.

Le Gouvernement irlandais estime par ailleurs qu'une telle réserve pourrait saper les fondements du droit international des traités et qu'elle est incompatible avec l'objet et le but du Pacte.

Le Gouvernement irlandais fait donc objection à ladite réserve formulée par la République des Maldives à l'article 18 du Pacte indu Pacte international relatif aux droits civils et politiques.

La présente objection ne s'oppose pas à l'entrée en vigueur du Pacte entre l'Irlande et la République des Maldives.

Le Gouvernement irlandais a examiné les réserves et les déclarations formulées par la République démocratique populaire lao lors de la ratification du Pacte international relatif aux droits civils et politiques et note en particulier l'intention de la République démocratique populaire lao d'appliquer l'article 22 du Pacte sur son territoire dans la mesure où ces dispositions sont conformes à la constitution et aux lois pertinentes de la République démocratique populaire lao.

Le Gouvernement irlandais estime qu'une réserve qui consiste à faire des références générales à la constitution ou aux lois nationales de l'État auteur et qui ne précise pas clairement la portée de la dérogation à la disposition du Pacte jette le doute sur l'engagement de l'État auteur

de la réserve à s'acquitter de ses obligations au titre du Pacte.

Le Gouvernement irlandais estime en outre que cette réserve peut porter atteinte au fondement du droit international des traités et est incompatible avec l'objet et le but du Pacte. Il rappelle que conformément à l'article 19 a) de la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but du Pacte n'est permise.

Le Gouvernement irlandais fait donc objection à la réserve formulée par la République démocratique populaire lao à l'article 22 du Pacte international relatif aux droits civils et politiques.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre l'Irlande et la République démocratique populaire lao.

Le Gouvernement irlandais a examiné les réserves émises le 23 juin 2010 par la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement irlandais note que la République islamique du Pakistan subordonne l'application des articles 3, 6, 7, 12, 13, 18, 19 et 25 à la Constitution pakistanaise, au droit interne et à la charia. Le Gouvernement irlandais estime qu'une réserve consistant en une référence générale à la Constitution ou au droit interne de l'État réservataire ou au droit religieux peut faire douter de l'engagement de cet État de s'acquitter des obligations que lui impose le Pacte. Le Gouvernement irlandais est d'avis que des réserves générales de cette nature sont incompatibles avec l'objet et le but du Pacte et risquent de compromettre le fondement du droit international des traités.

Le Gouvernement irlandais prend note en outre de la réserve émise par le Pakistan à l'égard de l'article 40 du Pacte international relatif aux droits civils et politiques. La présentation de rapports est une obligation liant tous les États parties au Pacte.

En conséquence, le Gouvernement irlandais fait objection aux réserves formulées par la République islamique du Pakistan à propos des articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Irlande et la République islamique du Pakistan.

L'Irlande se félicite de l'adhésion du Qatar, le 21 mai 2018, au Pacte international relatif aux droits civils et politiques.

L'Irlande a examiné les réserves et déclarations formulées par le Qatar au Pacte international relatif aux droits civils et politiques au moment de son adhésion.

L'Irlande est d'avis que les réserves formulées par le Qatar, qui visent à exclure ses obligations au titre de l'article 3 et du paragraphe 4 de l'article 23, sont contraires à l'objet et au but du Pacte.

L'Irlande est en outre d'avis que les déclarations du Qatar, qui entendent subordonner l'application de l'article 7, du paragraphe 2 de l'article 18, de l'article 22, du paragraphe 2 de l'article 23, et de l'article 27 à une interprétation qui ne contrevient pas à la charia et/ou à son droit national, constituent en substance des réserves qui limitent la portée du Pacte.

L'Irlande considère que de telles réserves, qui entendent subordonner les obligations de l'État réservataire découlant d'un accord international à la loi religieuse et/ou au droit national sans en préciser le contenu et qui ne précisent pas clairement la portée de la dérogation aux dispositions de l'accord international, peuvent susciter des doutes quant à l'engagement de l'État auteur de la réserve à l'égard des obligations qui lui incombent en vertu de l'accord international. L'Irlande est en outre d'avis que de telles réservés pourraient nuire aux fondements du droit international des traités et sont incompatibles avec l'objet et le but de l'accord international. Elle rappelle qu'en vertu du droit international des traités une réserve incompatible avec l'objet et le but de l'accord international n'est pas permise.

L'Irlande s'oppose donc aux réserves susmentionnées formulées par le Qatar à l'égard des article 3 et 7, du paragraphe 2 de l'article 18, de l'article 22, des paragraphes 2 et 4 de l'article 23, et de l'article 27 du Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Irlande et le Qatar.

ITALIE

Le Gouvernement italien, ... émet des objections à la réserve concernant le paragraphe 5 de l'article 6 que les États-Unis d'Amérique ont faite lorsqu'ils ont déposé leur instrument de ratification.

De l'avis de l'Italie, les réserves aux dispositions de l'article 6 ne sont pas autorisées, comme le spécifie le paragraphe 2 de l'article 4 du Pacte.

C'est pourquoi cette réserve est nulle et non avenue puisqu'elle est incompatible avec l'objet et le but de l'article 6 du Pacte.

En outre, selon l'interprétation du Gouvernement italien, la réserve à l'article 7 du Pacte ne porte pas atteinte aux obligations assumées par les États parties au Pacte au titre de l'article 2 du même Pacte.

La présente déclaration ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Italie et les États-Unis.

Le Gouvernement italien a examiné les réserves formulées le 23 juin 2010 par la République islamique du Pakistan lors de sa ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement italien a relevé que les réserves aux articles 3, 6, 7, 18, 19, 12, 13 et 25 subordonnent le respect des dispositions du Pacte international à la conformité au droit interne de la République islamique du Pakistan (y compris la Constitution et/ou les dispositions de la charia).

De l'avis du Gouvernement italien, une réserve doit permettre de définir clairement, pour les autres États parties au Pacte, dans quelle mesure l'État réservataire accepte les obligations qui lui incombent en vertu du Pacte. Une réserve générale qui se limite à un renvoi à des dispositions nationales et ne précise pas sa portée ne permet pas d'apprécier dans quelle mesure la République islamique du Pakistan s'estime liée par les obligations énoncées dans le Pacte, et fait naître de sérieux doutes quant à sa volonté d'en respecter l'objet et le but.

Le Gouvernement italien estime que ces réserves générales sont incompatibles avec l'objet et le but du Pacte et susceptibles de porter atteinte au fondement du droit conventionnel international.

Il tient à rappeler que le droit international coutumier, tel qu'il est codifié par la Convention de Vienne sur le droit des traités, notamment l'alinéa c) de l'article 19, n'admet pas les réserves incompatibles avec l'objet et le but de la convention.

En conséquence, le Gouvernement italien objecte aux réserves formulées par la République islamique du Pakistan aux articles 3, 6, 7, 18, 19, 12, 13 et 25 du Pacte international relatif aux droits civils et politiques.

La présente objection ne fait cependant pas obstacle à l'entrée en vigueur du Pacte entre l'Italie et la République islamique du Pakistan.

Le Gouvernement de la République italienne a examiné avec soin la réserve et la déclaration de l'État du

Qatar concernant le Pacte international relatif aux droits civils et politiques du 16 décembre 1966.

Les réserves à l'article 3, au paragraphe 4 de l'article 23 et les déclarations 1 à 4 subordonnent l'application de dispositions spécifiques du Pacte à la charia islamique ou à la législation nationale. Les déclarations 1 à 4 sont donc, par leur nature, également des réserves.

Le Gouvernement de la République italienne est d'avis qu'en subordonnant l'application de l'article 3, l'article 7, l'article 8, le paragraphe 2 de l'article 18, l'article 22 et les paragraphes 2 et 4 l'article 23 du Pacte à la charia islamique ou à la législation nationale, l'État du Qatar a formulé des réserves qui suscitent des doutes quant à son engagement à s'acquitter de ses obligations au titre du Pacte.

Les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte et ne sont donc pas permises par le droit international coutumier, tel que codifié à l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit de traités du 23 mai 1969. La République italienne fait donc objection à ces réserves.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République italienne et l'État du Qatar.

LETTONIE

Le Gouvernement de la République de Lettonie a examiné attentivement la déclaration faite par la Mauritanie au sujet du Pacte international relatif aux droits civils et politiques lors de son adhésion audit Pacte.

Le Gouvernement de la République de Lettonie estime que la déclaration contient des références générales à la charia islamique, qui assujettissent l'application de dispositions du Pacte international aux prescriptions de la charia.

En conséquence, le Gouvernement de la République de Lettonie considère que la déclaration constitue en fait un acte unilatéral visant à limiter la portée de l'application du Pacte international et doit donc être considérée comme une réserve.

De plus, le Gouvernement de la République de Lettonie note que la réserve ne permet pas de déterminer dans quelle mesure la Mauritanie se considère liée par les dispositions du Pacte international et si les modalités d'application des dispositions du Pacte international sont conformes à l'objet et au but de celui-ci.

Le Gouvernement de la République de Lettonie rappelle que le droit international coutumier, tel qu'il est codifié par la Convention de Vienne sur le droit des traités, en particulier son article 19, stipule que les réserves incompatibles avec l'objet et le but d'un traité ne sont pas recevables.

Le Gouvernement de la République de Lettonie fait donc objection aux réserves susmentionnées formulées par la Mauritanie au sujet du Pacte international relatif aux droits civils et politiques.

Cette objection n'interdit toutefois pas l'entrée en vigueur du Pacte international entre la République de Lettonie et la Mauritanie. Celui-ci entrera donc en vigueur sans quela Mauritanie puisse invoquer la réserve qu'elle a formulée.

Le Gouvernement de la République de Lettonie note que la réserve formulée par le Royaume du Bahreïn a été déposée auprès du Secrétaire général le 4 décembre 2006 alors que son consentement à être lié au Pacte par adhésion a été exprimé le 20 septembre 2006. Or, aux termes de l'article 19 de la Convention de Vienne sur le droit des traités, une réserve peut être formulée au moment de signer, de ratifier, d'accepter, d'approuver un traité ou d'y adhérer. Le Gouvernement de la République de Lettonie considère donc que ladite réserve n'est pas entrée en vigueur à la date à laquelle elle a été déposée.

Le Gouvernement de la République de Lettonie a soigneusement examiné la réserve formulée par la République des Maldives au moment de son adhésion au Pacte international relatif aux droits civils et politiques.

Le Gouvernement letton considère qu'une telle réserve assujettit les dispositions essentielles du Pacte international au droit national (la Constitution) de la République des Maldives.

Le Gouvernement letton rappelle que le droit international coutumier, tel que codifié par la Convention de Vienne sur le droit des traités, et en particulier l'alinéa c) de son article 19, dispose qu'aucune réserve incompatible avec l'objet et le but du Traité n'est autorisée.

Le Gouvernement letton fait donc objection à la réserve précitée formulée par la République des Maldives à l'égard du Pacte international relatif aux droits civils et politiques.

Cette objection ne constitue pas un obstacle à l'entrée en vigueurdu Pacte international entre la République de Lettonie et la République des Maldives. Le Pacte international entre donc en vigueur, sans que la République des Maldives puisse invoquer la réserve qu'elle a formulée.

Le Gouvernement de la République de Lettonie a examiné avec soin les réserves formulées par la République islamique du Pakistan à l'égard des articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international lors de sa ratification.

Les articles 3, 6 et 7 du Pacte international constituent l'objet et le but du traité. Par conséquent, en vertu de l'article 19 c) de la Convention de Vienne sur le droit des traités, les réserves selon lesquelles les dispositions du Pacte international visées sont subordonnées au régime de la Constitution de la République islamique du Pakistan ou à la charia, ne sauraient être considérées comme compatibles avec l'objet et le but du Pacte international.

De plus, le Gouvernement de la République de Lettonie note que les réserves exprimées par la République islamique du Pakistan à l'égard des articles 3, 6 et 7 du Pacte international sont ambigües, n'indiquant pas clairement si et dans quelle mesure l'exercice des droits fondamentaux garantis par les articles 3, 6 et 7 du Pacte international sera assuré.

En outre, le Gouvernement de la République de Lettonie considère que l'article 40 du Pacte international comprend des dispositions essentielles pour le contrôle de l'application des droits garantis par le Pacte international. Par conséquent, la réserve qui stipule que l'État partie ne se considère pas lié par les dispositions de cet article est incompatible avec l'objet et le but du Pacte international.

En conséquence, le Gouvernement de la République de Lettonie fait objection aux réserves émises par la République islamique du Pakistan à l'égard des articles 3, 6, 7 et 40 du Pacte international.

Néanmoins, cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte international entre la République de Lettonie et la République islamique du Pakistan. Ainsi, le Pacte international prendra effet sans que la République islamique du Pakistan puisse se prévaloir de ses réserves.

Le Gouvernement de la République de Lettonie a examiné attentivement les réserves et les déclarations faites par l'État du Qatar lors de la ratification du Pacte international relatif aux droits civils et politiques de 1966 assujétissant l'application de dispositions spécifiques du Pacte à la charia islamique ou à la législation nationale.

La République de Lettonie considère que l'article 3 et le paragraphe 4 de l'article 23 du Pacte constituent le fondement même du Pacte et sa finalité principale. En outre, la République de Lettonie est d'avis que les articles

mentionnés dans les déclarations 1 à 4 constituent les éléments essentiels du Pacte et que les déclarations constituent également des réserves par nature. Par conséquent, aucune dérogation à ces obligations ne peut y être faite.

Les réserves formulées par l'État du Qatar excluent l'effet juridique des dispositions centrales du Pacte, sont donc incompatibles avec l'objet et le but du Pacte et ne sont par conséquent pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités de 1969.

Toutefois, cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Lettonie et l'État du Qatar. Ainsi, le Pacte prendra effet entre les deux États sans que l'État du Qatar ne puisse se prévaloir de ses réserves.

NORVÈGE

1. De l'avis du Gouvernement norvégien, la réserve 2) concernant la peine capitale pour des crimes commis par des personnes âgées de moins de 18 ans, est, comme il découle du texte et de l'histoire du Pacte, incompatible avec l'objet et le but de l'article 6 du Pacte. Conformément au paragraphe 2 de l'article 4, aucune dérogation à l'article 6 n'est autorisée, même en cas de danger public exceptionnel. C'est pourquoi le Gouvernement norvégien émet une objection à cette réserve.

2. De l'avis du Gouvernement norvégien, la réserve 3) concernant l'article 7 du Pacte, est, comme il découle du texte et de l'interprétation de cet article, incompatible avec l'objet et le but du Pacte. Aux termes du paragraphe 2 de l'article 4, l'article 7 est une des dispositions auxquelles aucune dérogation n'est pas autorisée, même en cas de danger public exceptionnel. C'est pourquoi le Gouvernement norvégien émet une objection à cet réserve.

Le Gouvernement norvégien ne considère pas que ces objections fassent obstacle à l'entrée en vigueur du Pacte entre la Norvège et les États-Unis d'Amérique.

Le Gouvernement norvégien estime qu'une déclaration par laquelle un État partie entend limiter ses responsabilités en invoquant les principes généraux de son droit interne peut susciter des doutes quant à la volonté de l'État qui émet des réserves de respecter le but et l'objet de la Convention et, de surcroît, contribue à ébranler les fondements du droit conventionnel international. Il est bien établi en droit conventionnel qu'un État n'est pas autorisé à se prévaloir de son droit interne pour justifier son manque de respect des obligations qu'il a contractées par traité. C'est pourquoi le Gouvernement norvégien émet une objection concernant lesdites réserves faites par le Gouvernement koweïtien.

Le Gouvernement norvégien ne considère pas que cette objection constitue un obstacle à l'entrée en vigueur du Pacte entre le Royaume de Norvège et l'État koweïtien.

Le Gouvernement norvégien a examiné le texte de la réserve émise par le Gouvernement de la République du Botswana lors de la ratification du Pacte international relatif aux droits civils et politiques.

Ladite réserve fait référence à la Constitution nationale sans autre précision, ce qui ne permet pas aux autres États parties au Pacte d'en évaluer les effets. En outre, du fait que ladite réserve porte sur deux dispositions essentielles du Pacte, le Gouvernement norvégien est d'avis qu'elle est contraire à l'objet et au but du Pacte. En conséquence, le Gouvernement norvégien fait objection à la réserve émise par le Gouvernement du Botswana.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur de l'intégralité du Pacte entre le Royaume de la Norvège et la République du Botswana. Le Pacte prend donc effet entre la Norvège et le Botswana, sans que ce dernier puisse se prévaloir de ladite réserve.

Le Gouvernement norvégien a examiné les réserves formulées par la République islamique du Pakistan lors de sa ratification du Pacte international relatif aux droits civils et politiques. Le Gouvernement norvégien estime que les réserves faites aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 sont si étendues qu'elles sont contraires à l'objet et au but du Pacte. En conséquence, il objecte aux réserves formulées par la République islamique du Pakistan, sans préjudice de l'entrée en vigueur du Pacte entre le Royaume de Norvège et la République islamique du Pakistan. Celui-ci prendra donc effet entre les deux États sans que la République islamique du Pakistan puisse se prévaloir des réserves susmentionnées.

… le Gouvernement du Royaume de Norvège a examiné attentivement les réserves et déclarations formulées par l'État du Qatar lors de son adhésion au Pacte international relatif aux droits civils et politiques du 16 décembre 1966.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23 formulées par l'État du Qatar, ainsi que les déclarations relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23, subordonnent l'application de dispositions spécifiques du Pacte à la charia islamique ou à la législation nationale. Les déclarations 1 à 4 sont donc également formulées sous forme de réserves. Le Gouvernement du Royaume de Norvège estime que les dispositions susmentionnées concernent des éléments essentiels du Pacte et que l'État du Qatar, en subordonnant l'application de ces dispositions à la charia islamique ou à la législation nationale, a formulé des réserves, ce qui suscite des doutes quant au plein engagement du Gouvernement de l'État du Qatar à l'égard de l'objet et du but du Pacte. Ces réserves ne sont donc pas permises en droit international.

L'État du Qatar a en outre déclaré qu'il « interprète l'article 27 du Pacte relatif au droit de professer et de pratiquer sa propre religion comme exigeant le respect des règles de l'ordre public et des bonnes mœurs, de la sécurité et de la santé publiques, ou le respect des droits et libertés fondamentaux d'autrui ». Si cette déclaration doit être comprise comme une simple référence au paragraphe 3 de l'article 18 du Pacte, elle est acceptable pour le Gouvernement du Royaume de Norvège. Toutefois, si la déclaration implique que l'application de l'article 27 soit subordonnée à des législations nationales spécifiques non précisées subséquemment, cette déclaration manque également de la clarté nécessaire et suscite des doutes quant au plein engagement du Gouvernement de l'État du Qatar à l'égard de l'objet et du but du Pacte.

Le Gouvernement du Royaume de Norvège fait donc objection aux réserves formulées par l'État du Qatar en ce qui concerne l'article 3, l'article 7, le paragraphe 2 de l'article 18, l'article 22, les paragraphes 2 et 4 de l'article 23. La déclaration relative à l'article 27 est acceptable pour le Gouvernement du Royaume de Norvège pour autant qu'elle soit conforme au paragraphe 3 de l'article 18.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume de Norvège et l'État du Qatar.

PAKISTAN

Le Gouvernement de la République islamique du Pakistan formule une objection à la declaration faite par la République de l'Inde au sujet de l'article premier du Pacte international relative aux droits civils et politiques.

Le droit des peoples à disposer d'eux-mêmes consacré dans la Charte des Nations Unies et énoncé dans les pactes s'applique à tous les peoples soumis à une occupation ou domination étrangère.

Le Gouvernement de la République islamique du Pakistan ne saurait considérer comme valable une interprétation du droit à l'autodétermination qui va à

l'encontre du libellé clair des dispositions en question. Ladite reserve est de plus incompatible avec l'objet et le but des pactes. La présente objection n'empêchera pas l'entrée en vigueur du Pacte entre la République islamique du Pakistan et l'Inde, sans que l'Inde bénéficie de ses réserves.

PAYS-BAS

De l'avis du Gouvernement du Royaume des Pays-Bas, il ressort du texte et de l'historique du Pacte que [la réserve i formulée par le Gouvernement de la Trinité-et-Tobago] est incompatible avec l'objet et le but du Pacte. Le Gouvernement du Royaume des Pays-Bas juge donc cette réserve inacceptable et formule officiellement une objection.

[Voir sous "Objections" au chapitre IV.3.]

La réserve selon laquelle il sera donné effet aux paragraphes 2 et 3 de l'article 2 et à l'article 50, conformément aux dispositions du paragraphe 2 de l'article 2 et sous réserve de ces dernières, rencontre l'agrément du Royaume, étant entendu qu'elle ne modifiera en rien l'obligation fondamentale de l'Australie en vertu du droit international, telle que celle-ci est énoncée au paragraphe 1 de l'article 2, de respecter et de garantir à tous les individus se trouvant sur son territoire et relevant de sa compétence les droits reconnus dans le Pacte international relatif aux droits civils et politiques.

Le Royaume ne dispose pas des éléments d'appréciation nécessaires pour évaluer les incidences de la première partie de la réserve émise au sujet de l'article 10, l'Australie n'ayant pas donné d'autres explications touchant les lois et les dispositions légales mentionnées dans le texte de la réserve. Le Royaume compte que l' Australie donnera des précisions supplémentaires et il se réserve de s'opposer à la réserve à une date ultérieure.

Le Royaume estime difficile, pour des raisons analogues à celles qu'il a fait valoir dans ses observations relatives à la réserve émise au sujet de l'article 10, d'accepter la déclaration de l'Australie selon laquelle celle-ci se réserve le droit de ne pas chercher à faire amender des lois actuellement en vigueur sur son territoire en ce qui concerne les droits des personnes reconnues coupables de délits criminels graves. Le Royaume exprime l'espoir qu'il lui sera possible de prendre plus pleinement connaissance des lois actuellement en vigueur en Australie, afin d'être mieux en mesure de formuler un avis définitif sur la portée de cette réserve.

[Même objection que celle formulée par la Belgique.]

A l'égard de l'une des déclarations interprétatives formulées par l'Algérie :

[Voir sous "Objections" au chapitre IV.3.]

De l'avis du Gouvernement néerlandais, il découle du texte et de l'historique [dudit Pacte] que les réserves formulées par le Gouvernement de la République de Corée au sujet des paragraphes 5 et 7 de l'article 14, et de l'article 22 sont incompatibles avec l'objet et le but du Pacte. Le Gouvernement néerlandais juge donc ces réserves inacceptables et formule officiellement une objection à leur égard.

La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et la République de Corée.

Le Gouvernement du Royaume des Pays-Bas formule une objection à la réserve qui concerne la peine capitale pour les crimes commis par des personnes âgées de moins de 18 ans, étant donné qu'il ressort du texte du Pacte et des travaux préparatoires que ladite réserve est incompatible avec le texte, l'objet et le but de l'article 6 du Pacte, qui, aux termes de l'article 4 énonce la norme minimale pour la protection du droit à la vie.

Le Gouvernement du Royaume des Pays-Bas formule une objection à la réserve concernant l'article 7 du Pacte, car il découle du texte et de l'interprétation de cet article que ladite réserve est incompatible avec l'objet et le but du Pacte.

De l'avis du Gouvernement du Royaume des Pays-Bas, cette réserve a le même effet qu'une dérogation de caractère général à cet article, alors qu'aux termes de l'article 4 du Pacte aucune dérogation n'est permise, même en cas de danger public exceptionnel.

Le Gouvernement du Royaume des Pays-Bas considère que les déclarations interprétatives et déclarations des États-Unis n'annulent pas ni ne modifient l'effet juridique des dispositions du Pacte dans leur application aux États-Unis, et qu'elles ne limitent en aucune manière la compétence du Comité des droits de l'homme s'agissant d'interpréter ces dispositions dans leur application aux États-Unis.

Sous réserve des dispositions du paragraphe 3 de l'article 21 de la Convention de Vienne sur le droit des traités, les présentes objections ne constituent pas un obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et les États-Unis.

[Même objection que celle faite sous Algérie]

Le Gouvernement du Royaume des Pays-Bas considère cette déclaration comme une réserve à laquelle il fait objection car en suivant le texte il l'estime incompatible avec le texte, l'objet et le but de l'article 6 du Pacte qui, à l'article 4, énonce la norme minimale pour la protection du droit à la vie.

La présente objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et le Royaume de Thaïlande.

Le Gouvernement du Royaume des Pays-Bas a examiné les réserves formulées par le Gouvernement du Botswana lors de la signature du Pacte international relatif aux droits civils et politiques et confirmées lors de sa ratification, concernant l'article 7 et le paragraphe 3 de l'article 12 dudit pacte. Le Gouvernement du Royaume des Pays-Bas constate que ces articles font l'objet d'une réserve générale fondée sur la teneur de la législation en vigueur au Botswana.

Le Gouvernement du Royaume des Pays-Bas estime que, faute de précisions complémentaires, ces réserves jettent le doute sur la volonté du Botswana de respecter l'objet et le but du Pacte, et souhaite rappeler que, conformément au droit international coutumier tel qu'il est codifié dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité n'est admissible.

Il est dans l'intérêt commun des États que les traités auxquels ils ont choisi d'être parties soient respectés, quant à leur objet et à leur but, par toutes les Parties, et que les États soient prêts à prendre toutes les mesures législatives nécessaires pour s'acquitter des obligations découlant de ces traités. Le Gouvernement du Royaume des Pays-Bas fait donc objection aux réserves susmentionnées formulées par le Gouvernement du Botswana concernant le Pacte international relatif aux droits civils et politiques.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et le Botswana.

Le Gouvernement néerlandais a examiné la réserve formulée par la Mauritanie concernant le Pacte international relatif aux droits civils et politiques.

L'application des articles 18 et 23 du Pacte international relatif aux droits civils et politiques a été subordonnée à des considérations religieuses, de sorte que l'on ignore dans quelle mesure la Mauritanie s'estime liée par les obligations conventionnelles, ce qui suscite des préoccupations quant à l'attachement de la Mauritanie à l'objet et au but du Pacte.

Il est de l'intérêt commun des États que toutes les parties respectent les traités auxquels elles ont choisi d'adhérer et que les États soient disposés à apporter à leur législation les modifications nécessaires pour s'acquitter des obligations qui leur incombent au titre des traités. En vertu du droit international coutumier, tel que codifié dans la Convention de Vienne sur le droit des traités, une

réserve incompatible avec l'objet et le but d'un traité ne saurait être formulée [art. 19 c)].

En conséquence, le Gouvernement néerlandais fait objection à la réserve formulée par la Mauritanie concernant le Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur de la Convention liant la Mauritanie et les Pays-Bas, sans que la Mauritanie puisse se prévaloir de sa réserve.

Le Gouvernement du Royaume des Pays-Bas a examiné la réserve formulée par la République des Maldives au Pacte international relatif aux droits civils et politiques. Il estime que la réserve relative à l'article 18 du Pacte est incompatible avec l'objet et le but de celui-ci.

En outre, le Gouvernement du Royaume des Pays-Bas estime que, par cette réserve, l'application du Pacte international relatif aux droits civils et politiques est subordonnée aux dispositions du droit constitutionnel en vigueur en République des Maldives, ce qui fait que l'on ne sait pas très bien dans quelle mesure celle-ci se considère liée par les obligations énoncées dans le Pacte, et cela suscite des préoccupations quant à son attachement à l'objet et au but du Pacte.

Le Gouvernement du Royaume des Pays-Bas rappelle qu'en vertu de la règle de droit international coutumier consacrée par la Convention de Vierves incompatibles avec l'objet et le but du traité.

Il est de l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États soient prêts à entreprendre les changements législatifs qui s'imposent pour s'acquitter des obligations qu'ils ont contractées en vertu des traités.

En conséquence, le Gouvernement du Royaume des Pays-Bas formule une objection à la réserve susmentionnée de la République des Maldives au Pacte international relatif aux droits civils et politiques et exprime l'espoir que la République des Maldives sera bientôt en mesure de retirer sa réserve, compte tenu de la révision en cours de sa Constitution.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et la République des Maldives.

Le Gouvernement du Royaume des Pays-Bas a examiné attentivement la réserve formulée par le Gouvernement de la République démocratique populaire lao lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement du Royaume des Pays-Bas estime que cette réserve a pour effet de subordonner l'application de l'article 22 du Pacte à la législation nationale en vigueur dans la République démocratique populaire lao. On ne peut en conséquence pas savoir dans quelle mesure la République démocratique populaire lao République se considère liée par les obligations en vertu de l'article 22 du Pacte.

Le Gouvernement du Royaume des Pays-Bas estime qu'une telle réserve doit être considérée comme étant incompatible avec l'objet et le but du Pacte et il rappelle que, conformément à l'article 19 c) de la Convention de Vienne sur le droit des traités, une réserve incompatible avec l'objet et le but du Pacte n'est pas autorisée.

Le Gouvernement du Royaume des Pays-Bas s'objecte à la réserve à l'article 22 du Pacte formulée par le Gouvernement de la République démocratique populaire lao.

Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et la République démocratique populaire lao.

Le Gouvernement du Royaume des Pays-Bas a examiné attentivement la réserve et les déclarations faites par l'État du Qatar lors de l'adhésion au Pacte international relatif aux droits civils et politiques, tel que communiqué par le Secrétaire général par l'intermédiaire de la notification dépositaire C.N.262.2018.TREATIES-IV. 4 du 21 mai 2018, et souhaite communiquer ce qui suit.

Le Gouvernement du Royaume des Pays-Bas note que le Qatar ne se considère pas lié par les dispositions de l'article 3 et du pragraphe 4 de l'article 23 du Pacte, car celles-ci sont contraires aux dispositions de la Constitution du Qatar ou de la charia islamique.

En outre, le Gouvernement du Royaume des Pays-Bas estime que les déclarations formulées par l'État du Qatar à l'égard de l'article 7, du paragraphe 2 de l'article 18, de l'article 22 et du paragraphe 2 de l'article 23 du Pacte constituent essentiellement des réserves limitant la portée de ces dispositions du Pacte, en n'appliquant ces dispositions qu'en conformité à la charia islamique et/ou à la législation nationale de l'État du Qatar.

Le Gouvernement du Royaume des Pays-Bas estime que de telles réserves, visant à limiter les responsabilités de l'État qui les a formulées au titre du Pacte, en invoquant des dispositions de la charia islamique et/ou de la législation nationale, risquent de priver les dispositions du Pacte de leur effet et doivent donc être considérées comme incompatibles avec l'objet et le but du Pacte.

Le Gouvernement du Royaume des Pays-Bas rappelle que, conformément au droit international coutumier, tel que codifié dans la Convention de Vienne sur le droit des traités, les réserves incompatibles avec l'objet et le but d'un traité ne sont pas permises.

Le Gouvernement du Royaume des Pays-Bas fait donc objection aux réserves au Pacte formulées par l'État du Qatar.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et l'État du Qatar.

POLOGNE

Le Gouvernement de la République polonaise a examiné la déclaration faite par la Mauritanie lors de son adhésion au Pacte international relatif aux droits civils et politiques, adopté à New York le 16 décembre 1966, ci-après dénommé le Pacte, au sujet de l'article 18 et du paragraphe 4 de l'article 23.

Le Gouvernement de la République polonaise considère que la déclaration faite par la Mauritanie - qui de fait constitue une réserve - est incompatible avec l'objet et le but du Pacte, qui garantit à toute personne la jouissance, dans des conditions d'égalité, des droits énoncés dans le Pacte. Le Gouvernement de la République polonaise considère donc que, conformément au droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités, adoptée à Vienne le 23 mai 1969, une réserve incompatible avec l'objet et le but d'un traité ne saurait être formulée [art. 19 c)].

En outre, le Gouvernement de la République polonaise considère que la déclaration faite par la Mauritanie n'est pas assez précise pour que les autres États parties sachent dans quelle mesure la Mauritanie accepte l'obligation énoncée dans le Pacte.

Le Gouvernement de la République polonaise fait donc objection à la déclaration formulée par la Mauritanie.

Cette objection ne constitue toutefois pas un obstacle à l'entrée en vigueur du Pacte entre la République polonaise et la Mauritanie.

Le Gouvernement de la République de Pologne a examiné les réserves formulées par la République islamique du Pakistan au moment de son adhésion au Pacte international relatif aux droits civils et politiques, ouvert à la signature le 19 décembre 1966, à New York, concernant les articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte.

Le Gouvernement de la République de Pologne est d'avis que l'application de ces réserves risque de considérablement restreindre la capacité de jouir des

droits garantis par le Pacte, d'autant que la portée exacte des réserves n'est pas précisée et qu'elles portent sur un grand nombre de droits.

Par conséquent, le Gouvernement de la République de Pologne estime que ces réserves sont incompatibles avec l'objet et le but du Pacte, qui sont de garantir une égalité de droits pour tous sans aucune discrimination. Conformément à l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités, qui est une norme de nature conventionnelle et coutumière, ces réserves ne sont donc pas valides.

Afin de justifier sa décision d'exclure les conséquences juridiques de certaines dispositions du Pacte, la République islamique du Pakistan a fait valoir dans ses réserves que ces dispositions étaient incompatibles avec son droit interne. Le Gouvernement de la République de Pologne rappelle que l'article 27 de la Convention de Vienne prévoit qu'un État partie à un accord international ne peut invoquer les dispositions de son droit interne comme justifiant la non-exécution d'un traité. La règle devrait même être qu'un État partie adapte son droit interne au traité auquel il a décidé d'être lié. Pour ces raisons, les réserves formulées par la République islamique du Pakistan aux articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte ne sont pas valides.

Dans ses réserves, la République islamique du Pakistan soutient que les dispositions de la charia et de son droit interne sont susceptibles d'influer sur l'application du Pacte, sans toutefois qu'elle en précise le contenu exact. Il est par conséquent impossible de déterminer avec précision la mesure dans laquelle cet État a accepté les obligations imposées par le Pacte. Les réserves formulées par la République islamique du Pakistan aux articles 3, 6, 7, 12, 13, 18, 19 et 25 du Pacte ne sont donc pas valides.

En outre, le Gouvernement de la République de Pologne estime que les réserves visant à limiter ou exclure l'application de normes conventionnelles énonçant des droits intangibles sont contraires au but du présent traité. Pour ces raisons, les réserves faites aux articles 6 et 7 du Pacte ne sont pas valides.

Le Gouvernement de la République de Pologne objecte également à la réserve faite par la République islamique du Pakistan à l'article 40 du Pacte, estimant qu'elle sape le fondement même du mécanisme des Nations Unies de contrôle du respect des droits de l'homme et qu'elle n'est donc pas valide. Il considère que l'obligation de présenter des rapports qui incombe aux États parties au Pacte est d'une importance fondamentale à l'efficacité du système des Nations Unies de protection des droits de l'homme et qu'elle n'est donc pas de nature facultative.

Pour toutes ces raisons, le Gouvernement de la République de Pologne objecte aux réserves formulées par la République islamique du Pakistan au moment de son adhésion au Pacte international relatif aux droits civils et politiques, ouvert à la signature le 19 décembre 1966, à New York, concernant lesarticles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Pologne et la République islamique du Pakistan.

Le Gouvernement de la République de Pologne a examiné les réserves formulées par l'État du Qatar ainsi que le document de ratification du Pacte international relatif aux droits civils et politiques, fait à New York le 16 décembre 1966 en ce qui concerne l'article 3 et le paragraphe 4 de l'article 23, ainsi que les déclarations que l'État du Qatar a faites en ce qui concerne l'article 7, le paragraphe 2 de l'article 18, l'article 22, le paragraphe 2 de l'article 23, et l'article 27 du Pacte.

Le Gouvernement de la République de Pologne est d'avis que l'application des réserves et déclarations formulées par l'État du Qatar introduira des restrictions trop étendues dans l'application des dispositions du Pacte en ce qui concerne les sphères essentielles de la vie sociale (entre autres l'égalité entre les femmes et les hommes dans l'exercice de leurs droits civils et politiques, la liberté de se marier, les droits des femmes d'âge nubile de se marier, l'interdiction des traitements inhumains ou dégradants, la liberté de religion et les droits de constituer et d'adhérer à des syndicats).

En conséquence, le Gouvernement de la République de Pologne considère que ces réserves et déclarations sont incompatibles avec l'objet et le but du Pacte visant à établir des conditions garantissant à toute personne la jouissance de droits civils et politiques, et en tant que telles, ne sont pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Dans ses réserves, l'État du Qatar a évoqué l'incompatibilité des dispositions du Pacte avec son droit interne (la Constitution) et la loi islamique comme justification de son intention d'exclure les effets juridiques de certaines dispositions du Pacte.

Le Gouvernement de la République de Pologne note qu'en vertu de l'article 27 de la Convention de Vienne sur le droit des traités, un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier son manquement à l'exécution d'un traité. Au contraire, le droit interne devrait, en règle générale, se conformer aux dispositions d'un traité par lequel un État donné est lié.

En outre, tout en renvoyant dans ses déclarations à la loi islamique, au droit du travail national et à la législation nationale, ainsi qu'aux droits et libertés fondamentaux d'autrui, l'État du Qatar ne spécifie pas le contenu de ceux-ci pouvant s'appliquer à la mise en œuvre du Pacte, ce qui rend impossible la détermination de l'étendue de l'application des dispositions du Pacte par l'État du Qatar.

Compte tenu de ce qui précède, le Gouvernement de la République de Pologne fait objection aux réserves de l'État du Qatar en ce qui concerne l'article 3 et le paragraphe 4 de l'article 23, ainsi qu'aux déclarations de cet État concernant l'article 7, le paragraphe 2 de l'article 18, l'article 22, le paragraphe 2 de l'article 23 et l'article 27 du Pacte relatif aux droits civils et politiques, fait à New York le 16 décembre 1966.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte dans les relations entre la République de Pologne et l'État du Qatar.

PORTUGAL

[Voir sous "Objections" au chapitre IV.3.]

À l'égard des réserves formulées par les États-Unis d'Amérique :

Le Gouvernement portugais considère que la réserve formulée par les États-Unis d'Amérique à propos du paragraphe 5 de l'article 6 du Pacte, selon lequel une sentence de mort ne peut être imposée pour des crimes commis par des personnes âgées de moins de 18 ans, est incompatible avec l'article 6 qui, comme l'indique clairement le paragraphe 2 de l'article 4, énonce une norme minimum pour la protection du droit à la vie.

Le Gouvernement portugais est en outre d'avis que la réserve concernant l'article 7, selon laquelle un État limiterait les responsabilités qui lui incombent en vertu du Pacte en invoquant des principes généraux du droit national, peut créer des doutes quant à l'engagement de l'État formulant la réserve à l'égard de l'objet et du but du Pacte et, en plus, contribue à saper la base du droit international.

Le Gouvernement portugais fait donc objection aux réserves formulées par les États-Unis d'Amérique. Ces objections ne constituent toutefois pas un obstacle à

l'entrée en vigueur du Pacte entre le Portugal et les États-Unis d'Amérique.

Le Gouvernement de la République portugaise a examiné le texte de la réserve émise par le Gouvernement de la République du Botswana au sujet de l'article 7 du Pacte international relatif aux droits civils et politiques (New York, 16 décembre 1966).

Le Gouvernement de la République portugaise considère que, conformément au paragraphe 2 de l'article 4 du Pacte, ladite réserve est incompatible avec l'objet et le but de celui-ci.

En outre, cette réserve va à l'encontre du principe général en matière d'interprétation des traités selon lequel un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier la non-exécution des obligations énoncées dans ledit traité. Il y va de l'intérêt commun des États que les traités auxquels ils ont choisi d'être parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États acceptent d'introduire dans leur législation toutes les modifications requises pour leur permettre de s'acquitter des obligations que leur imposent les traités. Le Gouvernement de la République portugaise considère que le Gouvernement de la République du Botswana, du fait qu'il limite les responsabilités qu'il assume au titre du Pacte en invoquant les principes généraux de son droit constitutionnel, peut faire douter de son attachement au Pacte et, de plus, contribuer à saper les fondements du droit international.

Le Gouvernement de la République portugaise fait donc objection à la réserve émise par le Gouvernement de la République du Botswana au sujet de l'article 7 du Pacte. Cette objection ne constitue pas un obstacle à l'entrée en vigueur du Pacte entre la République portugaise et la République du Botswana.

Le Gouvernement portugais estime que les réserves formulées par un État pour limiter ses responsabilités découlant du Pacte international relatif aux droits civils et politiques, en invoquant en termes généraux certaines dispositions de la législation nationale, sont de nature à jeter des doutes sur son attachement à l'objet et au but de la Convention et à contribuer, en outre, à saper les fondements du droit international,

Il est de l'intérêt de tous les États que l'objet et le but des traités auxquels ils ont choisi d'adhérer soient respectés par toutes les parties et que les États soient prêts à apporter à leur législation toutes modifications nécessaires au respect des obligations découlant des traités.

Le Gouvernement portugais soulève donc une objection à la réserve faite par la Turquie au Pacte international relatif aux droits civils et politiques. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Portugal et la Turquie.

Le Portugal considère que la déclaration relative à l'article 18 et au paragraphe 4 de l'article 23 constitue une réserve qui vise à limiter unilatéralement la portée du Pacte, et qui n'est pas autorisée par le Pacte.

Cette réserve fait douter de l'engagement de l'État qui l'émet vis-à-vis de l'objet et du but du Pacte et, de surcroît, contribue à saper la base du droit international.

Le Gouvernement de la République portugaise fait donc objection à la réserve susmentionnée au Pacte international relatif aux droits civils et politiques formulée par le Gouvernement mauritanien.

Cette objection ne constitue toutefois pas un obstacle à l'entrée en vigueur du Pacte entre le Portugal et la Mauritanie.

Le Gouvernement de la République portugaise a attentivement examiné la réserve formulée par la République des Maldives à l'endroit du Pacte international relatif aux droits civils et politiques.

Selon cette réserve, lesprincipes énoncés à l'article 18 du Pacte s'appliquent sans préjudice de la Constitution de la République des Maldives.

Le Portugal considère que cet article est une disposition fondamentale du Pacte et que cette réserve empêche de savoir dans quelle mesure la République des Maldives s'estime liée par les obligations énoncées dans le Pacte, ce qui ne va pas sans quelques inquiétudes quant à son attachement à l'objet et au but du Pacte et tend, par surcroît, à saper les bases du droit international.

Il est de l'intérêt commun de tous les États que les traités auxquels il ont choisi d'être parties soient respectés, quant à leur objet à leur objet et à leur but, par toutes les parties et que les États soient prêts à apporter à leur législation les modifications qui seraient nécessaires pour s'acquitter des obligations que ces traités leur imposent.

En conséquence, le Gouvernement de la République portugaise émet une objection à la réserve susmentionnée de la République des Maldives au Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Portugal et les Maldives.

Le Gouvernement de la République portugaise a examiné les réserves formulées par la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques, fait à New York le 16 décembre 1966.

Le Gouvernement de la République portugaise estime que les réserves formulées par la République islamique du Pakistan eu égard aux articles 3, 6, 7, 12, 13, 18, 19 et 25 sont des réserves qui visent à assujettir l'application du Pacte à sa Constitution, à sa législation intérieure et/ou à la charia, limitant ce faisant de manière unilatérale la portée de la Convention et contribuant à saper les fondements du droit international.

Le Gouvernement de la République portugaise estime que les réserves par lesquelles un État limite ses responsabilités en vertu du Pacte international relatif aux droits civils et politiques en invoquant sa Constitution, sa législation intérieure et/ou la charia soulèvent de sérieux doutes quant à l'engagement dudit État à l'égard de l'objet et du but du Pacte, dans la mesure où ces réserves risquent de priver les dispositions du Pacte de leur effet et sont contraires à l'objet et au but du Pacte.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés dans leur objet et leur but par toutes les parties et que les États soient prêts à procéder à tous les changements législatifs nécessaires au respect de leurs obligations en vertu des traités.

Le Gouvernement de la République portugaise note par ailleurs que la République islamique du Pakistan ne reconnaît pas la compétence du Comité visée à l'article 40 du Pacte.

Le Gouvernement de la République portugaise est d'avis que le mécanisme d'établissement de rapports est une nécessité procédurale du Pacte et un engagement que prennent tous ses États parties et que cette réserve risque de saper le système tout entier de traités internationaux relatifs aux droits de l'homme. Ainsi, la réserve concernant l'article 40 est contraire à l'objet et au but du Pacte.

Le Gouvernement de la République portugaise rappelle que, conformément au droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités, une réserve incompatible avec l'objet et le but de la Convention n'est pas autorisée.

En conséquence, le Gouvernement de la République portugaise fait objection aux réserves susmentionnées formulées par le Gouvernement de la République islamique du Pakistan eu égard aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte international relatif aux droits civils et politiques fait à

New York, le 16 décembre 1966.

Toutefois, ces objections ne font pas obstacle à l'entrée en vigueur du Pacte entre la République portugaise et la République islamique du Pakistan.

Le Gouvernement de la République portugaise a examiné le contenu de la réserve à l'article 3 et au paragraphe 4 de l'article 23 et les déclarations relatives à

l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 du Pacte international relatif aux droits civils et politiques faites par l'État du Qatar.

Le Gouvernement de la République portugaise considère que les réserves à l'article 3 et au paragraphe 4 de l'article 23 du Pacte international relatif aux droits civils et politiques sont contraires à l'objet et au but du Pacte international relatif aux droits civils et politiques.

En outre, il considère que les déclarations relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 sont en fait des réserves qui visent à limiter la portée du Pacte de façon unilatérale.

Le Gouvernement de la République portugaise considère que les réserves par lesquelles un État limite ses responsabilités en vertu du Pacte international relatif aux droits civils et politiques en invoquant le droit interne et/ou des croyances et principes religieux suscitent des doutes quant à l'engagement dudit État quant à l'objet et au but de la Convention, car ces réserves risquent de priver les dispositions de la Convention de leur effet et sont contraires à l'objet et au but de cette dernière.

Le Gouvernement de la République portugaise rappelle que, selon le droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités, une réserve incompatible avec l'objet et le but du Pacte ne peut être autorisée.

Le Gouvernement de la République portugaise s'oppose donc à ces réserves.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République portugaise et de l'État du Qatar.

RÉPUBLIQUE DE MOLDOVA

La République de Moldova a examiné attentivement les réserves et déclarations formulées par l'État du Qatar le 21 mai 2018 lors de l'adhésion au Pacte international relatif aux droits civils et politiques du 16 décembre 1966.

Les réserves à l'article 3 et au paragraphe 4 de l'article 23 ainsi que les déclarations 1 à 4 subordonnent l'application de dispositions spécifiques du Pacte à la charia islamique ou à la législation nationale. Les déclarations 1 à 4 sont donc également des réserves par leur nature.

La République de Moldova considère que les réserves concernant les articles 3 et 7, le paragraphe 2 de l'article 18, l'article 22 et les paragraphes 2 et 4 de l'article 23 du Pacte sont incompatibles avec l'objet et le but du Pacte, puisque ces articles constituent un élément essentiel du Pacte, et ne sont par conséquent pas permises en vertu de l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités du 23 mai 1969.

Par conséquent, la République de Moldova fait objection aux réserves susmentionnées formulées par l'État du Qatar.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Moldova et l'État du Qatar. The Pacte entre en vigueur dans son intégralité entre la République de Moldova et l'État du Qatar sans que l'État du Qatar ne puisse se prévaloir de ses réserves.

RÉPUBLIQUE TCHÈQUE[12]

Le Gouvernement de la République tchèque a examiné attentivement la teneur de la réserve formulée par la République des Maldives à l'égard de l'article 18 du Pacte international relatif aux droits civils et politiques, adopté le 16 décembre 1966.

Le Gouvernement de la République tchèque estime que la réserve susmentionnée va à l'encontre du principe général d'interprétation des traités selon lequel un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier la non-exécution des obligations énoncées dans ce traité. Par ailleurs, ladite réserve renvoie de manière générale à la Constitution sans en préciser la teneur et n'indique donc pas clairement aux autres parties au Pacte dans quelle mesure l'État réservataire s'engage à appliquer le Pacte.

Le Gouvernement de la République tchèque rappelle qu'il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur but et objet par toutes les parties et que les États soient disposés à entreprendre toute modification législative nécessaire pour honorer leurs obligations en vertu des traités. En vertu de la règle de droit international coutumier codifiée dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité n'est autorisée. Le Gouvernement de la République tchèque fait donc objection à la réserve susmentionnée formulée par la République des Maldives concernant le Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République tchèque et la République des Maldives, sans que la République des Maldives puisse se prévaloir de sa réserve.

La République tchèque estime que, si elles étaient appliquées, les réserves formulées par le Pakistan à propos des articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte auraient pour effet de nuire au respect de ces droits, ce qui est incompatible avec l'objet et le but du Pacte. De plus, le fait que le Pakistan justifie ces réserves en se prévalant de son droit interne est, selon la République tchèque, inacceptable au regard du droit international coutumier, codifié à l'article 27 de la Convention de Vienne sur le droit des traités. Enfin, les réserves aux articles 3, 6, 7, 18 et 19, qui se réfèrent à des notions telles que « Charia » et « dispositions de la Constitution du Pakistan », les réserves aux articles 12 et 25 qui renvoient à des notions telles que « dispositions de la Constitution du Pakistan » et à l'article 13 qui se réfère à des notions telles que « loi relative aux étrangers », sans en préciser la teneur, n'indiquent pas précisément aux autres États parties au Pacte dans quelle mesure l'État auteur d'une réserve a accepté les obligations découlant de cet instrument.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur objet et leur but, par toutes les parties, et que les États soient prêts à procéder aux changements législatifs nécessaires pour honorer leurs obligations au titre de ces traités. Conformément au paragraphe 2 de l'article 28 de la Convention, ainsi qu'au droit international coutumier codifié dans la Convention de Vienne sur le droit des traités, les réserves qui sont incompatibles avec l'objet et le but d'un traité ne sont pas autorisées.

La République tchèque fait donc objection aux réserves susmentionnées formulées par le Pakistan concernant le Pacte. Cette objection n'empêche pas l'entrée en vigueur du Pacte entre la République tchèque et le Pakistan. Le Pacte entre en vigueur dans son intégralité entre les deux États, sans que le Pakistan puisse se prévaloir de sa réserve.

Le Gouvernement de la République tchèque a examiné les réserves et les déclarations formulées par l'État du Qatar lors de son adhésion au Pacte international relatif aux droits civils et politiques.

Le Gouvernement de la République tchèque estime que les déclarations formulées par l'État du Qatar relatives à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 constituent

des réserves à caractère général et vague, car elles assujettissent l'application de dispositions spécifiques du Pacte à la charia islamique et au droit interne et que, par conséquent, sa nature et sa portée ne peuvent être dûment déterminées.

Ces déclarations, ainsi que la réserve formulée par l'État du Qatar au paragraphe 4 de l'article 23, laissent ouverte la question de savoir dans quelle mesure l'État du Qatar s'engage à respecter les obligations découlant de ces articles et l'objet et le but du Pacte dans son ensemble.

Le Gouvernement de la République tchèque rappelle que les réserves ne peuvent être ni générales ni vagues et que le Pacte doit être appliqué et interprété conformément au droit international.

Le Gouvernement de la République tchèque considère donc que les réserves susmentionnées sont incompatibles avec l'objet et le but du Pacte et y fait objection. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République tchèque et l'État du Qatar, sans que l'État du Qatar ne puisse se prévaloir de ses réserves.

ROUMANIE

La Roumanie a examiné la réserve et la déclaration formulées par l'État du Qatar lors de l'adhésion au Pacte international relatif aux droits civils et politiques (New York, 1966).

La Roumanie considère que la déclaration visant à interpréter le terme « peine » à l'article 7 et les dispositions du paragraphe 2 de l'article 18, de l'article 22 et du paragraphe 2 de l'article 23 du Pacte à la lumière de la charia et de la législation nationale, respectivement, constitue des réserves à caractère indéterminé qui sont irrecevables en vertu de la Convention de Vienne sur le droit des traités. La réserve formulée à l'égard du paragraphe 4 de l'article 23 du Pacte revêt le même caractère. Conformément à l'article 27 de la Convention de Vienne sur le droit des traités, il incombe aux États parties à un traité de veiller à ce que leur droit interne permette l'application et le respect du traité.

En outre, le caractère général de ces réserves limite l'interprétation de l'étendue des obligations assumées par l'État du Qatar au titre du Pacte international relatif aux droits civils et politiques.

En conséquence, la Roumanie fait objection à ces réserves formulées par l'État du Qatar au Pacte international relatif aux droits civils et politiques, incompatibles avec la portée et le but du Pacte international relatif aux droits civils et politiques, comme stipulé à l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Cette objection n'affecte pas l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre la Roumanie et l'État du Qatar.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le Gouvernement du Royaume-Uni a pris note de la déclaration formulée par le Gouvernement de la République de Corée, à l'occasion de son adhésion, sous le titre "Réserve". Il n'est toutefois pas en mesure de prendre position sur ces prétendues réserves en l'absence d'une indication suffisante quant à l'effet recherché, conformément aux dispositions de la Convention de Vienne sur le droit des traités et à la pratique des Parties au Pacte. En attendant de recevoir une telle indication, le Gouvernement du Royaume-Uni réserve tous ses droits en vertu du Pacte.

Le Gouvernement du Royaume-Uni a examiné la déclaration faite par le Gouvernement mauritanien, le 17 novembre 2004, sur l'article 18 et le paragraphe 4 de l'article 23 du Pacte international relatif aux droits civils et politiques (fait à New York, le 16 décembre 1966).

Le Gouvernement du Royaume-Uni estime que la déclaration du Gouvernement mauritanien, selon laquelle

"Le Gouvernement mauritanien, tout en souscrivant aux dispositions énoncées à l'article 18 relatif à la liberté de pensée, de conscience et de religion, déclare que leur application se fera sans préjudice de la charia islamique […]

Le Gouvernement mauritanien interprète les dispositions du paragraphe 4 de l'article 23 relatives aux droits et responsabilités des époux au regard du mariage comme ne portant en aucun cas atteinte aux prescriptions de la charia islamique"

Constitue une réserve tendant à limiter de façon unilatérale la portée du Pacte.

Le Gouvernement du Royaume-Uni note que la réserve du Gouvernement mauritanien précise les dispositions du Pacte auxquelles s'applique la réserve. Néanmoins,cette réserve ne permet pas aux autres États parties au Pacte de savoir exactement dans quelle mesure l'État qui la formule se sent lié par celui-ci.

Le Gouvernement du Royaume-Uni fait donc objection à la réserve précitée formulée par le Gouvernement mauritanien.

La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la Mauritanie.

"L'application des principes énumérés à l'article 18 du Pacte [droit à la liberté de pensée, de conscience et de religion] se fera sans préjudice de la Constitution de la République des Maldives."

Le Gouvernement du Royaume-Uni estime qu'une réserve devrait indiquer clairement aux autres États parties la mesure dans laquelle l'État réservataire a accepté les obligations énoncées dans le Pacte, ce qui n'est pas le cas d'une réserve qui renvoie de façon générale à une disposition constitutionnelle sans en préciser la teneur. Par conséquent, le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord fait objection à la réserve du Gouvernement des Maldives.

Cette objection ne fait toutefois pas obstacle à l'entrée en vigueur du Pacte entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les Maldives.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a examiné les réserves que le Gouvernement du Pakistan a formulées le 23 juin 2010 à l'égard du Pacte [international relatif aux droits civils et politiques] et qui se lisent comme suit :

1. La République islamique du Pakistan déclare que les articles 3, 6, 7, 18 et 19 s'appliquent dans la mesure où ils ne sont pas contraires à la Constitution du Pakistan et à la charia.

2. La République islamique du Pakistan déclare que l'article 12 s'applique de telle manière qu'il soit en conformité avec sa constitution.

3. En ce qui concerne l'article 13, le Gouvernement de la République islamique du Pakistan se réserve le droit d'appliquer sa loi relative aux étrangers.

4. La République islamique du Pakistan déclare que l'article 25 s'applique dans la mesure où il n'est pas contraire à la Constitution du Pakistan.

5. Le Gouvernement de la République islamique du Pakistan déclare qu'il ne

reconnaît pas la compétence que l'article 40 du Pacte confère au Comité.

De l'avis du Royaume-Uni, une réserve doit clairement définir pour les autres États parties au Pacte dans quelle mesure l'État auteur de la réserve a accepté les obligations découlant du Pacte. Ce n'est pas le cas des réserves qui consistent à faire des références générales à

une disposition constitutionnelle, à une loi ou à un système de droit sans en préciser la teneur.

De plus, le Royaume-Uni considère que le mécanisme de présentation des rapports consacré par l'article 40 est une règle de procédure fondamentale du Pacte, et que les États parties sont tenus de s'acquitter pleinement de l'engagement qu'ils ont pris à cesujet.

Le Gouvernement du Royaume-Uni fait donc objection aux réserves formulées par le Gouvernement du Pakistan.

Le Royaume-Uni reverra sa position selon que le Gouvernement du Pakistan modifiera ou retirera les réserves qu'il a formulées à l'égard du Pacte.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a examiné les déclarations formulées par le Gouvernement de l'État du Qatar au Pacte international relatif aux droits civils et politiques (le « Pacte »), adopté à New York le 16 décembre 1966, qui se lisent comme suit :

Déclarations

1. L'État du Qatar interprète le terme « peine » à l'article 7 du Pacte conformément à la législation applicable du Qatar et à la charia.

2. L'État du Qatar interprète le paragraphe 2 de l'article 18 du Pacte de manière à ne pas contrevenir à la charia. L'État du Qatar se réserve le droit d'appliquer ce paragraphe conformément à cette interprétation.

3. L'État du Qatar interprète le terme « syndicats », et toutes les questions connexes, tel que visé à l'article 22 du Pacte, conformément à la législation du travail et à la législation nationale. L'État du Qatar se réserve le droit d'appliquer cet article conformément à cette interprétation.

4. L'État du Qatar interprète le paragraphe 2 de l'article 23 du Pacte comme n'étant pas contraire à la charia. L'État du Qatar se réserve le droit d'appliquer ce paragraphe conformément à cette interprétation.

5. L'État du Qatar interprète l'article 27 du Pacte relatif au droit de professer et de pratiquer sa propre religion comme exigeant le respect des règles de l'ordre public et des bonnes mœurs, de la sécurité et de la santé publiques, ou le respect des droits et libertés fondamentaux d'autrui.

Le Gouvernement du Royaume-Uni estime que les déclarations du Gouvernement de l'État de Qatar relatives à l'article 7, au paragraphe 2 de l'Article 18, à l'article 22, à l'article 23 et àl'article 27 sont des réserves qui visent à limiter la portée du Pacte de façon unilatérale. Le Gouvernement du Royaume-Uni note qu'une réserve à une convention qui consiste en une référence générale au droit interne sans en préciser la teneur ne permet pas aux autres États parties à la convention de savoir exactement dans quelle mesure l'État qui formule la réserve a accepté les obligations de cette convention. Le Gouvernement du Royaume-Uni fait donc objection aux réserves susmentionnées.

Ces objections ne font pas obstacle à l'entrée en vigueur du Pacte entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et l'État du Qatar.

SLOVAQUIE[12,16,31]

La République slovaque a examiné les réserves ci-après faites par la République islamique du Pakistan lorsqu'elle a ratifié le Pacte international relatif aux droits civils et politiques, en date du 16 décembre 1966 :

' La République islamique du Pakistan déclare que les articles 3, 6, 7, 18 et 19 s'appliquent dans la mesure où ils ne sont pas contraires à la Constitution du Pakistan et à la charia.

La République islamique du Pakistan déclare que l'article 12 s'applique de telle manière qu'il soit en conformité avec la Constitution du Pakistan.

S'agissant de l'article 13, le Gouvernement de la République islamique du Pakistan se réserve le droit d'appliquer sa loi relative aux étrangers.

La République islamique du Pakistan déclare que l'article 25 s'applique dans la mesure où il n'est pas contraire à la Constitution du Pakistan. Le Gouvernement de la République islamique du Pakistan déclare qu'il ne reconnaît pas la compétence que l'article 40 du Pacte confère au Comité. '

La République slovaque considère que les réserves aux articles 3, 6, 7, 18 et 19 subordonnent l'application du Pacte international relatif aux droits civils et politiques à la charia islamique. Elle considère de plus que les réserves relatives aux articles 12, 13, 25 et 40 du Pacte sont incompatibles avec l'objet et le but de celui-ci. Du fait de ces réserves, il est difficile de déterminer dans quelle mesure la République islamique du Pakistan se considère liée par les obligations énoncées dans le Pacte quant à son attachement à l'objet et au but de celui-ci.

Il est de l'intérêt commun des États que toutes les parties respectent les traités auxquels elles ont choisi de devenir partie, dans leur objet et dans leur but, et que les États soient prêts à modifier leur législation pour exécuter leurs obligations conventionnelles.

La République slovaque rappelle que le droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités, en particulier à l'alinéa c) de l'article 19 de celle-ci, interdit les réserves qui sont incompatibles avec l'objet et le but du traité. La République slovaque formule donc une objection aux réserves faites par la République islamique du Pakistan aux articles 3, 6, 7, 12, 13, 18, 19, 25 et 40 du Pacte.

Cette objection n'empêchera pas l'entrée en vigueur du Pacte entre la République slovaque et la République islamique du Pakistan, sans que cette dernière puisse se prévaloir de ses réserves.

SUÈDE

... À cet égard, le Gouvernement suédois rappelle qu'en vertu du droit international des traités, une déclaration par laquelle un État enlève toute valeur juridique à certaines dispositions d'un traité ou modifie celles-ci peut constituer une réserve à l'égard du traité, quel que soit le nom donné à cette déclaration. Ainsi le Gouvernement suédois considère que certaines des déclarations interprétatives faites par les États-Unis constituent en réalité des réserves à l'égard du Pacte.

Une réserve par laquelle un État modifie les dispositions essentielles du Pacte ou en refuse l'application, ou par laquelle il limite la responsabilité qu'il assume au titre du traité en invoquant les principes généraux de sa législation une telle réserve d'adhérer à l'objet et aux buts du Pacte. Les réserves formulées par les États-Unis d'Amérique visent des dispositions essentielles, qui n'admettent aucune dérogation; elles font également référence en termes généraux à la législation nationale. De telles réserves ne peuvent que saper les fondements du droit international des traités. Tous les États qui ont choisi d'adhérer à un traité ont à coeur de voir respecter l'objet et les buts de ce traité.

Ainsi la Suède oppose-t-elle une objection aux réserves formulées par les États-Unis aux articles ci-après :

- article 2; voir Déclaration interprétative 1);
- article 4; voir Déclaration interprétative 1);
- article 6; voir Réserve 2);
- article 7; voir Réserve 3);
- article 15; voir Réserve 4);
- article 26; voir Déclaration interprétative 1);

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la Suède et les États-Unis d'Amérique.

Le Gouvernement suédois note que les déclarations interprétatives concernant le paragraphe 1 de l'article 2, l'article 3 et l'article 23 donnent à entendre que l'application de dispositions essentielles du Pacte est subordonnée à une réserve générale tirée du droit interne. Il note en outre que la réserve vis-à-vis de l'alinéa b) de l'article 25 est contraire à l'objet et au but du Pacte.

Le Gouvernement suédois estime que ces déclarations et cette réserve peuvent faire douter de l'adhésion du Koweït à l'objet et au but du Pacte.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties, et que celles-ci soient disposées à apporter toutes les modifications nécessaires à leur législation pour s'acquitter des obligations qui leur incombent en vertu desdits traités.

Le Gouvernement suédois fait donc objection [auxdites déclarations et réserves].

La présente objection ne fait pas obstacle à l'entrée en vigueur de l'intégralité des dispositions du Pacte entre le Koweït et la Suède.

Le Gouvernement suédois a examiné la réserve formulée par le Botswana au moment de signer le Pacte international de 1966 relatif aux droits civils et politiques, et qu'il a confirmée lors de la ratification, en ce qui concerne les articles 7 et 12 3) du Pacte.

Le Gouvernement suédois note que ces articles du Pacte feraient ainsi l'objet d'une réserve générale les assujettissant au droit interne botswanais.

Le Gouvernement suédois estime que, faute d'éclaircissements supplémentaires, cette réserve peut faire douter de l'adhésion du Botswana à l'objet et au but du Pacte et il rappelle que, conformément au droit international coutumier codifié par la Convention de Vienne sur le droit des traités, il n'est pas permis de formuler de réserve incompatible avec le but et l'objet du traité.

Il est dans l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties, et que celles-ci soient disposées à apporter à leur législation toutes les modifications nécessaires pour s'acquitter des obligations qui leur incombent en vertu de ces traités.

Le Gouvernement suédois fait donc objection à la réserve formulée par le Gouvernement botswanais à l'égard du Pacte international relatif aux droits civils et politiques.

La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Botswana et la Suède. Le Pacte entre en vigueur entre les deux États dans son intégralité, sans qu'il soit tenu compte de la réserve formulée par le Botswana.

Le Gouvernement suédois a examiné les déclarations et la réserve formulées par la République turque lorsqu'elle a ratifié le Pacte international relatif aux droits civils et politiques.

La République turque déclare qu'elle n'appliquera les dispositions de ce pacte qu'envers les États avec lesquels elle entretient des relations diplomatiques. Le Gouvernement suédois considère que cette déclaration équivaut en fait à une réserve. Par cette réserve, la République turque n'indique pas clairement dans quelle mesureelle se considère liée par les obligations découlant du Pacte. En l'absence de plus amples éclaircissements, cette réserve porte donc à douter de la volonté de la République turque de respecter l'objet et le but du Pacte.

La République turque déclare en outre que le Pacte est ratifié exclusivement pour le territoire national sur lequel sont appliquées sa constitution, sa législation et sa réglementation administrative. Le Gouvernement suédois considère que cette déclaration équivaut également à une réserve. Il convient de rappeler que tous les États parties ont l'obligation de respecter et de garantir à tous les individus relevant de leur compétence les droits reconnus dans le Pacte. Limiter cette responsabilité au territoire national va à l'encontre des obligations des États parties à cet égard et est donc incompatible avec l'objet et le but de la Convention.

Le Gouvernement suédois note que l'interprétation et l'application des dispositions de l'article 27 du Pacte sont assujetties à une réserve générale relative à la Constitution de la République turque et au Traité de Lausanne du 24 juillet 1923 et à ses appendices. La référence générale à la Constitution de la République turque qui, en l'absence de plus amples éclaircissements, ne précise pas l'étendue de la dérogation aux dispositions en question envisagée par la République turque, porte à douter sérieusement de sa volonté de respecter l'objet et le but du Pacte.

Le Gouvernement suédois tient en outre à rappeler que, conformément à l'article 27, les droits des personnes appartenant à une minorité doivent être respectés sans discrimination. Ainsi que l'a établi le Comité des droits de l'homme dans son observation générale 23 sur les droits des minorités (art. 27), l'existence dans un État partie donné d'une minorité ne doit pas être tributaire d'une décision de celui-ci, mais doit être établie à l'aide de critères objectifs. Le Gouvernement suédois considère donc qu'assujettir l'application de l'article 27 aux règles et dispositions de la Constitution de la République turque et du Traité de Lausanne et de ses appendices est incompatible avec l'objet et le but de la Convention.

Selon le droit coutumier établi tel qu'il est codifié dans la Convention de Vienne sur le droit des traités, les réserves incompatibles avec l'objet et le but d'un traité ne sont pas autorisées. Il est dans l'intérêt commun de tous les Etats que l'objet et le but des traités auxquels ils ont choisi de devenir parties soient respectés par toutes les parties, et que les États soient prêts à modifier leur législation de façon à remplir les obligations découlant de ces traités.

Le Gouvernement suédois fait donc objection aux réserves susmentionnées faites par la République turque concernant le Pacte international relatif aux droits civils et politiques.

Cette objection ne fera pas obstacle à l'entrée en vigueur du Pacte entre la République turque et la Suède. Le Pacte entrera en vigueur dans son intégralité entre les deux États, sans que la République turque puisse invoquer les réserves qu'elle a formulées.

Le Gouvernement suédois a examiné les déclarations faites par le Gouvernement mauritanien lors de son adhésion au Pacte international relatif aux droits civils et politiques, concernant l'article 18 et le paragraphe 4 de l'article 23 du Pacte.

Le Gouvernement suédois rappelle qu'une déclaration qui exclut ou modifie l'effet juridique de certaines dispositions d'un traité n'a de déclaration que le nom. Il considère qu'en substance, les déclarations faites par le Gouvernement mauritanien constituent des réserves.

Ces réserves font des références générales à la charia islamique. Le Gouvernement suédois considère qu'elles ne précisent pas clairement l'étendue de la dérogation envisagée aux dispositions en question et conduisent à douter sérieusement de la volonté de la Mauritanie d'honorer les engagements qu'elle a pris quant à l'objet et au but de la Convention. En outre, l'article 4 du Pacte dispose que l'article 18 fait partie de ceux auxquels il n'est pas permis de déroger.

Le Gouvernement suédois rappelle qu'en vertu du droit international coutumier codifié dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité ne sera autorisée. Il est dans l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés, quant à leur objet et à leur but, à leur législation toutes les modifications nécessaires pour pouvoir s'acquitter des obligations qu'ils ont contractées en vertu des traités.

Le Gouvernement suédois fait donc objection aux réserves susmentionnées du Gouvernement mauritanien en ce qui concerne le Pacte international relatif aux droits civils et politiques et les considère comme nulles et non avenues. Cette objection ne fait pas obstacle à l'entrée en vigueur de la Convention entre la Mauritanie et la Suède. Le Pacte entre en vigueur dans son intégralité entre les deux États, sans que la Mauritanie puisse se prévaloir de ses réserves.

Le Gouvernement suédois note que les Maldives donnent la primauté à leur Constitution sur l'article 18 du Pacte. Le Gouvernement suédois estime que cette réserve, qui ne précise pas la portée des dérogations envisagées par les Maldives à la disposition en question, remet gravement en cause l'attachement des Maldives à l'objet et au but du Pacte.

Selon le droit coutumier international, qui est codifié dans la Convention de Vienne sur le droit des traités, les réserves incompatibles avec l'objet et le but d'un traité ne sont pas recevables. Il est dans l'intérêt commun de tous les États que l'objet et le but des traités auxquels ils ont choisi de devenir parties soient respectés par toutes les parties, et que les États soient disposés à apporter à leur législation toutes les modifications nécessaires pour s'acquitter des obligations qui leur incombent en vertu de ces traités.

Le Gouvernement suédois fait donc objection à la réserve formulée par la République des Maldives concernant le Pacte international relatif aux droits civils et politiques et la considère comme nulle et non avenue. La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre les Maldives et la Suède. Le Pacte la Suède, sans que les Maldives puissent se prévaloir de leur réserve.

Le Gouvernement suédois considère que ces réserves font naître de sérieux doutes quant à la volonté de la République islamique du Pakistan de respecter l'objet et le but du Pacte, car elles sont de nature à priver les dispositions du Pacte de leurs effets et sont contraires à l'objet et au but de celui-ci.

Le Gouvernement suédois note par ailleurs que la République islamique du Pakistan ne reconnaît pas la compétence que l'article 40 du Pacte confère au Comité. Le Gouvernement suédois considère que la communication de rapports est une exigence de procédure du Pacte et fait partie intégrante des obligations des États qui y sont parties, et que la réserve pourrait nuire au système des organes de suivi des instruments internationaux relatifs aux droits de l'homme. Par conséquent, la réserve à l'article 40 est contraire à l'objet et au but du Pacte.

En vertu du droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités, une réserve incompatible avec l'objet et le but d'un traité n'est pas autorisée. Il est dans l'intérêt commun des États que les instruments auxquels ils ont choisi de devenir parties soient respectés dans leur objet et dans leur but par toutes les parties, et que les États soient préparés à procéder à toute modification législative nécessaire pour s'acquitter de leurs obligations en vertu des traités. En conséquence, le Gouvernement suédois fait objection aux réserves susmentionnées formulées par la République islamique du Pakistan au Pacte international relatif aux droits civils et politiques et considère ces réserves nulles et non avenues.

Cette objection n'empêchera pas l'entrée en vigueur du Pacte entre le Pakistan et la Suède. Le Pacte entre en vigueur entre les deux parties dans son intégralité, sans que le Pakistan puisse se prévaloir de ces réserves.

SUISSE

"Concernant le Pacte international du 16 décembre 1966 relatif aux droits civils et politiques :

'Le Conseil fédéral suisse a examiné les réserves formulées par la République islamique du Pakistan lors de son adhésion au Pacte international du 16 décembre 1966 relatif aux droits civils et politiques, concernant les articles 3, 6, 7, 18 et 19 du Pacte.

Les réserves aux articles, qui se rapportent au contenu d'un droit interne ou de la charia islamique, ne précisent pas leur portée et mettent en question la faculté de la République islamique du Pakistan d'honorer les obligations auxquelles elle a souscrit en devenant partie au Pacte. Par ailleurs, le Conseil fédéral suisse souligne que les articles 6, paragraphe 1, troisième phrase, 7 et 18, paragraphe 2, constituent du jus cogens et qu'à ce titre bénéficient d'une protection absolue.

Une réserve générale sur l'article 40, qui est l'une des dispositions centrales du Pacte, fait naître de sérieux doutes quant à la comptabilité d'une telle réserve avec l'objet et le but du Pacte.

L'article 19 de la Convention de Vienne du 23 mai 1969 sur le droit des traités prévoit qu'aucune réserve n'est autorisée lorsqu'elle est incompatible avec l'objet et le but du Pacte.

En conséquence, le Conseil fédéral suisse fait objection aux dites réserves de la République islamique du Pakistan au Pacte international du 16 décembre 1966 relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur de la Convention entre la Suisse et la République islamique du Pakistan'."

« Le Conseil fédéral suisse a examiné les réserves et déclarations formulées par l'État du Qatar lors de l'adhésion au Pacte international du 16 décembre 1966 relatif aux droits civils et politiques.

Le Conseil fédéral suisse considère que les déclarations à l'article 7, au paragraphe 2 de l'article 18, à l'article 22 et au paragraphe 2 de l'article 23 du Pacte équivalent de fait à des réserves. Les réserves qui subordonnent tout ou partie de l'article 3, de l'article 7, du paragraphe 2 de l'article 18, de l'article 22 et des paragraphes 2 et 4 de l'article 23 du Pacte d'une manière générale à la charia et/ou à la législation nationale constituent des réserves de portée générale qui sont de nature à faire douter du plein engagement de l'État du Qatar quant à l'objet et au but du Pacte. Le Conseil fédéral suisse rappelle que, selon la lettre c) de l'article 19 de la Convention de Vienne du 23 mai 1969 sur le droit des traités, aucune réserve incompatible avec l'objet et le but du Pacte n'est autorisée.

Il est dans l'intérêt commun des États que les instruments auxquels ils ont choisi de devenir parties soient respectées dans leur objet et dans leur but par toutes les parties et que les États soient prêts à modifier leur législation pour s'acquitter de leurs obligations conventionnelles.

Dès lors, le conseil fédéral suisse fait objection à ces réserves de l'État du Qatar. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte, dans son intégralité, entre la Suisse et l'État du Qatar. »

URUGUAY

Le Gouvernement de la République orientale de l'Uruguay considère que les mécanismes de contrôle créés par les traités internationaux relatifs aux droits de l'homme sont des instruments essentiels pour veiller au respect, par les États parties, des obligations souscrites, et font partie intégrante du régime international de protection des droits de l'homme. Le fait de ne pas reconnaître au Comité la compétence de demander, de recevoir et d'examiner les rapports de l'État partie remet en cause l'objectif de promotion du respect universel et effectif des droits de l'homme et des libertés fondamentales, qui est énoncé dans le préambule du Pacte.

Par conséquent, le Gouvernement de la République orientale de l'Uruguay fait objection à la réserve faite par la République islamique du Pakistan concernant l'article

40 du Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République orientale de l'Uruguay et la République islamique du Pakistan.

Déclarations reconnaissant la compétence du Comité des droits de l'homme en vertu de l'article 41[44] (En l'absence d'indication précédant le texte, la date de réception est celle de la ratification, de l'adhésion ou de la succession.)

AFRIQUE DU SUD

Le Gouvernement de la République d'Afrique du Sud déclare qu'elle reconnaît, aux fins de l'article 41 du Pacte, la compétence du Comité des droits de l'homme pour recevoir et examiner les communications par lesquelles un État partie soutient qu'un autre État partie n'exécute ses obligations en vertu du présent Pacte.

ALGÉRIE

"Le Gouvernement de la République algérienne démocratique et populaire déclare, en vertu de l'article 41 du Pacte, qu'il reconnait la compétence du comité des Droits de l'homme visé à l'article 28 du Pacte, pour recevoir et examiner des communications dans lesquelles un État Partie prétend qu'un autre État Partie ne s'acquitte pas de ses obligations au titre du présent Pacte."

ALLEMAGNE[2,45]

ALLEMAGNE[2,45]

La République fédérale d'Allemagne reconnaît désormais, pour une période illimitée, la compétence du Comité des droits de l'homme en vertu du paragraphe 1 de l'article 41 du Pacte pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

ARGENTINE

Le Gouvernement argentin reconnaît la compétence du Comité des droits de l'homme créé par le Pacte international relatif aux droits civils et politiques.

AUSTRALIE

Le Gouvernement australien déclare, par les présentes, que l'Australie reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas des obligations qui lui incombent en vertu du Pacte.

AUTRICHE

[Le Gouvernement de la République d'Autriche déclare] qu'aux fins de l'article 41 du Pacte international relatif aux droits civils et politiques que l'Autriche reconnaît que le Comité des droits de l'homme est compétent pour recevoir et examiner des communications dans lesquelles un État partie ne s'acquitte pas de ses obligations au titre du Pacte international relatif aux droits civils et politiques.

BÉLARUS

La République de Bélarus déclare qu'elle reconnaît la compétence du Comité des droits de l'homme, conformément à l'article 41 du Pacte international relatif aux droits civils et politiques, pour recevoir et examiner des communications dans lesquelles un État Partie prétend qu'un autre État Partie ne s'acquitte pas de ses obligations au titre du présent Pacte.

BELGIQUE

"Le Royaume de Belgique déclare reconnaître la compétence du Comité des droits de l'homme en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques."

"Le Royaume de Belgique déclare, en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques, qu'il reconnait la compétence du Comité des droits de l'homme, institué par l'article 28 du Pacte, pour recevoir et examiner des communications présentées par un autre État partie, sous réserve que ledit État partie ait, douze mois au moins avant la présentation par lui d'une communication concernant la Belgique, fait une déclaration en vertu de l'article 41 reconnaissant la compétence du Comité pour recevoir et examiner des communications le concernant."

BOSNIE-HERZÉGOVINE

La République de Bosnie-Herzégovine reconnaît, conformément à l'article 41 dudit Pacte, la compétence du Comité des Droits de l'homme pour recevoir et examiner des communication soumises par un autre État partie dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

BULGARIE

La République de Bulgarie déclare qu'elle reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie qui a fait une déclaration reconnaissant, en ce qui le concerne, la compétence du Comité prétend q'un autre État partie ne s'acquitte pas de ses obligations au titre du présent Pacte.

CANADA

Le Gouvernement canadien déclare, en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques, qu'il reconnaît la compétence du Comité des droits de l'homme visé à l'article 28 du Pacte pour recevoir et examiner des communications présentées par un autre État partie, sous réserve que ledit État partie ait, 12 mois au moins avant la présentation par lui d'une communication concernant le Canada, fait une déclaration en vertu de l'article 41 reconnaissant la compétence du Comité pour recevoir et examiner des communications le concernant.

CHILI

Le Gouvernement chilien reconnaît, à partir de la date du présent instrument, la compétence du Comité des droits de l'homme du Pacte international relatif aux droits civils et politiques, conformément à l'article 41 dudit Pacte, concernant tout fait survenu après le 11 mars 1990.

CONGO

"En application de l'article 41 du Pacte international relatif aux droits civils et politiques, le Gouvernement congolais reconnaît, à compter de ce jour, la compétence du Comité des droits de l'homme, pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte sus-visé."

CROATIE

Le Gouvernement de la République croate déclare, conformément à l'article 41 dudit Pacte, qu'il reconnaît la compétence du Comité des Droits de l'homme, pour recevoir et examiner les communications dans lesquelles un État partie prétend qu'un autre État partie ne s'aquitte pas des obligations qui lui incombent en vertu du Pacte.

DANEMARK

[Le Gouvernement du Danemark reconnaît] par la présente, conformément à l'article 41 du Pacte international relatif aux droits civils et politiques, ouvert à la signature à New York le 19 décembre 1966, la compétence du Comité dénommé à l'article 41 pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

ÉQUATEUR

Le Gouvernement équatorien reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas des obligations qui lui incombent en vertu des alinéas a), b), c), d), e), f), g) et h) du paragraphe 1 de l'article 41 dudit Pacte.

La présente reconnaissance de la compétence du Comité est de durée illimitée et conforme aux dispositions du paragraphe 2 de l'article 41 du Pacte international relatif aux droits civils et politiques.

ESPAGNE[46]

Le Gouvernement espagnol déclare, conformément à l'article 41 du Pacte international relatif aux droits civil et politiques, qu'il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communciations dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

ÉTATS-UNIS D'AMÉRIQUE

[1)] Les États-Unis déclarent reconnaître la compétence du Comité des droits de l'homme pour recevoir et examiner, en vertu de l'article 41, les communications dans lesquelles un État partie prétend qu'un autre État partie ne respecte pas les obligations que le Pacte lui impose.

[2)] Les États-Unis déclarent que le droit visé à l'article 47 ne peut être exercé que conformément au droit international.

FÉDÉRATION DE RUSSIE

L'Union des Républiques socialistes soviétiques déclare [...] qu'elle reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications présentées par un autre État partie concernant des situations ou des faits survenus après l'adoption de la présente déclaration, pour autant que cet État partie ait fait plus de 12 mois avant la présentation de la communication une déclaration reconnaissant, en ce qui le concerne, la compétence du Comité stipulée à l'article 41, pour les obligations auxquelles l'URSS et l'autre État partie ont souscrit en vertu du Pacte.

FINLANDE

La Finlande déclare, en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques, qu'elle reconnaît la compétence du Comité des droits de l'homme dénommé à l'article 28 du Pacte, pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du présent Pacte.

GAMBIE

"Le Gouvernement gambien déclare, par la présente, que la Gambie reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas des obligations qui lui incombent en vertu dudit Pacte."

GHANA

Le Gouvernement de la République du Ghana déclare, conformément à l'article 41 de la quatrième partie du Pacte, qu'il reconnaît la compétence du Comité des droits de l'homme pour examiner toute plainte déposée par la République ou à l'encontre de celle-ci, s'agissant d'un État partie qui a fait une déclaration reconnaissant la compétence du Comité 12 mois au moins avant que le Ghana ne soit officiellement devenu partie au Pacte. Le Ghana déclare en outre qu'il interprète l'article 41 comme attribuant au Comité des droits de l'homme toute compétence pour recevoir et examiner des communications relatives à la violation par la République des droits énoncés dans le Pacte et résultant de décisions, actes, omissions, événements ou faits intervenant APRÈS la date à laquelle le Ghana est devenu officiellement Partie audit Pacte et qu'il ne s'applique pas aux décisions, actes, omissions, événements ou faits intervenant avant cette date.

GUINÉE-BISSAU

« Reconnaissons la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles une Partie prétend qu'une autre Partie ne s'acquitte pas de ses obligations au titre du présent Pacte signé par la Guinée-Bissau le 12 septembre 2000 et son instrument de ratification déposé auprès de son respectif Dépositaire le premier novembre 2010. »

GUYANA

Le Gouvernement de la République coopérative du Guyana déclare, par la présente, qu'il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte susmentionné.

HONGRIE

Le Gouvernement de la République populaire hongroise [...] reconnaît la compétence du Comité des droits de l'homme visé à l'article 28 du Pacte pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du présent Pacte.

IRLANDE

Le Gouvernement irlandais déclare aux termes de la présente reconnaître, conformément à l'article 41, la

compétence dudit Comité des droits de l'homme institué par l'article 28 du Pacte.

ISLANDE

Conformément à l'article 41 du Pacte international relatif aux droits civils et politiques, le Gouvernement islandais reconnaît la compétence du Comité des droits de l'homme, auquel a trait l'article 28, pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

ITALIE

"La République italienne reconnaît la compétence du Comité des droits de l'homme, élu en conformité avec l'article 28 du Pacte, à recevoir et examiner les communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte."

LIECHTENSTEIN

La Principauté du Liechtenstein déclare, conformément à l'article 41 du Pacte, qu'elle reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner les communications par lesquelles un État partie prétend qu'un autre État partie n'exécute pas ces obligations en vertu du présent Pacte.

LUXEMBOURG

"Le Gouvernement luxembourgeois reconnaît, conformé- ment à l'article 41, la compétence du Comité des droits de l'homme visé à l'article 28 du Pacte pour recevoir et examiner les communications dans lesquelles un État partie prétend qu'un autre État partie ne s'aquitte pas de ses obligations au titre dudit Pacte."

MALTE

Le Gouvernement maltais déclare que, conformément à l'article 41 du Pacte, il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications émanant d'un autre État partie, à la condition que, dans un délai qui ne sera pas inférieur à 12 mois avant la présentation d'une communication concernant Malte, cet État ait fait, conformément à l'article 41, une déclaration reconnaissant, en ce qui le concerne, la compétence du Comité pour recevoir et examiner des communications.

NORVÈGE

La Norvège reconnaît la compétence du Comité des droits de l'homme visé à l'article 28 du Pacte pour recevoir et examiner des communications dans lesquelles un État Partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

NOUVELLE-ZÉLANDE

Le Gouvernement néo-zélandais déclare, en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques, qu'il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications émanant d'un autre État partie qui a également, en vertu de l'article 41, reconnu par une déclaration analogue la compétence du Comité à son égard, sauf si la déclaration en question a été faite par ledit État partie moins de 12 mois avant le dépôt par cet État d'une plainte concernant la Nouvelle-Zélande.

PAYS-BAS

Le Royaume des Pays-Bas déclare en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques qu'il reconnaît la compétence du Comité des droits de l'homme visée à l'article 28 du Pacte pour recevoir et examiner les communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre dudit Pacte.

PÉROU

Le Pérou reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte international relatif aux droits civils et politiques, conformément à l'article 41 dudit Pacte.

PHILIPPINES

Le Gouvernement philippin reconnaît, conformément à l'article 41 dudit Pacte, la compétence du Comité des Droits de l'homme, établi par ledit Pacte, pour recevoir et examiner les communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas des obligations qui lui incombent en vertu du Pacte.

POLOGNE

La République de Pologne reconnaît, conformément au paragraphe 1 de l'article 41 du Pacte international relatif aux droits civils et politiques, la compétence du Comité des droits de l'homme, pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre dudit Pacte.

RÉPUBLIQUE DE CORÉE

[Le Gouvernement de la République de Corée] reconnaît la compétence du Comité des droits de l'homme en vertu de l'article 41 du Pacte.

RÉPUBLIQUE TCHÈQUE[12]

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le Gouvernement du Royaume-Uni déclare, en vertu de l'article 41 du Pacte, qu'il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications présentées par un autre État partie, sous réserve que ledit État partie ait, 12 mois au moins avant la présentation par lui d'une communication concernant le Royaume-Uni, fait une déclaration en vertu de l'article 41 reconnaissant la compétence du Comité pour recevoir et examiner des communications le concernant.

SAINT-MARIN

La République de Saint-Marin déclare, conformément à l'article 41 du Pacte, qu'elle reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

SÉNÉGAL

Le Gouvernement sénégalais déclare, en vertu de l'article 41 du Pacte international relatif aux droits civils et politiques, qu'il reconnaît la compétence du Comité des droits de l'homme visée à l'article 28 du Pacte pour recevoir et examiner des communications présentées par un autre État partie, sous réserve que ledit État partie ait,

douze mois au moins avant la présentation, par lui, d'une communication concernant le Sénégal, fait une déclaration en vertu de l'article 41 reconnaissant la compétence du Comité pour recevoir et examiner des communications le concernant.

SLOVAQUIE[12]

SLOVÉNIE

[La] République de la Slovénie reconnaît, conformément à l'article 41 dudit Pacte, la compétence du Comité des Droits de l'homme, pour recevoir et examiner des communications soumises par un autre État partie dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

SRI LANKA

Le Gouvernement de la République socialiste démocratique de Sri Lanka déclare, conformément à l'article 41 du Pacte international relatif aux droits civils et politiques, qu'il reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre dudit Pacte, dans la mesure où l'État partie dont elles émanent a également, en vertu de l'article 41, reconnu par une déclaration analogue la compétence du Comité à son égard.

SUÈDE

La Suède reconnaît la compétence du Comité des droits de l'homme énoncé dans l'article 28 du Pacte pour recevoir et examiner des communication dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du présent Pacte.

SUISSE

« La Suisse déclare, en vertu de l'article 41, qu'elle reconnaît, pour une durée de cinq ans, la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie pretend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte. »

"[Le Gouvernement suisse] reconnaît, conformément à l'article 41, paragraphe 1, [dudit] Pacte, pour une nouvelle durée de cinq ans à partir du 18 septembre 1997, la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre dudit Pacte."

"… le Conseil fédéral suisse reconnaît, conformément à l'article 41, paragraphe 1 du Pacte international du 16 décembre 1966 relatif aux droits civils et politiques, pour une nouvelle durée de 5 ans à partir du 16 avril 2010, la compétence du Comité des droits de l'homme pour recevoir et examiner des communications des États parties relatives au non-respect d'obligations découlant du Pacte par d'autres Etats parties."

« … la Suisse reconnaît, conformément à l'article 41, paragraphe 1, du Pacte international du 16 décembre 1966 relatif aux droits civils et politiques, pour une période de cinq ans à partir de la présente notification, la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations découlant du Pacte. »

TUNISIE

"Le Gouvernement de la République tunisienne déclare reconnaître la compétence du Comité des Droits de l'Homme institué par l'article 28 [dudit Pacte] ..., pour recevoir et examiner des communications dans lesquelles un État partie prétend que la République tunisienne ne s'acquitte pas de ses obligations au titre du Pacte.

L'État partie qui introduit une telle communication auprès du Comité doit avoir fait une déclaration reconnaissant, en ce qui le concerne, la compétence du Comité au titre de l'article 41 du Pacte international relatif aux droits civils et politiques."

UKRAINE

Conformément à l'article 41 du Pacte international relatif aux droits civils et politiques, l'Ukraine déclare qu'elle reconnaît la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre dudit Pacte.

ZIMBABWE

Le Gouvernement du Zimbabwe reconnaît, à partir de la présente date, la compétence du Comité des droits de l'homme pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre de la Convention susmentionnée [sous réserve que ledit État partie ait, douze mois au moins avant la présentation par lui d'une communication concernant le Zimbabwe, fait une déclaration en vertu de l'article 41 reconnaissant la compétence du Comité pour recevoir et examiner des communications le concernant] *(*Le texte entre crochets a été reçu au Secrétariat le 27 janvier 1993)* .

Notifications en vertu du paragraphe 3 de l'article 4 du Pacte (dérogations)

(Compte tenu du nombre important de ces notifications, et afin d'éviter d'accroître excessivement le nombre de pages de la présente publication, le texte des notifications a dans certains cas été, exceptionnellement, résumé. Sauf indication contraire, lorsque la notification concerne une prorogation, celle-ci porte sur les mêmes articles du Pacte que ceux précédemment visés par la dérogation d'origine, et a été décidée pour les mêmes motifs. La date figurant en haut et à droite des notifications est celle de la réception.)

ALGÉRIE

Devant la situation de troubles à l'ordre public et les dangers d'aggravation de la situation ... l'état de siège a été proclamé à compter du 5 juin1991 à 0 heure pour une durée de quatre mois sur l'ensemble du territoire national.

Le Gouvernement algérien a ultérieurement précisé que ces troubles avaient été fomentés dans le but d'entraver la teneur d'élections prévues pour le 27 juin 1991 et de remettre en cause le processus démocratique en cours; et que vu cette situation insurrectionnelle qui menaçait la stabilité des institutions, la sécurité des personnes et des biens et le fonctionnement des services publics, il avait été nécessaire de déroger aux dispositions de l'alinéa 3 de l'article 9, de l'alinéa premier de l'article

12, de l'article 17, de l'alinéa 2 de l'article 19 et à celles de l'article 21 du Pacte.

Ledit état de siège a été levé en Algérie le 29 septembre 1991.

"Devant les graves atteintes à l'ordre public et à la sécurité des personnes enregistrées depuis plusieurs semaines, leur recrudescence au cours du mois de février 1992 et les dangers d'aggravation de la situation, le Président du Haut Comité d'État [...], par décret Présidentiel du 9 février 1992, a décrété l'état d'urgence, à compter du 9 février 1992 à 20 heures pour une durée de douze mois sur l'étendue du territoire national, conformément aux articles 67, 74 et 86 de la Constitution algérienne. *[Les dispositions du Pacte auxquelles il a été dérogé sont les articles 9 (3), 12, 17 et 21.]*

L'instauration de l'état d'urgence, qui vise essentiellement la restauration de l'ordre public, la préservation de la sécurité des personnes et des biens ainsi qu'à assurer le bon fonctionnement des institutions et des services publics, n'interrompt pas la poursuite du processus démocratique de même que continue à être garanti l'exercice des droits et libertés fondamentaux.

L'état d'urgence ainsi instauré pourra néanmoins être levé avant terme, après résorption de la situation l'ayant motivé et le rétablissement des conditions de vie normale de la nation."

... par ordonnance présidentielle No 11-01 du 23 février 2011, le Gouvernment de la République Algérienne Démocratique et Populaire a levé l'État d'urgence.

Ladite ordonnance [...] a abrogé le décret législatif No 93-02 du 6 février 1993 portant prorogation de la durée de l'Etat d'urgence instauré par le décret présidentiel No 92-44 du 9 février 1992.

ARGENTINE

Proclamation de l'état de siège pour une durée de 30 jours sur tout le territoire national à la suite d'évènements [attaques et pillages de commerces de détail, vandalisme, usage d'armes à feu] dont la gravité met en danger la jouissance effective des droits de l'homme et des libertés fondamentales de l'ensemble de la communauté. (Dérogation aux articles 9 et 21.)

Abrogation de l'état de siège à partir du 27 juin 1989 sur tout le territoire national.

Par décret no 1678/2001 du 19 décembre 2001, proclamation de l'état de siège sur toute l'étendue du territoire du pays pendant 30 jours.

Par décret no 1689/2001du 21 décembre 2001, levée de l'état de siège imposé par le décret no 1678/2001.

Par décret nos 16, 18 et 20/2001du 21 décembre 2001, declaration d'un état de siege sur le territoire des provinces de Buenos Aires, Entre Rios et San Juan, pendant 10 jours.

Levée, à partir du 31 décembre 2001, de l'état de siège qui avait été déclaré dans les provinces de Buenos Aires, Entre Rios et San Juan.

Communication concernant l'état de siège proclamé par décret No. 1678/2002 et la levée de l'état de siège par décret n º 1689/2002; et l'état de siège proclamé par décrets n os 16/ 2002, 18/2001 et 20/2001 et la levé de l'état de siège. *[Pour le texte de la communication, voir notification dépositaire C.N.179.2002.TREATIES-3 du 27 février 2002.]*

ARMÉNIE

..., en raison du décret du 1er mars 2008 du Président de la République d'Arménie portant déclaration de l'état d'urgence conformément au paragraphe 14 de l'article 55 et au paragraphe 6 de l'article 117 de la Constitution de la République d'Arménie et conformément au paragraphe 3 de l'article 4 du Pacte, s'est prévalue du droit de dérogation et du droit de limitation à l'application des dispositions ci-après du Pacte : paragraphe 1 de l'article 12; paragraphe 1 de l'article 17; paragraphes 1 et 2 de l'article 19; article 21; paragraphe 1 de l'article 22.

Le décret ci-dessus impose l'état d'urgence à la ville de Erevan pour une durée de vingt (20) jours pour prévenir la menace qui pèse sur l'ordre constitutionnel en République d'Arménie et protéger les droits et les intérêts juridiques de la population, suite aux désordres de masse qui ont eu lieu à Erevan le 1er mars 2008 et qui ont causé des pertes en vies humaines, des blessures corporelles et d'importants dommages matériels.

Amendement au décret NH-35-N du 1er mars 2008

Faisant fond sur le point 14 de l'article 55 et le point 6 de l'article 117 de la Constitution de la République d'Arménie, je décrète :

1. Que les points 6 et 7 du paragraphe 4 du décret NH-35-N du Président de la République d'Arménie portant sur la déclaration de l'état d'urgence le 1er mars 2008 sont nuls et non avenus.

2. Que le présent décret entre en vigueur dès le moment où il est annoncé.

Le Président de la République d'Arménie
R. KOCHARIAN

AZERBAÏDJAN

Proclamation de l'état d'urgence pour une période de 60 jours à partir du 3 avril 1993 à 6 heures du matin jusqu'au 3 juin 1993 à 6 heures du matin sur tout le territoire de la République azerbaïdjannaise. Le Gouvernement azerbaïdjanais a indiqué que ces mesures avaient été prises après la recrudescence des attaques menées par les forces armées arméniennes menaçant le système étatique azerbaïdjanais lui-même. (Dérogation aux articles 9, 12, 19, 21 et 22 du Pacte.)

Prorogation de l'état d'urgence pour une période de 60 jours à compter du 2 août 1993.

Levée de l'état de siège proclamé le 2 avril 1993 à partir du 22 septembre 1993.

Proclamation de l'état d'urgence à Bakou, à compter du 4 octobre 1994 à 20 heures, pour une durée de 60 jours par décret du Président de la République, en date du 4 octobre 1994, en raison du fait qu'en septembre 1994, des groupes terroristes ont assassiné deux personnalités politiques éminentes, acte auquel a fait suite une série d'actes terroristes commis dans les quartiers les plus peuplés de la ville, causant des victimes parmi la population. Ces actes qui visaient à déstabiliser la situation politique et sociale du pays ont été les signes avant-coureurs de la tentative directe de renversement par les armes du régime constitutionnel de la République azerbaïdjanaise et des dirigeants démocratiquement élus du pays.

Le Gouvernement azerbaïdjanais a précisé que les articles du Pacte auxquels il a été dérogé sont les suivants : articles 9, 12, 19, 21 et 22.

Déclaration de l'état d'urgence dans la ville de Gandja à compter du 11octobre 1994 à 24 heures, pour une durée de 60 jours, par décret du Président de la République azerbaïdjanaise du 10 octobre 1994 étant donné que le 4 octobre 1994, des groupes criminels qui tentaient un coup d'État à Gandja se sont emparés d'édifices publics et ont commis des actes de violence à l'encontre de la population civile. Cette opération s'inscrivait dans une série d'actes de terrorisme visant à déstabiliser par la violence la situation à Bakou. Un certain nombre des criminels qui ont pris part au soulèvement poursuivent leurs atteintes à l'état de droit en Azerbaïdjan et cherchent à troubler l'ordre public dans la ville de Gandja.

Il a été spécifié qu'il a été dérogé aux articles 9, 12, 19, 21 et 22 du Pacte.

Prorogation de l'état d'urgence à Bakou, à compter du 4 décembre 1994, à 20 heures, au vu de l'élimination incomplète des causes qui ont constitué la base pour son instauration.

Prorogation de l'état d'urgence dans la ville de Gandja pour une durée de 60 jours à compter du 11 décembre

1994 à 24 heures, au vu de l'élimination incomplète de causes qui ont constitué la base pour son instauration.

Première notification :

Par décret du Président de la République azerbaïdjanaise, en date du 2 février 1995, prolongation de l'état d'urgence à Bakou, à compter du 2 février 1995 à 23 heures pour une période de 60 jours.

Deuxième notification :

Par décret du Président de la République azerbaïdjanaise en date du 2 février 1995, prolongation de l'état d'urgence dans la ville de Gandja, a compter du 9 février 1995à minuit, pour une période de 60 jours.

La prolongation de l'état d'urgence dans les villes de Bakou et Gandja a été déclarée considérant, comme le Gouvernement azerbaïdjanais a indiqué, qu'il est nécessaire d'assurer l'ordre public, de protéger les droits et les libertés des citoyens et de rétablir l'ordre et le respect de la loi et attendu que les raisons ayant motivé l'instauration de l'état d'urgence dans les territoires des villes de Bakou et de Gandja en octobre 1994 n'ont pas entièrement disparu.

Il est rappelé que les dispositions auxquelles il a été dérogé sont les articles 9, 12, 19, 21 et 22 du Pacte.

Prolongation de l'état d'urgence à Bakou pour une période de 60 jours, par décret du Président de la République azerbaïdjanaise en date du 2 avril 1995 à compter du 3 avril 1995 à 20 heures. La prolongation de l'état d'urgence dans la ville de Bakou a été déclarée étant donné, comme le Gouvernement azerbaïdjanais a indiqué, qu'une tentative de coup d'État a eu lieu du 13 au 17 mars 1995 dans la ville de Bakou et que, malgré les mesures, qui ont été prises pour réprimer la rébellion, les éléments criminels poursuivent leurs agissements à l'encontre de la volonté du peuple, en cherchant à troubler l'ordre public. Le Gouvernement azerbaïdjanais a confirmé que cette prolongation a été décidée afin de défendre le régime constitutionnel du pays, de maintenir l'ordre public dans la ville de Bakou, de protéger les droits et libertés des citoyens, ainsi que de rétablir l'ordre et le respect de la loi.

Abrogation de l'état d'urgence dans la ville de Gyanja déclaré le 11 octobre 1994 à compter du 11 avril 1995, par décret du Milli Mejlis (Parlement) de la République azerbaïdjanaise en date du 11 avril 1995.

BAHREÏN

... Sa Majesté le roi Hamad bin Issa Al Khalifa, roi du Royaume de Bahreïn, a émis un décret royal 39 pour l'année 2011, levant l'état de sécurité nationale, prenant effet le 01 juin 2011.

Par décret royal no 18 de 2011, le Royaume du Bahreïn a promulgué un état de sécurité nationale le 15 mars 2011, pour une durée de trois mois afin de conjurer la menace qui pesait sur la sécurité, l'éconoomie et la société bahreïnies ainsi que sur la population. Comme l'y autorise l'article 4 du Pacte le Bahreïn a décidé d'exercer son droit de déroger aux articles 9, 12, 13, 17, 21 et 22 du Pacte.

...en vertu du décret royal no 39 de 2011, l'état de sécurité nationale, proclamé en vertu du décret royal no 18 de 2011, a été levé à compter du 1er juin 2011 et qu'en conséquence, les dérogations au Pacte dont il est fait mention ont été annulées à la même date.

BOLIVIE (ÉTAT PLURINATIONAL DE)

... en application du décret suprême no 29705 en date du 12 septembre 2008, le Gouvernement de l'État plurinational de Bolivie a déclaré l'état de siège sur toute l'étendue du département de Pando en raison des crimes contre l'humanité qui se sont traduits par la mort de civils, l'occupation violente d'édifices publics et privés, la destruction de biens de l'État, la dégradation et le blocage des routes et des troubles à l'ordre public, entraînant insécurité et instabilité civile et causant de grandes perturbations dans le département de Pando en vertu des dispositions de l'article 111 de sa Constitution politique.

... en application du décret suprême no 29809 en date du 22 novembre 2008, le Gouvernement de l'État plurinational de Bolivie a suspendu l'État de siège déclaré précédemment en application du décret suprême no 29705 en date du 12 septembre 2008.

BURKINA FASO

Le Secrétaire général a reçu du Gouvernement du Burkina Faso une notification, en date du 17 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence, par décret N° 2018-1200/PRES du 31 décembre 2018, dans quatorze (14) provinces du pays à compter du 1^{er} janvier 2019 et la prorogation de celle-ci pour une période de six (06) mois, à compter du 13 janvier au 12 juillet 2019, en application de la loi n° 00l-2019/AN du 11 janvier 2019.

(Voir C.N.148.2019.TREATIES-IV.4 du 29 avril 2019 pour le texte de la notification.)

CHILI

[Le Chili], depuis le 11 mars dernier, est sous le régime de l'état de siège: l'état de siège a été proclamé légalement par le décret-loi no 1369.

Cette mesure, qui a été prise conformément aux dispositions constitutionnelles relatives à l'état de siège en vigueur depuis 1925, a été dictée aux autorités gouvernementales par le devoir impérieux de préserver l'ordre public et par le fait qu'il subsiste encore au Chili des groupes séditieux extrémistes qui cherchent à renverser le gouvernement. Du fait de la proclamation de l'état de siège, les droits énoncés dans les articles 9, 12, 13, 19 et à l'alinéa b de l'article 25 du Pacte relatif aux droits civils et politiques ont été soumis à des restrictions au Chili.

Par décret no 1.037, le Gouvernement chilien a déclaré l'état de siège sur l'ensemble du territoire national du 8 septembre jusqu'au 6 décembre 1986 et tant que les circonstances le justifieront. La notification spécifie qu'en effet le Chili a fait l'objet d'une agression territoriale d'une très grande ampleur, que les attentats ont fait de nombreuses victimes tant civiles que militaires, que des arsenaux impressionnants ont été découverts entre les mains de terroristes et que pour la première fois dans l'histoire du Chili un attentat a été commis contre le Président de la République.

La notification précise que les dispositions du Pacte auxquels il est dérogé concernent les articles 9, 12, 13 et 19.

Levé de l'état de siège dans la onzième région, douzième région (sauf pour la commune de Punta Arenas), dans la province de Chiloé de la dixième région et dans la province de Parinacota de la première région.

Levé de l'état de siège à partir du 11 novembre 1986 dans les provinces de Cardenal Caro dans la sixième région, d'Arauco dans la huitième région et de Palena dans la dixième région.

Levé de l'état de siège sur tout le territoire chilien avec effet au 6 janvier 1987.

L'état de siège et l'état de risque d'atteinte à la sécurité intérieure ont été levés au Chili à dater du 27 courant, [...] ce qui marque la fin de tout état d'exception dans le pays, dont la situation juridique est parfaitement normale.

En raison du séisme qui a secoué le Chili le 27 février 2010, le Gouvernement chilien a proclamé l'état d'urgence pour cause de catastrophe d'une durée de 30 jours dans les régions de Maule et de Bío Bío, par les Décrets 152 et 153 en date du 28 février 2010, respectivement. En outre, par Décret no 173, le Gouvernement chilien a proclamé l'état d'urgence pour cause de catastrophe dans la région d'El Libertador Bernardo O'Higgins. Par conséquent, le Président de la République peut restreindre les droits fondamentaux. Les droits dont l'exercice peut être restreint sont les libertés de mouvement et de réunion. Il est possible de réquisitionner des biens et de restreindre le

droit de propriété conformément à l'article 43 de la Constitution.

COLOMBIE

Le Gouvernement colombien a déclaré, par décret no 2131 de 1976, que l'ordre public ayant été perturbé, tout le territoire national se trouvait en état de siège, et que par conséquent, en application de la Constitution nationale, il était apparu nécessaire, devant les graves événements qui avaient bouleversé la paix publique, d'adopter des mesures extraordinaires dans le cadre du régime juridique prévu par elle pour de telles situations (article 121 de la Constitution).

Les événements qui ont troublé la paix publique et qui ont conduit le Président de la République à prendre cette décision sont largement connus. En vertu de l'état de siège (article 121 de la Constitution nationale), le gouvernement est habilité à suspendre, pour la durée de l'état de siège, les dispositions qui sont incompatibles avec le maintien et la restauration de l'ordre public.

À plusieurs occasions, le Président de la République a informé le pays de son désir de mettre fin à l'état de siège lorsque les circonstances le permettraient.

Il y a lieu de noter que l'état de siège en Colombie n'a pas modifié l'ordre institutionnel et que le Congrès et tous les grands corps de l'État fonctionnent normalement. Les libertés publiques ont été pleinement respectées lors des élections les plus récentes, celles du Président de la République et celles des membres des corps élus.

Par décret no 1674 en date du 9 juin 1982, l'état de siège en Colombie a été levé le 20 juin de cette année.

Par décret no 615 du 14 mars 1984, le Gouvernement colombien a déclaré l'existence de troubles à l'ordre public et a proclamé l'état de siège dans les départements de Caquet, Huila, Meta et Cauca du fait d'activités dans ces départements de groupes armés qui cherchaient à détruire le système constitutionnel par des perturbations répérées de l'ordre publique.

Suite au décret no 615, les décrets nos 666, 667, 668 et 670 ont été promulgués le 21 mars 1984; ces décrets prévoient la restriction des certaines libertés et l'adoption d'autres mesures visant à rétablir l'ordre public. *(Pour les dispositions auxquelles il est dérogé, voir in fine la notification ci-après sous la date du 8 juin 1984.)*

Le Gouvernement colombien a proclamé, par décret no 1038 du 1er mai 1984, l'état de siège sur le territoire de la République de Colombie à la suite de l'assassinat en avril du Ministre de la justice et des troubles récents l'ordre public survenus dans les villes de Bogotá, Cali, Barranquilla, Medellén, Acevedo (Département de Huila), Corinto (Département de Cauca), Sucre et Jordon Bajo (Département de Santander), Giraldo (Département d'Antioquia) et Miraflores (Commissariat du Guaviare).

Suite au décret no 1038 susmentionné, le Gouvernement avait adopté les décrets nos 1039 et 1040 du 1er mai 1984 et le décret no 1042 du 2 mai 1984, restreignant certaines libertés et instaurant d'autres mesures pour rétablir l'ordre public. Le Gouvernement colombien, par une communication ultérieure du 23 novembre 1984, a précisé que les décrets ont affecté les droits prévus aux articles 12 et 21 du Pacte.

Suspension des dérogations à l'article 21.

Abrogation, à compter du 7 juillet 1991, de l'état de siège et des mesures dérogeant au Pacte adoptées les 1eret 2 mai 1984 et qui étaient en vigueur sur l'ensemble du territoire national.

Par décret législatif no 1155 du 10 juillet 1992 qui devait rester en vigueur jusqu'au 16 juillet 1992, le Gouvernement colombien a déclaré l'état d'urgence sur toute l'étendue du territoire national. L'état en empêchant les cartels responsables des atteintes les plus graves commises contre l'ordre public, d'échapper au contrôle de la justice. Le risque imminent de voir se produire une avalanche de libérations conditionnelles, "nombre des demandes émanant de personnes impliquées dans des procès pour terrorisme en tout genre ... sans parler des demandes présentées par des personnes impliquées dans des affaires de trafic de stupéfiants", libérations qui auraient pu se produire en vertu de dispositions d'un code de procédure pénale récemment promulgué "au mépris des dispositions toujours en vigueur de la réglementation spéciale", était en train de "perturber l'ordre public".

Les dispositions du Pacte auxquelles il est dérogé sont les articles 12, 17, 21 et 22.

Par décret législatif no 1793 du 8 novembre 1992 qui devait rester en vigueur jusqu'au 6 février 1993, le Gouvernement colombien a déclaré l'état d'urgence sur toute l'étendue du territoire national pour une durée de 90 jours. L'état d'urgence a été déclaré car "au cours des dernière semaines l'état de l'ordre public dans le pays ... s'est aggravé considérablement par suite des menées terroristes des organisations de *guérillos* et du crime organisé. ... Ces mêmes groupes criminels sont parvenus à faire obstacle et à se soustraire au cours de la justice, celle-ci se trouvant dans l'impossibilité de faire appel à l'armée en tant qu'organe de police judiciaire pour recueillir les preuves requises."

Les dispositions du Pacte auxquelles il a été dérogé sont les articles 12, 17, 21 et 22.

Prorogation de l'état d'urgence en vertu du décret no 261 du 5 février 1993 pour une période de 90 jours jusqu'au 7 mai 1993. La prorogation a été rendue nécessaire du fait de la poursuite des troubles intérieurs décrits ci-dessus. Les dispositions du Pacte auxquelles il continue d'être dérogé sont les articles 12, 17, 21 et 22.

Déclaration de l'état d'urgence en vertu du décret législatif no 874 du 1er mai 1994 sur toute l'étendue du territoire national jusqu'au 10 mai 1994 pour les raisons suivantes :

Le nombre des enquêtes ouvertes par le Bureau du Procureur général de la République a sensiblement augmenté depuis le mois de novembre 1993.

Il est nécessaire de prendre des mesures pour faire en sorte que nul ne puisse faire entrave à l'action du Bureau du Procureur général de la République dans le sens de la conclusion des enquêtes en cours en invoquant à tort des moyens comme ceux-ci : en faisant obstacle à la conclusion d'un accord ou en demandant que soient différées certaines formalités, etc.

L'inaptitude à qualifier, dans un nombre important de cas, l'infraction dans les délais prescrits, en raison des circonstances antérieures à sa commission constitue une situation exceptionnelle découlant de la transition institutionnelle et légale qui est à l'origine de l'insécurité sociale, de l'agitation publique, de la méfiance à l'égard de l'administration de la justice et de la multiplication des associations de malfaiteurs et organisations de guérillas vouées de la remise en cause de l'ordre public et à la déstabilisation des institutions de l'État.

Cela étant, il est nécessaire d'adopter des mesures pour veiller à ce que des difficultés ne remettent en cause la stabilité des institutions, la sécurité de l'État et la vie en commun des citoyens ni n'entravent l'instauration d'un ordre juste.

D'où la nécessité de déclarer l'état d'urgence judiciaire, et par suite d'adopter les mesures transitoires en matière administratives et de procédure pénale.

Suspension de l'état d'agitation interne et maintien en vigueur des dispositions relatives à l'état d'urgence judiciaire.

En application du décret no 874 du 1er mai 1994 et en vertu des pouvoirs à lui conférés par l'article 213 de la Constitution, le Gouvernement a pris le décret No 875 du 1er mai 1994 "portant déclaration de l'état d'urgence judiciaire et adoption de mesures en matière de procédure pénale". Par la suite, il a décidé de suspendre, pour une période de deux mois, certaines dispositions du code de procédure pénale relatives à la liberté provisoire. En vertu du décret No 951 du 10 mai 1994, il a adopté des mesures visant à renforcer l'action de la justice. Le Gouvernement colombien a précisé que la disposition à laquelle il a été dérogé est le troisième paragraphe de l'article 9 du Pacte.

Proclamation de l'état de siège sur l'ensemble du territoire national. Cette mesure a été adoptée aux termes du décret No. 1900 du 2 novembre 1995, pour une durée de 90 (quatre-vingt-dix) jours à compter de la date de promulgation dudit décret.

La proclamation de l'état de siège s'est avérée nécessaire à la suite du fait que différentes régions du pays ont été le théâtre d'actes de violence attribués à des organisations criminelles et terroristes qui ont gravement troublé l'ordre public.

Première notification :

Par décret No 1901 du 2 novembre 1995 limitation ou restreinte des droits ou des libertés fondamentales énoncés dans ledit Pacte.

Seconde notification :

Par décret No 205 du 29 janvier 1996, prorogation de l'état de siège pour une durée de 90 jours, à compter du 31 janvier 1996.

Le Gouvernement colombien a précisé que les dispositions auxquelles il a été dérogé sont les articles 17 et 9, respectivement, du Pacte.

En vertu du troisième paragraphe du décret no 0717 du 18 avril 1996, la garantie prévue par l'article 12 du Pacte a été limité.

Cette mesure a été adoptée en rapport avec le décret no 1900 du 2 novembre 1995 par lequel l'état de siège a été déclaré sur l'ensemble du territoire national (voir notification du 7 novembre 1995 ci-dessus).

Première notification :

Prorogation de l'état de siège (instauré par décret no 1900 du 2 novembre 1995) pour une période de 90 jours, à partir du 30 avril 1996 par décret no 777 du 29 avril 1996.

Deuxième notification :

Par décret no 900 du 22 mai 1996, des mesures ont été adoptées contre les agresseurs des organisations criminelles et terroristes dans les zones spéciales d'ordre publique. Les dispositions du Pacte auxquelles il est dérogé sont les articles 9 (1) and 12.

Abrogation de l'état de siège (instauré par décret no 1900 du 2 novembre 1995) et prorogation de certaines dispositions institués en vertu des décrets no 1901 du 2 novembre 1995, no 208 du 29 janvier 1996 et no 777 du 29 avril 1996.

Transmission du texte du Décret no 1837 en date du 11 août 2002, portant proclamation de l'état de troubles intérieurs sur l'ensemble du territoire national, et le texte du Décret no 1838 du 11 août 2002 portant creation d'un impôt extraordinaire destiné a financer les dépenses qui seront inscrites au budget ordinaire au titre de la préservation de la sécurité et de la démocratie.

Transmittion du texte du Décret No 2555 du 8 novembre 2002, portant prorogation de l'état de siège proclamé en vertu du décret No 1837 du 11 août 2002 pour une période de quatre-vingt-dix (90) jours à compter du 9 novembre 2002.

Transmission du décret 245 du 5 février 2003, concernant la seconde prorogation de la proclamation de l'état de siège décrétée le 5 février 2003 dans tout le territoire national.

..., par décret n° 3929 daté du 9 octobre 2008, le gouvernement a déclaré l'état de commotion intérieure sur l'ensemble du territoire national pour une durée de quatre-vingt-dix (90) jours.

... conformément aux principes énoncés à l'article 16 de la loi 137 de 1994 et en conformité avec le paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, pour vous informer de la promulgation du décret 2799 de 2010 ("Décret portant modification partielle des décrets 2693 et 2694 de 2010")...

Ce décret institue à titre temporaire une catégorie spéciale de biens exonérés de l'impôt sur les ventes afin de venir en aide à la population touchée par les circonstances qui ont motivé la proclamation de l'état d'urgence sociale...

EL SALVADOR

Prorogation de 30 jours de la suspension des garanties constitutionnelles en vertu du décret législatif 329 du 28 octobre 1983. Les garanties constitutionnelles ont été suspendues conformément à l'article 175 de la Constitution politique. Dans une notification complémentaire en date du 23 janvier 1984 reçue le 24 janvier 1984, le Gouvernement de El Salvador a précisé ce qui suit:

1) Les dispositions du Pacte auxquelles il a été dérogé sont les articles 12 et 19, et l'article 17 (en ce qui concerne l'inviolabilité de la correspondance);

2) La suspension des garanties constitutionnelles a été initialement effectuée par décret no 155 en date du 6 mars 1980, reconduite à diverses reprises sur une période de 24 mois au total. Le décret no 155 a été modifié par décret no 999 du 24 février 1982, qui est venu à expiration le 24 mars 1982. Par décret no 1089 en date du 20 avril 1982, le Conseil révolutionnaire de gouvernement a suspendu à nouveau les garanties constitutionnelles. Par décret législatif no 7 du 20 mai 1982, l'Assemblée constituante à prorogé la suspension pour une période additionnelle de 30 jours. Ledit décret législatif no 7 a lui-même été plusieurs fois prorogé, ce jusqu'à l'adoption du décret no 29 en date du 28 octobre 1983 (susmentionné), qui a pris effet le même jour.

3) Les raisons qui ont motivé l'adoption du décret de suspension initial (No 155 du 6 mars 1980) ont également motivé l'adoption des décrets ultérieurs.

Par décret législatif no 28 du 27 janvier 1984, le Gouvernement salvadorien a introduit une modification qui stipule que les partis politiques sont autorisés à mener une campagne électorale. Ledit décret a été prorogé pour des périodes successives de 30 jours jusqu'à la proclamation du décret no 97 du 17 mai 1984, qui abroge la modification susmentionnée autorisant les partis politiques à faire campagne.

Les dispositions du Pacte auxquelles il a été dérogé sont les articles 12, 19, 17 (en ce qui concerne l'inviolabilité de la correspondance) et 21 et 22. Pour ce dernier, la suspension porte sur le droit d'association en général mais n'affecte pas le droit d'association professionnelle (droit de constituer des syndicats).

[...] Le Gouvernement salvadorien a successivement prorogé l'état de siège par les décrets législatifs suivants :

Décrets no 127, du 21 juin 1984; no 146, du 19 juillet 1984; no 175, du 24 août 1984; no 210, du 18 septembre 1984; no 234, du 21 octobre 1984; no 261, du 20 novembre 1984; no 277, du 14 décembre 1984; no 322, du 18 janvier 1985; no 335, du 21 février 1985; no 351, du 14 mars 1985; no 386, du 18 avril 1985; no 10, du 21 mai 1985; no 38, du 13 juin 1985 et en dernier lieu le décret no 96, du 11 juillet 1985 prorogeant l'état de siège pour une période additionnelle de 30 jours à partir de la date de sa publication.

Les dispositions du Pacte qui sont ainsi suspendues ont trait aux articles 12, 17 (en ce qui concerne l'inviolabilité de la correspondance) et 19, paragraphe 2.

La notification spécifie que les raisons qui ont motivé la suspension des garanties constitutionnelles demeurent les mêmes qu'à l'origine : permettre de maintenir un climat de paix et de tranquillité auquel il a été porté atteinte par des actes qui visaient à créer un état de trouble et de malaise social néfaste à l'économie et à l'ordre public, actes commis par des personnes qui cherchaient à empêcher les réformes de structure et qui ont ainsi perturbé gravement l'ordre public.

Suspension pour une durée de 30 jours à compter du 12 novembre 1990 de diverses garanties constitutionnelles.

La notification indique que cette mesure est devenue nécessaire compte tenu des actes de terreur et de violence extrême perpétrés par le Frente Farabundo Marté pour s'emparer du pouvoir politique au mépris des

consultations électorales antérieures. (Dérogation aux articles 12, 17, 19, 21 et 22 du Pacte.)

ÉQUATEUR

Prorogation de l'état d'urgence du 20 au 25 octobre 1982 en vertu du décret présidentiel no 1252 du 20 octobre 1982 avec dérogation à l'article 12, paragraphe 1 du fait de troubles graves ayant suivi la suppression de certaines subventions.

Fin de l'état d'urgence par décret présidentiel no 1274 du 27 octobre 1982.

Dérogation aux articles 9, paragraphes 1 et 2; 12, paragraphes 1, 2 et 3; 17; 19, paragraphe 2, et 21 du Pacte dans les provinces de Napo et Esmeraldas en vertu du décret exécutif no 2511 du 16 mars 1984, du fait de destructions et d'actes de sabotage dans ces régions.

Fin de l'état d'urgence par décret présidentiel no 2537 du 27 mars 1984.

L'état d'urgence a été proclamé dans les provinces de Pichincha et de Manabi en raison d'actes de subversion et de soulèvement armé perpétrés par un officier général en situation de disponibilité, avec l'appui de groupes extrémistes, avec dérogation aux articles 12, 21 et 22 du Pacte étant entendu qu'aucun Équatorien ne peut néanmoins être expulsé du pays ni être assigné à résidence hors des capitales de provinces ni dans une autre région que celle où il habite.

Levée de l'état d'urgence à partir du 17 mars 1986.

Proclamation de l'état d'urgence national sur l'ensemble du territoire national, à partir du 28 octobre 1987. La notification indique que cette mesure a due être prise à la suite d'incitations à une grève générale illégale qui provoquera des actes de vandalisme, des atteintes aux biens et aux personnes et mettra en danger la paix du pays et l'exercice des droits civiques des équatoriens. (Dérogations aux articles 9 (1) et (2); 12 (1) et (2); 19 (2); et 21 du Pacte)

Levée de l'état d'urgence à partir du 29 octobre 1987, à zéro heures.

Proclamation de l'état d'urgence sur l'ensemble du territoire national, à partir du 31 mai 1988, à 21 heures. (Dérogation aux articles 9 (1) et (2); 12 (1) et (2); 19 (2) et 21).

La notification indique que cette mesure constitue le recours juridique nécessaire face à l'arrêt de travail de 24 heures décidée par le Front unitaire des travailleurs, qui est susceptible de donner lieu à des actes de vandalisme, à des attentats contre les personnes et à des attaques contre les biens publics ou privés.

Proclamation de l'état d'urgence dans la province de Guayas indiquant que le motif à l'origine de ces mesures est la grave perturbation intérieure provoquée par une vague massive de délinquance dans la province de Guayas.

Par la suite, le Gouvernement équatorien a précisé que les dispositions auxquelles il a été dérogé sont les premiers paragraphes des articles 12 et 17 du Pacte.

Par décret no 681 du 9 mars 1999 du Président de la République, déclaration de l'état d'urgence nationale a été déclaré et l'ensemble du territoire de la Rép[ublique a été réputé zone de sécurité, à partir du 9 mars 1999.

Décret no 717 du 18 mars 1999 du Président de la République par lequel l'état d'urgence nationale, déclaré par décret No. 681 du 9 mars 1999, a été levé à partir du 18 mars 1999.

Décret no 1041 du 5 juillet 1999 par le Président de la République établissant l'état d'urgence en Équateur en ce qui concerne le réseau des transports publics et privés sur toute l'étendue du territoire au cours du mois de juillet 1999;

Décret no 1070 du 13 juillet 1999 par le Président de la République (suite de l'abrogation du Décret no 1041 par le Congrès national le 13 juillet 1999) déclarant l'état d'urgence et l'instituant sur tout le territoire national érigé en zone de sécurité; et

Décret no 1088 du 17 juillet 1999 par le Président de la République, mettant fin à l'état d'urgence et révoquant le Décret no 1070.

Par la suite, le Gouvernement équatorien a spécifié que les dispositions auxquelles il a été dérogé sont les articles 17 (1), 12 (1), 21 et 22 du Pacte.

Établissement de l'état d'urgence par Décret no 1557 du 30 novembre 1999 par le Président de la République dans la province de Guayas indiquant que cette mesure est justifiée par les graves troubles internes qui ont provoqué une énorme vague de délinquance qui continue d'affecter ladite province. Le Décret indique que depuis la levée de l'état d'urgence décrété dans la province du Guayas en janvier 1999 *(voir la notification du 14 janvier 1999)* l'augmentation de la délinquance a rendu nécessaire la réimposition de mesures extraordinaires... il est indispensable de prévenir les graves conséquences des activités délictueuses dans la province du Guayas, afin qu'il ne soit pas fait obstacle au déroulement normal des activités civiles.

Par la suite, le 28 janvier 1999, le Gouvernement équatorien a précisé que les dispositions auxquelles il a été dérogé sont les premeirs paragraphes des articles12 et 17 du Pacte.

Le 5 janvier 2000, par décret exécutif, le Président a instauré l'état d'urgence nationale en vertu de laquelle la totalité du territoire de la République est réputée zone de sécurité. Cette mesure était provoquée par les graves troubles internes résultant de la crise économique que le pays traverse.

Le Gouvernement équatorien a précisé que les dispositions auxquelles il a été dérogé sont les premiers paragraphes des articles 12 et 17, article 21 et le premier paragraphe de l'article 22.

Le 21 février 2001, le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 16 février 2001, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte du décret exécutif no 1214 du Président de la République en date du 2 février 2001, par lequel l'état d'urgence nationale a été déclaré et l'ensemble du territoire de la République a été réputé zone de sécurité, à partir du 2 février 2001. Ledit décret stipule que cette mesure a été prise en vue de combattre les conséquences néfastes de la crise économique qui frappe l'Équateur créant un climat de grave instabilité interne.

Le Gouvernement équatorien a précisé que les dispositions auxquelles il a été dérogé sont les articles 12, 17 et 21 du Pacte.

Le 21 février 2001, le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 16 février 2001, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte du décret exécutif no 1228 du Président de la République en date du 9 février 2001, par lequel l'état d'urgence nationale, déclarépar décret exécutif no 1214 du 2 février 2001, a été levé à partir du 9 février 2001.

Monsieur le Secrétaire général,

En application de l'article 4 du Pacteinternational relatif aux droits civils et politiques, auquel l'Équateur est partie, et au nom du Gouvernement équatorien, j'ai l'honneur de vous notifier les déclarations de l'état d'urgence nationales proclamées durant l'année en cours, et de leur levée, par Gustavo Noboa Bejarano, Président de la République, suivant les dispositions des articles 180 et 181 de la Constitution équatorienne en vigueur. Les déclarations sont les suivantes :

Décret exécutif No 2404 du 26 février 2002 (Journal officiel No 525) : déclaration de l'état d'urgence dans les provinces de Sucumbios et Orellana, Cette mesure résulte de la situation grave créée par les problèmes liés au conflit colombien à la frontière.

Décret exécutif No 2421 du 4 mars 2002 : déclaration de la levée de l'état d'urgence dans les provinces de Sucumbios et Orellana et, en conséquence, révocation du décret exécutif No 2404 du 26 février 2002.

Décret exécutif No 2492 du 22 mars 2001 : déclaration de l'état d'urgence dans les provinces d'Esmeraldas, Guayas Los Ríos, Manabí et El Oro. Cette mesure résulte de la forte tempête qui a touché le littoral équatorien. L'état d'urgence a été levé le 22 mai conformément à la norme légale visée à l'alinéa 2 de l'article 182 de la Constitution de l'Équateur, qui dispose que « le décret par lequel est déclaré l'état d'urgence restera en vigueur pendant une durée maximale de soixante jours ».

Décret exécutif No 2625 du 7 mai 2002 (Journal officiel No 575 du 14 mai 2002) : déclaration de l'état d'urgence nationale pour les transports terrestres (cet état d'urgence n'a pas été levé mais sera maintenu jusqu'au 7 juillet sauf décision du Président de le lever plus tôt).

Je saisis cette occasion pour vous renouveler, Monsieur le Secrétaire général, les assurances de ma très haute considération.

Le 18 août 2005, le Secrétaire général a reçu du Gouvernement équatorien une notification, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, notifiant la déclaration de l'état d'urgence dans les provinces de Sucumbios et d'Orellana, décrétée par le Président de la République le 17 août 2005, conformément aux dispositions des articles 180 et 181 de la Constitution équatorienne en vigueur.

Le Gouvernement équatorien a spécifié que cette mesure était justifiée par les graves troubles internes provoqués dans ces provinces par une vague de criminalité signalée précédemment. L'état d'urgence a été proclamé par le décret no 426 du 17 août 2005. De plus, les dispositions du Pacte auxquelles il a été dérogé n'avaient pas été précisées.

Le 22 août 2005, le Secrétaire général a reçu du Gouvernement équatorien des notifications, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, notifiant la déclaration de l'état d'urgence dans le canton de Chone (province de Manabi), déclaré par le Président constitutionnel de la République le 19 août 2005, conformément aux dispositions des articles 180 et 181 de la Constitution équatorienne en vigueur.

Le Gouvernement équatorien a spécifié que cette mesure est motivée par les graves troubles internes qui ont provoqué une vague de délits et de pillages dans le canton de Chone. L'état d'urgence a été proclamé par le décret no 430 du 19 août 2005. De plus, le Gouvernement équatorien a spécifié que les droits visés aux paragraphes 9, 12, 13, 14 et 19 de l'article 23 de la Constitution politique de la République sont suspendus tant que l'état d'urgence reste en vigueur.

Notification de l'état d'urgence proclamé dans diverses provinces équatoriennes, le 21 mars, par le décret présidentiel no 1269 et de la suspension de l'état d'urgence proclamée le 7 avril 2006 par le décret présidentiel no 1329.

Le Secrétaire général a reçu du Gouvernement équatorien une notification, en date du 3 juin 2016, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les provinces d'Esmeraldas, de Manabí, de Santa Elena, de Santo Domingo de los Tsáchílas, de Los Ríos et de Guayas pour une période de 60 jours à compter du 17 avril 2016 par le décret exécutif n°1001.

(Voir C.N.455.2016.TREATIES-IV.4 du 11 janvier 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 11 juillet 2016 (et par la suite une notification en date du 5 décembre 2016), faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les provinces d'Esmeraldas, de Manabí, de Santa Elena, de Santo Domingo de los Tsáchílas, de Los Ríos et de Guayas pour une période de 30 jours à compter du 16 juin 2016 par le décret exécutif n°1101.

(Voir C.N.981.2016.TREATIES-IV.4 du 11 janvier 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 25 juillet 2016 (et par la suite une notification en date du 26 août 2016), faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les provinces d'Esmeraldas et de Manabí pour une période de 60 jours à compter du 15 juillet 2016 par le décret exécutif n°1116.

(Voir C.N.982.2016.TREATIES-IV.4 du 16 janvier 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification, en date du 5 décembre 2016, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les provinces d'Esmeraldas et de Manabí pour une période de 60 jours à compter du 14 octobre 2016 par le décret exécutif n°1215.

(Voir C.N.983.2016.TREATIES-IV.4 du 16 janvier 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 17 janvier 2017 et par la suite une notification en date du 3 février 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans la province Morona Santiago pour une période de trente jours, à compter du 12 janvier 2017, par le décret exécutif n°1294.

(Voir C.N.63.2017.TREATIES-IV.4 du 2 mars 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 21 décembre 2016 et par la suite une notification en date du 3 février 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans la province Morona Santiago pour une période de trente jours, à compter du 14 décembre 2016, par le décret exécutif n°1276.

(Voir C.N.988.2016.TREATIES-IV.4 du 2 mars 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 20 janvier 2017 et par la suite une notification en date du 15 mars 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les provinces de Manabí et d'Esmeraldas pour une période de soixante jours, à compter du 12 janvier 2017, par le décret exécutif n°1295.

(Voir C.N.163.2017.TREATIES-IV.4 du 31 mars 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 19 août 2015 et par la suite une notification en date du 1er juin 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence sur l'ensemble du territoire national pour une durée devant permettre la mise en oeuvre des mesures rendues nécessaires par l'éruption du volcan Cotopaxi mais ne pouvant pas dépasser soixante jours, à compter du 15 août 2015, par le décret exécutif n°755.

(Voir C.N.315.2017.TREATIES-IV.4 du 15 juin 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 15 mars 2017 et par la suite une notification en date du 1er juin 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les provinces de Manabí et d'Esmeraldas pour une période de trente jours, à compter du 13 mars 2017, par le décret exécutif n°1338.

(Voir C.N.310.2017.TREATIES-IV.4 du 13 juin 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 2 May 2017 et par la suite une notification en date du 1er juin 2017, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les provinces de Manabí et d'Esmeraldas pour une période de soixante jours, à compter du 13 avril 2017, par le décret exécutif n° 1364.

(Voir C.N.313.2017.TREATIES-IV.4 du 13 juin 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement équatorien une notification en date du 29 décembre 2017 et par la suite une notification en date du 3 janvier 2018, faites en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la declaration de l'état d'exception dans le canton de Zaruma (province d'El Oro) pour une période de soixante jours, à compter du 15 septembre, par le décret exécutif n°158.

(Voir C.N.1.2018.TREATIES-IV.4 du 3 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 7 février 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation de l'état d'urgence dans les cantons de San Lorenzo et Eloy Alfaro, dans la province d'Esmeraldas, par décret exécutif n° 296 du 27 janvier 2018 pour une période de 60 jours.

(Voir C.N.74.2018.TREATIES-IV-4 du 13 février 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 3 avril 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation de l'état d'urgence dans les cantons de San Lorenzo et Eloy Alfaro, dans la province d'Esmeraldas, par décret exécutif n° 349 du 29 mars 2018 pour une période de 30 jours.

(Voir C.N.200.2018.TREATIES-IV-4 du 6 avril 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 30 avril 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation de l'état d'urgence dans les cantons de San Lorenzo, particulièrement dans les localités de Mataje, El Pan et La Cadena, et Eloy Alfaro de la province d'Esmeraldas par décret exécutif n° 381 du 27 avril 2018 pour une durée de 60 jours.

(Voir C.N.224.2018.TREATIES-IV-4 du 30 avril 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 16 juillet 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation de l'état d'urgence d'urgence dans la paroisse de La Merced de Buenos Aires (canton d'Urcuquí, province d'Imbabura) par décret exécutif n° 812 du 1er juillet 2019 pour une durée de 60 jours.

(Voir C.N.315.2019.TREATIES-IV-4 of 19 July 2019 for the text of the notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 18 juillet 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la prorogation d'un état d'urgence d'urgence dans le système national de réinsertion sociale par décret exécutif n° 823 du 15 juillet 2019 pour une durée de 30 jours.

(Voir C.N.404.2019.TREATIES-IV-4 du 30 août 2019 for the texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 26 juillet 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation de l'état d'urgence d'urgence dans le système national de réinsertion sociale par décret exécutif n° 741 du 16 mai 2019 pour une durée de 60 jours.

(Voir C.N.403.2019.TREATIES-IV-4 of 30 août 2019 for the text of the notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 8 octobre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence sur l'ensemble du territoire national « en raison des graves perturbations internes provoquées actuellement par des blocages en divers endroits du pays, lesquels ont entraîné des troubles à l'ordre public, entravant la circulation et donnant lieu à des actes de violence manifeste menaçant la sécurité et l'intégrité des personnes, ainsi que par le risque de radicalisation du mouvement sur l'ensemble du territoire national, alors que les différents groupes poursuivent leur mouvement de protestation, pour une durée indéterminée, dans le cadre de rassemblements citoyens. Une telle situation exige une intervention d'urgence visant à protéger la sécurité et les droits de tous les individus ».

L'état d'urgence est déclaré pour une durée de soixante jours, à compter de la date de signature du décret exécutif n° 884 du 3 octobre 2019. Les droits consacrés dans le Pacte international relatif aux droits civils et politiques dont l'exercice a été suspendu par le décret exécutif n° 884 sont les suivants : article 12, paragraphes 1 et 3 (liberté de circulation), article 21 (liberté de réunion) et article 22, paragraphes 1 et 2 (liberté d'association).

Par la suite, le 8 octobre 2019, la Mission Permanente de l'Équateur a notifié le Secrétariat de l'Organisation, dans sa note verbale No. 4-2-182/2019, qu'[à] cet égard et pour compléter la note verbale susmentionnée, [elle] a l'honneur de faire tenir l'avis sur la constitutionnalité du décret exécutif n° 884 de la Cour constitutionnelle de l'Équateur, qui a reconnu sa conformité àla constitution et aux lois et règlements internes de l'Équateur. L'avis a également établi que « l'état d'urgence serait déclaré uniquement pour une durée de trente jours ».

(Voir C.N.517.2019.TREATIES-IV.4 du 16 octobre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de l'Équateur une notification en date du 10 octobre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le décret exécutif no 888, daté du 8 octobre 2019, par lequel le Président de la République a, notamment, décrété que le siège du Gouvernement serait transféré dans la ville de Guayaquil jusqu'à ce que l'état d'urgence décidé par la Cour constitutionnelle soit levé. Ledit décret établit en outre que la liberté de transit et de déplacement est restreinte comme suit : il sera interdit de circuler entre 20 heures et 5 heures, du lundi au dimanche, aux abords de bâtiments et d'installations stratégiques tels que les édifices abritant le siège des institutions de l'État et d'autres lieux définis par le Chef de l'état-major interarmées, pendant toute la durée de l'état d'urgence et selon les besoins définis par le Ministère de l'intérieur et la Police nationale pour maintenir l'ordre public interne, étant entendu qu'il sera possible, s'il y a lieu, d'obtenir des laissez-passer ou autres documents analogues.

(Voir C.N.523.2019.TREATIES-IV.4 du 16 octobre 2019 pour le texte de la notification.)

FÉDÉRATION DE RUSSIE

[À la suite] des affrontements nationalistes [qui] ont eu lieu en Union soviétique, sur le territoire de la région autonome de Nagorny-Karabakh et dans la province

d'Agdam, dans la RSS d'Azerbaïdjan, des atteintes à l'ordre public - dans plusieurs cas des armes ont été utilisées - [ayant] malheureusement fait des blessés et causé des dégâts aux biens de l'État et des particuliers[et] des attaques [ayant] été dirigées contre plusieurs établissements d'État, le 21 septembre 1988, l'état d'urgence a été imposé temporairement dans la région autonome de Nagorny-Karabakh et dans la province d'Agdam, dans la RSS d'Azerbaïdjan et le couvre feu est en vigueur. L'état d'urgence a été imposé pour rétablir l'ordre public, pour protéger les droits personnels et réels des citoyens et pour assurer le strict respect de la loi, conformément aux pouvoirs conférés par le Présidium du Soviet suprême de l'URSS.

Pendant l'état d'urgence, les manifestations, meetings, rassemblements et grèves sont interdits. Entre 21 heures et 6 heures, les mouvements des citoyens et des moyens de transport sont limités. Ces restrictions représentent une dérogation partielle aux dispositions des articles 12 et 21 du Pacte international relatif aux droits civils et politiques. Des unités de la milice et des forces armées prennent des mesures pour assurer la sécurité des citoyens et maintenir l'ordre public. Les autorités locales et centrales s'emploient à normaliser la situation; on s'efforce d'éclaircir la situation afin de prévenir les actes criminels et les incitations à la haine nationale.

Conformément aux obligations internationales contractées par l'URSS en vertu du Pacte international relatif aux droits civils et politiques, [des informations seront ultérieurement fournies en ce qui concerne] la date de la levée de l'état d'urgence après le retour à la normale. L'Union soviétique continuera à se conformer rigoureusement aux obligations internationales qu'elle a assumées en vertu du Pacte international relatif aux droits civils et politiques.

Proclamation de l'état d'urgence, à partir de 11 heures, heure locale, le 15 janvier 1990, sur le territoire de la région autonome du Nagorno-Karabakh, des régions limitrophes de la RSS d'Azerbaïdjan, de la région de Gorissa en RSS d'Arménie et dans la zone s'étendant le long de la frontière entre l'URSS et le territoire de la RSS d'Azerbaïdjan. L'état d'urgence a été proclamé pour faire échec aux provocations de groupes extrémistes qui fomentent des désordres et attisent l'hostilité entre nationalités, n'hésitant pas à miner les routes, à ouvrir le feu dans des zones habitées et à prendre des otages. L'état d'urgence entraîne dérogation aux articles 9, 12, 19, 21 et 22 du Pacte.

Proclamation de l'état d'urgence, avec effet au 20 janvier 1990, dans la ville de Bakou, à la lumière de graves désordres fomentés par des éléments extrémistes criminels pour tenter de renverser les organes légaux de gouvernement, et compte tenu de la nécessité de garantir la protection et la sécurité des citoyens. L'état d'urgence entraîne dérogation aux articles 9, 12, 14, 21 et 22 du Pacte.

Proclamation de l'état d'urgence à partir du 12 février 1990 à Douchanbe (République socialiste soviétique du Tadjikistan) à la suite de troubles graves del'ordre public, d'incendies volontaires et d'exactions diverses qui constituent une menace pour les habitants. L'état d'urgence entraîne dérogation aux articles 9, 12 et 21 du Pacte.

Établissement de l'état d'urgence à partir de 14 heures le 2 novembre 1992 jusqu'au 2 décembreNord et de la République des Ingouches, où se déroulent troubles massifs, conflits inter-ethniques et violences - commises notamment au moyen d'armes et de matériel militaire - entraînant des pertes en vies humaines dans la population, eu égard également à la menace que cela constitue pour la sécurité et l'intégrité territoriale de la Fédération de Russie. Les dispositions du Pacte auxquelles il a été dérogé sont les articles 9, 12, 19, 21 et 22.

Proclamation de l'état d'urgence du 31 mars 1993 à 14 heures jusqu'au 31 mai 1993 à 14 heures dans une partie du district du Prigorodny et les localités voisines de la RSS d'Ossétie du Nord et dans une partie du district de Nazran de la République des Ingouches en raison de la détérioration continue de la situation dans le territoire de la RSS d'Ossétie du Nord et de la République des Ingouches des troubles sociaux et des conflits entre les nationalités, s'accompagnant d'actes de violence commis à l'aide d'armes et de matériel militaire.

Les dispositions du Pacte auxquels il a été dérogé sont les articles 9, 12, 19, 21 et 22.

Proclamation de l'état d'urgence par décret no 1149 en date des 27 et 30 juillet 1993, à compter du 31 juillet 1993 à 1400 heures jusqu'au 30 septembre 1993 à 14 heures dans les territoires du district de Mozdok, du district de Prigorodny et des localités adjacentes, en RSS d'Ossétie du Nord, et des districts de Malgobek et Nazran, en République d'Ingouche en raison de la détérioration de la situation en certaines parties de ces territoires.

Les dispositions du Pacte auxquelles il a été dérogé sont les articles 12(1), 13, 17(1), 19(2), 21 et 22.

Proclamation de l'état d'urgence à partir du 3 octobre 1993 à 16 heures jusqu'au 10 octobre 199forts déployés par les forces extrémistes pour provoquer la violence collective et en raison des attaques organisées lancées contre les représentants de l'autorité et les forces de l'ordre. Dérogation aux articles 12(1), 13, 19 paragraphe 2 et 22 du Pacte.

Prorogation de l'état d'urgence dans la ville de Moscou en vertu du décret no 1615 en date du 9 octobre 1993 jusqu'au 18 octobre 1993 à 5 heures en raison de la nécessité de poursuivre la normalisation de la situation dans la ville de Moscou, de renforcer l'ordre public et de garantir la sécurité des habitants après l'attentat du coup d'état armé du 3 au 4 octobre 1993.

Levée de l'état d'urgence instauré à Moscou en vertu du décret du 3 octobre 1993 et prolongé en vertu du décret du 9 octobre 1993, à compter du 18 octobre 1993 à 5 heures.

Proclamation de l'état d'urgence en vertu d'un décret du Président de la Fédération de Russie en date du 29 septembre 1993 à partir du 30 septembre 1993 à 14 heures jusqu'au 30 novembre 1993 à 14 heures dans les districts de Mozdok et de Prigorodny et les localités adjacentes de la RSS d'Ossétie du Nord ainsi que dans le district de Malgobek et de Nazran de la République ingouche. Le Gouvernement de la Fédération de Russie a précisé que la mesure avait été prise en raison de la détérioration de la situation dans plusieurs districts de la République socialiste soviétique d'Ossétie du Nord et de la République ingouche, due à la non-application des accords précédemment conclus par les deux parties et des décisions prises par l'Administration provisoire pour régler le conflit, et à la multiplication des actes de terrorisme et de violence. (Dérogation aux articles 12, paragraphe 1, 13, 19, paragraphe 2, et 22 du Pacte.)

Prolongation de l'état d'urgence jusqu'au 31 janvier 1994 à 14 heures par décret du Président de la Fédération de Russie, en raison de l'aggravation dans un certain nombre de districts de la République d'Ossétie du Nord et de la République ingouche.

Vu l'aggravation de la situation et de la multiplication des actes de terrorisme et des troubles massifs de caractère nationaliste avec emploi d'armes à feu, le Président a décrété le 29 mai 1993, l'état d'urgence dans les territoires du district de Mozdok, du district de Prigorodny et des localités de la RSS d'Ossétie du Nord avoisinantes, ainsi que des districts de Malgobek et de Nazran de la République d'Ingouchie, à compter du 31 mai 1993 (14 heures) jusqu'au 31 juillet 1993 (14 heures).

Le Gouvernement de la Fédération de Russie a précisé que les dispositions auxquelles il a été dérogé sont les articles 9, 12, 19, 21 et 22 du Pacte.

En raison de la tension qui persiste dans une série de districts de la Républiqued'Ossétie du Nord et de la République d'Ingouchie, d'actes incessants de violence et de terrorisme, en particulier à l'égard de la population civile, ainsi que du problème des réfugiés encore non

réglé, le Président a proclamé par le décret No 657, le 4 avril 1994, l'état d'urgence dans les territoires des districts de Mozdok, Pravoberezhny et Prigorodny et de la ville de Vladikavkaz (République d'Ossétie du Nord), ainsi que dans ceux des districts de Malgobek et de Nazran (République d'Ingouchie), à compter du 31 mars 1994 (14 heures) jusqu'au 31 mai 1994 (14 heures).

Le Gouvernement de la Fédération de Russie a précisé que les dispositions auxquelles il a été dérogé sont les articles 12 (1) et (2), 19 (2), 21 et 22 (1) et (2) du Pacte.

Proclamation de l'état d'urgence par décret no 836, le 27 avril 1994, dans une partie du territoire de la République d'Ossétie du Nord à compter du 27 avril 1994 (14 heures), jusqu'au 31 mai 1994 (14 heures). Ledit décret maintient en vigueur les dispositions des paragraphes 3 à 8 du décret no 657 du Président de la Fédération de Russie en date du 4 avril 1994, sur le territoire du district de Prigorodny (localités d'Oktiabrskoe, de Kambilevskoe et de Sounja) et de la ville de Vladikavkaz (ville de garnison "Spoutnik"), de la République d'Ossétie du Nord. (À cet égard, référence est faite à la notification reçue le 25 avril 1994, en date du 22 avril 1994.)

Le Gouvernement de la Fédération de Russie a précisé que les dispositions auxquelles il a été dérogé sont les articles 12 (1) et (2), 19 (2), 21 et 22 (1) et (2) du Pacte.

Levée à partir du 31 mai 1994, en vertu du décret No. 1112 du 30 mai 1994, de l'état d'urgence sur une partie des territoires de la République d'Ossétie du Nord et de la République d'Ingouchie instauré par le Président de la République par décret No. 657 du 4 avril 1994 et 836 du 27 avril 1994. (À cet égard, référence est faite aux notifications reçues les 25 avril et 23 mai 1994, en date du 22 avril et 20 mai 1994, respectivement).

Déclaration de l'état d'urgence à compter du 31 mai 1994 à 14 heures jusqu'au 31 juillet 1994 à 14 heures, dans les territoires suivants : districts de Mozdok, de Pravoberezhny, de Prigorodny, la ville de Vladikavkaz (République d'Ossétie du Nord), de Malgobek, de Nzran, de Sounjen et de Djeïrakhsky (République d'Ingouchie) par décret No. 1112 du 30 mai 1994, compte tenu de la persistance des tensions dans ces districts et de la nécessité d'assurer le retour à leur lieu de résidence habituel des réfugiés et des personnes déplacées et d'appliquer la série de mesures visant à régler les suites du conflit armée.

Dérogation aux dispositions des articles 12 (paragraphes 1 et 2), 19 (paragraphe 2), 21 et 22.

Levée à partir du 31 juillet 1994, de l'état d'urgence sur une partie des territoires de la République d'Ossétie du Nord et de la République d'Ingouchie instauré le 30 mai 1994 (À cet égard, référence est faite à la notification reçue le 21 juin 1994), et déclaration de l'état d'urgence à compter du 31 juillet 1994 à 14 heures jusqu'au 30 septembre 1994 à 14 heures dans les territoires suivants : districts de Mozdok, de Pravoberezhny, de Prigorodny, et ville de Vladikavkaz (République d'Ossétie du Nord) et districts de Malgobek, de Nazran, de Sounjen et de Djeïrakh (République d'Ingouchie) compte tenu de la persistance des tensions et de la nécessité du retour dans leur lieu de résidence permanente des réfugiés et des personnes déplacées contre leur gré, ainsi que de la nécessité d'effacer les conséquences du conflit armé.

Dérogation aux dispositions des articles 12 (paragraphes 1 et 2, 19 (paragraphe 2), 21 et 22 (paragraphes 1 et 2) du Pacte.

Levée de l'état d'urgence instauré par le décret 1541 du 25 juillet 1994 et rétablissement de l'état d'urgence à compter du 3 octobre 1994 à 14 heures jusqu'au 2 décembre 1994 à 14 heures dans les territoires des districts de Mozdok, Pravoberezhny et Prigorodny et de la ville de Vladikavkaz (République d'Ossétie du Nord), ainsi que dans ceux des districts de Malgobek, de Nazran, de Sounjen et de Djeïrakh (République d'Ingouchie) compte tenu de la persistance des tensions et de la nécessité de faire retourner sur leur lieu de résidence permanente les personnes déplacées et d'appliquer un ensemble de mesures pour éliminer les séquelles du conflit armé, en vue d'assurer la sécurité de l'État de la société.

Dérogation aux dispositions des article 12 (paragraphes 1 et 2, 19 (paragraphe 2), 21 et 22 (paragraphes 1 et 2) du Pacte.

Proclamation de l'état d'urgence par décret no 2145 du 2 décembre 1994 à partir du 3 décembre 1994 à 14 heures au 31 janvier 1995 à 14 heures dans les territoires des districts de Mozdok, Pravoberejny et Prigorodny et de la ville de Vladikavkaz (République d'Ossétie du Nord), ainsi que dans ceux des districts de Malgobek, Nazran, Sounja et Djeïrakh (République d'Ingouchie) pour les mêmes raisons que celles données dans la notification du 21 octobre 1994.

Dérogation aux dispositions des articles 12, 19 (2), 21 et 22 (1) et (2).

FRANCE

Le 15 novembre 2005, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant, en date du 15 novembre 2005, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant un état d'urgence avait été proclamé dans le décret en date du 8 novembre 2005.

Le 12 janvier 2006, le Secrétaire général a reçu du Gouvernement français une notification déclarant l'abrogation de l'état d'urgence proclamé dans le décret en date du 8 novembre 2005, avec effet au 4 janvier 2006.

Le 25 novembre 2015, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant, en date du 23 novembre 2015, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant que l'état d'urgence avait été proclamé dans le décret no 2015-1475 du 14 novembre 2015:

« New York, le 23 novembre 2015

TS/sec

N° 2015-1116221

Monsieur le Secrétaire général,

Des attentats terroristes de grande ampleur ont eu lieu en région parisienne le 13 novembre 2015.

Compte tenu des indications des services de renseignement ainsi que du contexte international, la menace terroriste en France revêt un caractère durable.

Le Gouvernement français a décidé, par le décret n° 2015-1475 du 14 novembre 2015, de faire application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence.

Les décrets n° 2015-1475, n° 2015-1476 et n° 2015-1478 du 14 novembre 2015 et n° 2015-1493 et n° 2015-1494 du 18 novembre 2015 ont défini plusieurs mesures pouvant être prises par l'autorité administrative.

La prorogation de l'état d'urgence pour trois mois, à compter du 26 novembre 2015, a été autorisée par la loi n° 2015-1501 du 20 novembre 2015. Cette loi modifie par ailleurs certaines des mesures prévues par la loi du 3 avril 1955 afin d'adapter son contenu au contexte actuel.

Le texte des décrets et des lois susmentionnés est joint à la présente lettre.

De telles mesures sont apparues nécessaires pour empêcher la perpétration de nouveaux attentats terroristes.

Certaines d'entre elles, prévues par les décrets du 14 novembre 2015 et 18 novembre 2015 ainsi que par la loi du 20 novembre 2015, sont susceptibles d'impliquer une dérogation aux obligations résultant du Pacte international relatifaux droits civils et politiques, notamment de ses articles 9, 12 et 17. C'est pourquoi je vous prie de bien vouloir considérer que la présente lettre constitue une information au titre de l'article 4 du Pacte.

Je vous prie, Monsieur le Secrétaire général, d'agréer l'assurance de ma très haute considération.

(Signé) François Delattre"

(Voir C.N.703.2015.TREATIES-IV.4 du 31 décembre 2015 pour le texte de la notification susmentionnée.)

Le 26 février 2016, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant, en date du 25 février 2016, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant que l'état d'urgence a été prorogé par la loi n° 2016-162 du 19 février 2016.

(Voir C.N.538.2016.TREATIES-IV.4 du 29 juillet 2016 pour le texte de la notification susmentionnée.)

Le 22 juillet 2016, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant, en date du 22 juillet 2016, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant que l'état d'urgence a été prorogé par la loi n° 2016-987 du 21 juillet 2016.

(Voir C.N.565.2016.TREATIES-IV.4 du 1er août 2016 pour le texte de la notification.)

Le 21 décembre 2016, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant permanent, en date du 21 décembre 2016, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant que l'état d'urgence a été prorogé par la loi n° 2016-1767 du 19 décembre 2016.

(Voir C.N.984.2016.TREATIES-IV.4 du 9 janvier 2017 pour le texte de la notification.)

Le 14 juillet 2016, le Secrétaire général a reçu du Gouvernement français une notification, signée par le Représentant permanent, en date du 12 juillet 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, déclarant que l'état d'urgence a été prorogé par la loi n° 2017-1154 du 11 juillet 2017.

(Voir C.N.408.2017.TREATIES-IV.4 du 21 juillet 2017 pour le texte de la notification.)

Le 20 juillet 2018, le Secrétaire général a reçu du Gouvernement français une notification, en date du 20 juillet 2018, signée par le Représentant permanent, en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la fin de l'état d'urgence établi par la loi n° 2015-1475 du 14 novembre 2015.

(Voir C.N.337.2018.TREATIES-IV.4 du 20 juillet 2018 pour le texte de la notification.)

GÉORGIE

Monsieur le Secrétaire général,

Conformément à l'article 4 du Pacte international relatif aux droits civils et politiques et à l'article 15 de la loi sur l'état d'urgence, j'ai l'honneur de vous faire savoir que, le 26 février 2006, le Président de la Géorgie a pris le décret no 173 intitulé " État d'urgence dans le district de Khelvachauri ", qui a été approuvé par le Parlement géorgien le 28 février 2006.

L'objet de ce décret est d'empêcher le virus H5N1 (de la grippe aviaire), dont la présence vient d'être détectée dans ce district, de se propager dans toute la Géorgie. Les restrictions imposées par le décret respectent pleinement les dispositions des paragraphes 2 et 3 de l'article 21 (restrictions concernant les droits patrimoniaux), le paragraphe 3 de l'article 22 (restrictions concernant la liberté de circulation) et l'article 46 (restrictions concernant les droits et libertés constitutionnels) de la Constitution géorgienne, ainsi que les dispositions pertinentes de la loi sur l'état d'urgence.

(Signé) Gela Bezhuashvili

(En date du 23 mars 2006)

En vertu de l'article 4 du Pacte relatif aux droits civils et politiques et l'article 15 de la loi sur l'état d'urgence de la Géorgie, j'ai l'honneur de vous informer que le 15 mars 2006, le Président de la Géorgie a pris le Décret No 199 "État d'urgence dans le district de Khelvachauri", qui a été approuvé par le Parlement géorgien le 16 mars 2006. Selon le Décret susmentionné, le Décret Présidentiel No 173 du 26 février 2006 intitulé "État d'urgence dans le district de Khelvachauri" a été proclamé nul et non avenu.

[En attente de traduction].

GUATEMALA

(En date du 13 novembre 1998)

Par décret No. 1098 du 31 octobre 1998, déclaration de l'état de catastrophe publique sur l'ensemble du territoire national pour une période de trente (30) jours, pour remédier la situation d'urgence causée par le cyclone Mitch et atténuer ses effets.

(En date du 26 juillet 2001)

Par décret gouvernementale no 2-2001, prorogation de l'état d'urgence établi par décret gouvernementale no 1-2001, pour une période de trente (30) jours le sur toute l'étendue du territoire national.

Le décret gouvernemental no 1-2001 n'a pas été fourni au Secrétaire général. De plus, les disposition du Pacte auxquelles il a été dérogé n'avaient pas été précisées.

(En date du 2 août 2001)

Par décret gouvernementale no 3-2001, établissement de l'état d'urgence pour une période de trente (30) jours avec effet immédiat, dans le Département de Totonicapán.

(En date du 6 août 2001)

Par décret gouvernementale no 4-2001, fin de l'état d'urgence, avec effet immédiat, proclamé par décret gouvernementale no 3-200.

Le 14 octobre 2005, le Secrétaire général a reçu du Gouvernement du Guatemala une notification, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, notifiant des mesures dérogeant aux obligations qu'il a contractées en vertu dudit pacte.

La décision a reçu l'approbation du Congrès de la République, qui, a, le 6 octobre dernier, adopté le décret législatif 70-2005 instituant l'état d'urgence dans les zones touchées pour une période de 30 jours, cette décision a pris effet le 10 octobre. 2005.

Le Gouvernement guatémaltèque a spécifié que si le droit de ne pas être inquiété pour ses opinions ou pour des actes ne constutuant pas une infraction à la loi est maintenu, l'application des dispositions relatives à la liberté de de circulation et à la liberté d'action a été suspendue. De plus, les dispositions du Pacte auxquelles il a été dérogé n'avaient pas été précisées.

Le 5 septembre 2006, le Secrétaire général a reçu du Gouvernement guatémaltèque, une notification faite en vertu de l'alinéa 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, declarant l'état d'urgence dans les municipalités de Concepción Tutuapa, Ixchiguán, San Miguel Ixtahuacán, Tajumulco et Tejutla, dans le département de San Marcos.

L' État d' urgence a décrété par décret gouvernemental de la République du Guatemala no 1-2006 en date du 28 août 2006.

Le 18 septembre 2006, le Secrétaire général a a reçu du Gouvernement guatémaltèque le décret gouvernemental no 2-2006 du 31 août 2006, qui abroge le paragraphe d) de l'article 4 du décret gouvernemental no 1-2006 susmentionné.

... par les décrets 5-2006 et 6-2006, le Président de la République a déclaré l'état d'urgence sur le territoire de plusieurs municipalités des départements de San Marcos, Huehuetenango et Quezaltenango pour une durée de huit jours à compter de la date de publication desdits décrets, c'est-à-dire le 17 novembre 2006.

(En date du 7 mai 2008)

... en vertu du décret gouvernemental 1-2008 publié le 7 mai 2008, l'état d'urgence a été déclaré sur l'ensemble du territoire du Guatemala.

Le décret gouvernemental 1-2008, qui prend effet immédiatement, est proclamé pour une durée de quinze (15) jours et s'applique à l'ensemble du territoire national. L'exercice desdroits et libertés visés aux articles 9, 19, 21, 22.1 et 22.2 du Pacte international relatif aux droits civils et politiques est en conséquence limité.

Le 12 mai 2008, le Secrétaire général a a reçu du Gouvernement guatémaltèque une lettre du Ministre des

relations extérieures du Guatemala, datée du 8 mai 2008, donnant des informations au sujet de l'état d'urgence décrété au Guatemala en application de l'ordonnance 1-2008.

En application des dispositions du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, le Gouvernement guatémaltèque informe le Secrétariat que l'état de prévention proclamé par le décret no 1-2008 a pris fin le 22 mai 2008, date à laquelle ont été rétablis les garanties et les droits suspendus par ledit décret.

... par décret no 03-2008 le Président de la République a décrété l'état d'urgence dans la municipalité de San Juan Sacatepéquez (Département de Guatemala). L'état d'urgence, d'une durée de 15 jours, est en vigueur depuis le 22 juin dernier.

Le 14 octobre 2008, le gouvernement du Guatemala a notifié le Secrétaire général que par décret no 07-2008 diverses mesures ont été adoptées afin de suspendre certains droits dans la municipalité de Coatepeque dans le département de Quetzaltenango. Le décret est demeuré en vigueur pendant 15 jours à compter du 5 octobre 2008.

(En date du 24 avril 2009)

... par décret gouvernemental no 5-2009, l'état d'urgence pour une durée de 15 jours a été déclaré dans la municipalité de

Huehuetenango du département de Huehuetenango.

le 25 avril 2009, par décret gouvernemental no 6-2009, le PrésidentdelaRépublique du Guatemala a levé l'état d'urgence qu'il avait déclaré, par décret gouvernemental no 5-2009, dans la municipalité de Huehuetenango du département de Huehuetenango.

(En date du 6 mai 2008)

... par décret gouvernemental no 7-2009, l'état de calamité a été déclaré sur tout le territoire national dans le but de prévenir une épidémie de grippe à virus A (H1N1) et d'en limiter les conséquences.

Le décret gouvernemental no 7-2009 établissait l'état de calamité pour une période de trente (30) jours et restreignait les droits et libertés consacrés dans les articles 12, 19 et 21 du Pacte international relatif aux droits civils et politiques.

Ultérieurement, le 12mai dernier, le Président de la République a abrogé, par décret gouvernemental no 8-2009, le décret gouvernemental no 7-2009 du 6 mai 2009.

... par le décret gouvernemental no 14-2009 du 22 décembre 2009, le Président de la République a proclamé l'état d'urgence dans le département de San Marcos. Le décret prenait effet immédiatement pour une durée de 15 jours durant laquelle l'exercice des droits et libertés visés aux articles 9, 12, 19 et 21 du Pacte international relatif aux droits civils et politiques a été limité.

... par les décrets gouvernementaux no 01-2010 du 5 janvier 2010 et 02-2010 du 20 janvier 2010, le Président de la République a prorogé l'état d'urgence déclaré par le décret no 14-2009 dans le département de San Marcos pendant 15 jours chacun.

... par décret gouvernemental no 08-2010 du 18 mars 2010, le Président de la République a prorogé l'état d'urgence dans le département de San Marcos pendant 15 jours.

... par décret gouvernemental no 4-2010 du 4 février 2010, le Président de la République a prorogé l'état d'urgence (décret 14-2009 du 22 décembre 2009) dans le département de San Marcos pendant 15 jours.

... par décret gouvernemental no 6-2010 du 19 février 2010, le Président de la République a prorogé l'état d'urgence (décret 14-2009 du 22 décembre 2009) dans le département de San Marcos pendant 15 jours.

... par décrets gouvernementaux no 09-2010 du 7 avril 2010 et no 11-2010 du 16 avril 2010, le Président de la République a prorogé l'état d'urgence (décret 08-2009 du 18 mars 2010) dans le département de San Marcos pendant 15 jours respectivement.

... par décret gouvernemental no 13-2010 du 17 mai 2010, le Président de la République a proclamé l'état d'urgence dans le département de San Marcos pour une durée de 15 jours durant lesquels l'exercice des droits civils et politiques visés aux articles 9, 12, 19 et 21 du Pacte ont été limités. L'état d'urgence a pris fin 15 jours après sa proclamation.

... par décret gouvernemental no 14-2010, à la suite de l'éruption du volcan Pacaya, le Président de la République a proclamé l'état de catastrophe dans les départements de Escuintla, Sacatepéquez et Guatemala pendant 30 jours durant lesquels l'exercice des droits et libertés fondamentaux visés aux articles 12 et 21 du Pacte on été partiellement limités.

... par décret gouvernemental no 15-2010 du 29 mai 2010, à la suite de castrophe naturelle causée par la tempête tropicale Agatha et des pluies qui ont touché le pays, le Président de la République a proclamé l'état de catastrophe sur le territoire nationale pendant une période de 30 jours. Le 25 juin 2010, par décret gouvernemental no 16-2010, l'état de catastrophe a été prorogé pour une période supplémentaire de 30 jours dans les départements de Escuintla, Sacatepéquez et Guatemala en vue des circonstances qui ont mené à la proclamation des décrets 14-2010 et 15-2010.

Dans chaque cas, des mesures ont été adoptées ayant pour effect de limiter partiellement l'exercice des droits et libertés visés aux articles 12 et 21 du Pacte.

... par décret gouvernemental 17-2010 du 22 juillet 2010, le Président de la République a prorogé l'état de catastrophe proclamé par le décret gouvernemental 14-2010 pour une période supplémentaire de 30 jours.

... par le décret no 6-2010 du 19 février 2010, l'état d'urgence est prorogé dans le département de San Marcos au Guatemala.

Le decret gouvernemental prenait effet immédiatement et pour une durée de quinze (15) jours. Il limite l'exercice des droits et libertés visés aux articles 12, 19 2) et 21 du Pacte international relatif aux droits civils et politiques.

Dans une note reçue le 28 juin 2010, le Gouvernement guatémaltèque a informé le Secrétaire général que l'état d'urgence déclaré par décret gouvernemental 11-2010 du 16 avril 2010 dans le département de San Marcos a été levé 15 jours après avoir été déclaré.

... par décret gouvernemental no 23-2010 du 19 décembre 2010, le Président de la République du Guatemala a déclaré l'état de siège dans le département d'Alta Verapaz, pour une durée de trente jours à compter de la date d'entrée en vigueur dudit décret en réponse à la nécessité de reprendre le contrôle de cette région où le trafic de stupéfiants est particulièrement actif et où se sont produits une série de faits violents. L'État a pris des mesures qui limitent partiellement l'exercice des droits visés aux articles 9, 12 et 21 du Pacte.

... par décret gouvernemental 01-2011, l'état de siège est prorogé car les circonstances qui avaient motivé la publication du décret no 23-2010 persistent.

... par le décret no 4-2011, adopté le 16 mai 2011 en Conseil des ministres, le Président de la République du Guatemala a instauré l'état de siège dans le département du Petén pour une durée de trente jours à compter de la date d'entrée en vigueur dudit décret. Des mesures ont été prises, dérogeant partiellement aux droits énoncés dans les articles 9, 12 et 21 du Pacte international relatif aux droits civils et politiques.

... par décret gouvernmental no 5-2011, l'état d'urgence instauré par le décret 4-2011 est prorogé pour une durée additionnelle de 30 jours. Les dérogations aux droits énoncés aux articles 9, 12 et 21 du Pacte demeurent en vigueur.

... par décret gouvernemental no 6-2011, le président du Guatemala a prorogé de 30 jours additionnels l'état d'urgence déclaré dans le département de Petén par le décret gouvernemental no 4-2011 et prorogé par le décret gouvernemental 5-2011. Les dérogations aux droits énoncés aux articles 9, 12 et 21 demeurent en vigueur.

... par le décret gouvernemental no 7-2011, le Président de la République du Guatemala, en Conseil des Ministres, a instauré l'état d'alerte dans le département de Petén pour une période de 30 jours à partir du 14 août 2011. Il déroge partiellement aux droits et libertés énoncés dans les articles 9, 12 et 21 du Pacte.

Dans une note reçue le 6 septembre 2011, le Gouvernement du Guatemala a informé le Secrétaire général que l''état d'urgence déclaré par le décret gouvernemental 6-2011, du 14 juillet 2011, a été levé le 17 août 2011.

... le Vice-Président de la République du Guatemala, assumant la présidence, a pris en Conseil des ministres le décret exécutif no 9-2011 instaurant pour une durée de trente (30) jours à compter de l'entrée en vigueur dudit décret l'état de calamité publique dans le département de Santa Rosa. Des mesures ont été prises qui limitent partiellement l'exercice des droits visés aux articles 9, 12 et 21 du Pacte international relatif aux droits civils et politiques.

... le 14 août 2011, par le décret no 7-2011, le Président de la République du Guatemala, en Conseil des ministres, a déclaré l'état d'urgence dans le département du Petén, Guatemala, pour une durée de trente jours.

Due à la persistance des conditions qui ont conduit à déclarer l'état d'urgence susmentionné, par décret gouvernemental no 8-2011, adopté le 13 septembre 2011, le Président de la République du Guatemala a de nouveau prorogé l'état d'urgence pour une durée supplémentaire de trente jours dans le département du Petén, Guatemala.

Le 15 octobre 2011, le Président de la République du Guatemala, en Conseil des ministres, a proclamé par décret exécutif 10-2011 l'état d'urgence sur tout le territoire national pendant 30 jours à compter de l'entrée en vigueur du décret. Des mesures ont été adoptées qui limitent l'application des articles 9, 12 et 21 du Pacte international relatif aux droits civils et politiques.

[...] le Président de la République du Guatemala a déclaré l'état de siège dans la municipalité de Santa Cruz Barillas (département de Huehuetenango) par décret gouvernemental no 1-2012 adopté le 1er mai 2012 en Conseil des ministres.

L'état de siège a été déclaré, avec effet immédiat, par décret gouvernemental no 1-2012, pour une durée de 30 jours dans la municipalité de Santa Cruz Barillas (département de Huehuetenango). Ledit décret limitait l'exercice des droits visés aux articles 9, 12 et 21 du Pacte international relatif aux droits civils et politiques ayant trait à la détention légale, à la liberté de circulation et à la liberté de réunion et de manifestation ainsi qu'à l'exercice du droit de port d'armes.

Par la suite, les causes qui avaient motivé la déclaration de l'état de siège ayant disparu, l'état de siège a été levé, par décret gouvernemental no 2-2012 du 18 mai 2012, dans la municipalité de Santa Cruz Barillas (département de Huehuetenango).

Le 7 novembre 2012, le Président de la République du Guatemala a pris en Conseil des ministres le décret no 3-2012 déclarant l'état d'urgence dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos et Huehuetenango. Par la suite, le Président a décidé en Conseil des ministres d'étendre au département de Suchitepéquez l'état d'urgence déclaré par ledit décret.

Les mesures ordonnées resteront en vigueur pendant quinze (15) jours et restreignent l'exercice du droit de libre circulation prévu à l'article 12 du Pacte.

Le 7 novembre 2012, par voie de décret en Conseil des ministres, le Président de la République du Guatemala a proclamé l'état d'urgence dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos et Huehuetenango (décret no 3-2012), puis, dans le département de Suchitepéquez (décret no 4-2012).

Les raisons qui ont motivé l'instauration de l'état d'urgence susvisé n'ayant pas disparu, le Président de la République du Guatemala a décidé, par décret no 5-2012 du 7 décembre 2012, de proroger l'état d'urgence pour une nouvelle durée de 30 jours dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango et Suchitepéquez

... le 7 novembre 2012, par voie de décret en Conseil des ministres, le Président de la République du Guatemala a proclamé l'état d'urgence dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos et Huehuetenango (décret no 3-2012), puis, dans le département de Suchitepéquez (décret no 4-2012).

Par la suite, le 7 décembre 2012, le Président de la République du Guatemala a prorogé l'état d'urgence pour une durée de 30 jours dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango et Suchitepéquez par décret no 5-2012.

Les raisons qui ont motivé l'instauration de l'état d'urgence susvisé n'ayant pas disparu, le Président de la République du Guatemala a décidé, par voie de décret no 1-2013 en date du 7 janvier 2013, de proroger encore l'état d'urgence pour une nouvelle durée de 30 jours dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango et Suchitepéquez ...

... le 7 novembre 2012, le Président de la République du Guatemala a, par décret en Conseil des ministres, déclaré l'état d'urgence dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango et Suchitepéquez (voir décrets exécutifs nos 3-2012, 4-2012, 5-2012 et 1-2013).

Les circonstances ayant présidé à l'instauration de l'état d'urgence n'ayant toujours pas cessé, le Président de la République a décidé, par décret exécutif du 31 janvier 2013 (no 2-2013), de proroger une nouvelle fois de 30 jours l'état d'urgence dans les départements de Retalhuleu, Quetzaltenango, Sololá, Quiché, Totonicapán, San Marcos, Huehuetenango et Suchitepéquez.

... Le 21 septembre 2014, le Président de la République du Guatemala a pris en Conseil des ministres le décret no 6-2014 déclarant l'état de prévention dans la municipalité de San Juan Sacatepéquez (département de Guatemala).

Les mesures ordonnées resteront en vigueur pendant quinze (15) jours et restreignent l'exercice des droits garantis aux articles 12 et 21 du Pacte.

... le 21 septembre 2014, le Président de la République du Guatemala, par décret gouvernemental no 6-2014, pris en Conseil des ministres, a proclamé l'état d'urgence dans la municipalité de San Juan Sacatepéquez (département de Guatemala).

En raison de la persistance des circonstances ayant motivé son instauration, le Président de la République du Guatemala, par décret gouvernemental no 8-2014 du 2 octobre 2014, a prorogé de 15 jours l'état d'urgence déclaré dans la municipalité de San Juan Sacatepéquez (département de Guatemala).

... le 21 septembre 2014, le Président de la République du Guatemala, par décret gouvernemental no 6-2014 pris en Conseil des ministres, a proclamé l'état d'urgence dans la municipalité de San Juan Sacatepéquez (département de Guatemala).

En raison de la persistance des circonstances ayant motivé son instauration, le Président de la République du Guatemala, par les décrets gouvernementaux no 8 2014 et no 9-2014 des 2 et 16 octobre 2014, a ensuite prorogé à deux reprises pour une durée de 15 jours l'état d'urgence proclamé dans la municipalité de San Juan Sacatepéquez (département de Guatemala).

Je vous informe à présent que l'état d'urgence en vigueur dans la municipalité de San Juan Sacatepéquez (département de Guatemala) a été levé par décret gouvernemental no 11-2014 en date du 31 octobre 2014.

... en application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques.

Le 21 juin 2016, par le décret gouvernemental no 2-2016 pris en Conseil des ministres, le Président de la

République du Guatemala, Jimmy Morales, a déclaré l'état de calamité publique dans la municipalité de Jerez (département de Jutiapa) pour une durée de trente (30) jours à compter de l'entrée en vigueur dudit décret à la suite de glissements de terrain provoqués par de fortes précipitations, qui ont endommagé des routes, des habitations, des établissements scolaires, des centres de santé et d'autres infrastructures.

Le 18 juillet 2016, par le décret gouvernemental no 3-2016 pris en Conseil des ministres, le Président de la République a prorogé de trente (30) jours l'état de calamité publique, en raison de la persistance des circonstances ayant motivé l'adoption du décret gouvernemental no 2-2016.

Voir C.N.601.2016.TREATIES-IV.4 du 6 septembre 2016.

Conformément au paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques [...] par le décret no 2 2016 pris en Conseil des ministres le 21 juin 2016, Jimmy Morales Cabrera, Président de la République du Guatemala, a déclaré l'état de calamité publique dans la municipalité de Jerez (département de Jutiapa) pour une durée de trente jours à compter de la date d'entrée en vigueur dudit décret.

L'état de calamité publique a été déclaré à la suite des fortes pluies qui ont provoqué des glissements de terrain dans la municipalité de Jerez (département de Jutiapa) et endommagé les infrastructures routières, résidentielles, scolaires, sanitaires et autres, nuisant ainsi à la prestation des services élémentaires, aux activités de production et au développement humain. La déclaration d'état de calamité publique a pour objectif d'aider à limiter les dégâts, faciliter la remise en état des infrastructures routières et structurelles et permettre la reprise des services élémentaires, et contribuer également à éviter l'aggravation des répercussions et à permettre que, dans les zones où la situation le justifie, les mesures nécessaires soient prises pour éviter ou réduire les conséquences de la catastrophe et, principalement, pour protéger la vie, l'intégrité physique, la sécurité et les biens des populations touchées ou en situation de risque.

À cet égard, des mesures limitant l'application de l'article 12 du Pacte international relatif aux droits civils et politiques, en matière de liberté de circulation, ont été adoptées...

Voir C.N.600.2016.TREATIES-IV.4 du 6 septembre 2016.

... le 19 septembre 2016, par le décret N°5-2016, publié le 20 septembre 2016 au Journal Officiel, le Gouvernement du Guatemala a déclaré l'état d'urgence sur l'ensemble de son territoire national, suite aux pluies fortes et continues qui frappent le pays.

Par la suite, le 21 septembre 2016, le Gouvernement du Guatemala a abrogé le décret exécutif N° 5-2016 par le décret exécutif N° 6-2016, publié le 22 septembre 2016, en raison de la confusion qu'il suscitait au sein de la population quant aux fins de son émission...

... au sujet de la lettre n° J/1/1119 en date du 27 septembre 2016, concernant le décret n° 5-2016 publié le 20 septembre 2016 et le décret n° 6-2016 publié le 22 septembre 2016, par lesquels le Guatemala a déclaré puis abrogé l'état d'urgence dans le pays.

Conformément à l'article 4 du Pacte international relatif aux droits civils et politiques, je vous informe que le Gouvernement du Guatemala a décidé, par le décret exécutif n° 6-2016, de lever les dérogations aux dispositions des articles suivants :

1. Article 12 relatif à la liberté de circulation
2. Article 19 relatif à la liberté d'expression
3. Article 21 relatif au droit de réunion pacifique
4. Article 22 relatif à la liberté d'association...

(Voir C.N.838.2016.TREATIES-IV.4 du 9 novembre 2016.)

... le 22 septembre 2016, par le décret n° 7-2016 publié le 23 septembre 2016 au Journal Officiel, le Gouvernement du Guatemala a déclaré l'état de calamité publique sur son territoire national, pour une durée de trente jours à compter de la date d'entrée en vigueur du décret.

Ledit décret vise à empêcher la population de séjourner dans certaines zones considérées comme dangereuses ou à risque, ou d'y accéder, à prendre toutes les mesures nécessaires pour limiter les dégâts qu'ont causés ou que pourraient causer des pluies fortes et continues, afin d'éviter que la catastrophe ait des conséquences majeures, et à permettre que les opérations nécessaires soient menées dans les zones où la situation le justifie afin d'éviter ou de réduire les effets de la catastrophe, en protégeant la vie, la sécurité et l'intégrité physique de la population guatémaltèque.

... au sujet de la lettre n° J/l/1132 du 30 septembre 2016, concernant le décret n° 7-2016 publié le 23 septembre 2016, par lequel l'état d'urgence a été déclaré au Guatemala.

Conformément à l'article 4 du Pacte international relatif aux droits civils et politiques, je vous informe que le Gouvernement du Guatemala a pris des mesures en application des dispositions de l'article 12 du Pacte...

(Voir C.N.839.2016.TREATIES-IV.4 du 9 novembre 2016.)

J/1/563

New York, le 18 mai 2017

Monsieur le Secrétaire général,

J'ai l'honneur de vous informer que le 10 mai 2017, par le décret gouvernemental, publié le 12 mai 2017, n° 2-2017, le Gouvernement du Guatemala a déclaré l'état d'urgence dans les municipalités d'Ixchiguan et de Tajumulco du Département de San Marcos, pour une durée de 30 jours à compter de la publication du décret au Journal officiel.

L'état d'urgence a été décrété à la suite d'une série d'incidents graves survenus ces derniers jours dans les municipalités susmentionnées, et qui ont menacé l'ordre constitutionnel, la gouvernance et la sécurité de l'État, touchant des personnes et des familles, mettant en danger la vie, la liberté, la sécurité, la paix et le développement intégral des personnes.

Compte tenu de ce qui précède et durant la période d'application du décret, sont suspendus les droits constitutionnels relatifs à la liberté d'action, la détention légale, l'interrogatoire des détenus ou prisonniers, la liberté de circulation, les droits de réunion, de manifestation et de port d'armes, énoncés dans les articles 5, 6, 9, 26, 33 et le deuxième paragraphe de l'article 38 de la Constitution politique de la République du Guatemala, ainsi que les articles 12, 21 et 22 du Pacte international relatif aux droits civils et politiques.

En conséquence, et en application des dispositions du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, je vous prie de bien vouloir, en votre qualité de dépositaire, communiquer aux États parties la présente notification et le décret gouvernemental ci-joint pour les dossiers dépositaires ainsi que pour consultation.

Je saisis cette occasion pour vous renouveler, Monsieur le Secrétaire général, les assurances de sa très haute considération.

Le Représentant permanent adjoint,
Chargé d'affaires par intérim
(Signé) Omar Castañeda Solares

(Voir C.N.290.2017.TREATIES-IV.4 du 24 mai 2017)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 12 juin 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte

susmentionné, concernant la prorogation de l'état d'urgence dans les municipalités d'Ixchiguán et de Tajumulco (Département de San Marcos), pour une durée de trente jours supplémentaires, par le décret gouvernemental n° 3-2017.

(Voir C.N.402.2017.TREATIES-IV.4 du 17 juillet 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 5 septembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration le 4 septembre 2019 d'un état de siege par décret gouvernemental n° 1/2019 dans les circonscriptions suivantes : département d'Izabal, communes de Tactic, Senahú, Tamahú, Tucurú, Panzós, Santa María Cahabón, Santa Catalina la Tinta, Chahal et Fray Bartolomé de las Casas (département de Alta Verapaz), communes de Gualán, Río Hondo, Teculután et Usumatlán (département de Zacapa), communes de San Agustín Acasaguastlán et San Cristóbal Acasaguastlán (département de El Progreso), commune de Purulhá (département de Baja Verapaz) et commune de San Luis (département de El Petén), pour une durée de trente (30) jours.

(Voir C.N.422.2019.TREATIES-IV.4 du 12 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 20 janvier 2020, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration le 16 janvier 2020 d'un état d'urgence par décret gouvernemental n° 1/2020 dans les communes de San Juan Sacatépequez et de Mixco, toutes deux situées dans le département de Guatemala de la République du Guatemala, pour une durée de six (6) jours.

(Voir C.N.37.2020.TREATIES-IV.4 du 24 janvier 2020 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 29 janvier 2020, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration le 24 janvier 2020 d'un état d'urgence par décret gouvernemental n° 2/2020 dans la commune de Villa Nueva, dans le département de Guatemala de la République du Guatemala, pour une durée de six (6) jours.

(Voir C.N.45.2020.TREATIES-IV.4 du 31 janvier 2020 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 7 février 2020, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration le 4 février 2020 d'un état d'urgence par décret gouvernemental n° 3/2020 dans les communes de Chimaltenango, El Tejar et San Andrés Itzapa situées dans le département de Chimaltenango de la République du Guatemala, pour une durée de six (6) jours.

(Voir C.N.65.2020.TREATIES-IV.4 du 19 février 2020 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement guatémaltèque une notification en date du 17 février 2020, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration le 11 février 2020 d'un état d'urgence par décret gouvernemental n° 4/2020 dans les communes de Escuintla, Nueva Concepción, Santa Lucía Cotzumalguapa, Tiquisate, San José et Palín situées dans le département de Escuintla de la République du Guatemala, pour une durée de six (6) jours.

(Voir C.N.66.2020.TREATIES-IV.4 du 19 février 2020 pour le texte de la notification.)

ISRAËL

Depuis sa création, l'État d'Israël a été victime de menaces et d'attaques qui n'ont cessé d'être portées contre son existence même ainsi que contre la vie et les biens de ses citoyens.

Ces actes ont pris la forme de menaces de guerre, d'attaques armées réelles et de campagnes de terrorisme à la suite desquelles des êtres humains ont été tués et blessés.

Étant donné ce qui précède, l'état d'urgence qui a été proclamé en mai 1948 est resté en vigueur depuis lors. Cette situation constitue un danger public exceptionnel au sens du paragraphe 1 de l'article 4 du Pacte.

Le Gouvernement israélien a donc jugé nécessaire, conformément à ce même article 4, de prendre, dans la stricte mesure où la situation l'exige, des mesures visant à assurer la défense de l'État et la protection de la vie et des biens de ses citoyens, y compris l'exercice de pouvoirs d'arrestation et de détention.

Pour autant que l'une quelconque de ces mesures soit incompatible avec l'article 9 du Pacte, Israël déroge ainsi à ses obligations au titre de cette disposition.

JAMAÏQUE

Le 28 septembre 2004, le Secrétaire général a reçu du Gouvernement jamaïcain une notification, en date du 28 septembre 2004, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte d'une Proclamation déclarant un état d'urgence sur l'île. La proclamation demeurera en vigueur pour une période initiale de 30 jours, sauf si le Gouverneur général décide de l'abroger ou si la Chambre des représentants décide de la proroger.

Le Gouvernement jamaïcain a précisé que durant l'état d'urgence, les dispositions auxquelles il pourra y avoir dérogation sont les articles 12, 19, 21 et 22 2) du Pacte.

Dans une note reçue le 22 octobre 2004, le Gouvernement jamaïcain a informé le Secrétaire général que durant l'état d'urgence, les dispositions auxquelles il pourra y avoir dérogation sont les articles 12, 19, 21 et 22 2) du Pacte.

Le 27 octobre 2004, le Secrétaire général a reçu du Governement jamaïcain une notification faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte des paragraphes 4 à 7 de l'article 26 de la Constitution par lequel l'état d'urgence proclamé par le Gouverneur général le 10 septembre a été levé le 8 octobre 2004.

Par ailleurs, le Gouvernement jamaïcain a informé le Secrétaire général que la dérogation éventuelle aux droits garantis par les articles 12, 19, 21 et le paragraphe 2 de l'article 22 du Pacte ne s'applique plus depuis le 8 octobre 2004.

Le 24 août 2007, le Secrétaire général a reçu du Gouvernement jamaïcain une notification, en date du 23 août 2007, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte d'une Proclamation déclarant un état d'urgence sur tout le territoire de l'île. La proclamation demeurera en vigueur pour une période initiale de 30 jours, sauf si le Gouverneur général est invité à l'abroger.

Dans une note reçue le 27 août 2007, le Gouvernement jamaïcain a informé le Secrétaire général que l'état d'urgence proclamé par le Gouverneur le 19 août 2007 a été levé avec effet au vendredi le 24 août 2007.

[...] application de l'article 4 3) du Pacte international relatif aux droits civils et politiques [...], le 23 mai 2010, le Gouverneur général a proclamé l'état d'urgence dans l'île.

L'état d'urgence a été déclaré dans les paroisses de Kingston et Saint-Andrew en raison d'une menace contre la sécurité publique et demeurera en vigueur pour une période de 30 jours, à moins que la Chambre des représentants ne décide de le proroger au-delà de cette période ou de le lever à une date plus rapprochée.

La proclamation publiée par le Gouverneur général est strictement conforme aux dispositions du Pacte

international relatif aux droits civils et politiques et de la Constitution de la Jamaïque. Il pourra y avoir dérogation aux droits garantis par les articles 12, 19 et 21 du Pacte. [...]

Le Gouvernement jamaïcain prie le Secrétaire général, en sa qualité de dépositaire du Pacte international relatif aux droits civils et politiques, d'informer toutes les Parties au Pacte des dispositions auxquelles il pourrait déroger et des raisons de ces éventuelles dérogations.

La Mission permanente de la Jamaïque fait savoir que le Gouvernement jamaïcain informera le Secrétaire général des mesures que prendront les autorités pour mettre fin à l'état d'urgence. [...] .

... La Mission permanente [de la Jamaïque auprès de l'Organisation des Nations Unies] tient à [informer] que, en application d'une décision de la Chambre des représentants de la Jamaïque et conformément aux alinéas 4 à 7 de l'article 26 de la Constitution, le Gouvernment jamaïcain a prorogé l'état d'urgence pour une période de vingt-huit (28) jours supplémentaires à compter du 23 juin 2010 sur le territoire des paroisses de Kingston, Saint Andrew et Sainte Catherine.

Pendant la durée de l'état d'urgence, le Gouvernement peut, comme l'y autorise la loi sur les pouvoirs exceptionnels, déroger aux dispositions des articles 9, 12, 17, 19 et 21 du Pacte. ...

Le Secrétaire général a reçu du Gouvernement de la Jamaïque une notification, faite en vertu du paragraphe 3 de l'article 4 du Pacte, concernant la proclamation d'état d'urgence dans la paroisse de Saint-James pour une période de 14 jours.

(Voir C.N.51.2018.TREATIES-IV-4 du 24 janvier 2018 pour le texte de la notification.)

NAMIBIE

(En date du 5 août 1999)

Proclamation N º 23 du Président de la République instaurant l 'état d'urgence dans la région de Caprivi pour une période initiale de trente (30) jours, indiquant que le motif à l'origine de ces mesures était dicté par les événements dans cette Région causant un danger public qui menaçait l'existence de la nation et l'ordre constituionnel;

Proclamation N º 24 du Président de la République établissant les règlements applicables en cas d'urgence dans la Région de Caprivi.

Dérogation des articles 9 (2) et 9 (3) du Pacte.

(En date du 10 septembre 1999)

Proclamation n º 27 du Président de la République abrogeant le décret d'état d'urgence et les règlements applicables dans la Région de Caprivi promulgués par les proclamations n º 23 du 2 août 1999 et n º 24 du 3 août 1999.

NÉPAL

.....en raison de la situation grave découlant des attaques terroristes lancées par les Maoïstes dans divers districts, qui ont fait plusieurs morts parmi le personnel civil et de sécurité et qui ont été dirigées contre des installations publiques, l'état d'urgence a été proclamé dans tout le Royaume à compter du 26 novembre 2001, en application de l'article 115 de la Constitution du Royaume du Népal (année 2047 du calendrier Bikram Sambat). Par conséquent, Sa Majesté le Roi, sur la recommandation du Conseil des ministres, a suspendu le droit à la liberté d'opinion et d'expression [art. 12.2 a)], le droit à la liberté de réunion pacifique sans arme [art. 12.2 b)] et le droit de libre circulation dans le Royaume [art. 12.2 d)]. Ont aussi été suspendus la liberté de presse et de publication [art. 13.1], le droit de ne pas être mis en détention préventive [art. 15], le droit à l'information [art. 16], le droit à la propriété [art. 17], le droit à la vie privée [art. 22] et le droit à un recours constitutionnel [art. 23]. Toutefois, le droit au recours à l'habeas corpus n'a pas été suspendu.

Le Représentant permanent souhaite aussi informer le Secrétaire général que, en suspendant ces droits et libertés, le Gouvernement de Sa Majesté s'est conformé strictement aux dispositions des paragraphes 1 et 2 de l'article 4 du Pacte. Par conséquent, les droits et libertés visés aux articles 6, 7, 8 1), 11, 15, 16 et 18 du Pacte, qui sont aussi garantis par la Constitution du Royaume du Népal, restent en vigueur.

.....du fait de la dissolution du Parlement, à laquelle il a été procédé conformément aux dispositions pertinentes de la Constitution du Royaume du Népal de 1990, le Gouvernement népalais a décidé d'organiser le 13 novembre 2002 des élections générales libres et équitables. Étant donné la situation actuelle en matière de sécurité, qui résulte du soulèvement maoïste, le gouvernement a par ailleurs prolongé de trois mois la durée de l'état d'urgence. Le Gouvernement est toutefois déterminé à lever cet état d'urgence dès que la situation en matière de sécurité s'améliorera, afin de faciliter le déroulement d'élections générales libres et pacifiques.

.....en dépit de ces mesures, le Gouvernement entend continuer à mettre en oeuvre les programmes de développement et les réformes socioéconomiques.

... Se référant à la note 0076/2002 en date du 22 février 2002 et conformément au paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques (1966), ...[le Gouvernement népalais] a levé l'état d'urgence dans le pays à compter du 20 août 2002.

La Mission permanente du Royaume du Népal auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation et, en application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques (1966), a l'honneur de l'informer que, le 1er février 2005, compte tenu de la crise grave qui menaçait la souveraineté, l'intégrité et la sécurité du Royaume du Népal, Sa Majesté le Roi, conformément à la disposition 1) du paragraphe 1 de l'article 115 de la Constitution népalaise [1990 (2047)], a décrété l'état d'urgence, avec effet immédiat, sur tout le territoire du Royaume.

La situation dans le pays était devenue telle que la survie de la démocratie multipartite et de la souveraineté de la nation était gravement menacée, et le peuple népalais a dû traverser de terribles épreuves du fait de la recrudescence des activités terroristes sur tout le territoire. Les gouvernements constitués au cours des dernières années n'ayant pas cherché avec suffisamment de détermination à engager le dialogue avec les terroristes, Sa Majesté, défenseur de la Constitution et symbole de l'unité nationale, n'a eu d'autre choix que de déclarer l'état d'urgence pour pouvoir exercer son autorité, et pour protéger et préserver la souveraineté de la nation, dans l'esprit de la Constitution népalaise de 1990 et compte tenu du paragraphe 3 de l'article 27 de la Constitution. En outre, en application de la disposition 8 de l'article 115 de la Constitution, le Roi a suspendu l'effet des subdivisions suivantes de la disposition 2 de l'article 12 de la Constitution de 1990 (2047) : a) (liberté de pensée et d'expression), b) (liberté de réunion à des fins pacifiques et sans armes) et c) (liberté de circulation et de résidence dans toute région du Népal), ainsi que des dispositions et articles suivants : disposition 1 de l'article 13 (droit de la presse et de la publication, qui prévoit qu'aucune nouvelle, aucun article ou aucun document n'est soumis à la censure), article 15 (droit de protection contre la détention préventive), article 16 (droit à l'information), article 17 (droit à la propriété), article 22 (droit au respect de la vie privée), et article 23 (droit au recours garanti par la Constitution, à l'exception du droit au recours garanti par l'habeas corpus).

La Mission permanente informe également le Secrétaire général que ces mesures ne sont pas incompatibles avec les autres obligations du Népal au titre du droit international et n'impliquent aucune discrimination fondée exclusivement sur des distinctions

de race, de couleur, de sexe, de langue, de religion ou d'origine sociale.

En outre, la Mission permanente informe le Secrétaire général que les droits non susceptibles de dérogation énoncés dans les articles 6, 7, 8 (par. 1 et 2), 11, 15, 16 et 18 du Pacte international relatif aux droits civils et politiques, qui sont garantis par la Constitution du Royaume du Népal (1990), sont préservés.

À la suite de la proclamation de l'état d'urgence dans tout le Royaume du Népal le 1er février 2005, [le Gouvernement népalais] s'est libéré des obligations imposées par les articles du Pacte international relatif aux droits civils et politiques mentionnés ci-dessous pour toute la durée de l'état d'urgence dans le pays. 1. Dérogation à l'article 19 du Pacte à la suite de la suspension des dispositions de l'alinéa a) du paragraphe 2 de l'article 12, du paragraphe 1 de l'article 13 et de l'article 16 de la Constitution (liberté d'opinion et d'expression, droit de presse et de publication et droit à l'information, respectivement).

2. Dérogation aux articles 12.1 et 12.2 du Pacte à la suite de la suspension des dispositions de l'alinéa d) du paragraphe 2 de l'article 12 de la Constitution (liberté de circuler et de résider dans toute partie du Royaume du Népal). 3. Dérogation à l'article 17 du Pacte à la suite de la suspension de l'article 22 de la Constitution (droit au respect de la vie privée). 4. Dérogation à l'article 2.3 du Pacte à la suite de la suspension de l'article 23 de la Constitution (droit au recours constitutionnel, à l'exception du bref d'habeas corpus).

..... Sa Majesté le Roi, conformément à la clause (11) de l'Article 115 de la Constitution du Royaume du Népal, 1990 (2047), a levé la Déclaration de l'État d'urgence proclamée le 1er février 2005 sur tout le territoire du Royaume de Népal avec effet au 29 avril 2005.

PANAMA

Proclamation de l'état d'urgence sur tout le territoire de la République du Panama. La notification indique que l'état d'urgence a été proclamé du fait que les 9 et 10 juin 1987 ont eu lieu des actes de violence, des affrontements de manifestants avec des unités de forces de défense et des incitations à la violence de la part de particuliers et de groupes politiques et que ces troubles ont fait un certain nombre de blessés et causé d'importants dégâts matériels. La mesure a été adoptée en vue de rétablir l'ordre public et de protéger la vie, la dignité et les biens tant des ressortissants panaméens que des étrangers vivants au Panama.

Les articles du Pacte auxquels il a été dérogé sont les articles 12, paragraphe 1; 17, uniquement pour ce qui a trait à l'inviolabilité de la correspondance; 19 et 21.

Abrogation de l'état d'urgence et rétablissement de toutes garanties constitutionnelles à partir du 30 juin 1987.

PARAGUAY

Par sa note DM/No. 105/2010, le Ministère des affaires étrangères de la République du Paraguay a notifié au Secrétaire général qu'en raison d'actes délictueux de nature à ébranler gravement l'ordre public sur le territoire de la République du Paraguay, faisant peser un danger imminent sur le bon fonctionnement des organes constitutionnels et compromettant la sauvegarde de la vie, de la liberté et des droits des personnes et de leurs biens dans les régions touchées, en vertu de la loi no 3.994/10, l'état d'exception a été décrété dans les départements de Concepción, Sans Pedro, Amambay, Alto Paraguay et Presidente Hayes pendant 30 jours à compter du 24 avril 2010.

PÉROU

[En ce qui concerne les notifications formulées par le Pérou reçues par le Secrétaire général entre le 22 mars 1983 et le 12 décembre 2006, voir note 1 sous "Pérou" dans la partie "Informations de nature historique", qui figure dans les pages préliminaires du présent volume.]

... par décret suprême no 005-2007-PCM publié le 18 janvier 2007, l'état d'urgence a été prorogé de 60 jours à compter du 25 janvier dans les provinces de Huanta et de La Mar du département d'Ayacucho, dans la province de Tayacaja du département de Huancavelica, dans la province de La Convención du département de Cusco, dans la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans le district de Santo Domingo de Acobamba de la province de Huancayo du département de Junín.

Pendant l'état d'urgence, l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion et le droit à la liberté et à la sécurité de sa personne énoncés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 011-2007-PCM paru le 15 février 2007, à jour de son erratum, porte prorogation de soixante jours de l'état d'urgence proclamé dans les provinces de Marañón, Huacaybamba, Leoncio Prado et Huamalíes (département de Huánuco), la province de Tocache (département de San Martín) et la province de Padre Abad (département d'Ucayali). La prorogation précédente avait été annoncée dans la note 7-1-SG/044 du 20 octobre 2006.

Les droits visés aux alinéas 9, 11 et 24 f) de l'article 2 de la Constitution politique du Pérou demeurent suspendus pendant l'état d'urgence.

... par décret suprême no 026-2007-PCM publié le 22 mars 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 26 mars 2007, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans la province de La Convencion du département de Cusco; dans la province de Satipo, dans le district d'Andamarca de la province de Concepcion et dans le district de Santo Domingo de Acobamba de la province de Huancayo dans le département de Junin.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 016-2007-PCM publié le 2 mars 2007, l'état d'urgence a été déclaré pour une durée de 30 jours dans le district de Cocachacra de la province d'Islay dans le département d'Arequipa.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécuritéde la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 030-2007 PCM publié le 31 mars 2007, l'état d'urgence a été prorogé de 30 jours dans le district de Cocachacra de la province d'Islay du département d'Arequipa.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, respectivement, demeurent suspendus.

... par Décret suprême no 039-2007-PCM du 18 avril 2007, l'état d'urgence a été prorogé de soixante jours dans les provinces de Marañón, Huacaybamba, Leoncio Prado et Huamalíes (département de Huánuco), la province de Tocache (département de San Martín) et la province de

Padre Abad (département d'Ucayali). La prorogation précédente avait été annoncée dans la note 7-1-SG/06 du 20 février 2007.

Pendant l'état d'urgence, les droits relatifs à l'inviolabilité du domicile, à la libre circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne énoncés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 044-2007-PCM publié le 24 mai 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 25 mai 2007, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans la province de La Convencíon du département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepcíon, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo du département de Junín. Une prorogation et une déclaration de l'état d'urgence ont été communiquées antérieurement par la note 7-1-SG/009 du 28 mars 2007.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 045-2007-PCM, publié le 25 mai 2007, l'état d'urgence a été proclamé pour une période de sept jours dans le district de Santa Anita de la province et du département de Lima.

Pendant la durée de l'état d'urgence sont suspendus le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit à la liberté de réunion et le droit à la liberté et à la sécurité des personnes, visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

... par décret suprême no 056-2007-PCM, publié le 2 juillet 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, dans les provinces de Marañon, Huacaybamba, Leoncio Prado et Huamalíes du département de Huánuco; dans la province de Tocache du département de San Martín et dans la province de Padre Abad du département de Ucayali. Une prorogation antérieure a été communiquée par la note 7-1-SG/013 du 24 avril 2007.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 065-2007-PCM, publié le 21 juillet 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 24 juillet 2007, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans les districts de Kimbiri, Pichari et Vilcabamba de la province de Convención du département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo du département de Junín. Une prorogation antérieure a été communiquée par la note 7-1-SG/017 du 6 juin 2007.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 077-2007-PCM, publié le 30 août 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 30 août 2007, dans les provinces de Marañón, Huacaybamba, Leoncio Prado et Humalíes du département de Huánaco, ainsi que dans la province de Tocache du département de San Martín et dans la province de Padre Abad du département d'Ucayali.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 099-2007-PCM, publié le 28 décembre 2007, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 29 décembre 2007, dans les districts de San Buenaventura et de Cholón de la province de Marañon, dans la province de Leoncio Prado et dans le district de Monzón de la province de Huamalíes du département de Huánaco; dans la province de Tocache du département de San Martín; et dans la province de Padre Abad du département de Ucayali.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 005-2008-PCM, publié le 19 janvier 2008, l'état d'urgence a été prorogé de 60 jours, à compter du 20 janvier 2008, dans les provinces de Huanta et La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Une prorogation et une déclaration antérieures ont été communiquées par note no 7-1-SG/009 du 28 mars 2007.

Pendant la durée de l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, demeure suspendu.

... par décret suprême no 012-2008-PCM, publié le 18 février 2008, l'état d'urgence a été proclamé pour une durée de sept jours dans les provinces de Huaura, de Huaral et de Barranca du département de Lima; dans les provinces de Huarmey, de Casma et de Santa du département d'Ancash; et dans la province de Virú du département de La Libertad.

Pendant la durée de l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24, alinéa f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques est suspendu.

... par décret suprême no 019-2008-PCM, publié le 6 mars 2007, l'étatd'urgence a été proclamé pour une durée de soixante jours dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes, et dans la province de Leoncio Prado, circonscriptions situées dans le département de Huánaco; dans la province de Tocache du département de San Martín; et dans la province de Padre Abad, du département d'Ucayali.

Pendant la durée de l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24, alinéa f), de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques est suspendu.

... par décret suprême no 019-2008-PCM, publié le 4 mai 2008, l'état d'urgence a été prorogé de 60 jours, à compter du 6 mai 2008, dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali). Une prorogation antérieure a été communiquée par la note 7-1-SG/09 du 12 mars 2008.

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, tels qu'ils sont visés respectivement aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et les articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 045-2008-PCM, publié le 3 juillet 2008, l'état d'urgence a été prorogé de 60 jours, à compter du 5 juillet 2008, dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, tels qu'ils sont visés respectivement aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 046-2008-PCM publié le 12 juillet 2008, l'état d'urgence a été prorogé de 60 jours à compter du 18 juillet 2008 dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dansles districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo (département de Junín).

Pendant l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 045-2008-PCM, publié le 3 juillet 2008, l'état d'urgence a été prorogé de 60 jours, à compter du 5 juillet 2008, dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, tels qu'ils sont visés respectivement aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 038-2008-PCM publié le 15 mai 2008, l'état d'urgence a été prorogé de 60 jours à compter du 19 mai 2008 dans les provinces de Huanta et de La Mar du département d'Ayacucho, dans la province de Tayacaja du département de Huancavelica, dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención du département de Cusco, dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción et dans les districts de Santo Domingo

de Acobamba et Pariahuanca de la province de Huancayo du département de Junín.

Pendant l'état d'urgence, l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion et le droit à la liberté et à la sécurité de sa personne énoncés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême numéro 058-2008-PCM publié le 18 août 2008, l'état d'urgence a été décrété pour une période de 30 jours, à compter du 19 août 2008, dans les provinces de Bagua et Utcubamba (département d'Amazones), dans la province de Datem del Marañón (département de Loreto) et dans le district d'Echarate de la province de la Concepción (département de Cusco).

Pendant l'état d'urgence, sont suspendus le droit à l'inviolabilité du domicile, le droit de circuler librement, la liberté de réunion et le droit à la liberté et à la sécurité personnelles, prévus aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques, respectivement.

... par décret suprême numéro 060-2008-PCM publié le 28 août 2008, l'état d'urgence a été prorogé pour une période de 60 jours, à compter du 3 septembre 2008, dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado, circonscriptions situées dans le département de Huánuco; dans laprovince de Tocache (département de Saint Martin; et dans la province de Padre Abad (département de Ucayali).

Pendant l'état d'urgence, sont suspendus le droit à l'inviolabilité du domicile, le droit de circuler librement, la liberté de réunion et le droit à la liberté et à la sûreté personnelles, prévus aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques, respectivement.

... par décret suprême numéro 061-2008-PCM publié le 28 août 2008, le décret suprême numéro 058-2008-PCM portant déclaration de l'état d'urgence dans les provinces de Bagua et Utcubamba (département d'Amazones), dansla province de Datem del Marañón (département de Loreto) et dans le district d'Echarate de la province de la Concepción (département de Cusco) a été abrogé.

... par décret suprême no 063-2008-PCM paru le 12 septembre 2008, l'état d'urgence a été prorogé pour une période de 60 jours, à compter du 16 septembre 2008, dans les provinces de Huanta et La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de Cuzco), dans la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo (département de Junín).

Le droit à l'inviolabilité du domicile, à la liberté de circulation et à la liberté de réunion et le droit à la liberté individuelleet à la sûreté des personnes visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte

international relatif aux droits civils et politiques sont suspendus pendant l'état d'urgence.

... par le décret suprême no 070-2008-PCM publié le 4 novembre 2008, l'état d'urgence a été déclaré à compter du 5 novembre 2008

dans les provinces de Tacna, Jorge Basadre, Candarave et Tarata, du département de Tacna.

Pendant la durée de l'état d'urgence le droit à l'inviolabilité du domicile, le droit à la liberté de circulation et de réunion et le droit à la liberté et à la sécurité de la personne, visés respectivement aux paragraphes 9, 11 et 12 et à l'alinéa f) du paragraphe 24 de l'article 2 de la Constitution péruvienne et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques seront suspendus.

... par le décret suprême nº 072-2008-PCM, publié le 13 novembre 2008, l'état d'urgence a été prorogé pour une durée de soixante jours, à compter du 15 novembre 2008, dans les provinces de Huanta et La Mar, (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba, de la province de La

Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas, de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca, de la province de Huancayo (département de Junín).

Pendant la durée de l'état d'urgence, sont suspendues l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion et la liberté de la personne et le droit à la sécurité visées aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

... par le décret suprême no 072-2008-PCM, publié le 13 novembre 2008, l'état d'urgence a été prorogé pour une durée de soixante jours, à compter du 15 novembre 2008, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención du

département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo d'Acobamba et Pariahuanca de la province de Huancayo du département de Junín.

Pendant l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24, alinéa f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, est suspendu.

... par le décret suprême no 001-2009-PCM, publié le 10 janvier 2009, l'état d'urgence a été prorogé de soixante (60) jours à compter du 14 janvier 2009 dans les provinces de Huanta et de La Mar, département d'Ayacucho; dans la province de Tayacaja, département de Huancavelica; dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención, département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo, département de Junín.

Pendant l'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit à la liberté de réunion et le droit à la liberté et à la sécurité de sa personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par le décret suprême no 015-2009-PCM, publié le 12 mars 2009, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 15 mars 2009, dans les provinces de Huanta et La Mar (département d'Ayacucho); dans la province de Tayacaja (département de Huancavelica); dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de

Cusco); dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo (département de Junín).

Pendant l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, est suspendu.

... par le décret suprême nº 013-2009-PCM, publié le 26 février 2009, l'état d'urgence a été prorogé de 60 jours, à compter du 2 mars 2009, dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes, et dans la province de Leoncio Prado, circonscriptions situées dans le département de Huánuco; dans la province de Tocache (département de San Martín); et dans la province de Padre Abad (département de Ucayali).

Pendant l'état d'urgence, le droit à l'inviolabilité du domicile, la liberté de circuler, le droit de se réunir librement et le droit à la liberté et à la sûreté de la personne, énoncés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 027-2009-PCM publié le 9 mai 2009, l'état d'urgence a été décrété pour une durée de 60 jours à compter du 10 mai 2009 dans les districts d'Echarate et de Kimbiri de la province de La Convención (Cuzco); dans le district de Sepahua de la

province d'Atalaya (Ucayali); dans le district de Napo de la province de Maynas (Loreto); dans les districts d'Andoas, Pastaza, Morona et Manseriche de la province du Datem del Marañón (Loreto) et dans le district d'Imaza de la province de Bagua (Amazonas).

Pendant l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne visés aux points 9, 11, 12 et 24 f) de l'article 2 de la Constitution du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques est suspendu.

... le Décret suprême no 035-2009-PCM, publié le 5 juin 2009, a étendu la portée de l'état d'urgence instauré par le Décret suprême no 027-2009-PCM à l'ensemble du département de l'Amazonie, à la province de Datem del Marañón du département de Loreto ainsi qu'aux provinces de Jaén et de San Ignacio du département de Cajamarca.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne garantis, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou, et aux articles 17, 12, 21 et 9 dudit Pacte, sont suspendus.

... par décret suprême no 028-2009-PCM, publié le 13 mai 2009, l'état d'urgence a été prorogé pour une durée de 60 jours à compter du 14 mai 2009 dans les provinces de Huanta et La Mar (département d'Ayacucho); dans la province de Tayacaja (département

de Huancavelica); dans les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de Cuzco); dans la province de Satipo; dans les districts d'Andamarca et Comas dela province de Concepción et dans les districts de Santo Domingo de

Acobamba et Pariahuanca de la province de Huancayo (département de Junín).

Pendant l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, est suspendu.

... par décret suprême no 039-2009-PCM publié le 22 juin 2009, l'état d'urgence instauré par le décret suprême no 027-2009-PCM, et dont la portée territoriale a été étendue par le décret suprême no 035-2009-PCM, est levé dans toutes les circonscriptions territoriales visées par lesdits instruments juridiques [districts d'Echarate et de Kimbiri de la province de La Convención (département de Cuzco), district de Sepahua de la province d'Atalaya (département d'Ucayali), district de Napo de la province de Maynas (département de Loreto), districts d'Andoas, Pastaza, Morona et Manseriche de la province du Datem del Marañón (département de Loreto) et district d'Imaza de la province de Bagua (département d'Amazonas)].

Il est à noter que l'état d'urgence instauré dans le district de Kimbiri de la province de La Convención (département de Cuzco) demeurera en vigueur en vertu du décret suprême no 028-2009-PCM.

Pendant la durée de l'état d'urgence, l'exercice des droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacteinternational relatif aux droits civils et politiques, est suspendu.

... par décret suprême no 041-2009-PCM, publié le 26 juin 2009, l'état d'urgence a été prorogé de soixante jours, à compter du 1er juillet 2009, dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, tels qu'ils sont visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 043-2009-PCM, publié le 9 juillet 2009, l'état d'urgence dans le département d'Ica, dans les provinces de

Cañete et de Yauyos (département de Lima), ainsi que dans les provinces de Castrovirreyna et de Huaytará et dans les districts d'Acobambilla et de Manta de la province de Huancavelica (département de Huancavelica) a été instauré pour une durée de soixante jours calendaires.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne garantis, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou, et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 044-2009-PCM, publié le 9 juillet 2009, l'état d'urgence décrété dans les provinces de Huanta et de La

Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cuzco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín) est prorogé pour une durée de soixante jours, à compter du 13 juillet 2009.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne garantis, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou, et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... par décret suprême no 055-2009-PCM, publié le 3 septembre 2009, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 11 septembre 2009, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans les districts de Kimbiri, Pichari et Vilcabamba de la province de Convención du département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo du département de Junín.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité des personnes, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... par décret suprême no 060-2009-PCM, publié le 10 septembre 2009, l'état d'urgence a été déclaré pour une durée de soixante jours à compter du 11 septembre 2009 dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... en vertu du décret suprême no 068-2009-PCM, publié le 30 octobre 2009, l'état d'urgence a été prorogé pour une durée de 60 jours, à compter du 10 novembre 2009, dans les provinces de Huanta et La Mar du département d'Ayacucho; dans la province de Tayacaja du département de Huancavelica; dans les districts de Kimbiri, Pichari et Vilcabamba de la province de Convención du département de Cusco; dans la province de Satipo; dans les districts d'Andamarca et Comas de la province de Concepción et les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo du département de Junín.

Pendant la durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité des personnes, visés aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques sont suspendus.

... en vertu du décret suprême no 070-2009-PCM, publié le 5 novembre 2009, l'état d'urgence a été prorogé pour une durée de soixante jours à compter du 10 novembre 2009 dans le district de Cholón (province de Marañón), dans le district de Monzón

(province de Huamalíes) et dans la province de Leoncio Prado, toutes circonscriptions faisant partie du département de Huánuco, ainsi que dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la

liberté de réunion, et la liberté individuelle et la sécurité de la personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, seront suspendus.

... en vertu du décret suprême nº 077-2009-PCM, publié le 1er décembre 2009, l'état d'urgence a été déclaré pour une durée de soixante jours à compter du 2 novembre 2009 dans la province de Abancay (département de Apurimac).

Pendant la durée de l'état d'urgence, les droits que sont l'inviolabilité du domicile, la liberté de circulation, la liberté de réunion, et la liberté individuelle et la sécurité de la personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

... en vertu du décret suprême no 042-2010-PCM, publié le 31 mars 2010 [...], l'état d'urgence a été déclaré pour une durée de soixante jours à compter du 1er avril 2010 dans les provinces de Nazca, Palpa et San Juan de Marcona du département d'Ica, dans les provinces de Tambopata et Manu du département de Madre de Dios et dans les provinces de Caravelí et Canamá du département d'Arequipa.

Pendant le durée de l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion, et à la liberté et à la sécurité de la personne, visés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

[...] le décret suprême no 049-2010-PCM, publié le jeudi 29 avril 2010 [...] proroge, pour une durée de 60 jours, à compter du 9 mai 2010, l'état d'urgence décrété dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Pendant la durée de l'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et à la liberté et le droit à la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

[...]

[...] par le décret suprême nº 057-2010-PCM, publié le 18 mai 2010, dont le texte est joint à la présente, l'état d'urgence a été déclaré pour une durée de 60 jours, à compter du 19 mai 2010, dans la province de Callao.

Pendant l'état d'urgence, le droit à l'inviolabilité du domicile, la liberté de circuler, le droit de se réunir librement et le droit à la liberté et à la sûreté de la personne, énoncés aux paragraphes 9, 11 et 12 et à l'alinéa f) du paragraphe 24 de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

[...] par le décret suprême nº 055-2010-PCM, publié le 15 mai 2010, dont le texte est joint à la présente, à cause d'actes troublants l'ordre intérieur, l'état d'urgence a été déclaré pour une durée de 60 jours, à compter du 16 mai 2010, dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes, et dans la province de Leoncio Prado, circonscriptions situées dans le département de Huánuco; dans la province de Tocache (département de San Martín); et dans la province de Padre Abad (département de Ucayali).

Pendant l'état d'urgence, le droit à l'inviolabilité du domicile, la liberté de circuler, le droit de se réunir librement et le droit à la liberté et à la sûreté de la personne, énoncés aux paragraphes 9, 11 et 12 et à l'alinéa f) du paragraphe 24 de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, sont suspendus.

[...] le décret suprême nº 078-2010-PCM, publié le 31 juillet 2010 [...], déclare, pour une durée de 60 jours à compter du 1er août 2010, l'état d'urgence dans le district d'Echarate de la province de La Convención (département de Cusco).

Sont suspendus pendant la durée de l'état d'urgence le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 087-2010-PCM, publié le 26 août 2010 [...], proroge, pour une durée de 60 jours, à compter du 6 septembre 2010, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de PIchari et de Vilcabamba de la province de la Convención, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Sont supendus pendant la durée de l'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés aux paragraphes 9, 11, 12, et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 091-2010-PCM, publié le 11 september 2010 [...], l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (circonscriptions situées dans le département de Huánuco), dans la province de Tocache (departement de San Martín) et dans la province de Padre Abad (département de Ucayali), a été prorogé pendant 60 jours, commençant le 12 septembre 2010.

Sont supendus pendant la durée de l'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte relatif aux droits civils et politiques.

[...] le décret suprême no 091-2010-PCM, publié le 11 septembre [...], proroge, pour une durée de 60 jours, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (circonscriptions situées dans le département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Sont suspendus pendant la durée de l'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] en vertu du décret suprême 093-2011-PCM publié le 4 décembre 2011 [...], l'état d'urgence a été déclaré pour une durée de 60 jours, à compter du 5 décembre 2011, dans les provinces de Cajamarca, Celendín, Hualgayoc et Contumazá, dans la région de Cajamarca.

Pendant l'état d'urgence sont suspendus les droits relatifs à l'inviolabilité du domicile, à la libre circulation,

à la liberté de réunion, à la liberté et à la sûreté de la personne visés respectivement aux paragraphes 9, 11, 12 et à l'alinéa f) du paragraphe 24 de l'article 2 de la Constitution politique du Pérou, et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

... le décret suprême no 096-2011-PCM, publié le 15 décembre 2010, lève l'état d'urgence déclaré par le décret suprême no 093-2011-PCM dans les provinces de Cajamarca, Celendín, Hualgayoc et Contumazá du département de Cajamarca.

[...] par décret suprême 043-2012-PCM, publié le 10 avril 2012, l'état d'urgence a été déclaré pour une durée de 60 jours, à compter du 11 avril 2012, dans le district d'Echarate, de la province de La Convención (département de Cusco).

Sont suspendus, pendant la durée de 1'état d'urgence, les droits relatifs à l'inviolabilité du domicile, à la liberté de circulation, à la liberté de réunion et à la liberté et à la sécurité de la personne, visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] en référence au décret suprême no 085-2011-PCM du 5 novembre 2011, qui déclare l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín), il convient de souligner que l'état d'urgence ainsi instauré a été prorogé par décret suprême no 004-2012-PCM du 4 janvier 2012.

À cet égard, en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès de l'Organisation des Nations Unies l'informe que le décret suprême no 022-2012-PCM [...] proroge, pour une durée de 60 jours à compter du 6 mars 2012, l'état d'urgence susmentionné.

Sont suspendus pendant la durée de l'état d'urgence le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] en référence au décret suprême no 078-2011-PCM du 12 septembre 2011 qui déclare l'état d'urgence dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Humalíes) et dans la province de Leoncio Prado (circonscriptions du département de Huánuco), dans la province de Tocaché (département de San Martín) et dans la province de Padre Abad (département d'Ucayali), il convient de souligner que l'état d'urgence ainsi instauré a été prorogé par décrets suprêmes no 087-2011-PCM du 11 novembre 2011 et no 002-2012-PCM du 3 janvier 2012.

À cet égard, en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès de l'Organisation des Nations Unies l'informe que le décret suprême no 023-2012-PCM, dont le texte est joint à la présente, proroge, pour une durée de 60 jours à compter du 11 mars 2012, 1'état d'urgence susmentionné.

Sont suspendus pendant la durée de 1'état d'urgence, le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 056-2012-PCM, publié le 28 mai 2012 l'état d'urgence a été proclamé, pour une durée de trente (30) jours, à compter du 29 mai 2012, dans la province d'Espinar (département de Cusco) et que la Police nationale du Pérou est chargée d'y assurer le maintien de l'ordre intérieur.

Sont suspendus, pendant la durée de l'état d'urgence, l'exercice des droits constitutionnels relatifs à l'inviolabilité du domicile, à la libre circulation, à la liberté de réunion et à la liberté et à la sûreté de la personne, consacrés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] en référence au décret suprême no 085-2011-PCM, du 5 novembre 2011, portant déclaration de l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Il convient de signaler que l'état d'urgence susmentionné a été prorogé par décrets suprêmes no 004-2012-PCM du 4 janvier 2012 et no 022-2012-PCM du 6 mars 2012.

À cet égard, en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, le décret suprême no 060-2012-PCM proroge, pour une durée de 60 jours à compter du 4 juin 2012, l'état d'urgence susmentionné.

Sont suspendus, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à l'inviolabilité du domicile, à la libre circulation, à la liberté de réunion et à la liberté et à la sûreté de la personne, consacrés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 070-2012-PCM du 3 juillet 2012, un état d'urgence de 30 jours a été décrété dans les provinces de Cajamarca, Celedín et Hualgayoc du département de Cajamarca, la police nationale du Pérou étant chargée du maintien de l'ordre.

Durant l'état d'urgence, les droits à l'inviolabilité du domicile, à la liberté de déplacement, à la liberté de réunion et à la liberté et à la sécurité personnelles, inscrits aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, respectivement, sont suspendus.

[...] par décret suprême no 078-2011-PCM du 12 septembre 2011, l'état d'urgence a été déclaré dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Humalíes) et dans la province de Leoncio Prado (circonscriptions du département de Huánuco); dans la province de Tocaché (département de San Martín); et dans la province de Padre Abad (département d'Ucayali). Il convient de souligner que l'état d'urgence ainsi instauré a été prorogé par les décrets suprêmes no 087-2011-PCM du 11 novembre 2011, no 002-2012-PCM du 3 janvier 2012, no 023-2012-PCM du 10 mars 2012 et no 052-2012-PCM.

Par décret suprême no 073-2012-PCM, l'état d'urgence susmentionné a été prorogé pour une durée de soixante jours à compter du 9 juillet 2012, .

Sont suspendus pendant la durée de l'état d'urgence le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux

articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 070-2012-PCM publié le 3 juillet 2012 l'état d'urgence a été proclamé pour une durée de 30 jours dans les provinces de Cajamarca, Celendín et Hualgayoc (département de Cajamarca).

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, le décret suprême no 082-2012-PCM, proroge l'état d'urgence susmentionné pour une durée de 30 jours à compter du 3 août 2012.

Sont suspendus, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM du 5 novembre 2011 l'état d'urgence a été proclamé dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Il convient de noter que l'état d'urgence susvisé a été prorogé par les décrets suprêmes nos 004-2012-PCM du 4 janvier 2012, 022-2012-PCM du 6 mars 2012 et 060-2012-PCM du 29 mai 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, le décret suprême no 081-2012-PCM, proroge pour une durée de 60 jours, à compter du 3 août 2012, l'état d'urgence susmentionné.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 061-2012-PCM du 29 mai 2012, l'état d'urgence dans le district d'Echarate de la province de La Convención (département de Cusco) a été proclamé.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, le décret suprême no 081-2012-PCM,a été prorogé l'état d'urgence susmentionné pour une durée de 60 jours à compter du 9 août 2012.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés respectivement aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM du 5 novembre 2011 qui porte déclaration de 1'état d'urgence dans les provinces de Huanta et La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). II convient de souligner que 1'état d'urgence ainsi instauré a été prorogé par les décrets suprêmes nos 004-2012-PCM (4 janvier 2012), 022-2012-PCM (6 mars 2012), 060-2012-PCM (29 mai 2012) et 081-2012-PCM (1er août 2012).

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès de l'Organisation des Nations Unies informe le Secrétariat que le décret suprême no 098-2012-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 2 octobre 2012.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 0061-2012-PCM du 29 mai 2012 qui porte déclaration de l'état d'urgence dans le district d'Écharate, dans la province de La Convención (département de Cusco). II convient de souligner que l'état d'urgence ainsi instauré a été prorogé par le décret suprême no 080-2012-PCM en date du 1er août 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès des Nations Unies informe le Secrétariat que le décret suprême no 099-2012-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 8 octobre 2012.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM, du 5 novembre 2011, portant déclaration de l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la

province de Huancayo (département de Junín). Elle tient à souligner que l'état d'urgence a été prorogé par les décrets suprêmes no 004-2012-PCM, du 4 janvier 2012, no 022 2012-PCM, du 6 mars 2012, no 060-2012-PCM, du 29 mai 2012, no 081 2012-PCM, du 1er août 2012, et no 098-2012-PCM, du 27 septembre 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 115-2012-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours à compter du 1er décembre 2012.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 061-2012-PCM, du 29 mai 2012, portant déclaration de l'état d'urgence dans le district d'Echarate, situé dans la province de La Convención (département de Cusco). Elle tient à souligner que l'état d'urgence a été prorogé par le décret

suprême no 080-2012-PCM, du 1er août, et par le décret suprême no 099-20012-PCM, du 27 septembre 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 116-2012-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours à compter du 7 décembre 2012.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 078-2011-PCM du 12 septembre 2011, qui déclare 1'état d'urgence dans le district de Cholón (province de Marañón), dans le district de Monzón (province de Humalíes) et dans la province de Leoncio Prado (circonscriptions du département de Huánuco); dans la province de Tocaché (département de San Martín); et dans la province de Padre Abad (département d'Ucayali). Il convient de souligner que l'état d'urgence ainsi instauré a été prorogé par les décrets suprêmes no 087-2011-PCM du 11 novembre 2011, no 002-2012-PCM du 3 janvier 2012, no 023-2012-PCM du 10 mars 2012, no 052-2012-PCM du 9 mai 2012, no 073-2012-PCM du 7 juillet 2012, no 092-2012-PCM du 6 septembre 2012 et no 108-2012-PCM du 26 octobre 2012.

À cet égard, en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès de l'Organisation des Nations Unies l'informe que le décret suprême no 002-2013-PCM, proroge, pour une durée de 60 jours à compter du 5 janvier 2013, 1'état d'urgence susmentionné.

Sont suspendus pendant la durée de 1'état d'urgence le droit à l'inviolabilité du domicile, le droit de circuler librement, le droit de réunion et le droit à la liberté et à la sécurité de la personne, visés, respectivement, aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 078-2011-PCM, en date du 12 septembre 2011, portant déclaration de l'état d'urgence dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado, (département de Huánuco), dans la province de Tocache (département de San Martín), et dans la province de Padre Abad (département d'Ucayali). L'état d'urgence a été prorogé par les décrets suprêmes no 087-2011-PCM, du 11 novembre 2011, no 002-2012-PCM, du 3 janvier 2012, no 023-2012-PCM, du 10 mars 2012, no 052-2012-PCM, du 9 mai 2012, no 073-2012-PCM, du 7 juillet 2012, no 092-2012-PCM, du 6 septembre 2012, no 108-2012-PCM, du 26 octobre 2012, et no 001-2013-PCM, du 3 janvier 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 022-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 6 mars 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 061-2012-PCM en date du 29 mai 2012, portant déclaration de l'état d'urgence dans le district d'Echarate, situé dans la province de La Convención (département de Cusco). L'état d'urgence a été prorogé par les décrets suprêmes no 080-2012-PCM, du 1er août 2012, no 099-2012-PCM, du 27 septembre 2012, et no 116-2012-PCM, du 23 novembre 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou auprès des Nations Unies informe le Secrétariat que le décret suprême no 011-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 5 février 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM, en date du 5 novembre 2011, portant déclaration de l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Elle tient à rappeler que l'état d'urgence a été prorogé par les décrets suprêmes no 004-2012-PCM, du 4 janvier 2012, no 022-2012-PCM, du 6 mars 2012, no 060-2012-PCM, du 29 mai 2012, no 081-2012-PCM, du 1er août 2012, no 098-2012-PCM, du 27 septembre 2012 et no 115-2012-PCM, du 23 novembre 2012.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 010-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 30 janvier 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM, en date du 5 novembre 2011, portant déclaration de l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Elle tient à rappeler que ledit état d'urgence a été prorogé par les décrets suprêmes no 004-2012-PCM, du 4 janvier 2012, no 022-2012-PCM, du 6 mars 2012, no 060-2012-PCM, du 29 mai 2012, no 081-2012-PCM, du 1er août 2012, no 098-2012-PCM, du 27 septembre 2012, no 115-2012-PCM, du 23 novembre 2012, et no 010-2013-PCM, du 26 janvier 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 028-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 31 mars 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la

liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 061-2012-PCM, en date du 29 mai 2012, portant déclaration de l'état d'urgence dans le district d'Echarate, situé dans la province de La Convención (département de Cusco). Elle tient à rappeler que ledit état d'urgence a été prorogé par les décrets suprêmes no 080-2012-PCM, du 1er août 2012, no 099-2012-PCM, du 27 septembre 2012, no 116-2012-PCM, du 23 novembre 2012, et no 011-2013-PCM, du 26 janvier 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 029-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 6 avril 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 078-2011-PCM, en date du 12 septembre 2011, portant déclaration de l'état d'urgence dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali). Elle tient à rappeler que ledit état d'urgence a été prorogé par les décrets suprêmes no 087-2011-PCM du 11 novembre 2011, no 002-2012-PCM du 3 janvier 2012, no 023-2012-PCM du 10 mars 2012, no 052-2012-PCM, no 073 2012-PCM du 7 juillet 2012, no 092-2012-PCM du 6 septembre 2012, no 108 2012-PCM du 26 octobre 2012, no 001-2013-PCM du 3 janvier 2013 et no 022-2013-PCM du 1er mars 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 049-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de soixante jours commençant le 5 mai 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 061-2012-PCM, du 29 mai 2012, portant déclaration de l'état d'urgence dans le district d'Echarate, de la province de La Convención (département de Cusco). Ledit état d'urgence a été prorogé par les décrets suprêmes nos 080-2012-PCM, du 1er août 2012, 099-2012-PCM, du 27 septembre 2012, 116-2012-PCM, du 23 novembre 2012, 011-2013-PCM, du 26 janvier 2013 et 029-2013-PCM, du 26 mars 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 059-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 60 jours commençant le 5 juin 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 085-2011-PCM, du 5 novembre 2011, portant déclaration de l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín). Ledit état d'urgence a été prorogé par les décrets suprêmes nos 004-2012-PCM, du 4 janvier 2012, 022-2012-PCM, du 6 mars 2012, 060-2012-PCM, du 29 mai 2012, 081-2012-PCM, du 1er août 2012, 098-2012-PCM, du 27 septembre 2012, 115-2012-PCM, du 23 novembre 2012, 010-2013-PCM, du 26 janvier 2013, et 028-2013-PCM, du 26 mars 2013.

À cet égard et en application des dispositions de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente du Pérou informe le Secrétariat que le décret suprême no 058-2013-PCM, proroge l'état d'urgence susmentionné pour une durée de 30 jours commençant le 30 mai 2013.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice du droit à l'inviolabilité du domicile, du droit de circuler librement, du droit de réunion et du droit à la liberté et à la sécurité de la personne, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par le décret suprême no 085-2013-PCM publié le 28 juillet 2013, l'état d'urgence a été prorogé de 60 jours à compter du 29 juillet 2013 dans la zone qui comprend : les provinces de Huanta et de La Mar (département d'Ayacucho); la province de Tayacaja (département de Huancavelica); les districts de Kimbiri, Pichari et Vilcabamba (province de La Convención, département de Cusco); la province de Satipo; les districts d'Andamarca et de Comas (province de Concepción); et les districts de Santo Domingo de Acobamba et de Pariahuanca (province de Huancayo, département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière ayant été faite par la note 7-1-SG/27 du 29 mai 2013.

Pendant l'état d'urgence et afin de consolider la pacification de la zone et du pays, sont suspendus les droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de mouvement dans le territoire, visés respectivement aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par le décret suprême no 086-2013-PCM publié le 28 juillet 2013 l'état d'urgence a été prorogé de 60 jours à compter du 4 août 2013 dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière ayant été faite par la note 7-1-SG/26 du 29 mai 2013.

Pendant l'état d'urgence et afin de consolider la pacification de la zone et du pays, sont suspendus les droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de mouvement dans le territoire, visés respectivement aux alinéas 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 99-2013-PCM, publié le 30 août 2013, proroge, pour une durée de 60 jours commençant le 1er septembre 2013, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière ayant été faite par la note 7-1-SG/21 du 9 mai 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, garantis aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 110-2013-PCM, publié le 21 septembre 2013, proroge, pour une durée de 60 jours commençant le 27 septembre 2013, l'état d'urgence déclaré dans la zone constituée par les provinces de Huanta et de La Mar (département d'Ayacucho), la province de Tayacaja (département de Huancavelica), les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), la province de Satipo, les districts d'Andamarca et de Comas de la province de Concepción et les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière ayant été faite par la note 7-1-SG/34 du 31 juillet 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, garantis aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par décret suprême no 109-2013-PCM, publié le 21 septembre 2013, proroge, pour une durée de 60 jours commençant le 3 octobre 2013, l'état d'urgence déclaré dans le district d'Echárate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière ayant été faite par la note 7-1-SG/35 du 31 juillet 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, garantis aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 121-2013-PCM, publié le 26 novembre 2013, proroge, pour une durée de 60 jours commençant le 2 décembre 2013, l'état d'urgence déclaré dans le district d'Echaráte de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/45 du 10 octobre 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 122-2013-PCM, publié le 26 novembre 2013, proroge, pour une durée de 60 jours commençant le 26 novembre 2013, l'état d'urgence déclaré dans les provinces de Huanta et La Mar du département d'Ayacucho, la province de Tayacaja du département de Huancavelica, les districts de Kimbiri, Pichari et Vilcabamba de la province de La Convención (département de Cusco), la province de Satipo, les districts d'Andamarca et Comas, la province de Concepción et les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière ayant été faite par la note 7-1-SG/44 du 10 octobre 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par le décret suprême no 007-2014-PCM en date du 23 janvier dernier, l'état d'urgence déclaré dans le district d'Echárate de la province de La Convención (département de Cusco) a été prorogé, pour une durée de 60 jours à compter du 31 janvier 2014.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière fois au moyen de la note 7-1-SG/57 du 5 décembre 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par le décret suprême no 008-2014-PCM en date du 23 janvier dernier, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín) a été prorogé, pour une durée de 60 jours à compter du 25 janvier 2014.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière fois au moyen de la note 7-1-SG/56 du 5 décembre 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la

sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] les décrets suprêmes no 134-2013-PCM et no 017-2014-PCM, publiés respectivement le 28 décembre 2013 et le 27 février 2014, prorogent, pour une durée de 60 jours commençant le 30 décembre 2013 pour le premier et le 27 février 2014 pour le second, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département de Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/46 du 10 octobre 2013.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 021-2014-PCM publié le 26 mars dernier, proroge, pour une durée de 60 jours commençant le 1er avril 2014, l'état d'urgence déclaré dans le district d'Echárate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/7 du 28 janvier 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 020-2014-PCM publié le 25 mars dernier, proroge, pour une durée de 60 jours commençant le 26 mars 2014, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/6 du 28 janvier 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] par le décret suprême no 030-2014-PCM du 28 avril 2014, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, le district de Monzón de la province de Hamalíes et la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et la province de Padre Abad (département de Ucayali), a été prorogé de 60 jours à compter du 28 avril 2014.

Nous rappelons que la Mission permanente a, comme elle y était tenue, informé le Secrétariat des prorogations antérieures de l'état d'urgence décrété dans les lieux précités, la dernière communication en la matière étant la note 7-1-SG/15 du 2 avril 2014.

Durant l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques, sont suspendus aux fins de consolider la pacification de la zone considérée et du pays.

[...] par le décret suprême no 035-2014-PCM du 15 mai dernier, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín), a été prorogé de 60 jours à compter du 25 mai 2014.

Nous rappelons que la Mission permanente a, comme elle y était tenue, informé le Secrétariat des prorogations antérieures de l'état d'urgence décrété dans les lieux précités, la dernière communication en la matière étant la note 7-1-SG/13 du 2 avril 2014.

Durant l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques, sont suspendus aux fins de consolider la pacification de la zone considérée et du pays.

[...] par le décret suprême no 036-2014-PCM du 15 mai dernier, l'état d'urgence déclaré dans le district d'Echárate de la province de La Convención (département de Cusco), a été prorogé de 60 jours à compter du 31 mai 2014.

Nous rappelons que la Mission permanente a, comme elle y était tenue, informé le Secrétariat des prorogations antérieures de l'état d'urgence instauré dans les lieux précités, la dernière communication en la matière étant la note 7-1-SG/14 du 2 avril 2014.

Durant l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques, sont suspendus aux fins de consolider la pacification de la zone considérée et du pays.

[...] le décret suprême no 045-2014-PCM, publié le 26 juin 2014, proroge, pour une durée de 60 jours commençant le 28 juin 2014, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/26 du 23 juin 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 048-2014-PCM, publié le 23 juillet, proroge, pour une durée de 60 jours commençant le 24 juillet 2014, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/27 du 23 juin 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 049-2014-PCM, publié le 24 juillet, proroge, pour une durée de 60 jours commençant le 30 juillet 2014, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/25 du 23 juin 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 059-2014-PCM, publié le 19 septembre, proroge, pour une durée de 60 jours commençant le 22 septembre 2014, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/36 du 11 août 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 060-2014-PCM, publié le 19 septembre, proroge, pour une durée de 60 jours commençant le 28 septembre 2014, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/37 du 11 août 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 065-2014-PCM, publié le 24 octobre 2014, proroge, pour une durée de 60 jours commençant le 26 octobre 2014, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/38 du 11 août 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 004-2015-PCM, publié le 22 janvier, proroge, pour une durée de 60 jours commençant le 26 janvier 2015, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le(s) lieu(x) indiqué(s), la dernière communication en la matière résultant de la note 7-1-SG/010 du 13 février 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 075-2014-PCM, publié le 24 décembre 2014 et dont le texte est joint à la présente, proroge, pour une durée de 60 jours commençant le 25 décembre 2014, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province

de Leoncio Prado (département de Huánuco); dans la province de Tocache (département de San Martín); et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/50 du 27 novembre 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 068-2014-PCM, publié le 20 novembre, proroge, pour une durée de 60 jours commençant le 27 novembre 2014, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le(s) lieu(x) indiqué(s), la dernière communication en la matière résultant de la note 7-1-SG/49 du 27 novembre 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 067-2014-PCM, publié le 20 novembre 2014, proroge, pour une durée de 60 jours commençant le 21 novembre 2014, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari et de Vilcabamba de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/48 du 28 novembre 2014.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 002-2015-PCM, publié le 16 janvier dernier, proroge, pour une durée de 60 jours commençant le 19 janvier 2015, l'état d'urgence déclaré dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 069-2014-PCM, publié le 20 novembre dernier, déclare, pour une durée de 60 jours commençant le 20 novembre, l'état d'urgence dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Est suspendu, pendant la durée de l'état d'urgence, et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 057-2014-PCM, publié le 11 septembre 2014, déclare, pour une durée de 60 jours commençant à la date susmentionnée, l'état d'urgence dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Est suspendu, pendant la durée de l'état d'urgence, et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 015-2015-PCM, publié le 20 mars dernier, déclare, pour une durée de soixante jours commençant le 20 mars 2015, l'état d'urgence dans les districts de Ramón Castilla et de Yavarí, de la province de Mariscal Ramón Castilla (département de Loreto).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 040-2015-PCM, publié le 22 mai dernier, déclare l'état d'urgence dans les districts de Matarani, Mollendo, Mejía, Punta de Bombón, Dean Valdivia, La Curva, El Arenal, Cocachacra et Valle del Tambo de la province d'Islay (département d'Arequipa), pour une durée de 60 jours commençant le 22 mai 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 031-2015-PCM, publié le 23 avril dernier, proroge, pour une durée de 60 jours commençant le 24 avril 2015, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/030 du 6 juillet 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et

du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 016-2015-PCM, publié le 20 mars dernier, déclare, pour une durée de soixante jours commençant le 21 mars 2015, l'état d'urgence dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi et de Villa Virgen de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 009-2015-PCM, publié le 20 février dernier, proroge, pour une durée de 60 jours commençant le 23 février 2015, l'état d'urgence déclaré dans le district de Cholón de la province de Marañón, dans le district de Monzón de la province de Huamalíes et dans la province de Leoncio Prado (département de Huánuco), dans la province de Tocache (département de San Martín) et dans la province de Padre Abad (département d'Ucayali).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/09 du 13 février 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 041-2015-PCM, publié le 26 mai dernier, proroge, pour une durée de 60 jours commençant le 26 mai 2015, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/032 du 6 juillet 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 018-2015-PCM, publié le 25 mars dernier, proroge, pour une durée de 60 jours commençant le 27 mars 2015, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/014 du 18 février 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 035-2015-PCM, publié le 15 mai dernier proroge, pour une durée de soixante jours commençant le 20 mai 2015, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi et de Villa Virgen de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes déclarations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/041 du 4 août 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 036-2015-PCM, publié le 16 mai dernier, proroge, pour une durée de soixante jours commençant le 20 mai 2015, l'état d'urgence déclaré dans les districts de Ramón Castilla et de Yavarí, de la province de Mariscal Ramón Castilla (département de Loreto).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes déclarations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/040 du 4 août 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême No. 068-2015-PCM, publié le 28 septembre 2015, l'état d'urgence est déclaré pour une durée de trente (30) jours calendaires dans les provinces de Cotabambas, Grau, Andahuaylas et Chincheros (département d'Apurímac) et dans les provinces de Chumbivilcas et Espinar (département de Cusco). La Police nationale péruvienne maintiendra l'ordre public avec l'aide des forces armées. Est suspendu, pendant la durée de l'état d'urgence déclaré à l'article premier et dans les circonscriptions y visées, l'exercice des droits constitutionnels relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, garantis aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la

Constitution politique du Pérou ainsi qu'aux articles 17, 12, 21 et 9 du Pacte.

[...] le décret suprême no 047-2015-PCM publié le 16 juillet 2015 dernier, proroge l'état d'urgence pour une durée de soixante jours commençant le 19 juillet 2015 dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi et de Villa Virgen de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/44, en date du 5 août 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 046-2015-PCM, publié le 16 juillet 2015 et dont le texte est joint à la présente, proroge, pour une durée de 60 jours commençant le 19 juillet 2015, l'état d'urgence déclaré dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/45 du 5 août 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 049-2015-PCM, publié le 16 juillet dernier, proroge, pour une durée de 60 jours commençant le 25 juillet 2015, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/36 du 7 juillet 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 062-2015-PCM, publié le 12 septembre 2015, proroge, pour une durée de 60 jours commençant le 17 septembre 2015, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi et de Villa Virgen de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière étant la note 7-1-SG/54 du 5 novembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 063-2015-PCM, publié le 12 septembre 2015, proroge, pour une durée de 60 jours commençant le 23 septembre 2015, l'état d'urgence déclaré dans le district d'Echarate de la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/56 du 6 novembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 077-2015-PCM, publié le 12 novembre 2015, proroge, pour une durée de 60 jours commençant le 16 novembre 2015, l'état d'urgence déclaré dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/62 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 078-2015-PCM, publié le 12 novembre dernier, proroge, pour une durée de soixante jours commençant le 16 novembre 2015, l'état d'urgence déclaré dans les provinces de Huanta et de La Mar (département d'Ayacucho), dans la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi et de Villa Virgen de la province de La Convención (département de Cusco), dans la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/63 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 079-2015-PCM, publié le 12 novembre 2015, proroge, pour une durée de 60 jours commençant le 22 novembre 2015, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/61 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] aux termes du décret suprême no 083-2015-PCM, publié le 4 décembre 2015, l'état d'urgence est déclaré, pour une durée de 45 jours commençant le 4 décembre 2015, dans la province constitutionnelle du Callao.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile, consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême no 061-2015-PCM, publié le 12 septembre 2015, proroge, pour une durée de 60 jours commençant le 17 septembre 2015, l'état d'urgence déclaré dans les districts de Ramón Castilla et de Yavarí de la province de Mariscal Ramón Castilla (département de Loreto).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/55 du 6 novembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

[...] le décret suprême n° 004-2016-PCM, publié le 16 janvier 2016, proroge, pour une durée de 45 jours commençant le 18 janvier 2016, l'état d'urgence déclaré dans la province constitutionnelle du Callao.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat de la déclaration de l'état d'urgence dans le lieu indiqué par note 7-1-SG/67 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.116.2016.TREATIES-IV.4 du 7 avril 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 003-2016-PCM, publié le 15 janvier 2016, proroge, pour une durée de 60 jours commençant le 21 janvier 2016, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/64 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.117.2016.TREATIES-IV.4 du 7 avril 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 013-2016-PCM, publié le 2 mars 2016, proroge, pour une durée de 45 jours commençant le 3 mars 2016, l'état d'urgence déclaré dans la province constitutionnelle du Callao.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat de la prorogation de l'état d'urgence dans le lieu indiqué par note 7-1-SG/15 du 16 mars 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.118.2016.TREATIES-IV.4 du 7 avril 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 024-2016-PCM, publié le 15 avril dernier, proroge, pour une durée de 45 jours commençant le 17 avril 2016, l'état d'urgence déclaré dans la province constitutionnelle du Callao.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat de la prorogation de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/17 du 21 mars 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.539.2016.TREATIES-IV.4 du 2 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 093-2015-PCM, publié le 24 décembre 2015, l'état d'urgence est déclaré, pour une durée de 45 jours, dans les provinces de Santa et de Casma (département d'Áncash).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile, consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.554.2016.TREATIES-IV.4 du 5 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 018-2016-PCM, publié le 17 mars 2016, proroge, pour une durée de 60 jours commençant le 21 mars 2016, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes

prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/14 du 16 mars 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.540.2016.TREATIES-IV.4 du 2 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 002-2016-PCM, publié le 14 janvier 2016, proroge, pour une durée de 60 jours commençant le 15 janvier 2016, l'état d'urgence déclaré dans les districts de Huanta, d'Ayahuanco, de Santillana, de Chaca, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et de Pucacolpa de la province de Huanta, dans les districts de San Miguel, d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Tambo, de Samugari, d'Anchihuay de la province de La Mar (département d'Ayacucho); dans les districts de Pampas, de Huachocolpa, de Quishuar, de Salcabamba, de Salcahuasi, de Surcubamba, de Tintay Puncu, de Roble et d'Andaymarca de la province de Tayacaja (département de Huancavelica); dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi, de Villa Kintiarina et de Villa Virgen de la province de La Convención (département de Cusco); dans les districts de Llaylla, de Mazamari, de Pampa Hermosa, de Pangoa, de Vizcatán del Ene et de Río Tambo de la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/66 du 11 décembre 2015.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.542.2016.TREATIES-IV.4 du 2 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n°009-2016-PCM, publié le 10 février 2016, l'état d'urgence est déclaré, pour une durée de 45 jours, dans les provinces de Santa et de Casma (département d'Ancash).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile, consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.558.2016.TREATIES-IV.4 du 5 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 017-2016-PCM, publié le 15 mars 2016, proroge, pour une durée de 60 jours commençant le 15 mars 2016, l'état d'urgence déclaré dans les districts de Huanta, d'Ayahuanco, de Santillana, de Chaca, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et de Pucacolpa de la province de Huanta, dans les districts de San Miguel, d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Tambo, de Samugari, d'Anchihuay de la province de La Mar (département d'Ayacucho); dans les districts de Pampas, de Huachocolpa, de Quishuar, de Salcabamba, de Salcahuasi, de Surcubamba, de Tintay Puncu, de Roble et d'Andaymarca de la province de Tayacaja (département de Huancavelica); dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi, de Villa Kintiarina et de Villa Virgen de la province de La Convención (département de Cusco); dans les districts de Llaylla, de Mazamari, de Pampa Hermosa, de Pangoa, de Vizcatán del Ene et de Río Tambo de la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/45 du 24 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.557.2016.TREATIES-IV.4 du 5 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 032-2016-PCM, publié le 12 mai 2016, proroge, pour une durée de 60 jours commençant le 20 mai 2016, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/44 du 24 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.556.2016.TREATIES-IV.4 du 5 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 036-2016-PCM, publié le 31 mai 2016, proroge, pour une durée de 60 jours commençant le 1er juin 2016, l'état d'urgence déclaré dans la province constitutionnelle du Callao.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/43 du 24 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.555.2016.TREATIES-IV.4 du 5 août 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 031-2016-PCM, publié le 12 mai 2016, proroge, pour une durée de 60 jours commençant le 14 mai 2016, l'état d'urgence déclaré dans les districts de Huanta, d'Ayahuanco, de Santillana, de Chaca, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et de Pucacolpa de la province de Huanta, dans les districts de San Miguel, d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Tambo, de Samugari, d'Anchihuay de la province de La Mar (département d'Ayacucho), dans les districts de Pampas, de Huachocolpa, de Quishuar, de

Salcabamba, de Salcahuasi, de Surcubamba, de Tintay Puncu, de Roble et d'Andaymarca de la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi, de Villa Kintiarina et de Villa Virgen de la province de La Convención (département de Cusco), dans les districts de Llaylla, de Mazamari, de Pampa Hermosa, de Pangoa, de Vizcatán del Ene et de Río Tambo de la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/49 du 29 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.581.2016.TREATIES-IV.4 du 17 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 020-2016-PCM, publié le 24 mars 2016, l'état d'urgence est déclaré, pour une durée de 45 jours, dans les provinces du Santa et de Casma (département d'Áncash).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/50 du 29 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la

zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile, consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.582.2016.TREATIES-IV.4 du 17 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 056-2016-PCM, publié le 30 juillet 2016, l'état d'urgence est déclaré, pour une durée de 30 jours commençant le 31 juillet 2016, dans la province constitutionnelle du Callao.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/47 du 29 juin 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.584.2016.TREATIES-IV.4 du 17 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 029-2016-PCM, publié le 5 mai 2016, l'état d'urgence est déclaré, pour une durée de 45 jours commençant le 10 mai 2016, dans les provinces du Santa et de Casma (département d'Áncash).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/61 du 26 juillet 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.585.2016.TREATIES-IV.4 du 17 août 2016 pour le texte de la notification susmentionnée.)

[...] par le décret suprême n° 044-2016-PCM, publié le 12 juillet 2016, l'état d'urgence déclaré dans les districts de Huanta, d'Ayahuanco, de Santillana, de Chaca, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et de Pucacolpa de la province de Huanta, dans les districts de San Miguel, d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Tambo, de Samugari, d'Anchihuay de la province de La Mar (département d'Ayacucho), dans les districts de Pampas, de Huachocolpa, de Quishuar, de Salcabamba, de Salcahuasi, de Surcubamba, de Tintay Puncu, de Roble et d'Andaymarca de la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi, de Villa Kintiarina et de Villa Virgen de la province de La Convención (département de Cusco), dans les districts de Llaylla, de Mazamari, de Pampa Hermosa, de Pangoa, de Vizcatán del Ene et de Río Tambo de la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín), a été prorogé pour une durée de 60 jours commençant le 13 juillet 2016.

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans les lieux indiqués, la dernière communication en la matière résultant de la note 7-1-SG/60 du 26 juillet 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.586.2016.TREATIES-IV.4 du 18 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 041-2016-PCM, publié le 23 juin 2016, l'état d'urgence est déclaré, pour une durée de 45 jours commençant le 24 juin 2016, dans les provinces du Santa et de Casma (département d'Áncash).

Il convient de rappeler que la Mission permanente a dûment informé le Secrétariat des précédentes prorogations de l'état d'urgence dans le lieu indiqué, la dernière communication en la matière résultant de la note 7-1-SG/65 du 2 août 2016.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.595.2016.TREATIES-IV.4 du 11 août 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 066-2016-PCM, publié le 27 août 2016, l'état d'urgence dans la province constitutionnelle du Callao a été prorogé pour une durée de 45 jours commençant le 30 août 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.845.2016.TREATIES-IV.4 du 14 septembre 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 070-2016-PCM, publié le 11 septembre 2016, l'état d'urgence déclaré dans les districts de Huanta, d'Ayahuanco, de Santillana, de Chaca, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et de Pucacolpa de la province de Huanta, dans les districts de San Miguel, d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Tambo, de Samugari, d'Anchihuay de la province de La Mar (département d'Ayacucho), dans les districts de Pampas, de Huachocolpa, de Quishuar, de Salcabamba, de Salcahuasi, de Surcubamba, de Tintay Puncu, de Roble et d'Andaymarca de la province de Tayacaja (département de Huancavelica), dans les districts de Kimbiri, de Pichari, de Vilcabamba, d'Inkawasi, de Villa Kintiarina et de Villa Virgen de la province de La Convención (département de Cusco), dans les districts de Llaylla, de Mazamari, de Pampa Hermosa, de Pangoa, de Vizcatán del Ene et de Río Tambo de la province de Satipo, dans les districts d'Andamarca et de Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo (département de Junín), a été prorogé pour une durée de 30 jours commençant le 11 septembre 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.846.2016.TREATIES-IV.4 du 14 septembre 2016 pour le texte de la notification susmentionnée.)

Par le décret suprême n° 057-2016-PCM, publié le 5 août 2016, l'état d'urgence dans les provinces du Santa et de Casma (département d'Áncash) a été prorogé pour une durée de quarante-cinq (45) jours calendaires à compter du 8 août 2016.

Est suspendu, pendant la durée de l'état d'urgence prorogé et dans les circonscriptions y visées, l'exercice des droits constitutionnels relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile, garantis aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou.

(Voir C.N.848.2016.TREATIES-IV.4 du 31 octobre 2016 pour le texte de la notification susmentionnée.)

Par le décret suprême n° 045-2016-PCM, publié le 12 juillet 2016, l'état d'urgence a été prorogé pour une durée de soixante (60) jours calendaires commençant le 19 juillet 2016 dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Est suspendu, pendant la durée de l'état d'urgence déclaré et dans la circonscription y visée, l'exercice des droits constitutionnels relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, garantis aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou.

(Voir C.N.847.2016.TREATIES-IV.4 du 31 octobre 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 071-2016-PCM, publié le 15 septembre 2016, proroge, pour une durée de 25 jours commençant le 17 septembre 2016, l'état d'urgence déclaré dans le district d'Echarate, situé dans la province de La Convención (département de Cusco).

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17, 12, 21 et 9 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.849.2016.TREATIES-IV.4 du 31 octobre 2016 pour le texte de la notification susmentionnée.)

[...] par le décret suprême n° 072-2016-PCM, publié le 15 septembre 2016, l'état d'urgence déclaré dans les provinces du Santa et de Casma (département d'Áncash) a été prorogé pour une durée de 30 jours commençant le 22 septembre 2016.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de la personne et à l'inviolabilité du domicile consacrés aux paragraphes 9 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 17 et 9 du Pacte international relatif aux droits civils et politiques, respectivement.

(Voir C.N.850.2016.TREATIES-IV.4 du 31 octobre 2016 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 076-2016-PCM publié le 6 octobre 2016 porte déclaration de l'état d'urgence à partir du 11 octobre 2016, pour une durée de soixante jours, dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay et Pucacolpa de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa,Tambo, Samugari, Anchihuay de la province de La Mar (département de Ayacucho), dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcumbamba, Tintaypuncu, Roble, Santiago de Tucuma et Andaymarca de la province de Tayacaja (département de Huancavelica), dans les districts de Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención (département de Cusco), dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts de Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et Pariahunca de la province de Huancayo (département de Junín).

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.969.2016.TREATIES-IV.4 du 14 novembre 2016 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême n° 088-2016-PCM, publié le 29 novembre 2016 et dont le texte est joint à la présente, est déclaré l'état d'urgence pour une durée de trente (30) jours à partir de la date susmentionnée, dans la province de San Román du département de Puno.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.989.2016.TREATIES-IV.4 du 21 février 2017 pour le texte de la notification susmentionnée.)

[...] le décret suprême n° 091-2016-PCM, publié le jeudi 8 décembre 2016, proroge pour une durée de soixante (60) jours commençant le 10 décembre 2016 l'état d'urgence déclaré dans plusieurs districts des provinces de Huanta et de La Mar du département d'Ayacucho, de la province de Tayacaja du département de Huancavelica, de la province de La Convención du département de Cusco, et des provinces de Satipo, Concepción et Huancayo du département de Junín.

Est suspendu, pendant la durée de l'état d'urgence, l'exercice des droits relatifs à la liberté et à la sécurité de

la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou.

(Voir C.N.986.2016.TREATIES-IV.4 du 13 janvier 2017 pour le texte de la notification susmentionnée.)

[...] aux termes du décret suprême no 093-2016-PCM, publié le 20 décembre 2016 et dont le texte est joint à la présente, est déclaré l'état d'urgence pour une durée de trente (30) jours à partir de la date susmentionnée, dans la province de Chumbivilcas du département de Cusco.

Est suspendu, pendant la durée de l'état d'urgence et afin de consolider la pacification de la zone considérée et du pays, l'exercice des droits relatifs à la liberté et à la sécurité de la personne, à l'inviolabilité du domicile et à la liberté de réunion et de circulation sur le territoire, consacrés aux paragraphes 9, 11, 12 et 24 f) de l'article 2 de la Constitution politique du Pérou et aux articles 9, 12, 17 et 21 du Pacte international relatif aux droits civils et politiques.

(Voir C.N.985.2016.TREATIES-IV.4 du 21 février 2017 pour le text de la notification.)

[...] le décret suprême n° 010-2017-PCM, publié le 7 février 2017, proroge pour une durée de soixante (60) jours calendaires commençant le 8 février 2017 l'état d'urgence déclaré dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay et Pucacolpa de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari et Anchihuay de la province de La Mar du département d'Ayacucho, dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble, Santiago de Tucuma et Andaymarca de la province de Tayacaja du département de Huancavelica, dans les districts de Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención du département de Cusco, dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts de Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín.

(Voir C.N.117.2017.TREATIES-IV.4 du 2 mars 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 26 avril 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans la province de Cotabambas (département d'Apurimac) pour une période de trente jours, à compter du 10 février 2017, par le décret suprême n° 015-2017-PCM.

(Voir C.N.259.2017.TREATIES-IV.4 du 4 mai 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 26 avril 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans le district de Coporaque, situé dans la province d'Espinar (départment de Cusco) pour une période de trente jours, à compter du 21 février 2017, par le décret suprême n° 020-2017-PCM.

(Voir C.N.260.2017.TREATIES-IV.4 du 4 mai 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 juin 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo (département de Lambayeque), pour une période de trente jours commençant le 12 juin 2017, par le décret suprême n° 064-2017-PCM.

(Voir C.N.397.2017.TREATIES-IV.4 du 12 juillet 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 juin 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay et Pucacolpa de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari et Anchihuay de la province de La Mar du département d'Ayacucho, dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma et Andaymarca de la province de Tayacaja du département de Huancavelica, dans les districts de Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención du département de Cusco, dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts de Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 8 juin 2017, par le décret suprême n° 063-2017-PCM.

(Voir C.N.396.2017.TREATIES-IV.4 du 12 juillet 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 27 juin 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay et Pucacolpa de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari et Anchihuay de la province de La Mar du département d'Ayacucho, dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma et Andaymarca de la province de Tayacaja du département de Huancavelica, dans les districts de Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención du département de Cusco, dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts de Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 9 avril 2017, par le décret suprême n° 042-2017-PCM.

(Voir C.N.395.2017.TREATIES-IV.4 du 12 juillet 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 août 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo (département de Lambayeque), pour une période de trente jours commençant le 13 juillet 2017, par le décret suprême n° 074-2017-PCM.

(Voir C.N.504.2017.TREATIES-IV.4 du 8 septembre 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 août 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant une declaration d'état d'urgence dans les districts de Juliaca de la province de San Román (département de Puno), dans les districts de Wanchaq, San Sebastián et Cuzco de la province de Cuzco et dans les districts du Machu Picchu et d'Ollantaytambo de la province d'Urubamba (département de Cuzco), pour une

période de trente jours commençant le 19 juillet 2017, par le décret suprême n° 078-2017-PCM.

(Voir C.N.505.2017.TREATIES-IV.4 du 8 septembre 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 4 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant une déclaration d'état d'urgence dans les districts de Chalhuahuacho, Haquira et Mara de la province de Cotabambas du département d'Apurímac pour une période de trente (30) jours par le décret suprême n° 085-2017-PCM publié le 16 août 2017.

(Voir C.N.13.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 5 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trente (30) jours commençant le 16 septembre 2017 dans les districts de Chalhuahuacho, Haquira et Mara de la province de Cotabambas du département d'Apurímac et la déclaration de l'état d'urgence pour une période de trente (30) jours dans le district de Capacmarca de la province de Chumbivilcas du département de Cusco par le décret suprême n° 093-2017-PCM publié le 15 septembre 2017.

(Voir C.N.14.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 8 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho, dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma, Andaymarca, San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández et Colcabamba de la province de Tayacaja, dans les districts d'Anco, Chinchihuasi, Churcampa, Cosme, El Carmen, La Merced,·Locroja, Pachamarca, Paucarbamba, San Miguel de Mayocc, San Pedro de Coris de la province de Churcampa, du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención, du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 5 décembre 2017, par le décret suprême n° 114-2017-PCM.

(Voir C.N.35.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 9 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Chalhuahuacho et Mara de la province de Cotabambas du département d'Apurlmac, et du district de Capacmarca de la province de Chumbivilcas du département de Cusco, pour une période de trente jours commençant le 15 novembre 2017, par le décret suprême n° 107-2017-PCM.

(Voir C.N.36.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 8 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de trente jours commençant le 11 septembre 2017, par le décret suprême n° 090-2017-PCM.

(Voir C.N.28.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 8 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant une déclaration d'état d'urgence dans le district de Luricocha de la province de Huanta du département d'Ayacucho ; dans les districts de San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández et Colcabamba de la province de Tayacaja, et dans la province de Churcampa du département d'Huancavelica, pour une période de vingt jours commençant le 11 septembre 2017, par le décret suprême n° 094-2017-PCM.

(Voir C.N.27.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 4 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho; dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma et Andaymarca de la province de Tayacaja du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Rio Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 7 août 2017, par le décret suprême n° 079-2017-PCM.

(Voir C.N.17.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 9 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de trente jours commençant le 11 octobre 2017, par le décret suprême n° 100-2017-PCM.

(Voir C.N.29.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 8 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Chalhuahuacho et Mara de la province de Cotabambas du département d'Apurímac et dans le district de Capacmarca de la province de Chumbivilcas du département de Cusco pour une période de trente jours commençant le 16 octobre 2017 par le décret suprême n° 101-2017-PCM.

(Voir C.N.33.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 5 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de trente jours commençant le 12 août 2017, par le décret suprême n° 083-2017-PCM.

(Voir C.N.18.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 10 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de trente jours commençant le 10 novembre 2017, par le décret suprême n° 104-2017-PCM.

(Voir C.N.30.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 11 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de trente jours commençant le 10 décembre 2017, par le décret suprême n° 119-2017-PCM.

(Voir C.N.31.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, du département de Lambayeque, pour une période de soixante jours commençant le 9 janvier 2018, par le décret suprême n° 001-2018-PCM.

(Voir C.N.32.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 8 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho, dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma, Andaymarca, San Marcos de Rocchac, Huaribamba, Pazos, Acraquia, Ahuaycha, Daniel Hernández et Colcabamba de la province de Tayacaja, dans les districts d'Anco, Chinchihuasi, Churcampa, Cosme, El Carmen, La Merced, Locroja, Pachamarca, Paucarbamba, San Miguel de Mayocc, San Pedro de Coris de la province de Churcampa, du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención, du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 6 octobre 2017, par le décret suprême n° 097-2017-PCM.

(Voir C.N.34.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 10 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Chalhuahuacho et Mara de la province de Cotabambas du département d'Apurlmac, et du district de Capacmarca de la province de Chumbivilcas du département de Cusco, pour une période de trente jours commençant le 15 décembre 2017, par le décret suprême n° 120-2017-PCM.

(Voir C.N.39.2018.TREATIES-IV.4 du 23 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, département de Lambayeque, pour une période de soixante (60) jours commençant le 9 mai 2018, par le décret suprême n° 048-2018-PCM.

(Voir C.N.303.2018.TREATIES-IV.4 du 22 juin 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts des provinces de Huanta et La Mar (Ayacucho), des provinces de Tayacaja et Churcampa (Huancavelica), de la province de La Convención (Cusco) et des provinces de Satipo, Concepción et Huancayo (Junín), pour une période de soixante (60) jours commençant le 4 avril 2018, par le décret suprême n° 035-2018-PCM.

(Voir C.N.300.2018.TREATIES-IV.4 du 22 juin 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans le district de Tumán, situé dans la province de Chiclayo, département de Lambayeque, pour une période de soixante (60) jours commençant le 10 mars 2018, par le décret suprême n° 024-2018-PCM.

(Voir C.N.302.2018.TREATIES-IV.4 du 22 juin 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts des provinces de Huanta et La Mar (Ayacucho), des provinces de Tayacaja et Churcampa (Huancavelica), de la province de La Convención (Cusco) et des provinces de Satipo, Concepción et Huancayo (Junín), pour une période de soixante (60) jours commençant le 3 février 2018, par le décret suprême n° 011-2018-PCM.

(Voir C.N.299.2018.TREATIES-IV.4 du 22 juin 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les districts de Quichuas et Pichos de la province de Tayacaja du département de Huancavelica, pour une période de trente (30) jours commençant le 31 janvier 2018, par le décret suprême n° 013-2018-PCM.

(Voir C.N.301.2018.TREATIES-IV.4 du 22 juin 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 12 juin 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Quichuas et Pichos de la province de Tayacaja du département de

Huancavelica, pour une période de soixante (60) jours commençant le 2 mai 2018, par le décret suprême n° 045-2018-PCM.

(See C.N.324.2018.TREATIES-IV.4 of 6 July 2018 for the text of the notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 2 juillet 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta et dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho ; dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris de la province de Churcampa du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante jours commençant le 3 juin 2018, par le décret suprême n° 058-2018-PCM.

(Voir C.N.325.2018.TREATIES-IV.4 du 6 juillet 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 3 juillet 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Quichuas et Pichos de la province de Tayacaja du département de Huancavelica, pour une période de soixante (60) jours commençant le 3 mars 2018, par le décret suprême n° 021-2018-PCM.

(Voir C.N.323.2018.TREATIES-IV.4 du 6 juillet 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 17 août 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence déclaré dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho ; dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández et Colcabamba de la province de Tayacaja, dans les districts de Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris de la province de Churcampa, du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención, du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante (60) jours commençant le 3 août 2018, par le décret suprême n° 078-2018-PCM.

(Voir C.N.384.2018.TREATIES-IV.4 du 23 août 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans le couloir routier Apurimac-Cusco-Arequipa, sur un tronçon d'approximativement 482,2 km, soit depuis la route nationale PE-3S X, située dans le district de Progreso, de la province de Grau, du département d'Apurimac, jusqu'à la route nationale PE-34 A, aboutissant à la localité de Pillones, du district de San Antonio de Chuca, dans la province de Caylloma, du département d'Arequipa, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 30 août 2018, par le décret suprême n° 091-2018-PCM.

(Voir C.N.30.2019.TREATIES-IV.4 of 12 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 1er octobre 2018, par le décret suprême n° 100-2018-PCM.

(Voir C.N.31.2019.TREATIES-IV.4 of 12 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 30 octobre 2018, par le décret suprême n° 105-2018-PCM.

(Voir C.N.32.2019.TREATIES-IV.4 of 12 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 29 November 2018, par le décret suprême n° 115-2018-PCM.

(Voir C.N.33.2019.TREATIES-IV.4 of 12 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 29 décembre 2018, par le décret suprême n° 128-2018-PCM.

(Voir C.N.34.2019.TREATIES-IV.4 of 12 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence 8 dans la province de Putumayo du département de Loreto pour une période de soixante (60) jours commençant le 29 novembre 2018, par le décret suprême n° 116-2018-PCM.

(Voir C.N.24.2019.TREATIES-IV.4 of 5 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho ; dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández et Colcabamba de la province de Tayacaja, dans les districts de Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris de la province de Churcampa, du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención, du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante (60) jours commençant le 1er octobre 2018, par le décret suprême n° 099-2018-PCM.

(Voir C.N.22.2019.TREATIES-IV.4 of 5 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 28 janvier 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay, Pucacolpa et Luricocha de la province de Huanta, dans les districts de San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari, Anchihuay de la province de La Mar du département d'Ayacucho ; dans les districts de Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Andaymarca, Daniel Hernández et Colcabamba de la province de Tayacaja, dans les districts de Chinchihuasi, Churcampa, La Merced, Pachamarca, Paucarbamba, San Pedro de Coris de la province de Churcampa, du département d'Huancavelica; dans les districts d'Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, lnkawasi, Villa Kintiarina et Villa Virgen de la province de La Convención, du département de Cusco; et dans les districts de Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene et Río Tambo de la province de Satipo, dans les districts d'Andamarca et Comas de la province de Concepción, et dans les districts de Santo Domingo de Acobamba et Pariahuanca de la province de Huancayo du département de Junín, pour une période de soixante (60) jours commençant le 30 novembre 2018, par le décret suprême n° 117-2018-PCM.

(Voir C.N.23.2019.TREATIES-IV.4 of 5 février 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les districts de Tambopata, Inambari, Las Piedras et Laberinto de la province de Tambopata (Département de Madre de Dios), pour une période de soixante (60) jours commençant le 18 février 2019, par le décret suprême n° 028-2019-PCM.

(Voir C.N.176.2019.TREATIES-IV.4 du 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans la province de Putumayo (Département de Loreto), pour une période de soixante (60) jours commençant le 28 février 2019, par le décret suprême n° 041-2019-PCM.

(Voir C.N.178.2019.TREATIES-IV.4 du 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les districts de Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo et Honoria de la province de Puerto Inca (Département de Huánuco) et dans les districts de Constitución, Palcazú et Puerto Bermúdez de la province d'Oxapampa (Département de Pasco), pour une période de trente (30) jours commençant le 28 mars 2019, par le décret suprême n° 050-2019-PCM.

(Voir C.N.180.2019.TREATIES-IV.4 du 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 27 février 2019, par le décret suprême n° 038-2019-PCM.

(Voir C.N.175.2019.TREATIES-IV.4 of 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de quinze (15) jours commençant le 28 mars 2019, par le décret suprême n° 056-2019-PCM.

(Voir C.N.177.2019.TREATIES-IV.4 of 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 29 avril 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré sur un tronçon du couloir routier Apurimac-Cusco-Arequipa, soit depuis le kilomètre 130 (réf. secteur Muyu Orcco) jusqu'au kilomètre 160 (réf. secteur Tiendayoc), de la route nationale PE-3SY, englobant le district de Colquemarca, dans la province de Chumbivilcas, du département de Cusco, y compris sur les cinq cents (500) mètres adjacents situés, de part et d'autre, du couloir routier susmentionné, pour une période de trente (30) jours commençant le 25 janvier 2019, par le décret suprême n° 008-2019-PCM.

(Voir C.N.174.2019.TREATIES-IV.4 of 14 mai 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence déclaré dans les districts d'Ayahuanco, de Santillana, de Sivia, de Llochegua, de Canayre et d'Uchuraccay et Pucacolpa de la province de Huanta et des districts d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Samugari, d'Anchihuay, de la province de La Mar du département d'Ayacucho; dans les districts de Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Pachamarca, San Pedro de Goris de la province de Churcampa du département de Huancavelica; dans les districts d'Echarate, Kimbiri, Pichari, Villa Kintiarina et Villa Virgen, dans la province de La Convención, dans le département de Cusco; et dans les districts de Mazamari, Pangoa, Vizcatán del Eney Río Tambe de la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo, du département de Junín, pour une période de soixante (60) jours, à compter du 29 janvier 2019 jusqu'au 29 mars 2019, par le décret suprême n° 009-2019-PCM.

(Voir C.N.406.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts des provinces de Huanta et La Mar (Ayacucho) ; dans les provinces de Tayacaja et Churcampa (Huancavelica) ; dans la province de La Convención (Cusco) ; et dans les provinces de Satipo, Concepción et Huancayo (Junin), pour une période de soixante (60) jours, à compter du 30 mars 2019 jusqu'au 28 mai 2019, par le décret suprême n° 055-2019-PCM.

(Voir C.N.407.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la fin de l'état d'urgence déclaré dans le district de Challhuahuacho, province de Cotabambas, département d'Apurimac, ainsi que la fin de la prolongation de l'état d'urgence sur un tronçon du couloir routier de l'Apurímac-Cusco-Arequipa, par le décret suprême n° 067-2019-PCM.

(Voir C.N.408.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence déclaré dans les districts de Madre de Dios et de Huepetuhe, dans la province de Manu, dans le département de Madre de Dios, pour une période de soixante (60) jours commençant le 20 avril 2019, par le décret suprême n° 079-2019-PCM. Ledit décret suprême proroge en outre, pour une durée de soixante (60) jours, l'état d'urgence à compter du 20 avril 2019 dans les districts de Tambopata, Inambari, Las Piedras et Laberinto de la province de Tambopata, Département de Madre de Dios.

(Voir C.N.409.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans la province de Putumayo, Département de Loreto, pour une durée de soixante (60) jours commençant le 30 avril 2019, par le décret suprême n° 088-2019-PCM.

(Voir C.N.410.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo et Honoria de la province de Puerto Inca (Département de Huánuco) et dans les districts de Constitución, Palcazú et Puerto Bermúdez de la province d'Oxapampa (Département de Pasco), pour une durée de soixante (60) jours commençant le 28 mai 2019, par le décret suprême n° 097-2019-PCM.

(Voir C.N.411.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts d'Ayahuanco, de Santillana, de Sivia, de Llochegua, de Canayre et d'Uchuraccay et Pucacolpa de la province de Huanta et des districts d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Samugari, d'Anchihuay, de la province de La Mar du département d'Ayacucho; dans les districts de Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Pachamarca, San Pedro

de Goris de la province de Churcampa du département de Huancavelica; dans les districts d'Echarate, Kimbiri, Pichari, Villa Kintiarina et Villa Virgen, dans la province de La Convención, dans le département de Cusco; et dans les districts de Mazamari, Pangoa, Vizcatán del Eney Río Tambe de la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo, du département de Junín, pour une période de soixante (60) jours, commençant le 29 mai 2019, par le décret suprême n° 102-2019-PCM.

(Voir C.N.413.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Madre de Dios et de Huepetuhe, dans la province de Manu et dans les districts de Tambopata, Inambari, Las Piedras et Laberinto de la province de Tambopata, Département de Madre de Dios, pour une période de soixante (60) jours commençant le 19 juin 2019, par le décret suprême n° 116-2019-PCM.

(Voir C.N.414.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts d'Ayahuanco, de Santillana, de Sivia, de Llochegua, de Canayre et d'Uchuraccay et Pucacolpa de la province de Huanta et des districts d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Samugari, d'Anchihuay, de la province de La Mar du département d'Ayacucho; dans les districts de Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Pachamarca, San Pedro de Goris de la province de Churcampa du département de Huancavelica; dans les districts d'Echarate, Kimbiri, Pichari, Villa Kintiarina et Villa Virgen, dans la province de La Convención, dans le département de Cusco; et dans les districts de Mazamari, Pangoa, Vizcatán del Eney, Río Tambe de la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo, du département de Junín, pour une période de soixante (60) jours commençant le 28 juillet 2019, par le décret suprême n° 135-2019-PCM.

(Voir C.N.415.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo et Honoria de la province de Puerto Inca (Département de Huánuco) et dans les districts de Constitución, Palcazú et Puerto Bermúdez de la province d'Oxapampa (Département de Pasco), pour une période de soixante (60) jours,

commençant le 27 juillet 2019, par le décret suprême n° 137-2019-PCM.

(Voir C.N.416.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence déclaré dans les districts de Madre de Dios et de Huepetuhe, dans la province de Manu et dans les districts de Tambopata, Inambari, Las Piedras et Laberinto de la province de Tambopata, Département de Madre de Dios, pour une période de soixante (60) jours commençant le 18 août 2019, par le décret suprême n° 147-2019-PCM.

(Voir C.N.417.2019.TREATIES-IV.4 du 6 septembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 19 août 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans les provinces de Putumayo et Mariscal Ramón Castilla du département de Loreto, pour une période de soixante (60) jours commençant le 27 juillet 2019, par le décret suprême n° 136-2019-PCM.

(Voir C.N.581.2019.TREATIES-IV.4 du 18 novembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans la partie du couloir routier Vial Apurímac - Cusco - Arequipa, y compris les cinq cents mètres adjacents de chaque côté de la route, dans les sections couvertes par les districts de Ccapacmarca, Colquemarca, Chamaca et Velille de la province de Chumbivilvas du Département de Cusco, pour une période de trente (30) jours, à compter du 16 octobre 2019, par le décret suprême n° 169-2019-PCM.

(Voir C.N.604.2019.TREATIES-IV.4 du 3 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Tambopata, Inambari, Las Piedras et Laberinto de la province de Tambopata, et dans les districts de Madre de Dios et de Huepetuhe, dans la province de Manu du Département de Madre de Dios, pour une période de soixante (60) jours, à compter du 17 octobre 2019, par le décret suprême n° 170-2019-PCM.

(Voir C.N.601.2019.TREATIES-IV.4 du 3 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence dans le district de Campoverde de la province de Coronel Portillo, et dans les districts de Neshuya et d'Alexander Von Humboldt de la province de Padre Abad du Département d'Ucayali, pour une période de soixante (60) jours, à compter du 25 septembre 2019, par le décret suprême n° 164-2019-PCM.

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo et Honoria de la province de Puerto Inca, département de Huánuco, et dans les districts de Constitución, Palcazú et Puerto Bermúdez de la province de Oxapampa, département de Pasco, pour une période de soixante (60) jours, à compter du 25 septembre 2019, par le décret suprême n° 164-2019-PCM.

(Voir C.N.603.2019.TREATIES-IV.4 du 3 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts d'Ayahuanco, de Santillana, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et Pucacolpa de la province de Huanta et des districts d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Samugari, d'Anchihuay, de la province de La Mar du département d'Ayacucho; dans les districts de Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Pachamarca, San Pedro de Coris de la province de Churcampa du département de Huancavelica; dans les districts d'Echarate, Kimbiri, Pichari, Villa Kintiarina et Villa Virgen, de la province de La Convención, dans le département de Cusco; et dans les districts de Mazamari, Pangoa, Vizcatán del Ene, Río Tambo de la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo, du département de Junín, pour une période de soixante (60) jours, à compter du 26 septembre jusqu'au 24 novembre 2019, par le décret suprême n° 160-2019-PCM.

(Voir C.N.602.2019.TREATIES-IV.4 du 3 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 7 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les provinces de Putumayo et Mariscal Ramón Castilla du département de Loreto, pour une période de soixante (60) jours, à compter du 25 septembre 2019, par le décret suprême n° 159-2019-PCM.

(Voir C.N.600.2019.TREATIES-IV.4 du 3 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 17 décembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts de Puerto Inca, Tournavista, Yuyapichis, Codo del Pozuzo et Honoria de la province de Puerto Inca, département de Huánuco, et dans les districts de Constitución, Palcazú et Puerto Bermúdez de la province de Oxapampa, département de Pasco, pour une période de soixante (60) jours, à compter du 24 novembre 2019, par le décret suprême n° 182-2019-PCM.

(Voir C.N.622.2019.TREATIES-IV.4 du 24 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 17 décembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les districts d'Ayahuanco, de Santillana, de Sivia, de Llochegua, de Canayre, d'Uchuraccay et Pucacolpa de la province de Huanta et des districts d'Anco, d'Ayna, de Chungui, de Santa Rosa, de Samugari, d'Anchihuay, de la province de La Mar du département d'Ayacucho; dans les districts de Huachocolpa, Surcubamba, Tintaypuncu, Roble, Andaymarca et Colcabamba de la province de Tayacaja et dans les districts de Chinchihuasi, Pachamarca, San Pedro de Coris de la province de Churcampa du département de Huancavelica; dans les districts d'Echarate, Kimbiri, Pichari, Villa Kintiarina et Villa Virgen, de la province de La Convención, dans le département de Cusco; et dans les districts de Mazamari, Pangoa, Vizcatán del Ene, Río Tambo de la province de Satipo, dans le district d'Andamarca de la province de Concepción et dans les districts de Santo Domingo de Acobamba et de Pariahuanca de la province de Huancayo, du département de Junín, pour une période de soixante (60) jours, à compter du 25 novembre jusqu'au 24 décembre 2019, par le décret suprême n° 183-2019-PCM.

(Voir C.N.623.2019.TREATIES-IV.4 du 24 décembre 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement péruvien une notification en date du 17 décembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence dans les provinces de Putumayo et Mariscal Ramón Castilla du département de Loreto, pour une période de soixante (60) jours, à compter du 24 novembre 2019, par le décret suprême n° 184-2019-PCM.

(Voir C.N.624.2019.TREATIES-IV.4 du 24 décembre 2019 pour le texte de la notification.)

POLOGNE

Dans le cadre de la proclamation de la loi martiale par le Conseil d'État de la République populaire de Pologne en vertu du paragraphe 2 de l'article 33 de la Constitution polonaise, l'application des dispositions des articles 9, 12 (paragraphes 1 et 2), 14 (paragraphe 5), 19 (paragraphe 2), 21 et 22 du Pacte a été temporairement suspendue ou limitée uniquement dans la stricte mesure où la situation l'exigeait.

La limitation temporaire de certains droits des citoyens répondait à l'intérêt supérieur de la nation. Elle était nécessaire pour éviter la guerre civile, l'anarchie économique ainsi que la déstabilisation de l'État et des structures sociales.

Les restrictions susmentionnées sont de nature temporaire. Elles ont déjà été considérablement adoucies et elles seront levées au fur et à mesure que la situation se stabilisera.

En vertu de la loi sur la réglementation juridique spéciale applicable durant la suspension de la loi martiale adoptée par la Diète (Seym) de la République populaire de Pologne le 18 décembre 1982, les dérogations aux articles 9 et 12 (paragraphes 1 et 2) et aux articles 21 et 22 du Pacte ont été abrogées le 31 décembre 1982.

Aux termes de la même loi et comme suite à diverses mesures successives qui l'ont précédée, les restrictions limitant l'application des dispositions du Pacte auxquelles il continue d'être dérogé, à savoir l'article 14 (paragraphe 5) et l'article 19 (paragraphe 2) ont été considérablement atténuées.

Par exemple, s'agissant du paragraphe 5 de l'article 14 du Pacte, les procédures d'urgence applicables aux crimes et délits commis pour des motifs politiques à l'occasion de conflits sociaux ont été levées; elles n'ont été maintenues que pour les crimes menaçant gravement les intérêts économiques fondamentaux de l'État ainsi que la vie, la santé et les biens de ses citoyens.

Fin, à copmpter du 22 juillet 1983, des dérogations.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Le Gouvernement du Royaume-Uni signale aux autres États parties au présent Pacte, conformément à l'article 4, son intention de prendre et de continuer à appliquer des mesures dérogeant aux obligations qui lui incombent en vertu du Pacte.

Au cours des dernières années, le Royaume-Uni a été victime de campagnes de terrorisme organisées liées à la situation en Irlande du Nord qui se sont traduites par des meurtres, des tentatives de meurtre, des mutilations, des tentatives d'intimidation et de graves troubles civils ainsi que par des attentats à la bombe et des incendies volontaires qui ont fait des morts, des blessés et causé d'important dégâts matériels. Cette situation constitue un danger public exceptionnel au sens du paragraphe 1 de l'article 4 du Pacte. Ce danger exceptionnel a commencé avant la ratification du Pacte par le Royaume-Uni et des

mesures législatives appropriées ont été promulguées de temps à autre. Le Gouvernement du Royaume-Uni a estimér nécessaire (et dans certains cas continue à estimer nécessaire) de prendre, dans la stricte mesure où la situation l'exige, des mesures pour protéger la vie et les biens des personnes et pour prévenir les manifestations qui troublent l'ordre public, et notamment d'exercer ses pouvoirs d'arrestation, de détention et d'expulsion. Dans la mesure où l'une quelconque de ces dispositions est incompatible avec les dispositions des article 9, 10.2, 10.3, 12.1, 14, 17, 19.2, 21 ou 22 du Pacte, le Royaume-Uni déroge par la présente déclaration aux obligations que lui imposent lesdites dispositions.

Fin avec effet immédiat à la dérogation [aux articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 ou 22 du Pacte].

[Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord] a estimé nécessaire de prendre et de maintenir des mesures qui dérogent à certains égards à ses obligations découlant de l'article 9 du Pacte. (Pour ces motifs de la décision, voir ceux invoqués au paragraphe 2 de la notification du 17 mai 1976 où sont indiquées les motifs de la décision lesquels continuent, *mutatis mutandis* , d'exister).

Tout personne à l'égard de laquelle il existe des charges sérieuses d'avoir participé à des activités terroristes liées à la situation en Irlande du Nord ou de s'être rendues coupables d'infractions réprimées par la législation en vigueur, et qui sont détenues depuis plus de 48 heures, pourront, sur décision du Secrétaire d'État être maintenues en détention pour des périodes d'au plus 5 jours, sans qu'il soit nécessaire qu'il ait été procédé à leur inculpation.

Nonobstant, le jugement de la Cour européenne des droits de l'homme rendu le 29 novembre 1988 dans l'affaire *Brogan et Consorts* , le Gouvernement juge nécessaire de continuer à exercer, en ce qui concerne le terrorisme lié à la situation en Irlande du Nord, les pouvoirs mentionnés ci-dessus, dans la stricte mesure où la situation l'exige et ce, afin de pouvoir mener à bonne fin les recherches et les enquêtes nécessaires avant de décider s'il y a lieu d'entamer des poursuites pénales. [Cette notification est faite] pour le cas ou ces mesures seraient incompatibles avec le paragraphe 3 de l'article 9 du Pacte.

Remplacement à partir du 22 mars 1989, des mesures contenues dans la notification précédente du 23 décembre 1988, par celles que prévoient l'article 14 de la loi de 1989 sur la prévention du terrorisme (dispositions provisoires) et le paragraphe 6 de l'annexe 5 à cette loi, où figurent des dispositions analogues.

Le Gouvernement du Royaume-Uni a [précédemment] estimé nécessaire de prendre et de maintenir en vigueur [diverses mesures], en dérogation, à certains égards aux obligations découlant de l'article 9 du Pacte interntional relatif aux droits civils et politiques.

Le 14 novembre 1989, le Secrétaire d'État à l'Intérieur a fait savoir que le Gouvernement était arrivé à la conclusion qu'il n'existait pas dans l'état actuel, de procédure satisfaisante permettant de faire appel au pouvoir judiciaire pour examiner le bien-fondé de la détention des personnes prévenues de terrorisme et qu'en conséquence, la dérogation notifiée en application de l'article 4 du Pacte serait maintenue, aussi longtemps que les circonstances l'exigeraient.

Notification à savoir que le Royaume-Uni a mis fin à la dérogation relative au paragraphe 3 de l'article 9 du Pacte à partir du lundi 26 février 2001.

La notification fait savoir en outre que la levée de cette dérogation ne s'applique toutefois qu'au Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et qu'il n'est pas possible pour l'instant de mettre fin à la dérogation au bailliage de Jersey, au bailliage de Guernesey et à l'île de Man.

J'ai l'honneur de présenter mes compliments à Votre Excellence et de vous faire part des informations ci-après, en exécution des obligations qui incombent au Gouvernement de Sa Majesté au Royaume-Uni auxtermes du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques adopté par l'Assemblée générale le 16 décembre 1966.

Danger public exceptionnel au Royaume-Uni

Les attaques terroristes commises à New York, à Washington et en Pennsylvanie le 11 septembre 2001 ont causé plusieurs milliers de morts, y compris de nombreuses victimes britanniques et d'autres de 70 nationalités différentes. Par ses résolutions 1368 (2001) et 1373 (2001), le Conseil de sécurité de l'Organisation des Nations Unies a reconnu que ces attaques constituaient une menace à la paix et à la sécurité internationales.

La menace que représente le terrorisme international a un caractère continu. Dans sa résolution 1373 (2001), le Conseil de sécurité, agissant en vertu du Chapitre VII de la Charte des Nations Unies, a prescrit à tous les États de prendre des mesures pour prévenir les attentats terroristes, y compris en refusant de donner asile à ceux qui financent, organisent, appuient ou commettent des actes de terrorisme. Des personnes soupçonnées d'être impliquées dans le terrorisme international font peser une menace terroriste sur le Royaume-Uni. En particulier, on relève la présence au Royaume-Uni des ressortissants étrangers qui sont soupçonnés d'être impliqués dans la commission ou la préparation d'actes de terrorisme international ou l'instigation à de tels actes, d'être membres d'organisations ou de groupes ainsi impliqués ou d'avoir des liens avec des membres de telles organisations ou de tels groupes, et qui représentent une menace pour la sécurité nationale du Royaume-Uni. Il existe en conséquence au Royaume-Uni un danger public exceptionnel, au sens du paragraphe 1 de l'article 4 du Pacte.

Loi sur l'antiterrorisme, la criminalité et la sécurité de 2001

Face à cette situation de danger public exceptionnel, la loi sur l'antiterrorisme, la criminalité et la sécurité de 2001 (Anti-terrorism, Crime and Security Act, 2001) institue, entre autres dispositions, un pouvoir étendu d'arrestation et de détention à l'égard des ressortissants étrangers que l'on a l'intention de renvoyer ou d'expulser du Royaume-Uni mais dont le renvoi ou l'expulsion n'est momentanément pas possible, la conséquence en étant que leur détention serait illicite au regard des pouvoirs conférés par le droit interne en vigueur. Ce pouvoir étendu d'arrestation et de détention s'appliquera dans les cas où le Secrétaire d'État aura délivré un certificat indiquant que, selon lui, la présence de l'intéressé au Royaume-Uni constitue un risque pour la sécurité nationale et qu'il soupçonne celui-ci d'être un terroriste international. Ce certificat pourra donner lieu à un recours devant la Special Immigration Appeals Commission (SIAC) (Commission spéciale de recours en matière d'immigration) instituée par la loi de 1997 relative à ladite Commission (Special Immigration Appeals Commission Act, 1997), qui aura compétence pour l'annuler si elle considère que le certificat n'aurait pas dû être délivré. Il pourra être fait appel des décisions de la SIAC sur des points de droit. En outre, le certificat sera soumis à réexamen périodique par la SIAC. La Commission pourra aussi, s'il y a lieu, accorder la mise en liberté sous caution à certaines conditions. La personne détenue aura à tout moment la faculté de faire cesser sa détention en acceptant de quitter le territoire du Royaume-Uni.

Le pouvoir étendu d'arrestation et de détention institué par la loi de 2001 sur l'antiterrorisme, la criminalité et la sécurité est une mesure strictement exigée par la situation. C'est une disposition temporaire, entrant en vigueur pour une période initiale de 15 mois, au terme de laquelle elle viendra à expiration si elle n'est pas renouvelée par le Parlement. Au-delà de cette période, elle sera soumise à renouvellement annuel par le Parlement. Si, à quelque moment que ce soit le Gouvernement estime que le danger public exceptionnel n'existe plus ou que le pouvoir

étendu n'est plus strictement exigé par la situation, le Secrétaire d'État abrogera cette disposition par décret.

Pouvoirs de détention selon le droit interne (hormis ceux que prévoit la loi de 2001 sur l'antiterrorisme, la criminalité et la sécurité)

Aux termes de la loi sur l'immigration de 1971 ("la loi de 1971"), le Gouvernement est habilité à renvoyer ou expulser les personnes dont la présence au Royaume-Uni est considérée comme contraire au bien public pour des motifs de sécurité nationale. En attendant leur renvoi ou leur expulsion, ces personnes peuvent aussi être arrêtées et détenues en application des annexes 2 et 3 de la loi de 1971. Les tribunaux du Royaume-Uni ont jugé que ce pouvoir de détention ne pouvait s'exercer que pendant la durée nécessaire pour procéder au renvoi, compte tenu de toutes les circonstances de l'espèce, et que, s'il apparaissait clairement que le renvoi ne serait pas possible dans un délai raisonnable, la détention était illicite (R v Governor of Durham Prison, ex parte Singh [1984] All ER 983).

Article 9 du Pacte

Dans certains cas, où l'intention de renvoyer ou d'expulser une personne pour des motifs de sécurité nationale subsiste, il peut arriver que le maintien en détention soit incompatible avec l'article 9 du Pacte. C'est le cas, par exemple, lorsque l'intéressé a démontré que le fait de le renvoyer dans son pays risquerait de l'exposer à un traitement contraire à l'article 7 du Pacte. En pareil cas, quelle que soit la gravité de la menace qu'il représente pour la sécurité nationale, c'est un point bien établi que les obligations internationales du Royaume-Uni interdisent de renvoyer ou d'expulser l'intéressé vers un lieu où il courrait un risque réel d'être soumis à un tel traitement. Si aucune autre destination n'est immédiatement disponible, le renvoi ou l'expulsion peut n'être momentanément pas possible, même si l'intention ultime reste de renvoyer ou d'expulser l'intéressé une fois que des dispositions satisfaisantes auront pu être prises. En outre, il se peut qu'il ne soit pas possible de poursuivre pénalement cette personne, en raison des règles strictes qui régissent la recevabilité des preuves dans le système de justice pénale du Royaume-Uni et de la norme de preuve exigeante qui est prescrite.

Dérogation au titre de l'article 4 du Pacte

Le Gouvernement a examiné si l'exercice du pouvoir étendu de détention conféré par la loi de 2001 sur l'antiterrorisme, la criminalité et la sécurité ne risquait pas d'être incompatible avec les obligations découlant de l'article 9 du Pacte. Dans la mesure où l'exercice de ce pouvoir étendu risque d'être incompatible avec les obligations qui incombent au Royaume-Uni en vertu de l'article 9, le Gouvernement a décidé d'user du droit de dérogation conféré par le paragraphe 1 de l'article 4 du Pacte, et il en sera ainsi jusqu'à nouvel avis.

(En date du 15 mars 2005)

Les dispositions visées dans la notification du 18 décembre 2001, à savoir le pouvoir étendu d'arrestation et de détention conféré par la loi sur l'antiterrorisme, la criminalité et la sécurité de 2001, sont devenues caduques le 14mars 2005. C'est pourquoi la notification en question est retirée avec

effet à compter de cette date, et le Gouvernement du Royaume-Uni confirme que les dispositions pertinentes du Pacte seront de nouveau appliquées avec effet à compter de cette date.

SERBIE

Le 13 mars 2003, le Secrétaire général a reçu du Gouvernement de la Serbie-et-Monténégro une notification, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, transmettant le texte de la Décision et du Décret en date du 12 mars 2003, de la Présidente par intérim de la République concernant la déclaration d'un état d'urgence dans la République.

Le décret susmentionné, promulgué par la Présidente de la République serbe, relatif aux mesures spéciales devant être appliquées durant l'état d'urgence, prévoit des dérogations aux droits visés aux articles 9, 12, 14, 17, 19 et 21 et au paragraphe 2 de l'article 22 du Pacte.

Abrogation de l'état d'urgence proclamé le 12 mars 2003.

SOUDAN

L'état d'urgence a été déclaré sur l'ensemble du territoire soudanais le 20 juin 1989, date à laquelle la Révolution pour le salut national a pris le pouvoir, afin de garantir la sûreté et la sécurité du pays. *[Par la suite le Gouvernement soudanais a indiqué que les articles du Pacte auxquels il est dérogé sont les articles 2 et 22 (1).]*

Les raisons de l'état d'urgence [sont qu'] en juin 1989, la Révolution a hérité d'une situation socio-économique et politique extrêmement confuse; la guerre civile faisait rage dans le sud (elle avait éclaté en 1983, entraînant l'instauration de l'état d'urgence), le nord était livré à l'anarchie et le brigandage sévissait dans l'ouest (en raison de la crise actuelle au Tchad), ainsi que dans l'est, sans compter les menaces d'intervention étrangère.

Des mesures d'exception ont également été prises pour compléter les dispositions du décret constitutionnel no 2 (relatif à l'état d'urgence) qui comporte plus de 40 articles visant à garantir la sécurité et la sûreté dans le pays. Toutefois, depuis l'instauration de l'état d'urgence, personne n'a été reconnu coupable ni condamné à mort en application de ces mesures. Les officiers qui ont été exécutés le 26 juillet 1990 avaient été condamnés en vertu des textes suivants :

I) Loi sur l'armée populaire (art.47);

II) Loi de 1983 sur le règlement de l'armée populaire (art.127);

III) Code pénal de 1983 (art. 96).

Trois civils ont en outre été condamnés à mort en application de la loi de 1981 sur le change.

Il convient de mentionner que le Président du Conseil de commandement de la Révolution pour le salut national a décrété en avril dernier une amnistie générale en vertu de laquelle tous les prisonniers politiques ont été libérés; désormais, nul ne peut être détenu qu'en vertu d'une décision judiciaire. Les tribunaux spéciaux créés en vertu du *Constitution of the Special Courts Act of 1989*

(modifié le 30 janvier 1990) pour connaître des violations des décrets constitutionnels et des mesures d'exception ont été dissous par décret.

Dans ces circonstances, les chefs de la Révolution pour le salut national ont dû proclamer l'état d'urgence.

... Toutefois, lorsque le processus de paix aura abouti et que le nouveau système sera bien établi, l'état d'urgence sera naturellement levé.

Le Gouvernement soudanais a fait savoir [au Secrétaire général] que l'état d'urgence déclaré au Soudan est prorogé jusqu'au 31 décembre 2001.

(En date du 19 décembre 2001)

Le Gouvernement soudanais a fait savoir [au Secrétaire général] que l'état d'urgence déclaré au Soudan est prorogé jusqu'au 31 décembre 2002.

Le Secrétaire général a reçu du Gouvernement de la République du Soudan une notification, en date du 8 mars 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la déclaration de l'état d'urgence national pour une période d'un an à compter du 22 février 2019. Par la suite, le 13 mars 2019, le Gouvernement de la République du Soudan a notifié au Secrétaire général que l'Assemblée législative nationale « le Parlement » a approuvé, le 11 mars 2019, à la majorité des voix, l'état d'urgence et l'a raccourci d'une année à six mois.

(Voir C.N.88.2019.TREATIES-IV.4 du 22 mars 2019 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement de la République du Soudan une notification, en date du 8 mars 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte

susmentionné, concernant la déclaration de l'état d'urgence dans l'Etat de Kassala et dans l'Etat du Kordofan septentrional pour une période de six mois à compter du 1er janvier 2019 jusqu'au 30 juin 2019.

(Voir C.N.87.2019.TREATIES-IV.4 du 22 mars 2019 pour le texte de la notification.)

SRI LANKA

Déclaration de l'état d'urgence en Sri Lanka et dérogations de ce fait aux articles 9 3) et 14 3) b) du Pacte à partir du 18 mai 1984.

Le Gouvernement de Sri Lanka a précisé que les règlements et lois spéciales d'urgence étaient des mesures temporaires rendues nécessaires par l'existence d'une menace exceptionnelle à la sécurité publique et qu'il n'était pas prévu de les maintenir en vigueur plus longtemps que strictement nécessaire.

Abrogation de l'état d'urgence avec effet au 11 janvier 1989.

Établissement de l'état d'urgence pour une période de 30 jours, à partir du 20 juin 1989, et dérogation aux dispositions de l'article 9 (2).

La notification indique que l'état d'urgence est due à l'escalade progressive de la violence, aux actes de sabotage et à la perturbation des services de base dans l'ensemble du pays qui ont eu lieu après la levée de l'état d'urgence du 11 janvier 1989 (voir notification antérieure du 16 janvier 1989).

Levée de état d'urgence instauré à partir du 20 juin 1989 et communiqué par la notification du 18 août 1989, à compter du 4 septembre 1994, sauf dans les provinces du Nord et de l'Est et dans certaines zones limitrophes des deux provinces susmentionnées et qui sont expressément désignées dans la proclamation faite par le Président le 1er septembre 1994.

Déclaration de l'état d'urgence.

Dérogation des articles 9 (2), 9 (3), 12 (1), 12 (2), 14 (3), 17 (1), 19 (2), 21 et 22.

Le 2 mai 2010, le Président de Sri Lanka a promulgué des décrets d'exception en vertu de la section 5 de l'Ordonnance relative à la sécurité publique. Ces décrets ont été publiés au journal officiel (Gazette Extraordinary no 1651/24 en date du 2 mai 2010). Ils modifient ou abrogent plusieurs décrets qui étaient en vigueur depuis leur publication au journal officiel (Gazette Extraordinary no 1405/14 en date du 13 août 2005), tels que modifiés de temps à autre.

Les décrets d'exception, avant qu'ils soient récemment modifiés, avaient été promulgués en août 2005, immédiatement après l'assassinat de l'ancien Ministre des affaires étrangères, M. Lakshman Kadirgamar. Ils ont été modifiés de temps à autre et sont demeurés en vigueur à cause du conflit qui faisait rage dans certaines régions de l'île. Grâce aux opérations de sécurité lancées avec succès par le Gouvernement, il a été possible de mettre fin au conflit à la mi-mai 2009 et d'éliminer la menace terroriste posée par cette organisation barbare autoproclamée Tigres de libération de l'Eelam tamoul. Il n'en reste pas moins qu'il faut toujours faire preuve de prudence et veiller à retrouver toutes les caches d'armes secrètes et à réintégrer les cadres de l'organisation dans la société en menant à bien des programmes de réinsertion et de formation professionnelle. Il faut en outre rester vigilant face aux tentatives d'attentat par d'anciens membres de l'organisation qui s'emploient à mobiliser des fonds à l'étranger en vue de déstabiliser le pays et de tenter de raviver les flammes de la sécession en formant des projets tels que la création d'un gouvernement transnational provisoire pour l'Eelam tamoul. C'est pourquoi le Gouvernement a décidé de réduire sensiblement la portée des décrets, tout en maintenant quelques-uns d'entre eux en vigueur pour des raisons de sécurité nationale.

Les modifications récemment apportées aux décrets, qui ont pris effet le 2 mai 2010, témoignent de l'attachement indéfectible de Sri Lanka à la promotion des droits de l'homme et au maintien de garanties judiciaires efficaces. Cela étant, le Gouvernement sri-lankais souhaite dès à présent indiquer qu'il a mis fin à la dérogation à certaines dispositions des articles suivants du Pacte international relatif aux droits civils et politiques : [9 (2), 12, 14 (3), 17 (1), 19 (2), 21 and 22 (1)] ...

En référence aux notifications en date du 9 juin 2010 et du 30 mai 2000 que le Gouvernement sri-lankais a adressé en application de l'article 4 du Pacte international relatif aux droits civils et politiques:

« Le Gouvernement sri-lankais a le plaisir d'informer le Secrétaire général que les décrets d'exception promulgués en vertu de l'Ordonnance relative à la sécurité publique sont caducs depuis août 2011. Ils avaient été promulgués en août 2005 par proclamation présidentielle en application de la section 5 de l'Ordonnance relative à la sécurité publique. En raison de la situation de conflit dans laquelle se trouvait alors le pays, ils avaient été modifiés de temps à autre et étaient restés en vigueur. Avec la fin du conflit en 2009 et conformément aux engagements contractés par le Sri Lanka en faveur de la protection et de la promotion des droits de l'homme, les décrets d'exception ont expiré en août 2011.

Par conséquent, le Gouvernement sri-lankais souhaite faire savoir au Secrétaire général que toutes les dérogations au Pacte international relatif aux droits civils et politiques ont pris fin avec l'expiration des décrets d'exception en août 2011. »

La présente communication est faite en application des obligations prévues à l'article 4 du Pacte international relatif aux droits civils et politiques, qui dispose que les États parties doivent signaler les dispositions auxquelles ils ont dérogé et la date à laquelle ils ont mis fin à ces dérogations.

SURINAME

Abrogation, à compter du 1er septembre 1989, de l'état d'urgence déclaré le 1er décembre 1986 sur le territoire des districts de Marowijne, Commewijne, Para et Brokopondo, ainsi que sur une partie du territoire du district de Sipaliwini (entre le cours d'eau Marowijne et le 56o de longitude 0), à la suite d'actes de terrorisme. Les dispositions du Pacte auxquelles il avait été dérogé concernaient les articles 12, 21 et 22 du Pacte.

THAÏLANDE

[...] en application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, [informe] que le Gouvernement royal thaïlandais a proclamé, le 7 avril 2010, l'état d'urgence dans les régions suivantes : Bangkok; la province de Nonthaburi; les districts de Muang, Bang Phli, Phra Pradang, Phra Samut Chedi, Bang Boh et Bang Sao Thong, dans la province de Samut Prakan; les districts de Thanyaburi, Lad Lumkaew, Sam Kok, Lam Luk Ka et Khlong Luang, dans la province de Pathumthani; le district de Phutthamonthon, dans la province de Nakhon Pathom; et les districts de Wang Noi, Bang Pa-in, Bang Sai et Lat Bua Luang, dans la province d'Ayutthaya.

La Déclaration d'état d'urgence a été promulguée par M. Abhisit Vejjajiva, Premier Ministre de la Thaïlande, conformément aux articles 5 et 11 du décret d'urgence adopté en 2548 (2005) relatif à l'administration publique sous le régime de l'état d'urgence et à l'article 29, ainsi qu'aux articles 32, 33, 34, 36, 38, 41, 43, 45 et 63 de la Constitution du Royaume de Thaïlande, afin de répondre efficacement aux actes d'un groupe d'individus qui ont occasionné de graves troubles et provoqué des perturbations dans certaines régions du pays. Le décret d'urgence a été invoqué en vue de mettre rapidement un

terme à cette agitation et d'assurer le retour à la normale dans le pays.

À la lumière des motifs susmentionnés, le Gouvernement royal thaïlandais a exercé le droit de dérogation visé au paragraphe 1 de l'article 4 du Pacte, en particulier à l'égard de ses obligations découlant des articles 12 (droit de circuler librement), 19 (liberté d'expression et liberté de la presse) et 21 (droit de réunion pacifique), et entend le maintenir aussi longtemps que durera l'état d'urgence dans les zones visées ci-dessus.

La Mission permanente informe par ailleurs [...] que les droits indérogeables prévus aux articles 6, 7, 8 (par. 1 et 2), 11, 15, 16 et 18 du Pacte, qui sont garantis par la Constitution du Royaume de Thaïlande, ont été intégralement préservés.

[...]

La Mission permanente de la Thaïlande auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation et, se référant à sa notification no 56101/242 en date du 14 avril 2010, a l'honneur de l'informer que le Gouvernement royal thaïlandais a levé l'état d'urgence faisant l'objet de la notification susmentionnée et, conformément au paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, elle l'informe également que le Gouvernement a mis fin, le 22 décembre 2010, à toutes les mesures dérogeant aux obligations prévues dans le Pacte qui avaient été prises comme suite à la déclaration de l'état d'urgence.

La Mission permanente saurait gré au Secrétaire général de bien vouloir communiquer aux autres États parties au Pacte les renseignements figurant plus haut, comme prévu à l'article 4 du Pacte.

La Mission permanente de la Thaïlande auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général et, en application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, a l'honneur de l'informer que le Gouvernement du Royaume de Thaïlande a déclaré l'état d'urgence à Bangkok et alentour, dans la province de Nonthaburi et dans les districts de Lad Lumkaew (province de Pathumthani) et de Bang Phli (province de Samut Prakan) depuis le 22 janvier 2014.

La déclaration de l'état d'urgence a été promulguée par Mme Yingluck Shinawatra, Première Ministre de la Thaïlande, en vertu des articles 5, 6 et 11 du décret d'urgence sur l'administration publique en régime d'état d'urgence B.E. 2548 (2005) et de l'article 29 en conjonction avec les articles 32, 33, 34, 36, 38, 41, 43, 45 et 63 de la Constitution du Royaume de Thaïlande, pour lutter efficacement contre les agissements d'un groupe de personnes qui ont causé de graves troubles et conduit à des désordres dans certaines régions du pays. Le décret d'urgence a été invoqué afin de mettre rapidement fin aux troubles et de rétablir l'ordre dans le pays.

Compte tenu des raisons susmentionnées, le Gouvernement royal thaïlandais a exercé le droit de dérogation prévu au paragraphe 1 de l'article 4 du Pacte, notamment en ce qui concerne les obligations lui incombant s'agissant du droit à la liberté de circulation (art. 12 du Pacte), du droit à la liberté d'expression (art. 19 du Pacte) et du droit de réunion pacifique (art. 21 du Pacte) pendant toute la durée de l'état d'urgence décrété dans les régions susmentionnées.

La Mission permanente tient à informer le Secrétaire général que les droits non susceptibles de dérogation, qui sont énoncés aux articles 6, 7, 8 (par. 1 et 2), 11, 15, 16 et 18 du Pacte et garantis par la Constitution du Royaume de Thaïlande, demeurent intacts.

La Mission permanente joint à la présente une copie de la traduction non officielle (en anglais) de la Déclaration d'état d'urgence du 21 janvier 2014 et serait reconnaissante au Secrétaire général de bien vouloir communiquer aux autres États parties au Pacte l'information susmentionnée, comme l'exige l'article 4 du Pacte.

La Mission permanente de la Thaïlande auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation et se référant à sa note no 56101/50 du 28 janvier 2014, dans laquelle elle l'a informé qu'une situation d'urgence grave a été déclarée dans certaines régions du pays, a l'honneur de l'informer que le Gouvernement du Royaume de Thaïlande a levé l'état d'urgence déclaré dans ladite note et que, conformément au paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, toutes les mesures dérogeant aux droits reconnus dans le Pacte prises en vertu de ladite déclaration ont été abrogées dès le 19 mars 2014.

La Mission permanente saurait donc gré au Secrétaire général de bien vouloir en informer les autres États parties audit Pacte, comme le prescrit l'article 4 du Pacte.

La Mission permanente de la Thaïlande auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation des Nations Unies et, se référant à l'article 4 du Pacte international relatif aux droits civils et politiques, a l'honneur de l'informer que la loi martiale a été invoquée dans tout le Royaume de la Thaïlande le 20 mai 2014, à 3 heures, par le commandant en chef de l'Armée royale thaïlandaise, conformément à la loi martiale B. E. 2457 loi (1914), pour assurer le maintien efficace de la paix et de l'ordre, au seul motif de protéger les intérêts vitaux de la sécurité nationale.

À cet égard, le Royaume de Thaïlande a exercé son droit de dérogation en vertu du paragraphe 1 de l'article 4 du Pacte, notamment en ce qui concerne l'obligation qui lui incombe en vertu du paragraphe 1 de l'article 12, en imposant un couvre-feu qui a été levé le 13 juin 2014; du paragraphe 5 de l'article 14, uniquement lorsque la Cour martiale a compétence pour les sections 107 à 112 du Code pénal et dans les cas d'atteinte à la sécurité intérieure du Royaume; l'Article 19, en interdisant la diffusion ou la publication de certains contenus, en particulier ceux qui incitent aux conflits et à la marginalisation sociale, les déclarations fausses ou provocantes; et de l'article 21, en limitant les rassemblements politiques. Ces restrictions sont constamment à l'examen et progressivement levées.

La Mission permanente tient en outre à informer le Secrétaire général que les droits intangibles visés aux articles 6, 7, 8 (par. 1 et 2), 11, 15, 16 et 18 du Pacte n'ont pas été touchés.

Le Secrétaire général a reçu du Gouvernement thaïlandais une notification datée du 3 octobre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la cessation des dérogations aux droits reconnus dans le Pacte, visées dans sa note n° 56101/672 du 3 juillet 2557 EB (2014). Par la suite, le 24 décembre 2019, la Thaïlande a notifié que cette abrogation a pris effet depuis le 16 juillet 2562 EB (2019), conformément à l'Annonce du décret royal en date du 1er avril 2558 EB (2015) et à l'Ordonnance n° 9/2562 du chef du Conseil national pour la paix et l'ordre en date du 9 juillet 2562 EB (2019).

(Voir C.N.629.2019.TREATIES-IV.4 du 27 décembre 2019 pour le texte de la notification.)

TRINITÉ-ET-TOBAGO

Proclamation de l'état d'urgence à partir du 28 juillet 1990 dans la République de Trinité-et-Tobago et dérogation des articles 9, 12, 21 et paragraphe 3 de l'article 14.

L'État d'urgence a été proclamé dans la ville de Port-of-Spain à partir du 3 août 1995 étant donné que, comme indiqué par le Gouvernement de la Trinité-et-Tobago, des initiatives avaient été prises ou menaçaient d'être prises dans l'immédiat par des personnes ou des groupes de personnes, d'une nature et d'une portée telles qu'on pouvait s'attendre à ce qu'elles mettent en danger la

sécurité publique ou privent la communauté d'approvisionnements ou de services vitaux. Les dispositions du Pacte auxquelles le Gouvernement de la Trinité-et-Tobago a dérogé sont les articles 9, 12, 14 (3) et 21.

Cet état d'urgence a été levé le 7 août 1995 par une résolution de la Chambre des Représentants.

Par l'avis no 162 du 2011, le 21 août 2011, le Président de la République de Trinité-et-Tobago a proclamé l'état d'urgence dans la République de Trinité-et-Tobago. Conformément au chapitre 1 : 01 de la Constitution de la République de Trinité-et-Tobago, le Président avait constaté que « des individus ou des groupes d'individus avaient commis ou menaçaient de commettre incessamment des actes d'une nature et à une échelle telles que ces actes seraient susceptibles de menacer la sécurité publique ».

Le 4 septembre 2011, conformément à l'article 10 1) de la Constitution, l'effet de cette proclamation a été prorogé de trois mois par une résolution adoptée à la majorité simple par la Chambre des représentants (avis no 175 de 2011).

Par l'adoption de la loi sur les pouvoirs d'exception (avis no 163 de 2011) et de l'amendement de celle-ci (avis no 171 de 2011), certains droits protégés en vertu des articles 9, 12, 14 et 21 du Pacte sont suspendus.

Par la note 692 datée du 28 septembre 2011, le Président de la République de Trinité-et-Tobago a notifié que l'état d'urgence proclamé le 21 août 2011 en Trinité et-Tobago pour une période de quinze jours et reconduite pour une durée de trois mois par le Parlement a pris fin le lundi 5 décembre 2011 à minuit.

TURQUIE

Le 2 août 2016, le Secrétaire général a été notifié de ce qui suit :

... La République turque prend actuellement les mesures requises prévues par la loi, conformément à son droit national et à ses obligations internationales. C'est dans ce contexte que, le 20 juillet 2016, le Gouvernement turc a proclamé l'état d'urgence pour une durée de 90 jours, conformément à la Constitution turque (Article 120) et à la Loi no 2935 relative à l'état d'urgence (Article 3 §1 b)...

La décision a été publiée au Journal officiel et approuvée par la Grande Assemblée nationale de Turquie, le 21 juillet 2016. Les mesures prises lors de cette procédure peuvent comprendre une dérogation aux obligations prévues aux articles 2/3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 et 27 du Pacte international relatif aux droits civils et politiques, comme l'autorisent les dispositions de son Article 4...

Pour le text complet de la notification, voir notification dépositaire C.N.580.2016.TREATIES-IV.4 du 11 août 2016.

Le 14 octobre 2016, le Secrétaire général a été notifié de ce qui suit :

... en référence à notre lettre n°2016/11235663, en date du 21 juillet 2016, par laquelle nous vous informions que le Gouvernement de la République turque avait proclamé l'état d'urgence le 20 juillet 2016, pour une durée de 90 jours, conformément à la Constitution turque (article 120) et à la Loi n° 2935 relative à l'état d'urgence (article 3, par. 1 b).

À cet égard, je vous informe que l'état d'urgence a été prolongé pour une période de trois mois à compter du 19 octobre 2016 à 1 h, par la décision n°1130, datée du 11 octobre 2016...

Pour le text complet de la notification, voir C.N.775.2016.TREATIES-IV.4 du 21 octobre 2016.

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le Représentant permanent adjoint et chargé d'affaires par intérim, en date du 9 janvier 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 janvier 2017 par décision n° 1134 du 3 janvier 2017.

(Voir C.N.4.2017.TREATIES-IV.4 du 10 janvier 2017 pour le texte de la notification susmentionnée.)

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le Représentant permanent, en date du 19 avril 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 avril 2017 par decision n° 1139 du 18 avril 2017.

(Voir C.N.241.2017.TREATIES-IV.4 du 20 avril 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le chargé d'affaires ad intérim, en date du 24 July 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 juillet 2017 par decision n° 1154 du 17 juillet 2017.

(Voir C.N.424.2017.TREATIES-IV.4 du 27 juillet 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le Représentant Permanent, en date du 19 octobre 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 octobre 2017 par decision n° 1165 du 17 octobre 2017.

(Voir C.N.683.2017.TREATIES-IV.4 du 26 octobre 2017 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le Représentant permanent adjoint et chargé d'affaires par intérim, en date du 19 janvier 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 janvier 2018 par décision n° 1178 du 18 janvier 2018.

(Voir C.N.45.2018.TREATIES-IV.4 du 22 janvier 2018 pour le texte de la notification.)

Le Secrétaire général a reçu du Gouvernement turc une notification signée par le Représentant permanent, en date du 19 avril 2018, faite en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la prorogation de l'état d'urgence pour une période de trois mois à compter du 19 avril 2018 par décision n° 1182 du 18 avril 2018.

(Voir C.N.215.2018.TREATIES-IV.4 du 23 avril 2018 pour le texte de la notification.)

Le 8 août 2018, le Secrétaire général a reçu de Gouvernement turc une notification en date du 8 août 2018 signée par le Représentant permanent adjoint en vertu du paragraphe 3 de l'article 4 du Pacte susmentionné, concernant la fin de l'état d'urgence proclamé par décision 2016/9064 du Conseil des ministres et prorogé par la suite.

(Voir C.N.378.2018.TREATIES-IV.4 du 9 août 2018 pour le texte de la notification.)

UKRAINE

La Mission permanente de l'Ukraine auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général l'Organisation des Nations Unies et, en référence à l'article 4 du Pacte international relatif aux droits civils et politiques, a l'honneur de lui transmettre par la présente le texte de la Verkhovna Rada (Parlement) de l'Ukraine « sur la déclaration concernant la dérogation à certaines obligations découlant du Pacte international relatif aux droits civils et politiques et de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales » adopté le 21 mai 2015.

Voir C.N.416.2015.TREATIES-IV.4 du 16 juillet 2015 pour le texte de la déclaration susmentionnée.

La Mission permanente de l'Ukraine auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation et, se référant à sa note verbale no 4132/28-194/501-803 du 5 juin 2015, a l'honneur de lui faire savoir que l'Ukraine fait usage de son droit de dérogation aux obligations imposées par le Pacte international relatif aux droits civils et politiques et la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales concernant le territoire de certaines zones des régions de Donetsk et de Louhansk qui sont pleinement ou partiellement contrôlées par le Gouvernement ukrainien.

La liste des localités des régions de Donetsk et de Louhansk qui sont pleinement ou partiellement contrôlées par le Gouvernement ukrainien au 1er octobre 2015 figure en annexe.

La Mission permanente de l'Ukraine mettra régulièrement à jour la liste figurant en annexe.

Voir C.N.656.2015.TREATIES-IV.4 du 14 décembre 2015 pour le texte de la déclaration susmentionnée.

La Mission permanente de l'Ukraine auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général et, se référant à ses notes verbales no 4132/28-194/501-803, du 5 juin 2015, et 4132/28-194/501-1987, du 24 novembre 2015, a l'honneur de lui communiquer des informations conformément aux obligations incombant à son gouvernement en application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques.

...

En application du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, la Mission permanente de l'Ukraine transmet ci-joint la liste actualisée des localités des régions de Donetsk et de Louhansk qui, au 14 juin 2016, étaient sous le contrôle total ou partiel du Gouvernement ukrainien...

Voir C.N.502.2016.TREATIES-IV.4 du 18 juillet 2016 pour le texte de la notification susmentionnée.

Le Secrétaire général a reçu du Gouvernement ukrainien une notification no. 132/28/-194/501-128 du 20 janvier 2017, faite en vertu du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques.

Voir C.N.612.2019.TREATIES-IV.4 du 13 décembre 2019 pour le texte de la déclaration susmentionnée.

Le Secrétaire général a reçu du Gouvernement ukrainien une notification no. 4132/23-194/501-2057 du 26 novembre 2019, faite en vertu du paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques.

Voir C.N.618.2019.TREATIES-IV.4 du 13 décembre 2019 pour le texte de la déclaration susmentionnée.

URUGUAY

[Le Gouvernement de l'Uruguay a] l'honneur de demander que soit considérée comme officiellement remplie la condition énoncée au paragraphe 3 de l'article 4 du Pacte international relatif aux droits civils et politiques, en ce qui concerne l'existence et le maintien en Uruguay de la situation exceptionnelle visée au paragraphe 1 du même article 4.

Étant donné la notoriété indiscutablement universelle de cette situation – qui de par sa nature et ses répercussions revêt les caractéristiques énoncées à l'article 4, c'est-à-dire qu'il s'agit d'un danger qui menace l'existence de la nation – la présente communication pourrait être considérée comme superflue, du moins en tant qu'élément d'information.

En effet, cette question a fait l'objet de nombreuses déclarations officielles, tant au niveau régional qu'au niveau mondial.

Toutefois, [le] Gouvernement tient à s'acquitter officiellement de l'obligation susmentionnée, et à réaffirmer que les mesures d'exception adoptées – qui respectent strictement les conditions énoncées au paragraphe 2 de l'article 4 – ont précisément pour but la défense réelle, effective et durable des droits de l'homme, dont le respect et la promotion sont les principes fondamentaux de notre existence en tant que nation indépendante et souveraine.

Tout cela n'empêchera pas que soient apportées de façon plus détaillée, à l'occasion de la présentation du rapport visé à l'article 40 du Pacte, les précisions mentionnées au paragraphe 3 de l'article 4 quant à la nature et à la durée d'application des mesures d'exception, afin que la portée et l'évolution de ces dernières soient bien comprises.

VENEZUELA (RÉPUBLIQUE BOLIVARIENNE DU)

Établissement des mesures d'urgence et dérogation aux articles 9, 12, 17, 19 et 21 sur l'ensemble du Venezuela. La notification stipule que les dérogations résultent d'une série d'incidents qui constituent de graves atteintes à l'ordre public et ont semé l'inquiétude dans la collectivité et des explosions de violences, des actes de vandalisme et des atteintes à la sécurité des personnes et des familles, ainsi que des pertes en vies humaines et des dégâts matériels considérables qui aggravent encore la situation économique du pays.

Rétablissement à partir du 22 mars 1989 des garanties constitutionnelles qui avaient été suspendues comme indiqué dans la notification du 17 mars 1989.

Suspension de certaines garanties constitutionnelles sur tout le territoire du Venezuela afin de permettre le plein rétablissement de l'ordre public sur l'ensemble du territoire national.

Le Gouvernement vénézuélien a indiqué que les mesures avaient été nécessaires à la suite de la tentative criminelle d'assassiner le Président de la République qui visait à saper l'état de droit et à subvertir l'ordre constitutionnel de la République portant ainsi atteinte aux conquêtes réalisées par le peuple vénézuélien tout au long de plus de 30 années placées sous le signe d'un régime authentiquement démocratique.

Les garanties constitutionnelles qui ont été suspendues au Venezuela concernent les droits prévus aux articles 9, 12, 17, 19 et 21 du Pacte. Le droit de grève a été aussi suspendu à titre temporaire.

Rétablissement, à partir du 13 février 1992, des garanties prévues aux articles 12 et 19 du Pacte, ainsi que du droit de grève.

Par décret no 2668 du 27 novembre 1992, le Gouvernement vénézuélien a suspendu certaines garanties constitutionnelles à titre temporaire sur l'ensemble du territoire national à la suite de la tentative de coup d'État du 27 novembre 1992. Les dispositions du Pacte auxquelles il a été dérogé sont les articles 9, 17, 19 et 21.

Par décret no 2670 en date du 28 novembre 1992, ont été rétablis les droits ressortissant de l'article 21 du Pacte.

Rétablissement, en vertu du décret no 2764 en date du 16 janvier 1993, des garanties relatives à la liberté de la personne ressortissant aux article 9 (1) et 11 du Pacte. Le Gouvernement vénézuélien a indiqué par ailleurs que les garanties relatives à la liberté et sécurité de la personne ainsi qu'à l'inviolabilité du domicile et au droit de manifester avaient été rétablies le 22 décembre 1992.

Rétablissement, en vertu du décret no 2672 en date du 1er décembre 1992, de certaines garanties qui avaient été suspendues par décret no 2668 en date du 27 novembre 1992 ont été rétablies, également.

Suspension, en vertu du décret no 2765, aussi en date du 16 janvier 1993, de certaines garanties dans l'État du Sucre, à la suite de troubles de l'ordre public dans cet État. Ces garanties, qui ressortissent aux dispositions 12 (1) et 21 du Pacte, ont été rétablies le 25 janvier 1993 par décret no 2780.

Par décret no 241 du 27 juin 1994, suspension de certaines garanties constitutionnelles, la situation économique et financière du pays ayant crée une situation de nature à troubler l'ordre public.

Dérogation aux dispositions des articles 9, 12 et 17 du Pacte.

<titllet 1995, rétablissement des garanties constitutionnelles, dont l'application avait été suspendue par décret no 241 du 27 juin 1994 *[voir notification reçue le 7 juillet 1994]* , sur l'ensemble du territoire national, exception faite des municipalités autonomes de Rosario de Perijá et Catatumbo (État de Zulia); de Garciá de Hevia, Pedro María Ureña, Bolívar, Panamericano y Fernández Feo (État de Táchira); de Páez, Pedro Camejo et Rómulo Gallegos (État d'Apure); et d'Atures, Atuana, Manapiare, Atabapo, Alto Orinoco et Guainía (État d'Amazonas) où des garanties constitutionnelles restent suspendues. Le Gouvernement vénézuélien estime que dans ces localités frontalières, désignées par décret le Théâtre des hostilités et le Théâtre des opérations no 1, la situation qui persiste exige, pour la sécurité de ses frontières, le maintien de la suspension des garanties susmentionnées.

Rétablissement, à partir du 13 février 1992, des garanties visées aux articles 9, 12 et 17 du Pacte, suspendues par décret no 739 du 6 juillet 1995. [Voir notification reçue le 1er septembre 1995.]

Établissement des mesures d'urgence et dérogation aux articles 9, 12, 17, 19 et 21 sur l'ensemble du Venezuela. La notification stipule que les dérogations résultent d'une série d'incidents qui constituent de graves atteintes à l'ordre public et ont semé l'inquiétude dans la collectivité et des explosions de violences, des actes de vandalisme et des atteintes à la sécurité des personnes et des familles, ainsi que des pertes en vies humaines et des dégâts matériels considérables qui aggravent encore la situation économique du pays.

Rétablissement à partir du 22 mars 1989 des garanties constitutionnelles qui avaient été suspendues comme indiqué dans la notification du 17 mars 1989.

Suspension de certaines garanties constitutionnelles sur tout le territoire du Venezuela afin de permettre le plein rétablissement de l'ordre public sur l'ensemble du territoire national.

Le Gouvernement vénézuélien a indiqué que les mesures avaient été nécessaires à la suite de la tentative criminelle d'assassiner le Président de la République qui visait à saper l'état de droit et à subvertir l'ordre constitutionnel de la République portant ainsi atteinte aux conquêtes réalisées par le peuple vénézuélien tout au long de plus de 30 années placées sous le signe d'un régime authentiquement démocratique.

Les garanties constitutionnelles qui ont été suspendues au Venezuela concernent les droits prévus aux articles 9, 12, 17, 19 et 21 du Pacte. Le droit de grève a été aussi suspendu à titre temporaire.

Rétablissement, à partir du 13 février 1992, des garanties prévues aux articles 12 et 19 du Pacte, ainsi que du droit de grève.

<title>(En date du 30 avril 1992)

Rétablissement, à partir du 9 avril 1992, des garanties prévues aux articles 9, 17 et 21 du Pacte, mettant fin à l'état d'urgence proclamé le 4 février 1992.</title>

Par décret no 2668 du 27 novembre 1992, le Gouvernement vénézuélien a suspendu certaines garanties constitutionnelles à titre temporaire sur l'ensemble du territoire national à la suite de la tentative de coup d'État du 27 novembre 1992. Les dispositions du Pacte auxquelles il a été dérogé sont les articles 9, 17, 19 et 21.

Par décret no 2670 en date du 28 novembre 1992, ont été rétablis les droits ressortissant de l'article 21 du Pacte.

Rétablissement, en vertu du décret no 2764 en date du 16 janvier 1993, des garanties relatives à la liberté de la personne ressortissant aux article 9 (1) et 11 du Pacte. Le Gouvernement vénézuélien a indiqué par ailleurs que les garanties relatives à la liberté et sécurité de la personne ainsi qu'à l'inviolabilité du domicile et au droit de manifester avaient été rétablies le 22 décembre 1992.

Rétablissement, en vertu du décret no 2672 en date du 1er décembre 1992, de certaines garanties qui avaient été suspendues par décret no 2668 en date du 27 novembre 1992 ont été rétablies, également.

Suspension, en vertu du décret no 2765, aussi en date du 16 janvier 1993, de certaines garanties dans l'État du Sucre, à la suite de troubles de l'ordre public dans cet État. Ces garanties, qui ressortissent aux dispositions 12 (1) et 21 du Pacte, ont été rétablies le 25 janvier 1993 par décret no 2780.

Par décret no 241 du 27 juin 1994, suspension de certaines garanties constitutionnelles, la situation économique et financière du pays ayant crée une situation de nature à troubler l'ordre public.

Dérogation aux dispositions des articles 9, 12 et 17 du Pacte.

Par décret no 739 du 6 juillet 1995, rétablissement des garanties constitutionnelles, dont l'application avait été suspendue par décret no 241 du 27 juin 1994 *[voir notification reçue le 7 juillet 1994]* , sur l'ensemble du territoire national, exception faite des municipalités autonomes de Rosario de Perijá et Catatumbo (État de Zulia); de Garciá de Hevia, Pedro María Ureña, Bolívar, Panamericano y Fernández Feo (État de Táchira); de Páez, Pedro Camejo et Rómulo Gallegos (État d'Apure); et d'Atures, Atuana, Manapiare, Atabapo, Alto Orinoco et Guainía (État d'Amazonas) où des garanties constitutionnelles restent suspendues. Le Gouvernement vénézuélien estime que dans ces localités frontalières, désignées par décret le Théâtre des hostilités et le Théâtre des opérations no 1, la situation qui persiste exige, pour la sécurité de ses frontières, le maintien de la suspension des garanties susmentionnées.

Rétablissement, à partir du 13 février 1992, des garanties visées aux articles 9, 12 et 17 du Pacte, suspendues par décret no 739 du 6 juillet 1995. [Voir notification reçue le 1er septembre 1995.]

YOUGOSLAVIE (EX)[3]

Application territoriale

Participant	*Date de réception de la notification*	*Territoire*
Pays-Bas[35]	11 déc 1978	Antilles néerlandaises
Portugal[6]	27 avr 1993	Macao
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord[8,47]	20 mai 1976	Belize, Bermudes, Îles Vierges britanniques, Îles Caïmanes, Îles Falkland (Malvinas) et dépendances, Gibraltar, Îles Gilbert, Guernesey, Hong-Kong, Île de Man, Bailliage de

Participant	*Date de réception de la notification*	*Territoire*
		Jersey, Montserrat, Île Pitcairn, Sainte-Hélène et ses dépendances, Îles Salomon, Îles Turques et Caïques et Tuvalu

Notes:

[1] Voir note 1 sous "Allemagne" concernant Berlin (Ouest) dans la partie "Informations de nature historique" qui figure dans les pages préliminaires du présent volume.

[2] La République démocratique allemande avait signé et ratifié le Pacte avec déclarations les 27 mars 1973 et 8 novembre 1973, respectivement (Voir, C.N.88.1973.TREATIES-5 du 20 avril 1973). Pour le texte des déclarations, voir le *Recueil des Traités* des Nations Unies, vol. 999, p. 294. Voir aussi note 2 sous “Allemagne” dans la partie “Informations de nature historique” qui figure dans les pages préliminaires du présent volume.

[3] L’ex-Yougoslavie avait signé et ratifié le Pacte les 8 août 1967 et 2 juin 1971, respectivement. Il est rappelé que l’ex-Yougoslavie avait déposé les notifications en vertu du paragraphe 3 de l’article 4 (Dérogations) suivantes aux dates indiquées ci-après :

17 avril 1989 (En date du 14 avril 1989)

Dérogation aux articles 12 et 21 du Pacte dans la Province autonome socialiste du Kosovo à partir du 28 mars 1989. La notification indique que cette mesure est devenue nécessaire du fait de la grave situation dans cette Province ou le système social était mis en péril, et ou les désordres se sont soldés par des morts, cette situation constituant un danger public mettant en péril les droits, les libertés et la sécurité de tous les citoyens de la Province, quelle que soit leur appartenance nationale.

30 mai 1989 (En date du 29 mai 1989)

Cessation de la dérogation aux dispositions de l'article 12 du Pacte dans la Province autonome du Kosovo à partir du 21 mai 1989.

L'interdiction provisoire de réunions publiques [article 21] ne s'applique plus qu'aux seules manifestations.

Cette mesure est destinée, comme par le passé, à protéger l’ordre public ainsi que la paix, les droits, les libertés et la sécurité de tous les citoyens quelque soit leur nationalité.

20 mars 1990 (En date du 19 mars 1990)

À compter du 21 février 1990 et en raison de désordres croissants ayant causé des pertes en vies humaines au Kosovo, tout déplacement y avait été interdit entre 21 heures et 4 heures, ce qui constitue une dérogation à l'article 12 du Pacte; et les rassemblements publics à des fins de manifestation y étaient également interdits, ce qui déroge à l'article 21 du Pacte. Le Gouvernement a en outre indiqué que la mesure dérogeant à l'article 12 avait pris fin le 10 mars 1990.

26 avril 1990 (En date du 24 avril 1990)

Levée de l'état d'urgence à compter du 18 avril 1990.

Voir aussi note 1 sous “Bosnine”, “ex-Yougoslavie”, “Slovénie” et “Yougoslavie” dans la partie “Informations de nature historique” qui figure dans les pages préliminaires du présent volume.

[4] Bien que le Kampuchea démocratique ait signé les deux Pactes [Pacte international relatif aux droits économiques, sociaux et culturels et Pacte international relatif aux droits civils et politiques] le 17 octobre 1980, le Gouvernement du Cambodge a déposé un instrument d'adhésion.

[5] À l'égard de la signature par le Kampuchea démocratique, le Secrétaire général a reçu, le 5 novembre 1980, la communication suivante du Gouvernement mongol :

"Le Gouvernement de la République populaire mongole considère que seul le Conseil révolutionnaire du peuple du Kampuchea, unique représentant authentique et légal du peuple Kampuchéen, a le droit d'assumer des obligations internationales au nom du peuple kampuchéen. En conséquence, le Gouvernement de la République populaire mongole considère que la signature des Pactes relatifs aux droits de l'homme par le représentant du soi-disant Kampuchea démocratique, régime qui a cessé d'exister à la suite de la révolution populaire au Kampuchea, est nulle et non avenue.

La signature des Pactes relatifs aux droits de l'homme par un individu dont le régime, au cours de la courte période où il a été au pouvoir au Kampuchea, avait exterminé près de trois millions d'habitants et avait ainsi violé de la façon la plus flagrante les normes élémentaires des droits de l'homme, ainsi que chacune des dispositions desdits Pactes est un précédent regrettable qui jette le discrédit sur les nobles objectifs et les principes élevés de la Charte des Nations Unies, l'esprit même des Pactes précités et porte gravement atteinte au prestige de l'Organisation des Nations Unies."

Par la suite, des communications similaires ont été reçues des Gouvernements des États suivants comme indiqué ci-après et diffusées sous forme de notifications dépositaires ou, à la demande des États concernés, en tant que documents officiels de l'Assemblée générale (A/35/781 et A/35/784) :

Participant :	***Date de réception :***
République démocratique allemande	11 décembre 1980
Pologne	12 décembre 1980
Ukraine	16 décembre 1980
Hongrie	19 janvier 1981
Bulgarie	29 janvier 1981
Bélarus	18 février 1981
Fédération de Russie	18 février 1981
République tchèque	10 mars 1981

[6] Le 3 décembre 1999, le Gouvernement chinois a notifié au Secrétaire général que :

1. L'application des dispositions du Pacte, et en particulier de son article 1, à la Région administrative spéciale de Macao n'affectera pas le statut de Macao tel qu'il est défini dans la Déclaration commune et la Loi fondamentale.

2. Les dispositions du Pacte applicables à la Région administrative spéciale de Macao seront mises en oeuvre à Macao conformément à la législation de la Région administrative spéciale.

Les droits et libertés acquis aux résidents de Macao ne souffriront pas de restrictions, sauf si la loi en dispose autrement. Les restrictions éventuelles ne contreviendront pas aux dispositions du Pacte applicables à la Région administrative spéciale de Macao.

Dans le cadre défini ci-dessus, le Gouvernement de la République populaire de Chine assumera la responsabilité des droits et obligations internationaux qui échoient aux Parties au Pacte.

Par la suite, le Secrétaire général a reçu des Gouvernements chinois et portugais des communications eu égard au statut de Macao (voir note 3 sous "Chine" et note 1 sous "Portugal" concernant Macao dans la partie "Informations de nature historique" qui figure dans les pages priliminaires du présent volume). En reprenant l'exercice de sa souveraineté sur Macao, le Gouvernement chinois a notifié au Secrétaire général que la Convention assortie de la déclaration formulée par le Gouvernement chinois s'appliquera également à la Région administrative spéciale de Macao.

[7] Signature au nom de la République de Chine le 5 octobre 1967. Voir aussi note 1 sous “Chine” dans la partie “Informations de nature historique” qui figure dans les pages préliminaires du présent volume.

En ce qui concerne la signature en question, le Secrétaire général a reçu des Représentants permanents ou des Missions permanentes de la Bulgarie, de la Mongolie, de la République socialiste soviétique de Biélorussie, de la République socialiste soviétique d'Ukraine, de la Roumanie, de la Tchécoslovaquie, de l'Union des Républiques socialistes soviétiques et de la Yougoslavie auprès de l'Organisation des Nations Unies des communications déclarant que leur Gouvernement ne reconnaissait pas la validité de ladite signature, le seul gouvernement habilité à représenter la Chine et à assumer en son nom des obligations étant le Gouvernement populaire de Chine.

Dans diverses lettres adressées au Secrétaire général à propos des communications susmentionnées, le Représentant permanent de la Chine auprès de l'Organisation des Nations Unies a déclaré que la République de Chine, État souverain et Membre de l'Organisation des Nations Unies, avait participé à la vingt-et-unième session ordinaire de l'Assemblée générale des Nations Unies, avait contribué à l'élaboration des Pactes et du Protocole facultatif en question et les avait signés, et que toutes déclarations ou réserves relatives aux Pactes et Protocole facultatif susdits qui étaient incompatibles avec la position légitime du Gouvernement de la République de Chine ou qui lui portaient atteinte n'affecteraient en rien les droits et obligations de la République de Chine découlant de ces Pactes et du Protocole facultatif.

[8] Eu égard à l'application dudit Pacte à Hong-Kong, le Secrétaire général a reçu des Gouvernements chinois et britannique des communications eu égard au statut de Hong Kong (voir note 2 sous "Chine" et note 2 sous "Royaume-Uni de Grande-Bretagine et d'Irlande du Nord" concernant Hong Kong dans la partie "Informations de nature historique" qui figure dans les pages priliminaires du présent volume). En reprenant l'exercice de sa souveraineté sur Hong Kong, le Gouvernement chinois a notifié au Secrétaire général que le Pacte s'appliquera également à la Région administrative spéciale de Hong Kong.

[9] Voir note 1 sous "Monténégro" dans la partie "Informations de nature historique" qui figure dans les pages préliminaires de ce volume.

[10] Voir note 1 sous "Nouvelle-Zélande" concernant Tokélaou dans la partie "Informations de nature historique" qui figure dans les pages préliminaires du présent volume.

[11] Le 25 août 1997, le Secrétaire général a reçu du Gouvernement de la République populaire démocratique de Corée une notification de retrait du Pacte en date du 23 août 1997.

Le Pacte ne contenant pas de clause de retrait, le Secrétariat des Nations Unies a adressé le 23 septembre 1997 au Gouvernement de la République populaire démocratique de Corée un aide-mémoire dans lequel il a expliqué la situation juridique engendrée par cette notification.

Comme il l'expliquait dans son aide-mémoire, le Secrétaire général est d'avis que le retrait du Pacte semble impossible à moins que tous les États parties y consentent.

La notification de retrait et l'aide-mémoire ont été dûment diffusés aux États parties sous couverture de la notification dépositaire C.N.467.1997. TREATIES-10 du 12 novembre 1997.

[12] La Tchécoslovaquie avait signé et ratifié le Pacte les 7 octobre 1968 et 23 décembre 1975, respectivement, avec déclarations. Pour le texte des déclarations, voir le *Recueil des Traités* des Nations Unies, vol. 999, p. 283 et 290.

En outre, le 12 mars 1991, le Gouvernement tchèque avait déclaré ce qui suit :

[La République fédérale tchèque et slovaque] reconnaît la compétence du Comité des droits de l'homme, institué par l'article 28 du Pacte, pour recevoir et examiner des communications dans lesquelles un État partie prétend qu'un autre État partie ne s'acquitte pas de ses obligations au titre du Pacte.

Par la suite, le 7 juin 1991, le Gouvernement tchèque avait notifié au Secrétaire général, l'objection suivante :

Le Gouvernement de la République fédérale tchèque et slovaque considère que les réserves formulées par le Gouvernement de la Corée à l'égard des paragraphes 5 et 7 de l'article 14 et de l'article 22 [dudit Pacte] sont incompatibles avec le but et l'objet du Pacte. De l'avis du Gouvernement

tchécoslovaque, ces réserves contredisent le principe généralement admis en droit international selon lequel un État ne peut invoquer les dispositions de son droit interne pour justifier la non-exécution d'un traité.

La République fédérale tchèque et slovaque estime donc que ces réserves ne sont pas valables. Mais la présente déclaration ne doit toutefois pas être considérée comme faisant obstacle à l'entrée en vigueur du Pacte entre la République fédérale tchèque et slovaque et la République de Corée.

Voir aussi note 1 sous “République tchèque” et note 1 sous “Slovaquie” dans la partie “Informations de nature historique” qui figure dans les pages préliminaires du présent volume.

[13] À l'égard des déclarations interprétatives formulées par l'Algérie, le Secrétaire général a reçu, le 25 octobre 1990, du Gouvernement allemand la déclaration suivante :

[La République fédérale d'Allemagne] interprète la déclaration énoncée au paragraphe 2 comme ne visant pas à éliminer l'obligation qui incombe à l'Algérie de faire en sorte que les droits garantis au paragraphe 1 de l'article 8 du Pacte international relatif aux droits économiques, sociaux et culturels, et à l'article 22 du Pacte international relatif aux droits civils et politiques ne puissent être restreints que pour les motifs mentionnés dans ces articles, et ne puissent faire l'objet que des seules restrictions prévues par la loi.

Elle interprète la déclaration figurant au paragraphe 4 comme signifiant que l'Algérie, lorsqu'elle se réfère à son système juridique interne, n'entend pas restreindre l'obligation qui lui incombe d'assurer, grâce à des mesures appropriées, l'égalité de droits et de responsabilités des époux au regard du mariage, durant le mariage et lors de sa dissolution.

[14] Dans une communication reçue le même jour, le Gouvernement de la République fédérale d'Allemagne a indiqué qu'il désirait attirer l'attention sur les réserves formulées lors de la ratification du Pacte à l'égard des articles 19, 21 et 22 en conjonction avec le paragraphe 1 de l'article 2, les paragraphes 3 et 5 de l'article 14 et le paragraphe 1 de l'article 15 dudit Pacte.

[15] Par une communication reçue le 6 novembre 1984, le Gouvernement australien a notifié au Secrétaire général qu'il avait décidé de retirer certaines réserves et déclarations eu égard aux articles 2 et 50, 17, 19, et 25 et de retirer partiellement les réserves faites eu égard aux articles 10 et 14 formulées lors de la ratification. Pour le texte desdits réserves et déclarations, voir le *Recueil des Traités* des Nations Unies, vol. 1197, p. 414.

[16] L’action susmentionnée a été soumise auprès du Secrétaire général le 4 décembre 2006 par Bahreïn, suivant son adhésion au Pacte le 20 septembre 2006.

Conformément à la pratique suivie dans ces analogues, le Secrétaire général se propose de recevoir en dépôt la réserve précitée sauf objection d’un État contractant, soit au dépôt lui-même soit à la procédure envisagée, dans un délai de 12 mois à compter de la date de la présente notification dépositaire. En l’absence d’objection, ladite réserve sera reçue en dépôt à l’expiration du délai de 12 mois ci-dessus stipulé, soit le 28 décembre 2007.

Compte tenu des objections mentionnées ci-dessous et conformément à la pratique suivie dans des cas analogues, le Secrétaire général n'est pas en mesure d'accepter en dépôt la réserve formulée par Bahreïn. Le Secrétaire général a reçu des Gouvernements suivants, les objections suivants aux dates indiquées ci-après :

Pays-Bas (27 juillet 2007) :

Le Gouvernement du Royaume des Pays-Bas a examiné les réserves formulées par le Royaume de Bahreïn au Pacte international relatif aux droits civils et politiques. Ces réserves ayant été formulées après l'adhésion du Royaume de Bahreïn au Pacte, le Gouvernement du Royaume des Pays-Bas estime qu'elles sont intervenues trop tard et qu'elles sont par conséquent contraires à l'article 19 de la Convention de Vienne sur le droit des traités.

En outre, la réserve relative aux articles 3, 18 et 23 du Pacte est incompatible avec l'objet et le but du Pacte.

Le Gouvernement du Royaume des Pays-Bas estime que, par cette réserve, l'application du Pacte international relatif aux droits civils et politiques est subordonnée aux prescriptions de la charia islamique, ce qui fait que l'on ne sait pas très bien dans quelle mesure le Royaume de Bahreïn se considère lié par les obligations énoncées dans le Pacte, et cela suscite des préoccupations quant à son attachement à l'objet et au but du Pacte.

Le Gouvernement du Royaume des Pays-Bas rappelle qu'en vertu de la règle de droit international coutumier consacrée par la Convention de Vienne sur le droit des traités, sont interdites les réserves incompatibles avec l'objet et le but du traité.

Il est de l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États soient prêts à entreprendre les changements législatifs qui s'imposent pour s'acquitter des obligations qu'ils ont contractées en vertu des traités.

En conséquence, le Gouvernement du Royaume des Pays-Bas formule une objection à toutes les réserves du Royaume de Bahreïn au motif qu'elles ont été émises après son adhésion au Pacte, et conteste en particulier le contenu de la réserve aux articles 3, 18 et 23 du Pacte international relatif aux droits civils et politiques. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Royaume des Pays-Bas et le Royaume de Bahreïn.

Lettonie (13 août 2007) :

Le Gouvernement de la République de Lettonie note que la réserve formulée par le Royaume du Bahreïn a été déposée auprès au Secrétaire général le 4 décembre 2006 alors que son consentement à être lié au Pacte a été exprimé par adhésion le 20 septembre 2006. Or, aux termes de l'article 19 de la Convention de Vienne sur le droit des traités, une réserve peut être formulée au moment de la signature, de la ratification, de l'acceptation, de l'approbation ou de l'adhésion. Au vu de ce qui précède le Gouvernement de la République de Lettonie ne considère pas que ladite réserve est entrée en vigueur à compter de la date de son dépôt.

Portugal (29 août 2007) :

Le Gouvernement de la République portugaise a attentivement examiné les réserves formulées par le Gouvernement du Royaume de Bahreïn à l'endroit du Pacte international relatif aux droits civils et politiques.

Le Gouvernement de la République portugaise relève que ces réserves ont été faites postérieurement à l'adhésion du Royaume de Bahreïn au Pacte et il considère que la pratique des réserves tardives devrait être découragée.

Selon la première section de sa réserve, le Gouvernement du Royaume de Bahreïn interprète les dispositions des articles 3, 18 et 23 comme n'ayant aucun effet sur les prescriptions de la charia islamique. Ces dispositions visent, respectivement, les questions d'égalité entre les hommes et les femmes, de liberté de pensée, de conscience et de religion et de protection de la famille et du mariage. Le Portugal considère que ces articles sont des dispositions fondamentales du Pacte et que cette première réserve empêche de savoir dans quelle mesure le Royaume de Bahreïn s'estime lié par les obligations énoncées dans le Pacte, ce qui ne va pas sans inquiétudes quant à son attachement à l'objet et au but du Pacte et tend, par surcroît, à saper les bases du droit international. Il est de l'intérêt commun de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États soient prêts à apporter à leur législation les modifications qui seraient nécessaires pour s'acquitter des obligations que ces traités leur imposent.

En conséquence, le Gouvernement de la République portugaise émet une objection à la réserve susmentionnée du Royaume de Bahreïn au Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre le Portugal et Bahreïn.

République tchèque (12 septembre 2007) :

Le Gouvernement de la République tchèque a examiné attentivement la teneur de la réserve formulée par le Royaume du Bahreïn à l'égard des articles 3, 18 et 23 du Pacte international relatif aux droits civils et politiques, adopté le 16 décembre 1966. Puisque cette réserve a été formulée après l'adhésion du Royaume du Bahreïn au Pacte, le Gouvernement de la République tchèque considère qu'elle est tardive et donc incompatible avec l'article 19 de la Convention de Vienne sur le droit des traités.

En outre, le Gouvernement de la République tchèque estime que la réserve susmentionnée va à l'encontre du principe général d'interprétation des traités selon lequel un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier la non-exécution des obligations énoncées dans ce traité. Par ailleurs, ladite réserve renvoie de manière générale à la Constitution sans en préciser la teneur et n'indique donc pas clairement aux autres parties au Pacte dans quelle mesure l'État réservataire s'engage à appliquer le Pacte. Le Gouvernement de la République tchèque rappelle qu'il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur but et objet par toutes les parties et que les États soient disposés à entreprendre toute modification législative nécessaire pour honorer leurs obligations en vertu des traités. En vertu de la règle de droit international coutumier codifiée dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité n'est autorisée. Le Gouvernement de la République tchèque fait donc objection à la réserve susmentionnée formulée par le Royaume du Bahreïn concernant le Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République tchèque et le Royaume du Bahreïn, sans que le Royaume du Bahreïn puisse se prévaloir de sa réserve.

Estonie (12 septembre 2007) :

Le Gouvernement estonien a examiné attentivement les réserves du Royaume de Bahreïn au Pacte international relatif aux droits civils et politiques. Ces réserves ayant été formulées après l'adhésion du Royaume de Bahreïn au Pacte, le Gouvernement estonien estime qu'elles sont intervenues trop tard et qu'elles sont par conséquent incompatibles avec le droit international coutumier tel qu'il est codifié par l'article 19 de la Convention de Vienne sur le droit des traités.

En outre, les réserves formulées par le Royaume de Bahreïn au sujet des articles 3, 18 et 23 du Pacte contiennent des références générales aux prescriptions de la charia islamique. Le Gouvernement estonien estime qu'en l'absence de précisions complémentaires, ces réserves ne permettent pas de déterminer dans quelle mesure le Royaume de Bahreïn se considère comme lié par les obligations énoncées dans le Pacte, ce qui suscite des préoccupations quant à son attachement à l'objet et au but dudit instrument. En conséquence, le Gouvernement estonien élève une objection à toutes les réserves du Royaume de Bahreïn au sujet du Pacte international relatif aux droits civils et politiques au motif qu'elles ont été émises après son adhésion au Pacte, et conteste en particulier le contenu des réserves aux articles 3, 18 et 23 du Pacte. Cette objection ne fait toutefois pas obstacle à l'entrée en vigueur du Pacte international relatif aux droits civils et politiques entre la République d'Estonie et le Royaume de Bahreïn.

Canada (18 septembre 2007) :

"Le Gouvernement du Canada a examiné attentivement la déclaration faite par le Gouvernement du Royaume de Bahreïn lors de son adhésion au Pacte international relatif aux droits civils et politiques aux termes de laquelle le Gouvernement du Royaume de Bahreïn interprète les dispositions des articles 3, 18 et 23 comme n'ayant aucun effet sur les prescriptions de la charia islamique.

Le Gouvernement du Canada note que ces déclarations interprétatives constituent en réalité des réserves et qu'elles auraient dû être formulées par Bahreïn au moment de son adhésion au Pacte.

Le Gouvernement du Canada considère qu'en subordonnant l'interprétation des articles 3, 18 et 23 du Pacte aux prescriptions de la charia islamique, le Gouvernement du Royaume de Bahreïn formule des réserves d'une portée générale et indéterminée telles qu'elles ne permettent pas d'identifier les modifications des obligations du Pacte qu'elles sont destinées à introduire et ne permettent donc pas aux autres Parties au Pacte d'apprécier la mesure dans laquelle l'État réservataire se considère lié par le Pacte.

Le Gouvernement du Canada considère que les réserves ainsi formulées, qui concernent certaines des dispositions les plus essentielles du Pacte et qui tendent à rejeter les obligations nées de ces dispositions, sont incompatibles avec l'objet et le but du

Pacte. En outre, l'article 4 du Pacte dispose que l'article 18 fait partie de ceux auxquels il n'est pas permis de déroger.

Le Gouvernement du Canada fait donc objection aux réserves formulées par le Gouvernement du Royaume de Bahreïn. La présent objection ne fair pas obstacle à l'entrée en vigueur de l'intégralité des dispositions du Pacte entre le Canada et le Royaume deBahreïn."

Australie (18 septembre 2007) :

Le Gouvernement australien a examiné la réserve formulée par le Gouvernement du Royaume de Bahreïn à l'endroit du Pacte international relatif aux droits civils et politiques. Ces réserves ayant été formulées après l'adhésion du Royaume de Bahreïn au Pacte, le Gouvernement australien estime qu'elles sont intervenues tardivement et qu'elles sont par conséquent contraires à l'article 19 de la Convention de Vienne sur le droit des traités.

Le Gouvernement australien estime que la réserve relative aux articles 3, 18 et 23 du Pacte est incompatible avec l'objet et le but du Pacte. Le Gouvernement australien rappelle qu'en vertu de la règle de droit international coutumier consacrée par la Convention de Vienne sur le droit des traités, sont interdites les réserves incompatibles avec l'objet et le but du traité. Il est de l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et à leur but, par toutes les parties et que les États soient prêts à entreprendre les changements législatifs qui s'imposent pour s'acquitter des obligations qu'ils ont contractées en vertu des traités.

Le Gouvernement australien estime que le Royaume de Bahreïn, en formulant cette réserve, subordonne l'application du Pacte international relatif aux droits civils et politiques aux prescriptions de la charia islamique. Par conséquent, la formulation de cette réserve empêche de savoir dans quelle mesure le Royaume de Bahreïn s'estime lié par les obligations énoncées dans le Pacte ce qui ne va pas sans inquiétudes quant à son attachement à l'objet et au but du Pacte. Le Gouvernement australien rappelle le principe général d'interprétation des traités codifié par la Convention de Vienne sur le droit des traités selon lequel un État partie à un traité ne peut pas invoquer les dispositions de son droit interne pour justifier la non exécution des obligations énoncées dans ce traité. En outre, en ce qui concerne la réserve relative à l'article 18, le Gouvernement de l'Australie rappelle que selon les dispositions du paragraphe 2 de l'article 4 du Pacte, l'article 18 fait partie de ceux auxquels il n'est pas permis de déroger. Le Gouvernement australien élève une objection à toutes les réserves faites par le Royaume de Bahreïn au motif qu'elles ont été faites postérieurement à l'adhésion et, en particulier, au contenu de la réserve relative aux articles 3, 18 et 23 du Pacte international relatif aux droits civils et politiques faite par le Gouvernement du Royaume de Bahreïn

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Australie et Bahreïn.

Irlande (27 septembre 2007) :

Le Gouvernement irlandais a examiné les réserves au Pacte international relatif aux droits civils et politiques formulées le 4 décembre 2006 par le Gouvernement du Royaume de Bahreïn.

Le Gouvernement irlandais note que ces réserves n'ont pas été formulées par le Royaume de Bahreïn lorsque celui-ci a accédé au Pacte, le 20 septembre 2006. Le Gouvernement irlandais note en outre que le Royaume de Bahreïn subordonne l'application des droits civils et politiques aux prescriptions de la charia islamique.

Le Gouvernement irlandais estime qu'une réserve qui consiste en un renvoi général au droit religieux peut susciter des doutes quant à la volonté de l'État réservataire de s'acquitter des obligations que le Pacte met à sa charge. Le Gouvernement irlandais estime en outre qu'une réserve aussi générale risque de porter atteinte au fondement du droit conventionnel international et est incompatible avec l'objet et le but du Pacte.

Le Gouvernement irlandais note également que le Royaume de Bahreïn ne considère pas que le paragraphe 5 de l'article 9 limite son droit de définir le fondement de la réparation mentionnée dans ce paragraphe et les règles régissant son obtention. Le Gouvernement irlandais considère qu'une réserve vague et générale quant à ce fondement et ces règles ne permet pas d'apprécier dans quelle mesure l'État réservataire se considère assujetti aux obligations énoncées dans le Pacte et suscite des doutes quant à la volonté de cet État de s'acquitter des obligations que le Pacte met à sa charge. Le Gouvernement irlandais note également que le Royaume de Bahreïn considère que le paragraphe 7 de l'article 14 ne crée aucune autre obligation que celles énoncées à l'article 10 de la loi pénale de Bahreïn. Il estime qu'une telle réserve peut susciter des doutes quant à la volonté de l'État réservataire de s'acquitter des obligations que le Pacte met à sa charge et risque de porter atteinte au fondement du droit international conventionnel.

Le Gouvernement irlandais formule donc une objection aux réserves susmentionnées formulées par le Gouvernement du Royaume de Bahreïn au Pacte international relatif aux droits civils et politiques. Cette objection n'empêche pas l'entrée en vigueur du Pacte entre l'Irlande et le Royaume de Bahreïn.

Italie (1er novembre 2007) :

Le Gouvernement italien a examiné la réserve formulée par le Gouvernement du Royaume de Bahreïn à propos des articles 3, 18 et 23 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement considère que la réserve formulée par le Gouvernement du Royaume de Bahreïn, selon laquelle est exclue toute interprétation des dispositions des articles 3, 18 et 23 qui influerait sur les prescriptions de la charia islamique, ne dit pas précisément dans quelle mesure son auteur accepte les obligations imposées par ces articles. Cette réserve fait naître des doutes sérieux quant à l'étendue réelle de l'engagement pris par le Gouvernement du Royaume de Bahreïn et est susceptible d'aller à l'encontre de l'objet et du but du Pacte.

Le Gouvernement italien formule donc une objection à l'égard de la réserve susmentionnée du Gouvernement du Royaume de Bahreïn.

Cette objection n'empêche pas l'entrée en vigueur du Pacte entre le Gouvernement italien et le Gouvernement du Royaume de Bahreïn.

Pologne (3 décembre 2007)

Le Gouvernement de la République de Pologne a examiné les réserves formulées par le Royaume de Bahreïn après avoir

adhéré au Pacte international relatif aux droits civils et politiques, ouvert à la signature à New York le 19 décembre 1966, concernant l'article 3, le paragraphe 5 de l'article 9, le paragraphe 7 de l'article14, l'article 18 et l'article 23 du Pacte.

Le Gouvernement de la République de Pologne considère que les réserves du Royaume de Bahreïn sont des réserves dites tardives car le Royaume les a formulées après avoir adhéré au Pacte. Elles sont donc incompatibles avec l'article 19 de la Convention de Vienne sur le droit des traités, qui dispose qu'il n'est possible de formuler des réserves qu'au moment de signer, de ratifier, d'accepter, d'approuver un traité ou d'y adhérer.

De plus, le Gouvernement de la République de Pologne considère que par suite des réserves formulées concernant les articles 3, 18 et 23 du Pacte, le Royaume de Bahreïn subordonne l'application des dispositions de ces articles aux prescriptions de la charia islamique, de sorte que la portée des obligations découlant desdits articles, que le Royaume de Bahreïn a acceptées, n'est pas définie de manière suffisamment précise pour les autres États Parties. Il considère que ces réserves ont pour effet d'établir une différenciation dans la jouissance des droits garantis par le Pacte, ce qui est incompatible avec l'objet et le but du Pacte et n'est donc pas autorisé par l'alinéa c) de l'article 19 de la Convention de Vienne sur le droit des traités.

Pour ces raisons, le Gouvernement de la République de Pologne fait objection aux réserves formulées par le Royaume de Bahreïn.

La présente objection ne constitue toutefois pas un obstacle à l'entrée en vigueur du Pacte entre la République de Pologne et le Royaume de Bahreïn.

Suède (3 décembre 2007)

Le Gouvernement suédois relève que le Royaume de Bahreïn a exprimé ses réserves après avoir adhéré au Pacte. Étant donné qu'elles ont été formulées tardivement, ces réserves sont considérées comme contraires au principe général pacta sunt servanda et au droit international coutumier tel que codifié dans la Convention de Vienne sur le droit des traités.

Le Gouvernement suédois relève en outre que le Gouvernement du Royaume de Bahreïn a formulé une réserve concernant les articles 3, 18 et 23 du Pacte en subordonnant leur application aux prescriptions de la charia islamique et à la législation nationale. Il estime que cette réserve ne définit pas précisément la portée de la dérogation par le Gouvernement du Royaume de Bahreïn aux dispositions de ces articles et fait douter sérieusement de l'attachement du Royaume à l'objet et au but du Pacte.

Le Gouvernement suédois rappelle qu'en vertu du droit international coutumier, tel que codifié dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité n'est autorisée. Il est dans l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et leur but, par toutes les parties, et que les États soient disposés à apporter à leur législation toutes les modifications nécessaires pour pouvoir s'acquitter des obligations découlant de ces traités.

Pour ces raisons, le Gouvernement suédois fait objection à toutes les réserves exprimées par le Gouvernement du Royaumede Bahreïn concernant le Pacte international relatif aux droits civils et politiques, étant donné qu'il les a formulées après avoir adhéré au Pacte, en particulier à la teneur de ses réserves à propos des articles 3, 18 et 23, et les considère nulles et non avenues.

La présente objection ne fait toutefois pas obstacle à l'entrée en vigueur du Pacte, dans son intégralité, entre la Suède et le Royaume de Bahreïn, sans que celui-ci puisse se prévaloir des réserves qu'il a formulées.

Hongrie (4 décembre 2007)

Le Gouvernement de la République de Hongrie a examiné soigneusement le contenu de la réserve faite par le Royaume de Bahreïn à l'égard des articles 3, 18 et 23 du Pacte international relatif aux droits civils et politiques adopté le 16 décembre 1966. Comme cette réserve a été formulée après l'adhésion du Royaume de Bahreïn au Pacte, le Gouvernement de la République de Hongrie considère qu'elle est intervenue trop tard et qu'elle est par conséquent contraire à l'article 19 de la Convention de Vienne sur le droit des traités.

Le Gouvernement de la République de Hongrie estime que cette réserve va à l'encontre du principe général d'interprétation des traités selon lequel un État partie à un traité ne peut invoquer les dispositions de son droit interne pour justifier la non-exécution des obligations énoncées dans ce traité. En outre, la réserve en question renvoie de manière générale à la Constitution sans en préciser la teneur et n'indique donc pas clairement aux autres parties au Pacte dans quelle mesure l'État réservataire s'engage à appliquer celui-ci.

Le Gouvernement de la République de Hongrie rappelle qu'il est dans l'intérêt de tous les États que les traités auxquels ils ont choisi de devenir parties soient respectés quant à leur but et objet par toutes les parties et que les États soient disposés à entreprendre toute modification nécessaire pour honorer leurs obligations en vertu des traités. En vertu de la règle de droit international coutumier codifiée dans la Convention de Vienne sur le droit des traités, aucune réserve incompatible avec l'objet et le but d'un traité n'est autorisée.

Le Gouvernement de la République de Hongrie fait donc une objection à la réserve formulée par le Royaume de Bahreïn à l'égard du Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre la République de Hongrie et le Royaume de Bahreïn.

Mexique (13 décembre 2007)

La Mission permanente du Mexique auprès de l'Organisation des Nations Unies présente ses compliments à la Section des traits du Bureau des affaires juridiques de l'Organisation et a l'honneur d'appeler son attention sur les reserves que le Royaume de Bahreïn a formulées à l'égard de plusieurs des dispositions du Pacte international relative aux droits civils et politiques de 1966, dont celle concernant les articles 3, 18 et 23, lorsqu'il a adhere à cet instrument, le 20 décembre 2006.

À cet égard, la Mission permanente tient à signaler que le Gouvernement mexicain a examiné la teneur de la réserve formulée par Bahreïn et estime qu'elle doit être considérée comme non valide, car elle est incompatible avec l'objet et le but du Pacte.

La réserve formulée, si elle venait à être mise en oeuvre, aurait inévitablement pour résultat de subordonner l'application des articles visés aux dispositions de la charia islamique, ce qui constituerait une discrimination dans la jouissance et l'exercice des droits consacrés dans le Pacte et irait à l'encontre de l'ensemble des dispositions de cet instrument international. Les principes de l'égalité entre hommes et femmes etde la non-discrimination sont consacrés dans le préambule et le paragraphe 1 de l'article 2 du Pacte, ainsi que dans le préambule et le paragraphe 3 de l'Article premier de la Charte des Nations Unies.

L'objection présentée par le Gouvernement mexicain au regard de la réserve en question ne doit pas être considérée comme empêchant l'entrée en vigueur du Pacte entre le Mexique et le Royaume de Bahreïn.

Slovaquie (18 décembre 2007) :

Le Gouvernement slovaque a attentivement examiné la réserve formulée par le Royaume de Bahreïn lors de son adhésion au Pacte international relatif aux droits civils et politiques.

Il est d'avis que la réserve formulée par le Royaume de Bahreïn, selon laquelle est exclue toute interprétation des dispositions des articles 3, 18 et 23 qui influerait sur les prescriptions de la charia islamique, ne dit pas précisément dans quelle mesure son auteur accepte les obligations imposées par ces articles. Cette réserve est trop générale et fait naître des doutes sérieux quant à l'étendue réelle de l'engagement pris par le Gouvernement du Royaume de Bahreïn envers l'objet et le but du Pacte.

Le Gouvernement slovaque formule donc une objection à l'égard de la réserve susmentionnée que le Gouvernement du Royaume de Bahreïn a formulée lors de son adhésion au Pacte international relatif aux droits civils et politiques.

Cette objection n'empêche pas l'entrée en vigueur du Pacte entre la Slovaquie et le Royaume de Bahreïn. Le Pacte entre en vigueur dans son intégralité entre les deux États sans que le Royaume de Bahreïn puisse se prévaloir de sa réserve.

Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (27 décembre 2007) :

Le Royaume-Uni fait objection aux réserves de Bahreïn, car elles ont été formulées après la date d'adhésion de celui-ci au Pacte.

Le Royaume-Uni fait en outre objection au contenu de la première réserve formulée par Bahreïn aux articles 3, 18 et 23. De l'avis du Royaume-Uni, une réserve doit clairement établir, à l'intention des autres États parties au Pacte, dans quelle mesure son auteur a accepté les obligations définies dans le Pacte, ce que ne fait pas une réserve qui ne consiste qu'en un renvoi général à un système juridique sans en préciser le contenu.

Ces objections ne font pas obstacle à l'entrée en vigueur du Pacte entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Royaume de Bahreïn. Toutefois, en raison de leur formulation tardive, les réserves ne produiront aucun effet dans les relations entre Bahreïn et le Royaume-Uni.

[17] Le 30 septembre 1992, le Gouvernement bélarussien a notifié au Secrétaire général sa décision de retirer la déclaration formulée lors de la signature et confirmée lors de la ratification. Pour le texte de la réserve, voir le *Recueil des Traités* des Nations Unis, vol. 993, p. 78. Pour le texte de la déclaration concernant le paragraphe premier de l'article 48 telle que retirée, voir le *Recueil des Traités* des Nations Unies, vol. 999, p. 282.

[18] Par une communication reçue le 14 septembre 1998, le Gouvernement belge a notifié au Secrétaire géneral qu'il avait décidé de retirer la réserve relative aux articles 2, 3, et 25 faite lors de la ratification. Pour le texte de la réserve tel que retirée, voir le *Recueil des Traités* des Nations Unies, vol. 1312, p. 330.

[19] À l'égard de la réserve faite par le Botswana lors de la signature et confirmée lors de la ratification, le Secrétaire général a reçu des États suivants, des communications aux dates indiquées ci-après :

Autriche (17 octobre 2001):

L'Autriche a examiné la réserve que le Gouvernement de la République du Botswana a formulée lors de la signature du Pacte international de 1966 relatif aux droits civils et politiques et confirmée lors de la ratification, à l'égard de l'article 7 et du paragraphe 3 de l'article 12 du Pacte.

Le fait que le Botswana assujettisse ces articles à une réserve générale renvoyant à sa législation nationale peut, faute d'éclaircissements supplémentaires, faire douter de l'adhésion du Botswana à l'objet et au but du Pacte. Conformément au droit international coutumier codifié par la Convention de Vienne sur le droit des traités, il n'est pas permis de formuler de réserve incompatible avec l'objet et le but du traité. En conséquence, du point de vue de l'Autriche, la réserve est irrecevable, dans la mesure où son application pourrait empêcher le Botswana de s'acquitter des obligations qui lui incombent aux termes de l'article 7 et du paragraphe 3 de l'article 12 du Pacte.

Pour ces motifs, l'Autriche fait objection à la réserve formulée par le Gouvernement de la République du Botswana à l'égard du Pacte international relatif aux droits civils et politiques.

Cette objection ne fait pas obstacle à l'entrée en vigueur du Pacte dans son intégralité entre le Botswana et l'Autriche, sans que la réserve produise ses effets à l'égard du Botswana.

Italie (20 décembre 2001):

Le Gouvernement de la République italienne a examiné les réserves formulées par la République du Botswana lors de la signature par ce pays du Pacte international relatif aux droits civils et politiques, et confirmées lors de sa ratification, au sujet de l'article 7 et du paragraphe 3 de l'article 12 du Pacte.

Le Gouvernement de la République note que les articles du Pacte susmentionnés font l'objet d'une réserve générale fondée sur la teneur de la législation en vigueur au Botswana. Le Gouvernement de la République italienne estime qu'en l'absence d'explications plus détaillées, des réserves renvoyant à la législation internationale font douter de la volonté du Botswana de s'acquitter de ses obligations en vertu du Pacte.

Le Gouvernement de la République italienne considère, conformément à l'article 19 de la Convention de Vienne de 1969 sur le droit des traités, que ces réserves sont incompatibles avec l'objet et le but du Pacte. Ces réserves ne relèvent pas de

l'application du paragraphe 5 de l'article 20 et peuvent donc faire l'objet d'objections à tout moment.

En conséquence, le Gouvernement italien émet une objection aux réserves susmentionnées formulées par la République du Bostwana. La présente objection ne fait pas obstacle à l'entrée en vigueur du Pacte entre l'Italie et le Botswana.

[20] Le 2 avril 2014 le Gouvernement danois a modifié la réserve faite lors de la ratification qui se lit comme suit :

1. Le Gouvernement danois fait une réserve en ce qui concerne la deuxième phrase du paragraphe 3 de l'article 10. Au Danemark, on ne néglige aucun effort, dans la pratique, pour assurer une répartition appropriée, suivant leur âge, des personnes condamnées à des peines d'emprisonnement, mais on estime qu'il convient de se réserver la possibilité d'adopter des solutions souples.

2. a) Le Danemark ne sera pas tenu par les dispositions du paragraphe 1 de l'article 14 concernant la publicité des procédures judiciaires.

En droit danois, la faculté de prononcer le huis clos pendant un procès peut être plus large que celle qui est prévue dans le Pacte, et le Gouvernement danois estime que cette faculté ne doit pas être restreinte.

b) Le Danemark ne sera pas tenu par les dispositions des paragraphes 5 et 7 de l'article 14.

Au Danemark, la loi relative à l'administration de la justice contient des dispositions détaillées concernant les questions traitées dans ces deux paragraphes. Dans certains cas, la législation danoise est moins restrictive que le Pacte (par exemple, un verdict rendu par un jury en ce qui concerne la culpabilité ne peut pas être réexaminé par une juridiction supérieure (voir le paragraphe 5), tandis que dans d'autres cas elle est plus restrictive que le Pacte (par exemple, en ce qui concerne la réouverture d'un procès criminel ayant abouti à l'acquittement de l'accusé; voir le paragraphe 7).

3. Le Gouvernement danois fait également une réserve en ce qui concerne le paragraphe 1 de l'article 20. Cette réserve est conforme au vote exprimé par le Danemark à la seizième session de l'Assemblée générale desNationsUnies, en 1961, lorsque la délégation danoise, compte tenu de l'article précédent du Pacte concernant la liberté d'expression, a voté contre l'interdiction de la propagande en faveur de la guerre.

[21] Par une communication reçue le 29 mars 1985, le Gouvernement finlandais a notifié au Secrétaire général qu'il avait décidé de retirer les réserves à l'article 13 et au paragraphe 1 de l'article 14 (la notification précise que les réserves sont levées du fait que ces dispositions pertinentes du droit finlandais ont été modifiées afin de correspondre aux articles 13 et 14, paragraphe premier du Pacte) et au paragraphe 3 de l'article 9 et au paragraphe 3, d, de l'article 14, formulées lors de la ratification. Pour le texte desdits réserves, voir le *Recueil des Traités* des Nations Unies, vol. 999, p. 291.

[22] Par une communication reçue le 22 mars 1988, le Gouvernement français a notifié au Secrétaire général qu'il avait décidé de retirer, avec effet à cette date la réserve à l'article 19 formulée lors de l'adhésion. Pour le texte de la réserve, voir le Recueil des Traités des Nations Unies, vol. 1202, p. 397.

[23] Par une communication reçue le 26 juillet 2012, le Gouvernement français a notifié au Secrétaire général qu'il avait décidé de retirer partiellement, la réserve à l'article 14, paragraphe 5 formulée lors de l'adhésion. La réserve lors de l'adhésion se lisait comme suit :

Le Gouvernement de la République interprète l'article 14, paragraphe 5, comme posant un principe général auquel la loi peut apporter des exceptions limitées. Il en est ainsi, notamment, pour certaines infractions relevant en premier et dernier ressort du Tribunal de Police ainsi que pour les infractions de nature criminelle. Au demeurant les décisions rendues en dernier ressort peuvent faire l'objet d'un recours devant la Cour de Cassation qui statue sur la légalité de la décision intervenue.

[24] Le 12 avril 1994 et 24 août 1998, respectivement, le Gouvernement irlandais a notifié au Secrétaire général sa décision de retirer la déclaration à l'égard du paragraphe 5 de l'article 6, d'une part et au paragraphe 6 de l'article 14 et au paragraphe 4 de l'article 23, d'autre part, formulées lors de la ratification. Pour le texte de la déclaration et des réserves, voir le *Recueil des Traités* des Nations Unies, vol. 1551, p. 352.

Le 26 janvier 2009, le Gouvernement d'Irlande a notifié au Secrétaire général sa décision de retirer la réserve à l'égard de l'Article 14, formulée lors de la ratification, qui se lit comme suit:

L'Irlande se réserve le droit d'appliquer aux infractions mineures à la législation militaire une procédure sommaire conforme aux règles de procédure en vigueur, qui peuvent ne pas correspondre en tous points au prescrit de l'article 14 du Pacte.

[25] Le 15 décembre 2011, le Gouvernement de l'Irlande a informé le Secrétaire général qu'il avait décidé de retirer la réserve à l'égard du paragraphe 2 de l'article 19 du Pacte faite lors de la ratification. Le texte de la réserve retirée se lit comme suit :

L'Irlande se réserve le droit de conférer un monopole à certaines entreprises de radiodiffusion et de télévision ou d'exiger une licence pour opérer dans ces domaines.

[26] Le 18 octobre 1993, le Gouvernement islandais a notifié au Secrétaire général sa décision de retirer avec effet à cet même date, la réserve au paragraphe 3 alinéa a) de l'article 8, formulée lors de la ratification. Pour le texte de la réserve, voir le *Recueil des Traités* des Nations Unies, vol. 1144, p. 386.

[27] Le 19 octobre 2009, le Gouvernement de l'Islande a notifié au Secrétaire général sa décision de retirer la réserve à l'égard du paragraphe 3 de l'article 13 formulée lors de la ratification au Pacte. Le texte de la réserve retirée se lit comme suit :

L'article 13, dans la mesure où il est incompatible avec les dispositions du droit islandais en vigueur pour ce qui est du droit des étrangers à recourir contre une décision d'expulsion.

[28] En référence à la ratification du Pacte susmentionné par l'Italie, le Gouvernement italien a notifié au Secrétaire général, dans une notification reçue le 20 décembre 2005, sa décision de retirer des réserves suivantes, formulées lors de la ratification de la Convention, relatives aux articles 9 (5), 12 (4) et 14 (5) :

"Article 9, paragraphe 5 :

"La République italienne, considérant que l'expression "arrestation ou détention illégales contenue dans le paragraphe 5 de l'article 9 pourrait donner lieu à des divergences d'interprétation, déclare interpréter l'expression susmentionnée comme visant exclusivement les arrestations ou détentions contraires aux dispositions du paragraphe 1er du même article 9.

"Article 12, paragraphe 4 :

"Le paragraphe 4 de l'article 12 ne saurait faire obstacle à l'application de la disposition transitoire XIII de la Constitution italienne concernant l'interdiction d'entrée et de séjour de certains membres de la Famille de Savoie dans le territoire de l'État.

"Article 14, paragraphe 5 :

"Le paragraphe 5 de l'article 14 ne saurait faire obstacle à l'application des dispositions italiennes existantes qui, en conformité avec la Constitution de la République italienne, règlent le déroulement, en un seul degré, du procès instauré à la Cour constitutionnelle pour les accusations portées contre le Président de la République et les Ministres."

[29] Le 20 mai 2016, le Gouvernement de l'État du Koweït a informé le Secrétaire général de sa décision de retirer partiellement la réserve à l'alinéa b) de l'article 25 formulée lors de son adhésion au Pacte. La réserve formulée lors de l'adhésion se lisait comme suit :

"Le Gouvernement koweïtien exprime des réserves concernant l'alinéa b) de l'article 25, dont les dispositions sont en contradiction avec la loi électorale koweïtienne qui n'accorde le droit de voter et d'être élu qu'aux individus de sexe masculin.

Par ailleurs, le Gouvernement koweïtien déclare que les dispositions de l'alinéa susmentionné ne s'appliqueront pas aux membres des forces armées et la police."

[30] Le 28 avril 2000, le Gouvernement liechtensteinois a informé le Secrétaire général qu'il avait décidé de retirer la réserve au paragraphe 2 de l'article 20 du Pacte faite lors de l'adhésion. Le texte de la réserve se lit comme suit:

La Principauté du Liechtenstein réserve le droit de ne pas adopter de mesures supplémentaires pour interdire la propagande en faveur de la guerre, interdite par le paragraphe 1 de l'article 20 du Pacte. La Principauté du Liechtenstein réserve le droit d'adopter une disposition pénale qui tiendra compte des exigences du paragraphe 2 de l'article 20 à l'occasion de son adhésion éventuelle à [ladite Convention].

Le 13 octobre 2009, le Gouvernement liechtensteinois a informé le Secrétaire général qu'il avait décidé de retirer la réserve à l'égard du paragraphe 3 de l'article 24 du Pacte faite lors de l'adhésion. Le texte de la réserve retirée se lit comme suit :

La Principauté du Liechtenstein réserve le droit d'appliquer la législation du Liechtenstein en vertu de laquelle la nationalité du Liechtenstein est accordée à certaines conditions.

[31] À l'égard de la réserve faite par les Maldives lors de l'adhésion, le Secrétaire général a reçu des États suivants, des communications aux dates indiquées ci-après :

Italie (1er novembre 2007) :

Le Gouvernement italien a examiné la réserve formulée par la République des Maldives à propos de l'article 18 du Pacte international relatif aux droits civils et politiques.

Le Gouvernement italien considère que cette réserve, selon laquelle l'article 18 s'applique sans préjudice de la Constitution de la République des Maldives, ne dit pas précisément dans quelle mesure son auteur accepte l'obligation imposée par l'article en question. Cette réserve fait naître des doutes sérieux quant à l'étendue réelle de l'engagement pris par la République des Maldives et est susceptible d'aller à l'encontre de l'objet et du but du Pacte.

Le Gouvernement italien formule donc une objection à l'égard de la réserve susmentionnée de la République des Maldives.

Cette objection n'empêche pas l'entrée en vigueur du Pacte entre le Gouvernement italien et la République des Maldives.

Slovaquie (21 décembre 2007) :

Le Gouvernement slovaque a attentivement examiné la réserve formulée par la République des Maldives lors de son adhésion au Pacte international relatif aux droits civils et politiques.

Il est d'avis que la réserve formulée par la République des Maldives, selon laquelle l'application des principes énoncés à l'article 18 du Pacte se fera sans préjudice de la Constitution de la République des Maldives, est trop générale et ne dit pas précisément dans quelle mesure son auteur accepte les obligations qui lui incombent en vertu du Pacte.

Conformément au système juridique de la République des Maldives, essentiellement fondé sur les principes de la loi islamique, la réserve susmentionnée fait naître des doutes quant à la volonté de son gouvernement de s'acquitter des obligations énoncées dans le Pacte, qui est essentielle au respect de son objet et de son but.

Le Gouvernement slovaque formule donc une objection à l'égard de la réserve susmentionnée que le Gouvernement de la République des Maldives a formulée lors de son adhésion au Pacte international relatif aux droits civils et politiques.

[32] Le 15 mars 2002, le Gouvernement mexicain a informé le Secrétaire général du retrait partiel de la réserve faite à l'article 25, alinéa b) faite lors de l'adhésion. La réserve faite lors de l'adhésion se lisait comme suit :

Article 25, alinéa b) :

Le Gouvernement mexicain fait également une réserve au sujet de cette disposition, compte tenu du texte actuel de l'article 130 de la Constitution politique des États-Unis du Mexique disposant que les ministres du culte n'ont ni le droit de vote ni celui d'être élus ni le droit d'association à des fins politiques.

Le 11 juillet 2014, le Gouvernement mexicain a notifié le Secrétaire général du retrait partiel de la réserve formulée lors de

l'adhésion. La partie de la réserve qui a été retirée se lisait comme suit :

Article 13. Le Gouvernement mexicain fait une réserve au sujet de cet article, compte tenu du texte actuel de l'article 33 de la Constitution politique des États-Unis du Mexique.

[33] Suivant notification reçue par le Secrétaire général le 12 décembre 1979, le Gouvernement norvégien a retiré la réserve qu'il avait simultanément formulée concernant l'article 6, paragraphe 4.

[34] Le Secrétaire général a reçu la/les communication(s) suivante(s) à l'égard des réserves faites par le Pakistan, à la (aux) date(s) indiquée(s) ci-après :

Pays-Bas (Le 30 juin 2011)

Le Gouvernement du Royaume des Pays-Bas a examiné les réserves exprimées par la République islamique du Pakistan lors de la ratification du Pacte international relatif aux droits civils et politiques.

Le Gouvernement du Royaume des Pays-Bas considère qu'avec les réserves qu'elle a exprimées à propos des articles 3, 6, 7, 12, 13,18, 19 et 25 du Pacte, la République islamique du Pakistan subordonne aux lois de la charia ainsi qu'aux lois constitutionnelles et nationales en vigueur au Pakistan, le respect d'obligations essentielles en vertu du Pacte, notamment celles qui concernent l'égalité entre hommes et femmes, le droit à la vie, y compris les restrictions à l'imposition de la peine de mort, l'interdiction de la torture, la liberté de pensée, de conscience et de religion, la liberté d'expression, la liberté de circulation et la liberté de choisir son lieu de résidence, les restrictions à l'expulsion des étrangers légalement présents sur le territoire d'un État partie, le droit de prendre part aux affaires publiques, le droit de voter et d'être élu ainsi que le droit d'avoir accès aux services publics sur un pied d'égalité.

Tout ceci fait qu'il est difficile de savoir dans quelle mesure la République islamique du Pakistan se considère comme liée par les obligations lui incombant en vertu du Pacte et soulève des préoccupations quant à l'attachement du Pakistan aux buts et objectifs de cet instrument.

Le Gouvernement du Royaume des Pays-Bas estime que les réserves dont il est fait état ci-dessus doivent être considérées comme étant incompatibles avec les buts et principes du Pacteet tient à rappeler que, conformément au droit coutumier international tel que le codifie la Convention de Vienne sur le droit des traités, les réserves incompatibles avec les buts et objectifs d'un traité ne sont pas autorisées.

Par ailleurs, le Gouvernement du Royaume des Pays-Bas a examiné les réserves exprimées par la République islamique du Pakistan à propos de l'article 40 du Pacte.

Le Gouvernement des Pays-Bas estime que les mécanismes de supervision créés en vertu du Pacte, notamment le système qui consiste à présenter, en application de l'article 40 de cet instrument, des rapports périodiques au Comité des droits de l'homme, constituent une partie essentielle du traité. Aussi, une réserve du type de celle qui est exprimée par la République islamique du Pakistan, par laquelle un État partie déclare ne pas reconnaître que le Comité des droits de l'homme est compétent pour examiner les rapports périodiques des États et formuler des observations à leur sujet, doit-elle être considérée comme contraire aux buts et aux principes du Pacte et par conséquent, interdite. En conséquence, le Gouvernement du Royaume des Pays-Bas fait objection aux réserves exprimées par la République islamique du Pakistan à propos des articles du Pacte susmentionnés.

Par conséquent, le Gouvernement du Royaume des Pays-Bas fait objection aux réserves de la République islamique du Pakistan aux articles susmentionnés du Pacte.

L'objection émise ci-dessus ne fait pas obstacle à l'entrée en vigueur du Pacte conclu entre le Royaume des Pays-Bas et la République islamique du Pakistan.

Par la suite, par une communication reçue la 20 septembre 2011, le Gouvernement du Pakistan a notifié au Secrétaire général sa décision de retirer partiellement les réserves aux articles 3 et 25 de la Conventionformulées lors de la ratification.

Ces réserves se lisaient comme suit :

Article 3

« Le Gouvernement de la République islamique du Pakistan déclare que l'article 3 du Pacte international relatif aux droits civils et politiques s'applique de telle manière qu'il soit en conformité avec la Loi personnelle des citoyens et de Qannon-e-Shahadat. »

Article 25

« Le Gouvernement de la République islamique du Pakistan dispose que l'application de l'article 25 du Pacte international relatif aux droits civils et politiques sera assujettie au principe prévu au paragraphe 2 de l'article 41 et au paragraphe 3 de l'article 91 de la Constitution du Pakistan. »

Par la suite, par une communication reçue la 20 septembre 2011, le Gouvernement du Pakistan a notifié au Secrétaire général sa décision de retirer partiellement les réserves aux articles 6, 7, 12 13, 18, 19 et 40 de la Convention formulées lors de la ratification.

Ces réserves se lisaient comme suit :

Articles 3, 6, 7, 18 et 19

« La République islamique du Pakistan déclare que les articles 3, 6, 7, 18 et 19 s'appliquent dans la mesure où ils ne sont pas contraires à la Constitution du Pakistan et à la Charia. »

Article 12

« La République islamique du Pakistan déclare que l'article l2 s'applique de telle manière qu'il soit en conformité avec la Constitution du Pakistan. »

Article 13

« S'agissant de l'article 13, le Gouvernement de la République islamique du Pakistan se réserve le droit d'appliquer sa loi relative aux étrangers. »

Article 40

« Le Gouvernement de la République islamique du Pakistan déclare qu'il ne reconnaît pas la compétence que l'article 40 du Pacte confère au Comité. »

[35] Le 20 décembre 1983, le Gouvernement néerlandais a notifié au Secrétaire général qu'il retirait la réserve faite à l'égard de l'article 25 c). La réserve était la suivante :

Le Royaume des Pays-Bas n'accepte pas cette disposition pour les Antilles néerlandaises.

Voir notes 1 et 2 sous "Pays-Bas" concernant Aruba/Antilles néerlandaises dans la partie "Informations de nature historique" qui figure dans les pages préliminaires du présent volume.

[36] Le Secrétaire général a reçu la/les communication(s) suivante(s) à l'égard des réserves faites par le Qatar, à la (aux) date(s) indiquée(s) ci-après :

Suede (22 mai 2019)

Le Gouvernement suédois a examiné les déclarations et la réserve formulées par l'État du Qatar lors de l'adhésion au Pacte international relatif aux droits civils et politiques. Dans ce contexte, le Gouvernement suédois souhaite rappeler qu'en vertu du droit international des traités bien établi, le nom assigné à une déclaration selon laquelle l'effet juridique de certaines dispositions d'un traité est exclu ou modifié ne détermine pas son statut en tant que réserve au traité. Ainsi, le Gouvernement suédois estime que les déclarations faites par l'État du Qatar à l'égard de l'article 7, du paragraphe 2 de l'article 18, de l'article 22, du paragraphe 2 de l'article 23 et de l'article 27, en l'absence de clarifications supplémentaires, constituent essentiellement des réserves au Pacte.

Le Gouvernement suédois note que l'interprétation et l'application des articles 3 et 7, du paragraphe 2 de l'article 18, de l'article 22, des paragraphes 2 et 4 de l'article 23, et de l'article 27 font l'objet de réserves générales en faisant essentiellement référence à la charia islamique et/ou à la législation nationale.

Le Gouvernement suédois est d'avis que de telles réserves, qui ne précisent pas clairement la portée des dérogations, suscitent un doute quant à l'engagement de l'État du Qatar à l'égard de l'objet et du but du Pacte.

Selon le droit international coutumier, tel que codifié dans la Convention de Vienne sur le droit des traités, les réserves incompatibles avec l'objet et le but du Pacte ne sont pas permises. Il est dans l'intérêt commun des États que les traités auxquels ils ont choisi de devenir parties soient respectés, quant à leur objet et leur but, par toutes les parties et que les États soient prêts à entreprendre toute

modification législative nécessaire pour s'acquitter de leurs obligations en vertu des traités.

[37] Le 15 mars 1991, le 19 janvier 1993 et 2 avril 2007, respectivement, le Gouvernement de la République de Corée a notifié au Secrétaire général sa décision de retirer les réserves au paragraphe 4 de l'article 23 (avec effet au 15 mars 1991), au paragraphe 7 de l'article 14 (avec effet au 21 janvier 1993) et au paragraphe 5 de l'article 14 (avec effet au 2 avril 2007) formulées lors de l'adhésion.

[38] À l'égard de la réserve faite par la République démocratique populaire lao lors de l'adhésion, le Secrétaire général a reçu des États suivants, des communications aux dates indiquées ci-après :

Royaume-Uni de Grande-bretagne et d'Irlande du Nord (Le 21 octobre 2010) :

Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a examiné avec soin la réserve qu'a faite le Gouvernement lao lors de sa ratification du Pacte international relatif aux droits civils et politiques.

Le Royaume-Uni considère que cette réserve fait que l'article 22 du Pacte s'applique sous réserve des dispositions de la législation nationale en vigueur dans la République démocratique populaire lao. Cela ne permet pas de savoir clairement dans quelle mesure la République démocratique populaire lao se considère liée par les obligations découlant de l'article 22 du Pacte.

Le Royaume-Uni considère qu'une réserve devrait indiquer clairement aux autres États Parties au Pacte dans quelle mesure l'État auteur de la réserve a accepté les obligations qui découlent du Pacte. Ce n'est pas le cas lorsque la réserve consiste dans une référence générale au droit interne sans en préciser les incidences.

Le Royaume-Uni soulève donc une objection contre la réserve du Gouvernement lao à l'article 22 du Pacte. Cette objection ne fait pas obstacle à l'entrée en vigueur de la Convention entre le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et la République démocratique populaire lao.

Suède (Le 18 octobre 2010) :

Le Gouvernement suédois note que la République démocratique populaire lao se réserve le droit d'interpréter l'article 22 du Pacte international relatif aux droits civils et politiques, comme le prévoit l'article 1 du Pacte, et d'appliquer l'article 22 conformément à sa constitution et à sa législationnationale applicable. Le Gouvernement suédois est d'avis que cette réserve, qui ne précise pas clairement la portée de la dérogation, engendre de sérieux doutes quant à la volonté de la République démocratique populaire lao de respecter l'objet et le but du Pacte.

Conformément au droit international coutumier codifié dans l'article 19 de la Convention de Vienne sur le droit des traités, les réserves incompatibles avec l'objet et le but d'une convention ne sont pas autorisées. Il est de l'intérêt de tous les États que les traités auxquels ils ont décidé de devenir parties soient respectés par toutes les parties quant à leur objet et à leur but, et que les États soient disposés à modifier leur législation de manière à pouvoir s'acquitter de leurs obligations en vertu des traités.

D'autre part, le Gouvernement suédois rappelle que la qualification d'une déclaration qui modifie ou exclut l'effet juridique de certaines dispositions d'un traité n'en fait pas nécessairement une réserve au traité. Le Gouvernement suédois considère que les déclarations de la République démocratique populaire lao concernant les articles 1 et 18 du Pacte modifient

l'effet juridique des dispositions du Pacte dans leur application à la République démocratique populaire lao. Il considère donc que ces déclarations interprétatives constituent fondamentalement des réserves.

Le Gouvernement suédois fait donc objection aux réserves susmentionnées formulées par la République démocratique populaire lao concernant le Pacte international relatif aux droits civils et politiques, et les considère nulles et non avenues.

Ladite objection n'empêche pas l'entrée en vigueur du Pacte entre la République démocratique populaire lao et la Suède. Le Pacte entre donc en vigueur entre les deux États dans son intégralité, sans que la République démocratique populaire lao ne puisse se prévaloir de ses réserves.

[39] Dans une communication reçue le 2 février 1993, le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a notifié au Secrétaire général sa décision de retirer la réserve à l'alinéa c) de l'article 25, formulée lors de la ratification. Pour le texte de la réserve voir le *Recueil des Traités* des Nations Unies, vol. 1007, p. 397.

Dans une communication reçue le 4 février 2015, le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a notifié au Secrétaire général sa décision de retirer la réserve suivante :

Le Gouvernement du Royaume-Uni se réserve le droit de ne pas appliquer l'article 11 à Jersey.

[40] Le 16 octobre 1995, le Gouvernement suisse a notifié au Secrétaire général sa décision de retirer la réserve au paragraphe 2 de l'article 20 faite lors de l'adhésion, qui se lit comme suit :

"La Suisse se réserve le droit d'adopter une disposition pénale tenant compte des exigences de l'article 20, paragraphe 2, à l'occasion de l'adhésion prochaine à la Convention de 1966 sur l'élimination de toutes les formes de discrimination raciale."

Par la sutie, le 12 janvier 2004, le Gouvernement suisse a notifié au Secrétaire général sa décision de retirer la réserve portant sur l'article 14, paragraphe 3, lettres d et f faite lors de l'adhésion, qui se lit comme suit :

La garantie de la gratuité de l'assistance d'un avocat d'office et d'un interprète ne libère pas définitivement le bénéficiaire du paiement des frais qui en résultent.

Par la suite, le 1er mai 2007, le Gouvernement suisse a notifié au Secrétaire général sa décision de retirer les réserves formulées lors de l'adhésion au paragraphe 2 b) de l' article 10 et aux paragraphes 1 et 5 de l' article 14, qui se lisent comme suit :

"Article 10, paragraphe 2 b) :

La séparation entre jeunes prévenus et adultes n'est pas garantie sans exception.

Article 14, paragraphe 1 :

Le principe de la publicité des audiences n'est pas applicable aux procédures qui ont trait à une contestation relative à des droits et obligations de caractère civil ou au bien-fondé d'une accusation en matière pénale et qui, conformément à des lois cantonales, se déroulent devant une autorité administrative. Le principe de la publicité du prononcé du jugement est appliqué sans préjudice des dispositions des lois cantonales de procédure civile et pénale prévoyant que le jugement n'est pas rendu en séance publique, mais est communiqué aux parties par écrit. La garantie d'un procès équitable, en ce qui concerne les contestations portant sur des droits et obligations de caractère civil, viseécisions de l'autorité publique qui touchent à de tels droits ou obligations. Par "contrôle judiciaire final", on entend un contrôle judiciaire limité à l'application de la loi, tel un contrôle de type cassatoire.

Article 14, paragraphe 5 :

Est réservée la législation fédérale en matière d'organisation judiciaire sur le plan pénal, qui prévoit une exception au droit de faire examiner par une juridiction supérieure la déclaration de culpabilité ou la condamnation, lorsque l'intéressée a été jugé en première instance par la plus haute juridiction."

[41] Le 6 juillet 2012, le Gouvernement de la Thaïlande a notifié le Secrétaire général qu'il avait décidé de retirer ses déclarations relatives au paragraphe 5 de l'article 6 et du paragraphe 3 de l'article 9 du Pacte formulée lors de l'adhésion. Le texte des déclarations qui ont été retirées se lisaient comme suit :

2. En ce qui concerne le paragraphe 5 de l'article 6 du Pacte, le Code pénal thaïlandais prescrit qu'au moment d'imposer la sentence, le Tribunal considère la jeunesse du contrevenant comme une circonstance atténuante ou lui laisse à tout le moins une grande latitude pour le faire. Aux termes de l'article 74 du Code, les enfants de moins de 14 ans ne sont pas punissables et l'article 75 dispose que, lorsqu'un délit a été commis par une personne de plus de 14 ans et de moins de 17 ans, le Tribunal apprécie le sens des responsabilités du contrevenant et d'autres éléments le concernant avant de décider de l'opportunité de lui infliger une peine. Quand le Tribunal estime qu'il n'y a pas lieu de punir, il applique les dispositions de l'article 74 (mesures correctives ne constituant pas à proprement parler une peine); si le Tribunal estime en revanche qu'il y a lieu d'infliger une peine, celle-ci est réduite de moitié. L'article 76 dispose que, lorsqu'un acte qualifié de délictueux par la loi est commis par une personne de plus de 17 ans, mais de moins de 21 ans, le Tribunal peut, s'il le juge bon, réduire la peine prévue d'un tiers ou de moitié. De ce fait, le Tribunal ne peut pas prononcer la peine capitale. Ainsi, bien qu'en théorie il puisse condamner à mort des personnes de moins de 18 ans et de plus de 17 ans qui ont commis un crime, le Tribunal exerce toujours les pouvoirs discrétionnaires que lui donne l'article 75 de réduire les peines et, dans la pratique, la peine de mort n'est jamais prononcée contre des personnes de moins de 18 ans. En conséquence, la Thaïlande estime que, dans les faits, elle applique d'ores et déjà les principes consacrés dans le Pacte.

3. En ce qui concerne le paragraphe 3 de l'article 9 du Pacte, le paragraphe 3 de l'article 87 du Code de procédure pénale de la Thaïlande dispose que toute personne arrêtée ne peut être détenue pendant plus de 48 heures à compter de son arrivée au service administratif ou au poste de police, le temps nécessaire pour transférer l'intéressé devant le Tribunal n'étant pas compris dans ce délai. Ce délai peut être prolongé au-delà de 48 heures pour les besoins de l'enquête ou tout autre motif valable, sans pouvoir dépasser sept jours.

L'instrument de retrait contenait une annexe qui se lit comme suit :

Le Gouvernement du Royaume de Thaïlande déclare que :

1. Conformément au paragraphe 5 de l'article 6 du Pacte international relatif aux droits civils et politiques, l'article 18 du Code pénal thaïlandais a été modifié et dispose désormais qu'une sentence de mort ne peut être imposée à une personne âgée de moins de 18 ans, et qu'en pareil cas, elle est commuée en une peine de 50 ans de réclusion criminelle.

2. Conformément au paragraphe 3 de l'article 9 du Pacte, le paragraphe 7 de l'article 40 de la Constitution de 2007 du Royaume de Thaïlande prévoit qu'en cas d'infraction pénale, le mis en examen ou l'accusé a le droit à une instruction ou à un procès rapide et régulier. L'article 87 du Code de procédure pénale thaïlandais a été modifié de sorte qu'un individu arrêté ne puisse plus être maintenu en garde à vue sauf si les circonstances de l'affaire l'exigent. En cas d'infraction mineure, l'individu arrêté ne peut plus être détenu une fois qu'il a déposéet que son identité et son domicile ont été établis. Si la personne arrêtée n'a pas été remise en liberté temporaire et qu'elle doit faire l'objet d'une enquête ou être jugée, elle est déférée devant un tribunal dans les 48 heures qui suivent son arrivée au commissariat, conformément à l'article 83 du Code de procédure pénale, sauf cas de force majeure ou impératif incontournable.

3. Les modifications susmentionnées sont pleinement conformes au paragraphe 5 de l'article 6 et au paragraphe 3 de l'article 9 du Pacte.

[42] Dans une communication reçue par le Secrétaire général le 31 janvier 1979, le Gouvernement de la Trinité-et-Tobago a confirmé que le paragraphe vi) constituait une déclaration interprétative ne visant pas à exclure ou modifier l'effet juridique des dispositions du Pacte.

[43] La formalité a été effectuée par le Yémen démocratique. Voir aussi note 1 sous "Yémen" dans la partie "Informations de nature historique" qui figure dans les pages préliminaires du présent volume.

[44] Voir "ENTRÉE EN VIGUEUR :" en tête du présent chapitre.

[45] Des déclarations antérieures reçues les 22 avril 1976, 28 mars 1981, 24 mars 1986, 10 mai 1991 et 27 janvier 1997, étaient venues à expiration les 28 mars 1981, 28 mars 1986, 24 mars 1991, 10 mai 1996 et 27 janvier 2002, respectivement.

[46] Une note verbale en date du 28 janvier 1998, transmittant le texte de la déclaration formulée par le Gouvernement espagnol reconnaissant la compétence du Comité des droits de l'homme en vertu de l'article 41 du Pacte, a été déposé auprès du Secrétiare générale le 30 janvier 1998. Par la suite, en vue de corrigé une erreure contenue dans cette déclaration, le Gouvernement espangol a déposé le 11 mars 1998 auprès du Secrétaire générale, une note verbale datée du 9 mars 1998, transmittant une déclaration corrigée et signée par le Ministre des Affaires étrangères.

Des déclarations antérieures reçues les 25 janvier 1985 et 21 décembre 1988 ont expiré les 25 janvier 1988 et 21 décembre 1993, respectivement.

[47] Le 3 octobre 1983, le Secrétaire général a reçu du Gouvernement argentin la déclaration suivante relative à l'application territoriale aux îles Falkland :

[Le Gouvernement argentin] formule une objection formelle à l'égard de [la déclaration] d'application territoriale formulée par le Royaume-Uni à propos des îles Malvinas et de leurs dépendances, qu'il occupe illégitimement en les appelant les "îles Falkland".

La République argentine rejette et considère comme nulle et non avenue [ladite déclaration] d'application territoriale.

En référence a la communication précitée, le Secrétaire général a reçu le 28 février 1985 du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, la déclaration suivante :

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord n'a aucun doute sur son droit d'étendre, moyennant notification au dépositaire effectuée conformément aux dispositions pertinentes de la Convention susmentionnée, l'application de ladite Convention aux îles Falklands ou, le cas échéant, à leurs dépendances.

Ne serait-ce que pour cette raison, le Gouvernement du Royaume-Uni ne saurait attribuer un quelconque effet juridique [à la communication] de l'Argentine.

Eu égard à la déclaration formulée par le Gouvernement britannique, le Secrétaire général a reçu du Gouvernement argentin la déclaration faite lors de sa ratification :

La République argentine rejette l'extension, notifiée au Secrétaire général de l'Organisation des Nations Unies, le 20 mai 1976, par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de l'application du Pacte internationale relatif aux droits économiques, sociaux et culturels, adopté par l'Assemblée générale des Nations Unies le 16 décembre 1966, aux îles Malvinas, Géorgie du Sud et Sandwich du Sud, et réaffirme ses droits de souveraineté sur ces archipels qui forment partie intégrante de son territoire national.

L'Assemblée générale de1/49, 37/9, 38/12, 39/6 et 40/21, dans lesquelles elle reconnaît l'existence d'un conflit de souveraineté au sujet des îles Malvinas et prie instamment la République argentine et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord de poursuivre les négociations afin de parvenir le plus tôt possible à un règlement pacifique et définitif de ce conflit, grâce au bons offices du Secrétaire général de l'Organisation des Nations Unies, qui devra rendre compte à l'Assemblée générale des progrès réalisés.

Par la suite, le 13 janvier 1988, le Secrétaire général a reçu du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord une communication relative à ladite déclaration.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord rejette les déclarations faites par la République argentine concernant les îles Falkland ainsi que la

Géorgie du Sud et les îles Sandwich du Sud lorsqu'elle a ratifié [lesdits Pactes et accédé audit Protocole].

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord n'a aucun doute quant à la souveraineté britannique sur les îles Falkland, la Géorgie du Sud et les îles Sandwich du Sud et au droit qui en découle pour lui d'étendre l'application des traités à ces territoires.

Ne serait-ce que pour cette raison, le Gouvernement du Royaume-Uni ne saurait attribuer un quelconque effet juridique [à la communication] de l'Argentine.

Par la suite, le 5 octobre 2000, le Secrétaire général a reçu du Gouvernement argentin, la communication suivante :

[La République argentine se réfère] au rapport présenté au Comité des droits de l'homme et par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relativement à ses territoires d'outre-mer (CCPR/C/UKOT/99/5).

À ce sujet, la République argentine tient à rappeler que, par une note du 3 octobre 1983, elle a rejeté la décision du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, notifiée le 20 mai 1976, d'étendre aux îles Malvinas l'application du Pacte international relatif aux droits civils et politiques.

Le Gouvernement argentin rejette la désignation des îles Malvinas comme territoire dépendant d'outre-mer du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ainsi que toute autre désignation analogue.

Par conséquent, la République argentine considère comme nulle la partie relative aux îles Malvinas du rapport que le Royaume-Uni a présenté au Comité des droits de l'homme (document CCPR/C/UKOT/99/5) ainsi que tout autre document ou acte de teneur analogue qui pourrait découler de cette prétendue extension territoriale.

L'Assemblée générale des Nations Unies a adopté les résolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 et 43/25, qui reconnaissent l'existence d'un différend de souveraineté en ce qui concerne les îles Malvinas et prient l'Argentine et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord de poursuivre des négociations afin de trouver le plus tôt possible une solution pacifique et définitive à ce différend, à l'aide des bons offices du Secrétaire général des Nations Unies, qui doit informer l'Assemblée générale des progrès réalisés.

La République argentine réaffirme ses droits de souveraineté sur les îles Malvinas, Géorgie du Sud et Sandwich du Sud et sur les zones marines environnantes, qui font partie intégrante de son territoire national.

Par la suite, le 20 décembre 2000, le Secrétaire général a reçu du Gouvernement britannique, la communication suivante :

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord rejette comme étant infondées les revendications formulées par la République d'Argentine dans sa communication au dépositaire le 5 [octobre] 2000. Le Gouvernement du Royaume-Uni rappelle que dans sa déclaration, reçue par le dépositaire le 13 janvier 1988, il a rejeté l'objection formulée par la République argentine à l'extension par le Royaume-Uni de l'application du Pacte international relatif aux droits civils et politiques aux îles Falkland, à la Géorgie du Sud et aux îles Sandwich du Sud. Le Gouvernement du Royaume-Uni n'a aucun doute quant à la souveraineté du Royaume-Uni sur les îles Falkland et sur la Géorgie du Sud et les îles Sandwich du Sud et donc quant à son droit d'appliquer le Pacte à ces territoires.

Translation Report for the period of January 2015 To March 2015

Month		Authentic Language	Pages	Percentage Translation
JANUARY-2015				
	English Translation From:			
	No English Translation Required			
	French Translation From			
		English	15	
French Total	**23**			
Total Estimated Translation	**23**			
Total Translation Present	**730**			
Total Authentic	**2677**			**21.95%**
FEBRUARY-2015				
	English Translation From:			
		German	6	
		Spanish	34	
English Total	**17**			
	French Translation From			
		English	63	
		German	6	
French Total	**104**			
Total Estimated Translation	**121**			
Total Translation Present	**194**			
Total Authentic	**652**			**32.57%**
MARCH-2015				
	English Translation From:			
		Chinese	11	

		Spanish	15	
English Total	**21**			
	French Translation From			
		Chinese	9	
		English	6	
		Spanish	17	
French Total	**42**			
Total Estimated Translation	**63**			
Total Translation Present	**138**			
Total Authentic	**457**			**30.55%**
Grand Total Per Report				
	Grand Total Translation		**1269**	
	Grand Total English Translation		**308**	
	Grand Total French Translation		**961**	
	Grand Total Authentic		**3786**	
	Percentage Translations		**25.1%**	

LA 41 TR-24022014 - I - 51654
Agreement between the Government of the Federal Republic of Germany and the Government of the Hashemite Kingdom of Jordan concerning financial cooperation in 2012
Date of Registration: 24 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-24022014 - I - 51655
Agreement between the Government of the Federal Republic of Germany and the Government of the Hashemite Kingdom of Jordan concerning financial cooperation in 2011 and an additional measure for climate change adaptation within the context of the special energy and climate fund
Date of Registration: 24 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-24022014 - I - 51656
Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of El Salvador concerning financial cooperation "Peaceful coexistence and safe places for young people in Central America - CONVIVIR in 2009/2010"
Date of Registration: 24 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-24022014 - I - 51657
Financial Cooperation Agreement between the Government of the Federal Republic of Germany and the Government of the Democratic Republic of the Congo in 2012
Date of Registration: 24 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-10022014 - I - 51658
Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Mozambique concerning financial cooperation 2013-2014
Date of Registration: 10 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-10022014 - I - 51659

Agreement between the Minister of Defence of the Republic of Namibia and the Federal Minister of Defence of the Federal Republic of Germany on the secondment of a group of advisers of the Federal Armed Forces to the Republic of Namibia
Date of Registration: 10 February 2014
Web-published: Yes
Treaty Language Attributes: English, German

File Name-Language-Document Type:
I-51659-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 6
I-51659-GERM.tif - German - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 6
I-51659F.docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-10022014 - I - 51660
Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Namibia on the principles of the equipment aid programme of the Government of the Federal Republic of Germany for foreign armed forces and the related assignment of a Bundeswehr technical advisory group to the Republic of Namibia
Date of Registration: 10 February 2014
Web-published: Yes
Comments: Terminates the Agrt of 08/09/1992 which is received on 10/02/2014 and not yet registered. A.M.
Registered as I-51659. TH
Treaty Language Attributes: English, German

File Name-Language-Document Type:
I-51660-GERM.tif - German - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 15
I-51660-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 15
I-51660F (10-022014).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 8

LA 41 TR-10022014 - I - 51661
Agreement between the Government of the Federal Republic of Germany and the Economic Community of West African States (ECOWAS) concerning financial cooperation in 2012
Date of Registration: 10 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-10022014 - I - 51662
Agreement for cooperation between the Republic of Turkey and the United States of America concerning peaceful uses of nuclear energy
Date of Registration: 10 February 2014
Web-published: Yes
Treaty Language Attributes: English, Turkish

File Name-Language-Document Type:
I-51662-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 16
I-51662-TURK.tif - Turkish - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 13
I-51662F (15-15772).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 10

LA 41 TR-26022014 - I - 51663
Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Denmark concerning the financial and technical support for the development of the renewable energy sector
Date of Registration: 26 February 2014
Web-published: Yes
Comments: Programme document is named as "Annexure A" in Art.1(2)(d). TH
Partial Publication: Yes

>>MISSING Authentic Text - Partial Publication

Treaty Language Attributes: English

File Name-Language-Document Type:
I-51663-ENGL.tif - English - Authentic
Show In UNTS: TRUE

Final for Web: True
Pages: 7
I-51663F (15-15793).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 4

LA 41 TR-26022014 - I - 51664
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria on economic and technical co-operation
Date of Registration: 26 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-26022014 - I - 51665
Agreement between the Government of the Republic of South Africa through its Department of Education and the Government of the People's Republic of China through its Ministry of Education on cooperation in the field of basic education
Date of Registration: 26 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-26022014 - I - 51666
Agreement between the Government of the Republic of South Africa and Government of the Federal Democratic Republic of Ethiopia on cooperation in the fields of arts and culture
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:
I-51666-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 6
I-51666F (15-15859).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-26022014 - I - 51667
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Senegal on co-operation in the field of agriculture
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:
I-51667-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 9
I-51667F (15-15877).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 5

LA 41 TR-26022014 - I - 51668
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the People's Republic of China on co-operation in the field of public administration
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: Chinese, English

File Name-Language-Document Type:
I-51668-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 5
I-51668-CHIN.tif - Chinese - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 4
I-51668F (15-15895).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-26022014 - I - 51669
Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China on cooperation in the field of tourism
Date of Registration: 26 February 2014
Web-published: Yes

Treaty Language Attributes: Chinese, English

File Name-Language-Document Type:
I-51669-CHIN.tif - Chinese - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 5
I-51669-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 8
I-51669F (15-15970).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-26022014 - I - 51670
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Kingdom of the Netherlands on co-operation in the field of water resources
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: Dutch, English

File Name-Language-Document Type:
I-51670-DUTC.tif - Dutch - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 7
I-51670-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 8
I-51670F (1515975).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 4

LA 41 TR-26022014 - I - 51671
Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Republic of Ghana on cooperation in the field of electricity
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:
I-51671-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 9
I-51671F (15-15994).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 5

LA 41 TR-26022014 - I - 51672
Memorandum of Co-operation between the Government of the Republic of South Africa and the Government of the Republic of Namibia for the development and empowerment of young people in Namibia and South Africa
Date of Registration: 26 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:
I-51672-ENGL.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 7
I-51672F (1515996).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 4

LA 41 TR-21022014 - I - 51673
Agreement between the Government of the Slovak Republic and the Government of the Grand Duchy of Luxembourg on exchange and mutual protection of classified information
Date of Registration: 21 February 2014
Web-published: Yes
Treaty Language Attributes: English, French, Slovak

File Name-Language-Document Type:
I-51673-SLOVK.tif - Slovak - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 9
I-51673-FREN.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 9
I-51673-ENGL.tif - English - Authentic

Show In UNTS: TRUE
Final for Web: True
Pages: 9

LA 41 TR-13022014 - I - 51674
Agreement on legal assistance in civil and criminal matters between the Republic of Turkey and Turkmenistan
Date of Registration: 13 February 2014
Web-published: Yes
Treaty Language Attributes: English, Russian, Turkish, Turkmen

File Name-Language-Document Type:
I - 51674 - ENGLISH.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 22
I - 51674 - RUSSIAN.tif - Russian - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 21
I - 51674 - TURKISH.tif - Turkish - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 27
I - 51674 - Turkmen.tif - Turkmen - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 21
I-51674F (15-16003).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 19

LA 41 TR-04022014 - I - 51675
Loan Agreement (Beijing Rooftop Solar Photovoltaic Scale-up (Sunshine Schools) Project) between the People's Republic of China and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8235-CN
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51676

Loan Agreement (Advanced Electricity Metering Project) between the Republic of Uzbekistan and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8151-UZ
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51677
Financing Agreement (Financial Sector Stability Credit) between Nepal and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Credit No. 5282-NP
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51678
Financing Agreement (Flood Emergency Project) between the Republic of Cameroon and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Credits No. 5276-CM
Limited Publication: Yes, Text Not Required

LA 41 TR-20022014 - I - 51679
Exchange of letters constituting an agreement between the Organisation for the Prohibition of Chemical Weapons, the United Nations and the Government of the Syrian Arab Republic concerning the multinational maritime transport operation for the removal and transport of Syrian chemical agents
Date of Registration: 1 February 2014
Web-published: Yes
Comments: No place of conclusion specified. FS Place of Conclusion provided in e-mail 29/08/14 by UN Office of Legal Counsel. JA
Treaty Language Attributes: Arabic, English

File Name-Language-Document Type:
I-51679-ARAB.tif - Arabic - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 2
I-51679-ENG.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 4
I-51679F (15-16015).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True

Pages: 3

LA 41 TR-04022014 - I - 51680
Loan Agreement (Guangxi Laibin Water Environment Project) between the People's Republic of China and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8249-CN
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51681
Financing Agreement (Scaling-Up Participatory Sustainable Forest Management Project) between the Lao People's Democratic Republic and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Grant No. H852-LA
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51682
Financing Agreement (Second Additional Financing for the Poverty Alleviation Fund Project II) between Nepal and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Grant No. H857-NP
Limited Publication: Yes, Text Not Required

LA 41 TR-12022014 - I - 51683
Exchange of letters constituting an agreement between the Government of the French Republic and the Government of the People's Democratic Republic of Algeria concerning the establishment of liaison magistrates
Date of Registration: 12 February 2014
Web-published: Yes
Comments:
Treaty Language Attributes: French

File Name-Language-Document Type:
I-51683-French.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 2
I-51683E (16-10773).docx - English - Translation

Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-12022014 - I - 51684
Exchange of letters constituting an agreement between the Government of the French Republic and the Government of Belize for the exchange of information relating to tax matters
Date of Registration: 12 February 2014
Web-published: Yes
Treaty Language Attributes: English, French

File Name-Language-Document Type:
I-51684-E-Letter I.docx - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
I-51684-E-Annex.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 13
I-51684-E-Letter II.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
I-51684-F-Letter I + Annex.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 12
I-51684-F-letter-II.docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

>>WARNING - More than one Attachment for one Language: English, French

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LA 41 TR-12022014 - I - 51685
Agreement between the Government of the French Republic and the Government of the Republic of Mauritius on maritime search and rescue
Date of Registration: 12 February 2014
Web-published: Yes
Treaty Language Attributes: French

File Name-Language-Document Type:
I - 51685 - FRENCH.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True

Pages: 9
I-51685E.docx - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 7

LA 41 TR-12022014 - I - 51686
Agreement between the Government of the French Republic and the International Civil Aviation Organization (ICAO) regarding the Continuous Monitoring Approach of the Universal Safety Oversight Audit Program
Date of Registration: 12 February 2014
Web-published: Yes
Treaty Language Attributes: French

File Name-Language-Document Type:
I - 51686 - FRENCH.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 6
I-51686E (15-17687).docx - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 6

LA 41 TR-12022014 - I - 51687
Agreement between the Government of the French Republic and the International Civil Aviation Organization regarding modalities of cooperation in the field of civil aviation
Date of Registration: 12 February 2014
Web-published: Yes
Treaty Language Attributes: French

File Name-Language-Document Type:
I - 51687 - FRENCH.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 3
I-51687E (15-17705).docx - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-04022014 - I - 51688
Financing Agreement (Seventh Economic Reform Support Grant) between the Republic of Burundi and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Grant No. H891-BI
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51689
Loan Agreement (Second Sustainability and Competitiveness Development Policy Loan) between the Republic of Seychelles and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8296-SC
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51690
Guarantee Agreement (Third Access to Finance for Small and Medium Enterprises Project) between the Republic of Turkey and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8275-TR
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51691
Financing Agreement (Financial Sector Development Project) between the Kyrgyz Republic and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Credit No. 5067-KG
Grant No. H760-KG
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51692
Loan Agreement (Forest Fire Response Project) between the Russian Federation and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8197-RU
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51693

Guarantee Agreement (Enhancing Public Management for Service Delivery in Rio de Janeiro Development Policy Loan - Programa de Melhoramento da Qualidade e Integração dos Transportes de Massa Urbanos - PROMIT) between the Federative Republic of Brazil and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8307-BR
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51694
Guarantee Agreement (Operation to Strengthen Service Delivery for Growth, Poverty Reduction, and Environmental Sustainability in the State of Ceará - Projeto de Apoio ao Crescimento Econômico com Redução das Desigualdades e Sustentabilidade Ambiental do Estado do Ceará - PforR Ceará) between the Federative Republic of Brazil and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8302-BR
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51695
Guarantee Agreement (Belo Horizonte Municipality Inclusive Urban Development Policy Loan - Projeto de Desenvolvimento Urbano e Integração com a Região Metropolitana) between the Federative Republic of Brazil and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8169-BR
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51696
Loan Agreement (First Transparency and Accountability Development Policy Loan (Hakama)) between the Kingdom of Morocco and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8295-MA
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51697
Guarantee Agreement (Strengthening Public Policies for Improved Service Delivery Development Policy Loan - Programa de Desenvolvimento das Políticas Públicas do Estado do Acre) between the Federative Republic of Brazil and the International Bank for Reconstruction and Development

Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8310-BR
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - I - 51698
Financing Agreement (First Development Policy Operation) between the Kyrgyz Republic and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Credit No.IDA-52880-KG
Grant No. IDA-H8690-KG
Limited Publication: Yes, Text Not Required

LA 41 TR-12022014 - I - 51699
Exchange of letters constituting an agreement between the Government of the Gabonese Republic and the United Nations Population Fund (UNFPA) on the application mutatis mutandis of the Basic Agreement between the Government of Gabon and the United Nations Development Programme concluded on 11 November 1974, to the activities and personnel of UNFPA in Gabon
Date of Registration: 1 February 2014
Web-published: Yes
Treaty Language Attributes: French

File Name-Language-Document Type:
I - 51699 - FRENCH.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 2
I-51699E (15-17720).docx - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 2

LA 41 TR-12022014 - I - 51700
Exchange of letters constituting an agreement between the Government of Nepal and the United Nations Population Fund (UNFPA) on the application mutatis mutandis of the Basic Agreement between the Government of Nepal and the United Nations Development Programme concluded on 23 February 1984, to the activities and personnel of UNFPA in Nepal
Date of Registration: 1 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:

I-51700-E.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 3
I-51700F (15-17730).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 3

LA 41 TR-25022014 - I - 51701
Agreement between the United Nations and the Government of the Independent State of Samoa relating to the arrangements for the third international conference on Small Island Developing States, to be held in Apia, Samoa, from 28 August to 4 September 2014
Date of Registration: 24 February 2014
Web-published: Yes
Comments:
Limited Publication: Yes, Text Not Required

LA 41 TR-27022014 - I - 51702
Agreement between the United Nations and the Government of the Federal Republic of Somalia concerning the status of the United Nations Assistance Mission in Somalia
Date of Registration: 26 February 2014
Web-published: Yes
Comments:
Treaty Language Attributes: English

File Name-Language-Document Type:
I-51702-E.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 18
I-51702F (15-17747).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 15

LA 41 TR-04022014 - I - 51703
Financing Agreement (Ninth Poverty Reduction Support Operation) between the Lao People's Democratic Republic and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes

Comments: Credit No. 5301-LA
Grant No. H881-LA
not to be registered as Part II
Limited Publication: Yes, Text Not Required

ANNEX DATA FOR SUBSEQUENT TREATIES

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 13. Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to braking
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 13-H. Uniform provisions concerning the approval of passenger cars with regard to braking
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 16. Uniform provisions concerning the approval of:
I. Safety-belts, restraint systems, child restraint systems and ISOFIX child restraint systems for occupants of power-driven vehicles
II. Vehicles equipped with safety-belts, safety-belt reminders, restraint systems, child restraint systems and ISOFIX child restraint systems
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 29. Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants of the cab of a commercial vehicle
Date of Registration: 13 February 2014
Web-published: Yes
Comments: See CN 69 for Proposal of amdts
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 29. Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants of the cab of a commercial vehicle
Date of Registration: 13 February 2014
Web-published: Yes
Comments: See CN 70 for Proposal of amdts
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 44. Uniform provisions concerning the approval of restraining devices for child occupants of power-driven vehicles ("Child Restraint Systems")
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 79. Uniform provisions concerning the approval of vehicles with regard to steering equipment
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 94. Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 95. Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 96. Uniform provisions concerning the approval of compression ignition (C.I.) engines to be installed in

agricultural and forestry tractors and in non-road mobile machinery with regard to the emissions of pollutants by the engine
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-13022014 - A - 4789
Amendments to Regulation No. 117. Uniform provisions concerning the approval of tyres with regard to rolling sound emissions and to adhesion on wet surfaces
Date of Registration: 13 February 2014
Web-published: Yes
Limited Publication: Yes, Text Not Required

LA 41 TR-12022014 - A - 36145
Exchange of letters constituting an agreement amending the Agreement between the Government of the French Republic and the Government of the People's Republic of China on cooperation in the field of study and peaceful use of outer space
Date of Registration: 12 February 2014
Web-published: Yes
Treaty Language Attributes: Chinese, French

File Name-Language-Document Type:
A-36145-Chinese.tif - Chinese - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 2
A -36145-French.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 3
A-36145-English.doc - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 2

LA 41 TR-04022014 - A - 47476
Loan Agreement (Additional Funding for the Rail Trade and Transport Facilitation Project) between the Republic of Azerbaijan and the International Bank for Reconstruction and Development
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Loan No. 8282-AZ
Limited Publication: Yes, Text Not Required

LA 41 TR-04022014 - A - 49446
Financing Agreement (Additional Financing for the Energy Efficiency Facility for Industrial Enterprises Project) between the Republic of Uzbekistan and the International Development Association
Date of Registration: 4 February 2014
Web-published: Yes
Comments: Credit No. 5241-UZ

Unregistered as it is in fact a subsequent agreement to No. 49446
Limited Publication: Yes, Text Not Required

LA 41 TR-12022014 - A - 51602
Supplementary Agreement to the Agreement between the United Nations and the United Republic of Tanzania concerning the headquarters of the International residual mechanism for criminal tribunals, for the premises of the mechanism
Date of Registration: 5 February 2014
Web-published: Yes
Treaty Language Attributes: English

File Name-Language-Document Type:
A - 51602 - ENGLISH.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 7
I-51602F (1518027).docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 6

LA 41 TR-12022014 - A - 51685
Exchange of letters constituting an agreement modifying the Agreement between the Government of the French Republic and the Government of the Republic of Mauritius on maritime search and rescue
Date of Registration: 12 February 2014
Web-published: Yes
Comments: Dates of conclusion: 24/09/ & 12/11/2011 by C/S; but 24/09/ & 12/11/2012 by the original text. TH
Treaty Language Attributes: French

File Name-Language-Document Type:
A-51685-F.tif - French - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 2
A-51685-E.docx - English - Translation

Show In UNTS: TRUE
Final for Web: True
Pages: 2

ANNEX DATA FOR ACTIONS

A-1963
Lesotho
Adherence
Date of Registration: 21 February 2014
Web-published: Yes

A-1963
South Sudan
Adherence
Date of Registration: 21 February 2014
Web-published: Yes

A-4739
United Kingdom of Great Britain and Northern Ireland (Territorial Application)
Territorial application in respect of the British Virgin Islands
Date of Registration: 24 February 2014
Web-published: Yes

A-5146
The former Yugoslav Republic of Macedonia
Ratification
Date of Registration: 11 February 2014
Web-published: Yes

A-5742
Slovakia
Accession
Date of Registration: 21 February 2014
Web-published: Yes

A-9587
Croatia
Withdrawal
Date of Registration: 21 February 2014
Web-published: Yes

A-12140
Spain
Acceptance of accession of Armenia
Date of Registration: 7 February 2014
Web-published: Yes

A-16041
Russian Federation
Accession
Date of Registration: 19 February 2014
Web-published: Yes

A-16197
Jordan
Accession
Date of Registration: 12 February 2014
Web-published: Yes

A-16197
Jordan
Accession
Date of Registration: 12 February 2014
Web-published: Yes
----------------Action Attachment(s)--------------

1. Attachment Type: declaration

File Name - Language - Document Type:
A - 16197 - ARABIC.tif - Arabic - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A - 16197 - ENGLISH.tif - English - Courtesy Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A - 16197 - FRENCH.tif - French - Courtesy Translation
Show In UNTS: TRUE
Final for Web: True

Pages: 1

A-20378
Iraq
Withdrawal of reservation to article 9 of the Convention
Date of Registration: 18 February 2014
Web-published: Yes
----------------Action Attachment(s)--------------

1. Attachment Type: text

File Name - Language - Document Type:
E.doc - English - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
F.doc - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A.tif - Arabic - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-20967
Cyprus
Ratification
Date of Registration: 11 February 2014
Web-published: Yes
----------------Action Attachment(s)--------------

1. Attachment Type: declaration and objection

File Name - Language - Document Type:
A - 20967 - ENGLISH.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A - 20967 - FRENCH.tif - French - Courtesy Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-22514
Bosnia and Herzegovina

Acceptance of accession of Andorra
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
Bosnia and Herzegovina
Acceptance of accession of the Republic of Korea
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
Bosnia and Herzegovina
Acceptance of accession of the Russian Federation
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Hong Kong Special Administrative Region)
Acceptance of accession of Andorra
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Hong Kong Special Administrative Region)
Acceptance of accession of Morocco
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Hong Kong Special Administrative Region)
Acceptance of accession of the Republic of Korea
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Hong Kong Special Administrative Region)

Acceptance of accession of the Russian Federation
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Macao Special Administrative Region)
Acceptance of accession of Kazakhstan
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
China (for Macao Special Administrative Region)
Acceptance of accession of the Republic of Korea
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
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Date of Registration: 7 February 2014
Web-published: Yes

A-22514
Gabon
Acceptance of accession of the Republic of Korea
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
Spain
Acceptance of accession of Lesotho
Date of Registration: 7 February 2014
Web-published: Yes

A-22514
Uzbekistan

Acceptance of accession of Andorra
Date of Registration: 7 February 2014
Web-published: Yes

A-24841
Greece
Ratification
Date of Registration: 11 February 2014
Web-published: Yes

A-24841
United Kingdom of Great Britain and Northern Ireland (Territorial Application)
Territorial application
Date of Registration: 24 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: text

File Name - Language - Document Type:
E.docx - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
F.docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-25803
Cambodia
Acceptance
Date of Registration: 26 February 2014
Web-published: Yes

A-27531
Estonia
Ratification
Date of Registration: 12 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: declaration

File Name - Language - Document Type:
CN.62.2014-Eng.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
CN.62.2014-Frn.tif - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A-27531-Estonian.tif - Estonian - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-30619
South Sudan
Accession
Date of Registration: 17 February 2014
Web-published: Yes

A-30822
South Sudan
Accession
Date of Registration: 17 February 2014
Web-published: Yes

A-31922
Haiti
Ratification
Date of Registration: 7 February 2014
Web-published: Yes

A-33480
South Sudan
Accession
Date of Registration: 17 February 2014
Web-published: Yes

A-35597
Netherlands (Territorial Application)
Territorial application to the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba)
Date of Registration: 21 February 2014
Web-published: Yes

A-38349
Viet Nam
Notification under article 2, paragraph 2 (a)
Date of Registration: 14 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: text

File Name - Language - Document Type:
CN.64.2014-Eng.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
CN.64.2014-Frn.tif - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-39391
Austria
Ratification
Date of Registration: 11 February 2014
Web-published: Yes

A-40916
Mauritius
Accession
Date of Registration: 11 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: declarations

File Name - Language - Document Type:

A - 40916 - ENGLISH.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A - 40916 - FRENCH.tif - French - Courtesy Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-40998
Cuba
Ratification
Date of Registration: 7 February 2014
Web-published: Yes
Comments: Corrigendum received from the Netherlands on 12/06/14, changed from accession to ratification.
Corrigendum to February 2014 MST to be published in June 2014 MST.

A-43345
Sri Lanka
Accession
Date of Registration: 27 February 2014
Web-published: Yes

A-44004
Jamaica
Late reservation
Date of Registration: 6 February 2014
Web-published: Yes
Comments:
----------Action Attachment(s)----------

1. Attachment Type: text

File Name - Language - Document Type:
CN.51.2014-Eng.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
CN.51.2014-Frn.tif - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-44004
Netherlands
Objection to the reservation made by Costa Rica upon Ratification
Date of Registration: 28 February 2014
Web-published: Yes
----------------Action Attachment(s)--------------

1. Attachment Type: text

File Name - Language - Document Type:
CN.100.2014-Eng.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
CN.100.2014-Frn.tif - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-44004
Norway
Ratification
Date of Registration: 20 February 2014
Web-published: Yes

A-45795
Belarus
Accession
Date of Registration: 11 February 2014
Web-published: Yes

A-46230
Somalia
Communication
Date of Registration: 5 February 2014
Web-published: Yes
----------------Action Attachment(s)--------------

1. Attachment Type: communication

File Name - Language - Document Type:
A-46230-English.tif - English - Authentic
Show In UNTS: TRUE

Final for Web: True
Pages: 7
I-46230-F-Communication Somalia (1518039) .docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 5

A-46241
Austria
Ratification
Date of Registration: 7 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: reservation

File Name - Language - Document Type:
A - 46241 - FRENCH.tif - French - Courtesy Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1
A - 46241 - ENGLISH.tif - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-47713
United Kingdom of Great Britain and Northern Ireland
Territorial application in respect of the Isle of Man
Date of Registration: 21 February 2014
Web-published: Yes
----------Action Attachment(s)----------

1. Attachment Type: text

File Name - Language - Document Type:
xxvi-6 UK Eng.docx - English - Authentic
Show In UNTS: TRUE
Final for Web: True
Pages: 1
xxvi-6 UK Frn.docx - French - Translation
Show In UNTS: TRUE
Final for Web: True
Pages: 1

A-49197
Suriname
Accession
Date of Registration: 28 February 2014
Web-published: Yes

Total treaties: 66
Total actions: 47

Total web-published authentic treaty documents: 42
Total web-published authentic action attachments: 13
Total web-published treaty translations: 23
Total web-published action translations: 9

Total missing treaty authentic documents: 0
Total missing action authentic documents: 0
Total missing treaty translations: 0
Total missing action translations: 0

Total un-web-published authentic treaty documents: 1
Total un-web-published authentic action attachments: 0
Total un-web-published treaty translations: 2
Total un-web-published action translations: 0

Total Final For Web treaty documents: 65
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Total treaty documents pages: 478
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Total pages in English language: 217
Total pages in French language: 163
Total pages in Other language: 135

Gross Total of Pages for February 2014: 515

Total treaty(s) with partial publication: 1
Total treaty(s) with limited publication: 41
Total treaty(s) with full publication: 24

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United Nations • Nations Unies
New York, 2019

Print ISBN: 978-92-1-900892-2
e-ISBN: 978-92-1-060593-9
ISSN: 0379-8267
e-ISSN :2412-1495

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NOTE BY THE SECRETARIAT

Under Article 102 of the Charter of the United Nations, every treaty and every international agreement entered into by any Member of the United Nations after the coming into force of the Charter shall, as soon as possible, be registered with the Secretariat and published by it. Furthermore, no party to a treaty or international agreement subject to registration which has not been registered may invoke that treaty or agreement before any organ of the United Nations. The General Assembly, by resolution 97 (I), established regulations to give effect to Article 102 of the Charter (see text of the regulations, vol. 859, p. VIII; https://treaties.un.org/doc/source/publications/practice/registration_and_publication.pdf).

The terms "treaty" and "international agreement" have not been defined either in the Charter or in the regulations, and the Secretariat follows the principle that it acts in accordance with the position of the Member State submitting an instrument for registration that, so far as that party is concerned, the instrument is a treaty or an international agreement within the meaning of Article 102. Registration of an instrument submitted by a Member State, therefore, does not imply a judgement by the Secretariat on the nature of the instrument, the status of a party or any similar question. It is the understanding of the Secretariat that its acceptance for registration of an instrument does not confer on the instrument the status of a treaty or an international agreement if it does not already have that status, and does not confer upon a party a status which it would not otherwise have.

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Disclaimer: All authentic texts in the present Series are published as submitted for registration by a party to the instrument. Unless otherwise indicated, the translations of these texts have been made by the Secretariat of the United Nations, for information.

NOTE DU SECRÉTARIAT

Aux termes de l'Article 102 de la Charte des Nations Unies, tout traité ou accord international conclu par un Membre des Nations Unies après l'entrée en vigueur de la Charte sera, le plus tôt possible, enregistré au Secrétariat et publié par lui. De plus, aucune partie à un traité ou accord international qui aurait dû être enregistré mais ne l'a pas été ne pourra invoquer ledit traité ou accord devant un organe de l'Organisation des Nations Unies. Par sa résolution 97 (I), l'Assemblée générale a adopté un règlement destiné à mettre en application l'Article 102 de la Charte (voir texte du règlement, vol. 859, p. IX; https://treaties.un.org/doc/source/publications/practice/registration_and_publication-fr.pdf).

Les termes « traité » et « accord international » n'ont été définis ni dans la Charte ni dans le règlement, et le Secrétariat a pris comme principe de s'en tenir à la position adoptée à cet égard par l'État Membre qui a présenté l'instrument à l'enregistrement, à savoir que, en ce qui concerne cette partie, l'instrument constitue un traité ou un accord international au sens de l'Article 102. Il s'ensuit que l'enregistrement d'un instrument présenté par un État Membre n'implique, de la part du Secrétariat, aucun jugement sur la nature de l'instrument, le statut d'une partie ou toute autre question similaire. Le Secrétariat considère donc que son acceptation pour enregistrement d'un instrument ne confère pas audit instrument la qualité de traité ou d'accord international si ce dernier ne l'a pas déjà, et qu'il ne confère pas à une partie un statut que, par ailleurs, elle ne posséderait pas.

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Déni de responsabilité : Tous les textes authentiques du présent Recueil sont publiés tels qu'ils ont été soumis pour enregistrement par l'une des parties à l'instrument. Sauf indication contraire, les traductions de ces textes ont été établies par le Secrétariat de l'Organisation des Nations Unies, à titre d'information.

I

Treaties and international agreements

registered in

June 2013

Nos. 50935 to 50945

Traités et accords internationaux

enregistrés en

juin 2013

N^{os} 50935 à 50945

No. 50935

United States of America
and
Japan

Exchange of notes constituting an agreement between the Government of the United States of America and the Government of Japan concerning the cooperation between the National Aeronautics and Space Administration of the United States of America and the National Space Development Agency of Japan on the tropical rainfall measuring mission program. Washington, 30 May 1997

Entry into force: *30 May 1997 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Japon

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon concernant la coopération entre l'Administration nationale de l'aéronautique et de l'espace des États-Unis d'Amérique et l'Agence nationale de développement spatial du Japon sur le programme de la mission pour la mesure des précipitations tropicales. Washington, 30 mai 1997

Entrée en vigueur : *30 mai 1997 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

DEPARTMENT OF STATE
WASHINGTON

May 30, 1997

Excellency,

I have the honor to refer to the recent discussions between representatives of the Government of the United States of America and of the Government of Japan concerning the cooperation between the National Aeronautics and Space Administration of the United States of America (hereinafter referred to as "NASA") and the National Space Development Agency of Japan (hereinafter referred to as "NASDA") on the Tropical Rainfall Measuring Mission Program (hereinafter referred to as "the Program"), which will be undertaken by NASDA as a part of the "Basic Program concerning Space Development" of the Government of Japan.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; taking into account the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended; and reaffirming that the provisions of the Agreement between the Government of the United States of America and the Government of Japan Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington, on

His Excellency
Kunihiko Saito,
Ambassador of Japan.

April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have further the honor to propose on behalf of the Government of the United States of America the following:

1. The cooperation between NASA and NASDA mentioned above will be conducted in accordance with the terms and conditions of implementing arrangements (Memorandum of Understanding, hereinafter referred to as "the MOU") agreed between NASA and NASDA for the development and operation of an observatory satellite to measure tropical rainfall, its launch by an H-II launch vehicle, and related scientific activities.

2. The provisions of the MOU will be implemented in accordance with the laws and regulations in force in each country. Activities under the MOU will be undertaken subject to the availability of appropriated funds.

3. Unless otherwise agreed, the Government of the United States of America shall register the satellite referred to in paragraph 1 above in accordance with the provisions of the Convention on Registration of Objects Launched into Outer Space, done at New York, on January 14, 1975. 12/11/1974 *

4. The Government of the United States of America and the Government of Japan shall consult with each other on any matter that may arise from or in connection with the Program with a view to finding a mutually acceptable solution.

5. The present arrangements shall remain in force for five years, unless terminated by either Government upon six

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* Published as submitted – Publié tel que soumis.

months' written notice of its intention to terminate them through diplomatic channels. The present arrangements may be extended or amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing is acceptable to the Government of Japan, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

Glen Clausen

II

EMBASSY OF JAPAN
WASHINGTON, D.C.

May 30, 1997

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:

[See Note I]

I have further the honor to confirm on behalf of the Government of Japan that the foregoing is acceptable to the Government of Japan and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of this reply.

[TRANSLATION – TRADUCTION]

I

Département d'État
Washington

Le 30 mai 1997

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer aux discussions menées récemment entre les représentants du Gouvernement des États-Unis d'Amérique et du Gouvernement du Japon concernant la coopération entre la National Aeronautics and Space Administration des États-Unis d'Amérique (ci-après dénommée « la NASA ») et la National Space Development Agency du Japon (ci-après dénommée « la NASDA ») sur le Programme de la Mission de mesure des pluies tropicales (ci-après dénommé « le Programme »), que la NASDA mènera dans le cadre du « Programme de base concernant le développement spatial » du Gouvernement du Japon.

Compte tenu de la relation ininterrompue et mutuellement bénéfique entre les deux gouvernements dans le domaine de l'exploration et de l'utilisation de l'espace extra-atmosphérique à des fins pacifiques; compte tenu de l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé à Toronto, le 20 juin 1988, tel que prorogé; et réaffirmant que les dispositions de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon concernant la renonciation réciproque de responsabilité pour la coopération dans l'exploration et l'utilisation de l'espace à des fins pacifiques, signé à Washington, le 24 avril 1995, et des notes échangées le même jour entre les deux gouvernements concernant les demandes de réparation par subrogation s'appliquent au Programme, j'ai l'honneur de proposer ce qui suit, au nom du Gouvernement des États-Unis d'Amérique :

1. La coopération susmentionnée entre la NASA et la NASDA est menée conformément aux dispositions des accords de mise en œuvre (ci-après dénommés « le Protocole d'accord ») dont sont convenues la NASA et la NASDA pour la mise au point et l'utilisation d'un satellite d'observation pour la mesure des pluies tropicales, pour le lancement de ce satellite par un lanceur H-II et pour les activités scientifiques connexes.

2. Les dispositions du Protocole d'accord sont mises en œuvre dans le respect des lois et réglementations applicables dans chacun des pays. Les activités relevant du Protocole d'accord sont menées sous réserve de la disponibilité des fonds nécessaires.

3. À moins que les Parties n'en conviennent autrement, le Gouvernement des États-Unis d'Amérique immatricule le satellite visé au paragraphe 1 ci-dessus conformément aux dispositions de la Convention sur l'immatriculation des objets lancés dans l'espace extra-atmosphérique, conclue à New York, le 14 janvier 1975.

4. Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon se consultent en cas de problème découlant du Programme ou lié à celui-ci, en vue de trouver une solution acceptable pour les deux Parties.

5. Les présentes dispositions restent en vigueur pendant cinq ans, à moins que l'un des gouvernements n'informe l'autre de son intention de les dénoncer, sous préavis écrit de six mois,

par la voie diplomatique. Elles peuvent être prorogées ou modifiées par accord écrit mutuel des deux gouvernements.

J'ai par ailleurs l'honneur de proposer que, si le Gouvernement du Japon accepte les propositions qui précèdent, la présente note et votre réponse constituent un accord entre les deux gouvernements, qui entrera en vigueur à la date de votre réponse.

Je saisis cette occasion pour vous renouveler, Monsieur l'Ambassadeur, les assurances de ma plus haute considération.

Pour la Secrétaire d'État
[SIGNÉ]

Son Excellence
L'Ambassadeur du Japon
Kunihiko Saito

II

Ambassade du Japon
Washington, D.C.

Le 30 mai 1997

Madame la Secrétaire d'État,

J'ai l'honneur d'accuser réception de votre note datée de ce jour, libellée comme suit :

[Voir note I]

J'ai par ailleurs l'honneur de confirmer, au nom du Gouvernement du Japon, que les propositions énoncées dans votre note rencontrent l'agrément du Gouvernement du Japon, et d'accepter que votre note et la présente constituent un accord entre les deux gouvernements, qui entrera en vigueur à la date de la présente.

No. 50936

United States of America
and
Mali

Agreement between the Government of the United States of America and the Government of the Republic of Mali concerning the imposition of import restrictions on archaeological material from the region of the Niger River valley and the Bandiagara escarpment (cliff) (with appendix). Washington, 19 September 1997

Entry into force: *19 September 1997 by signature, in accordance with article IV*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Mali

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Mali portant sur les restrictions à l'importation de matériel archéologique de la vallée du Niger et des falaises de Bandiagara (avec appendice). Washington, 19 septembre 1997

Entrée en vigueur : *19 septembre 1997 par signature, conformément à l'article IV*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF MALI CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL MATERIAL FROM THE REGION OF THE NIGER RIVER VALLEY AND THE BANDIAGARA ESCARPMENT (CLIFF)

The Government of the United States of America and the Government of the Republic of Mali;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of civilizations from the Neolithic period to the colonial occupation;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, will continue to restrict the importation into the United States of the archaeological material listed in the Appendix to this Agreement (hereafter "Designated List"), first promulgated by regulation on September 23, 1993 as an emergency measure. The restriction will continue to apply unless the Government of the Republic of Mali issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. The continuation of such import restrictions will become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice.

C. The Government of the United States of America shall offer for return to the Government of the Republic of Mali any material on the Designated List forfeited to the Government of the United States of America.

ARTICLE II

A. The Government of the Republic of Mali will use its best efforts to permit the exchange of its archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony but allows public access for educational, cultural and scientific purposes.

B. The representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Mali to publicize this Agreement.

C. The Government of the United States of America will use its best efforts to facilitate technical assistance to the Republic of Mali in cultural resource management and security, as appropriate under existing programs in the public and/or private sectors.

D. Both Governments will seek to encourage academic institutions, non-governmental institutions and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the Republic of Mali, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

E. The Government of the Republic of Mali will seek to develop and promote professional training programs for archaeologists and museum staff and public institution administrators responsible for cultural patrimony, and to enhance the capabilities of the National Museum of Mali to care for and exhibit aspects of its rich cultural heritage.

F. The Government of the United States of America, recognizing the successful public education initiatives of the Republic of Mali through the establishment of Cultural Missions that carry out research, site management, and educational programs among local populations at major archaeological sites, encourages the continuation of such measures as part of an overall effort toward sustainable strategies for protecting cultural resources.

G. The Government of the Republic of Mali will use its best efforts in restricting the activities of antiquarians within its borders, in making export controls more effective, and in seeking the cooperation of other importing countries in curbing illicit trade in Malian cultural artifacts.

H. In order for United States import restrictions to be maximally successful in thwarting pillage, the Government of the Republic of Mali will endeavor to strengthen regional cooperation, especially with immediately neighboring states, for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide.

ARTICLE III

The obligations of both Governments and the activities carried out under this Agreement shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

A. This Agreement shall enter into force upon signature. It shall remain in force for a period not to exceed five years, unless extended.

B. This Agreement may be amended through an exchange of diplomatic notes.

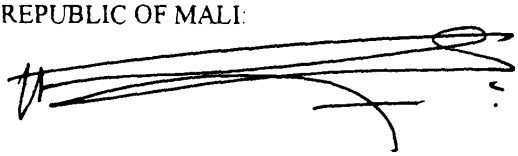
C. The effectiveness of this Agreement will be subject to continuous review.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

DONE at Washington, in duplicate, this nineteenth day of September, 1997, in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF MALI:



ARCHAEOLOGICAL MATERIAL FROM THE REGION OF THE NIGER RIVER VALLEY, MALI AND THE BANDIAGARA ESCARPMENT (CLIFF), MALI

The following categories of material have been restricted since September 23, 1993 from importation into the United States, unless accompanied by a verifiable export certificate issued by the Government of the Republic of Mali. Under the terms of a new Agreement between the Government of the United States of America and the Government of the Republic of Mali, this restriction continues to apply to the following:

> Archaeological material from the Region of the Niger River Valley, Mali and the Bandiagara Escarpment (Cliff), Mali, that includes, but is not limited to, the categories listed below. As this region is further excavated, other types of material may be found and added to an amended list. The following list is representative only. Any dimensions are approximate.

I. Ceramics/Terracotta/Fired Clay

Types of ceramic forms (stylistically known as Djenne-jeno or Jenne, Bankoni, Guimbala, Bambara, Bougouni and other stylistic labels) that are known to come from the region include, but are not limited to:

A. Figures/Statues

1. Anthropomorphic figures, often incised, impressed and with added motifs, such as scarification marks and serpentine patterns on their bodies, often depicting horsemen or individuals sitting, squatting, kneeling, embracing, or in a position of repose, arms elongated the length of the body or crossed over the chest, with the head tipped backwards. (H: 6-30 in.)

2. Zoomorphic figures, often depicting a snake motif on statuettes or on the belly of globular vases. Sometimes the serpent is coiled in an independent form. A horse motif is common, but is usually mounted. Includes quadrupeds. (H: 6-30 in.)

B. Common Vessels

1. Funerary jars, ocher in color, often stamped with chevrons. (H: 50-80 cm.)

2. Globular vases often stamped with chevrons and serpentine forms. (H: under 10 in.)

3. Bottles with a long neck and a belly that is either globular or streamlined. Some have lids shaped like a bird's head.

4. Ritual pottery of the Tellem culture, decorated with a characteristic plaited roulette.

a. Pot made on a convex mold built up by coiling.

b. Hemispherical pot made on three or four legs or feet resting on a stand. (H: 18 cm.)

5. Kitchen pottery of the Tellem culture with the paddle-and-anvil technique decorated with impressions from woven mats. (H: 20 cm.)

II. Leather

Objects of leather found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:

A. Clothing

1. Sandals often decorated and furnished with a leather ankle protection

2. Boots profusely painted with geometric designs

3. Plaited bracelets

4. Knife-sheaths

5. Loinskin

6. Bag

III. Metal

Objects of metal from the region of the Niger River Valley and the Bandiagara Escarpment include the following components:

A. Copper and Copper Alloy (such as Bronze)

1. Figures/Statues

    a. Anthropomorphic figures, including equestrian figures and kneeling figures. (Some are miniatures no taller than 2 inches; others range from 6-30 inches.)

    b. Zoomorphic figures, such as the bull and the snake.

2. Bells (4-5 in.) and finger bells (2-3 in.)

3. Pendants, known to depict a bull's head or a snake (H: 2-4 in.)

4. Bracelets, known to depict a snake (5-6 in.)

5. Bracelets, known to be shaped as a head and antelope (3-4 in.)

B. Iron

1. Figures/Statues

    a. Anthropomorphic figures (H: 5-30 in.)

    b. Zoomorphic figures, sometimes representing a serpent (H: 5-30 in.)

2. Headrests of the Tellem culture

3. Ring-bells or fingerbells of the Tellem culture

4. Bracelets and armlets of the Tellem culture

5. Hairpins, twisted and voluted, of the Tellem culture

IV. Stone

Objects of stone usually found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:

A. Carnelian beads (faceted)

B. Quartz lip plugs

V. Glass Beads

Glass beads have been recovered in the Tellem funerary caves and in archaeological sites in the region of the Niger River Valley.

VI. Textiles

Textile objects, or fragments thereof, have been recovered in the Tellem funerary caves of the Bandiagara Escarpment and include, but are not limited to:

A. Cotton

1. Tunics
2. Coifs
3. Blankets

B. Vegetable Fiber

Skirts, aprons and belts - made of twisted and intricately plaited vegetable fiber

C. Wool

Blankets

VII. Wood

Objects of wood may be found archaeologically (in funerary caves of the Tellem or Dogon peoples in the Bandiagara Escarpment, for example).

Archaeological material of wood. Following are representative examples of wood objects usually found archaeologically:

A. Figures/Statues

1. Anthropomorphic figures - usually with abstract body and arms raised standing on a platform, sometimes kneeling (H: 10-24 in.)
2. Zoomorphic figures - depicting horses and other animals (H: 10-24 in.)

B. Headrests

C. Household Utensils

1. Bowls

2. Spoons - carved and decorated

D. Agricultural/Hunting Implements

1. Hoes and axes - with either a socketed or tanged shafting without iron blades

2. Bows - with a notch and a hole at one end and a hole at the other with twisted, untanned leather straps for the "string"

3. Arrows, quivers

4. Knife sheaths

E. Musical Instruments

1. Flutes with end blown, bi-toned

2. Harps

3. Drums

[FRENCH TEXT – TEXTE FRANÇAIS]

ACCORD ENTRE LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE ET LE GOUVERNEMENT DE LA REPUBLIQUE DU MALI PORTANT SUR LES RESTRICTIONS A L'IMPORTATION DE MATERIEL ARCHEOLOGIQUE DE LA VALLEE DU NIGER ET DES FALAISES DE BANDIAGARA

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République du Mali;

Agissant conformément à la Convention de 1970 de l'UNESCO concernant les mesures à prendre pour interdire et empêcher l'importation, l'exportation et le transfer illicite de propriété des biens culturels à laquelle les deux pays sont parties; et

Désireux de réduire l'incitation au pillage de certaines catégories du matériel archéologique irremplaçable représentant un continuum de civilisation allant de la période néolithique à l'occupation coloniale;

Sont convenus de ce qui suit:

ARTICLE I

A. Le Gouvernement des Etats-Unis d'Amérique, conformément à la Loi d'Application de la Convention sur la propriété culturelle, restreindra l'importation aux Etats-Unis du matériel archéologique énuméré en annexe de cet Accord (ci-après "Liste Indiquée"), restrictions initialement promulguées par la décision du 23 septembre 1993, comme une mesure d'urgence. La restriction continuera à être appliquée à moins que le Gouvernement de la République du Mali ne délivre pour ce matériel une autorisation d'exportation ou tout autre document attestant qu'une telle exportation ne se fait pas en violation de ses lois.

B. La poursuite de telles restrictions à l'importation prendront effet à compter de la date de publication de la Liste Indiquée dans le Registre Fédéral des Etats-Unis d'Amérique, le journal officiel aux Etats-Unis qui en assure une large diffusion auprès du public.

C. Le Gouvernement des Etats-Unis d'Amérique restituera au Gouvernement de la République du Mali tout matériel de la Liste Indiquée rendu aux Etats-Unis d'Amérique.

ARTICLE II

A. Le Gouvernement de la République du Mali facilitera au mieux l'échange de ses matériels archéologiques dans des conditions qui ne mettent pas en danger son patrimoine culturel, mais qui permettent au public d'y accéder à des fins éducatives, culturelles et scientifiques.

B. Les représentants du Gouvernement des Etats-Unis d'Amérique et les représentants du Gouvernement de la République du Mali conjugueront leurs efforts pour une large diffusion des dispositions du présent accord.

C. Le Gouvernement des Etats-Unis fera de son mieux pour faciliter à la République du Mali, l'accès à l'assistance technique dans la gestion et la sécurité des ressources culturelles, comme il convient sous des programmes existants dans les secteurs public et/ou privé.

D. Les deux Gouvernements chercheront à encourager la coopération entre les institutions académiques, les institutions non-gouvernementales et autres organisations privées dans le domaine des échanges de connaissances et d'information sur le patrimoine culturel du Mali; et à collaborer à la préservation et à la protection de ce patrimoine à travers une assistance technique appropriée, la formation et la disponibilité de ressources.

E. Le Gouvernement de la République du Mali cherchera à développer et à promouvoir des programmes de formation professionnelle pour les archéologues, les personnels de musées et les administrateurs des institutions publiques responsables du patrimoine culturel, et à accroitre les capacités du Musée National du Mali à conserver et à exposer les éléments de son riche héritage culturel.

F. Le Gouvernement des Etats-Unis d'Amérique, reconnaissant les initiatives réussies d'éducation du public entreprises par la République du Mali à travers la mise en place de Missions culturelles qui entreprennent des programmes de recherche, de gestion de sites et d'éducation des populations locales sur les grands sites archéologiques, encourage la poursuite de telles mesures comme partie intégrante d'un effort d'ensemble vers une stratégie durable de protection du patrimoine culturel.

G. Le Gouvernement de la République du Mali fera de son mieux pour limiter les activités des antiquaires à l'intérieur de ses frontières pour rendre plus éfficaces les contrôles à l'exportation et pour rechercher la coopération d'autres pays importateurs en vue de maîtriser le commerce illicite des objets culturels maliens.

H. Pour que les restrictions à l'importation aux Etats-Unis atteignent un niveau de réussite maximale dans la prévention contre le pillage, le Gouvernement de la République du Mali s'efforcera de renforcer la coopération régionale, en particulier avec ses voisins immédiats, pour la protection du patrimoine culturel régional, étant entendu que les frontières culturelles et les frontières politiques ne coincident pas.

ARTICLE III

Les obligations des deux Gouvernements et les activités effectuées dans le cadre de cet accord devront se conformer aux lois et réglementations de chaque Gouvernement, s'il y a lieu, y compris en ce qui concerne la disponibilité des fonds.

ARTICLE IV

A. Cet accord sera effectif à partir de sa date de signature. Il restera en vigueur pendant une durée de cinq ans, sauf en cas de prorogation.

B. Cet accord peut-être amendé par échanges de notes diplomatiques.

C. La mise en oeuvre efficace de cet accord fera l'objet de revues régulières.

EN FOI DE QUOI, les soussignés, ayant été dûment autorisés par leurs Gouvernements respectifs, ont signé le présent accord.

FAIT à Washington, en deux exemplaires, ce dix-neuvième jour de septembre, 1997, en anglais et en français, les deux textes faisant également foi.

POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

POUR LE GOUVERNEMENT DE LA REPUBLIQUE DU MALI:

[TRANSLATION – TRADUCTION]

MATÉRIEL ARCHÉOLOGIQUE DE LA RÉGION DE LA VALLÉE DU FLEUVE NIGER, MALI, ET DES FALAISES DU BANDIAGARA, MALI

Depuis le 23 septembre 1993, l'importation des catégories suivantes de matériel a été restreinte aux États-Unis, à moins d'être accompagnée d'un certificat d'exportation vérifiable établi par le Gouvernement de la République du Mali. Conformément à un nouvel Accord entre le Gouvernement des États-Unis et le Gouvernement de la République du Mali, cette restriction continue d'être applicable à ce qui suit :

Matériel archéologique de la région de la vallée du fleuve Niger, Mali et des falaises du Bandiagara, Mali, qui inclut, entre autres, les catégories listées ci-dessous. À mesure que les excavations se poursuivent dans cette région, d'autres types de matériel peuvent être trouvés et ajoutés à une liste amendée. La liste suivante n'est que représentative. Toutes les dimensions indiquées sont approximatives.

I. Céramiques/terre cuite/argile cuite

Types de formes céramiques (connus, du point de vue du style, sous les dénominations de Djenne-jeno ou Jenne, Bankoni, Guimbala, Bambara, Bougouni, et autres dénominations correspondant aux styles) dont on sait qu'ils proviennent de la région incluent, entre autres, les types suivants :

A. Figures/statues

1. Figures anthropomorphiques, souvent incisées, imprimées et avec motifs ajoutés, tels que marques de scarification et dessins en serpentin sur leurs corps, représentant souvent des cavaliers ou individus assis, accroupis, agenouillés, en train d'embrasser, ou en position de repos, avec les bras allongés le long du corps ou croisés sur la poitrine, et la tête inclinée en arrière. (H : 6 à 30 pouces.)

2. Figures zoomorphiques, représentant souvent un motif à serpent sur statuettes ou sur le ventre de vases globulaires. Parfois le serpent est enroulé en forme indépendante. Un motif à cheval est commun, mais il est d'ordinaire monté. Inclut des quadrupèdes. (H : 6 à 30 pouces.)

B. Récipients communs

1. Jarres funéraires, de couleur ocre, souvent tamponnées avec des chevrons. (H : 50 à 80 cm.)

2. Vases globulaires souvent tamponnés avec des chevrons et formes serpentines. (H : moins de 10 pouces.)

3. Bouteilles à long cou et ventre globulaire ou épuré. Certaines avec couvercles à forme de tête d'oiseau.

4. Poterie rituelle de la culture Tellem, décorée avec une roulette tressée caractéristique.

a. Pot fait sur un moule convexe rehaussé par enroulement.

b. Pot hémisphérique avec trois ou quatre jambes ou pieds reposant sur un support. (H : 18 cm.)

5. Poterie de cuisine de la culture Tellem à technique palette-et-enclume décorée avec impressions faites à partir de tapis tressés. (H : 20 cm.)

II. Cuir

Objets en cuir trouvés dans les caves funéraires Tellem des falaises du Bandiagara comprenant, entre autres :

A. Vêtements

1. Sandales, souvent décorées et munies d'un protège-cheville en cuir
2. Bottes peintes à profusion avec dessins géométriques
3. Bracelets tressés
4. Gaines de couteaux
5. Peau couvant les reins
6. Sac

III. Métal

Les objets de métal provenant de la région de la Vallée du Fleuve Niger et des falaises du Bandiagara comprennent les composantes suivantes :

A. Cuivre et alliage de cuivre (tel que le bronze)

1. Figures/statues

a. Figures anthropomorphiques, comprenant des figures équestres et agenouillées. (Quelques-unes sont des miniatures hautes au plus de 2 pouces; d'autres mesurent de 6 à 30 pouces.)

b. Figures zoomorphiques, telles qu'en forme de taureau et de serpent.

2. Cloches (4-5 pouces) et cloches digitales (2-3 pouces)

3. Pendentifs, dont quelques-uns de connus représentent une tête de taureau ou serpent (H : 2-4 pouces)

4. Bracelets, dont quelques-uns de connus représentent un serpent (5-6 pouces)

5. Bracelets, dont quelques-uns de connus ont la forme d'une tête et d'une antilope (3-4 pouces)

B. Fer

1. Figures/statues
   a. Figures anthropomorphiques (H : 5-30 pouces.)
   b. Figures zoomorphiques, parfois représentants un serpent (H : 5-30 pouces.)
2. Appuie-têtes de la culture Tellem
3. Cloches annulaires ou digitales de la culture Tellem
4. Bracelets et brassards de la culture Tellem
5. Épingles à cheveux tordues et en volute, de la culture Tellem

IV. Pierre

Objets de pierre trouvés d'ordinaire dans les caves funéraires Tellem des falaises du Bandiaraga, comprenant, entre autres :

A. Grains de cornaline (à facettes)

B. Plaques à attacher aux lèvres en quartz

V. Grains de verre

Des grains de verre ont été récupérés dans les caves funéraires Tellem des falaises du Bandiagara et des sites archéologiques de la région de la vallée du fleuve Niger.

VI. Textiles

Des objets textiles, ou des fragments d'objets tels, ont été récupérés dans les caves funéraires Tellem des falaises du Bandiagara et comprennent, entre autres :

A. Coton

1. Tuniques
2. Coiffes
3. Couvertures

B. Fibre végétale

Jupes, tabliers et ceintures – en fibre végétale tordue et tressée de manière compliquée

C. Laine

Couvertures

VII. Bois

Des objets en bois peuvent être trouvés archéologiquement (dans les caves funéraires des peuples Tellem ou Dogon dans les falaises du Bandiagara, par exemple).

Matériel archéologique en bois. Des exemples représentatifs d'objets en bois d'ordinaire trouvés archéologiquement sont les suivants :

A. Figures/statues

1. Figures anthropomorphiques - d'ordinaire à corps abstraits et bras élevés, debout sur une plateforme, parfois agenouillées (H : 10-24 pouces)

2. Figures zoomorphiques –représentant des chevaux et autres animaux (H : 10-24 pouces.)

B. Appuie-têtes

C. Ustensiles domestiques

1. Bols
2. Cuillers – taillés et décorés

D. Outils agricoles ou pour la chasse

1. Houes et haches -- avec une hampe à emboitements ou encastrement sans lames de fer

2. Arcs – avec une entaille et un trou à un bout et un trou à l'autre avec courroies en cuir non tanné et tordues tenant lieu de la « ficelle »

3. Flèches, carquois

4. Gaines de couteaux

E. Instruments de musique

1. Flûtes à extrémité soufflée, à deux tons

2. Harpes

3. Tambours

No. 50937

United States of America
and
Guatemala

Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala concerning the imposition of import restrictions on archaeological objects and materials from the pre-Columbian cultures of Guatemala (with appendix). Washington, 29 September 1997

Entry into force: *29 September 1997 by signature, in accordance with article IV*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Guatemala

Mémorandum d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Guatemala relatif à l'imposition de restrictions à l'importation sur les objets et matériaux archéologiques provenant des cultures précolombiennes du Guatemala (avec appendice). Washington, 29 septembre 1997

Entrée en vigueur : *29 septembre 1997 par signature, conformément à l'article IV*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL OBJECTS AND MATERIALS FROM THE PRE-COLUMBIAN CULTURES OF GUATEMALA

The Government of the United States of America and the Government of the Republic of Guatemala;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological objects and materials representing the prehispanic cultures of Guatemala: the Maya of the Peten Lowlands and the cultures of the Highlands and the Southern Coast;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, will restrict the importation into the United States of the archaeological objects and materials listed in the Appendix to this Memorandum of Understanding (hereafter "Designated List") unless the Government of the Republic of Guatemala issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. The Government of the United States of America shall offer for return to the Government of the Republic of Guatemala any object or material on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions will become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

A. The representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Guatemala to publicize this Memorandum of Understanding and the reasons for it.

B. The Government of the United States of America will use its best efforts to facilitate technical assistance to Guatemala in cultural resource management and security, as appropriate under existing programs in the public and/or private sectors.

C. Both Governments will seek to encourage academic institutions, non-governmental institutions and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of Guatemala, and to collaborate in the

preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

D. The Government of the Republic of Guatemala will use its best efforts to permit the exchange of its archaeological objects and materials and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony, such as temporary loans for exhibition purposes and study abroad, and to expedite procedures for the export of samples for scientific research.

E. The Government of the Republic of Guatemala will seek to develop professional training programs for archaeologists, ethnologists, and museum staff and public institution administrators responsible for cultural patrimony, and to promote the establishment of local museums.

F. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of the Republic of Guatemala will endeavor to strengthen cooperation within the Central American Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will actively seek the cooperation of countries with significant import trade in Guatemalan archaeological artifacts in protecting its cultural property.

G. The Government of the Republic of Guatemala will use its best efforts to develop a prioritized management plan for the effective protection of its cultural resources; and to continue to carry out its plans for the strengthening of the Registry of Archaeological, Historical, and Artistic Properties.

H. The Government of the Republic of Guatemala will apply its best efforts to fully implement the Law for the Protection of National Cultural Patrimony, Decree 26-97 of the Congress of the Republic of Guatemala.

I. The Government of the Republic of Guatemala will use its best efforts, through education and implementation and enforcement of its laws, to improve protection of its archaeological patrimony.

J. The Government of the Republic of Guatemala, in advance of the expiration of the five year period of this Memorandum of Understanding, will undertake an assessment with regard to improvements in broad areas such as law enforcement, cultural resource management, education, conservation, research, and the national museum system.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years, unless extended.

B. This Memorandum of Understanding may be amended through an exchange of diplomatic notes.

C. The effectiveness of this Memorandum of Understanding will be subject to review in order to determine, before the expiration of the five year period of this Memorandum of Understanding, whether it should be extended .

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, in duplicate, this twenty-ninth day of September, 1997, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA:

LIST OF DESIGNATED ARCHAEOLOGICAL OBJECTS AND MATERIALS FROM GUATEMALA

Pursuant to a Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala, the following contains descriptions of the archaeological objects and materials for which the United States imposes import restrictions under the Convention on Cultural Property Implementation Act (P.L. 97-446), the legislation enabling implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Designated List below subsumes all categories of Maya objects from the Petén Lowlands for which emergency import restrictions have been in place since 1991. With publication of the Designated List below, protection of the Petén Maya materials continues without interruption. The Designated List includes archaeological materials known to originate in Guatemala, ranging in date from approximately 12,000 B.C. to A.D. 1524, and including, but not limited to, objects comprised of ceramic, metal, stone, shell, and animal bone that represent cultures of the Maya of the Petén Lowlands and include, but are not limited to, the cultures of the Highlands and the Southern Coast.

The public is reminded that monumental and architectural sculpture, murals and stelae have been and continue to be restricted from importation under the 1972 Pre-Columbian Monumental or Architectural Sculpture or Murals Statute (19 USC 2091-2095).

Chronological Table

State	Substage	Dates
Preclassic Stage	Early Preclassic	2000/1500 B.C. - 600 B.C.
	Preclassic	600 B.C. - 400 B.C.
	Late Preclassic	400 B.C. - 250 A.D.
Classic Stage	Early Classic	250 A.D. - 550 A.D
	Late Classic	550 A.D. - 900 A.D.
Postclassic Stage	Early Postclassic	900 A.D. - 1250 A.D.
	Late Postclassic	1250 A.D. - 1524 A.D.

I. *Ceramic/Terracotta/Fired Clay* - A wide variety of decorative techniques are used on all shapes: fluting, gouged or incised lines and designs, modeled carving, and painted polychrome or bichrome designs of human or animal figures, mythological

scenes or geometric motifs. Small pieces of clay modeled into knobs, curls, faces, etc., are often applied to the vessels. Bowls and dishes may have lids or tripod feet.

A. Common Vessels

1. Vases (10 - 25 cm height)
2. Bowls (8 - 15 cm height)
3. Dishes and plates (27 - 62 cm diameter)
4. Jars (12.5 - 50 cm height)

B. Special Forms

1. Drums - polychrome painted and plain (35 - 75 cm height)
2. Figurines - human and animal form (6 - 15 cm height)
3. Whistles - human and animal form (5 - 10 cm height)
4. Rattles - human and animal form (5 - 7 cm height)
5. Miniature vessels (5 - 10 cm height)
6. Stamps and seals - engraved geometric design, various sizes and shapes.
7. Effigy vessels - in human or animal form (16 - 30 cm height)
8. Incense burners - elaborate painted, applied and modeled decoration in form of human figures (25 - 50 cm height)

II. *Stone (jade, obsidian, flint, alabaster/calcite, limestone, slate, and other)*

A. Figurines - human and animal (7 - 25 cm height)

B. Masks - incised decoration and inlaid with shell, human and animal faces (20 - 25 cm length)

C. Jewelry - various shapes and sizes.

1. Pendants
2. Earplugs
3. Necklaces

D. Tools and Weapons

1. Arrowheads (3 - 7 cm length)
2. Axes, adzes, celts (3 - 16 cm length)
3. Blades (4 - 15 cm length)
3. Chisels (20 - 30 cm length)

4. Spear points (3 - 10 cm length)
5. Eccentric shapes (10 - 15 cm length)
6. Grinding stones (30 - 50 cm length)

E. Vessels and Containers

1. Bowls (10 - 25 cm ht)
2. Plates/Dishes (15 - 40 cm diameter)
3. Vases (6 -23 cm height)

III. *Metal (gold, silver, or other) - Cast or beaten into the desired form, decorated with engraving, inlay, punctured design or attachments. Often in human or stylized animal forms.*

A. Jewelry - various shapes and sizes.

1. Necklaces
2. Bracelets
3. Disks
4. Earrings or earplugs
5. Pendants

B. Figurines (5 - 10 cm height)

C. Masks (15 - 25 cm length)

IV. *Shell - Decorated with cinnabar and incised lines, sometimes with jade applied.*

A. Figurines - human and animal (2 - 5 cm height)

B. Jewelry - various shapes and sizes.

1. Necklaces
2. Bracelets
3. Disks
4. Earrings or earplugs
5. Pendants

C. Natural Forms - often with incised designs, various shapes and sizes.

V. *Animal Bone - Carved or incised with geometric and animal designs and glyphs.*

A. Tools - various sizes.

1. Needles
2. Scrapers

B. Jewelry - various shapes and sizes.

1. Pendants
2. Beads
3. Earplugs

[SPANISH TEXT – TEXTE ESPAGNOL]

MEMORÁNDUM DE ENTENDIMIENTO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA Y EL GOBIERNO DE LA REPÚBLICA DE GUATEMALA RELATIVO A LA IMPOSICIÓN DE RESTRICCIONES DE IMPORTACIÓN DE LOS MATERIALES U OBJETOS ARQUEOLÓGICOS DE LAS CULTURAS PRECOLOMBIANAS DE GUATEMALA

El Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala;

de conformidad con la Convención de 1970 de la UNESCO sobre las Medidas que deben adoptarse para Prohibir e Impedir la Importación, la Exportación y la Transferencia de Propiedad Ilícitas de Bienes Culturales, de la cual ambos países son Estados Partes; y

con el fin de reducir los incentivos para el saqueo de los materiales u objetos arqueológicos irremplazables que representan las culturas prehispánicas de Guatemala: el pueblo Maya de las tierras bajas del Petén y las culturas del Altiplano y de la Costa Sur;

Acuerdan:

ARTÍCULO I

A. El Gobierno de los Estados Unidos de América, de conformidad con las disposiciones de la Ley de Ejecución de la Convención de la Propiedad Cultural, restringirá la importación, a los Estados Unidos, de los materiales u objetos arqueológicos contenidos en la lista del Apéndice del presente Memorándum de Entendimiento (en lo sucesivo "la Lista de Designación"), a menos que el Gobierno de la Republica de Guatemala emita un certificado u otro documento que dé fe del hecho de que dicha exportación no viola sus leyes.

B. El Gobierno de los Estados Unidos de América ofrecerá el retorno al Gobierno de la República de Guatemala de cualquier material u objeto de la Lista de Designación decomisado por el Gobierno de los Estados Unidos de América.

C. Dichas restricciones a las importaciónes cobrarán vigor en la fecha en que la Lista de Designación se haya publicado en el U.S. Federal Register, que es el órgano oficial del Gobierno de los Estados Unidos que brinda aviso público de manera justa.

ARTÍCULO II

A. Los representantes del Gobierno de los Estados Unidos de América participarán en esfuerzos conjuntos con los representantes del Gobierno de la República de Guatemala con el fin de divulgar este Memorándum de Entendimiento y las razones que lo motivan.

B. El Gobierno de los Estados Unidos de América hará sus mejores esfuerzos para facilitar asistencia técnica apropiada a Guatemala en el campo de la administración y seguridad de los recursos culturales, de conformidad con los programas existentes en los sectores públicos y/o privados.

C. Ambos gobiernos buscarán motivar a las instituciones académicas, no gubernamentales y otras organizaciones privadas a cooperar en el intercambio de conocimientos e información sobre el patrimonio cultural de Guatemala y a colaborar en la conservación y protección de dicho patrimonio cultural por medio de asistencia técnica, capacitación y recursos adecuados.

D. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para permitir el intercambio de sus materiales u objetos arqueológicos y etnológicos en circunstancias en las que dicho intercambio no ponga en peligro su patrimonio cultural, como por ejemplo en la forma de préstamos temporales para exposiciones y estudios en el extranjero, y para acelerar los procedimientos para exportar muestras con el fin de realizar investigación científica.

E. El Gobierno de la República de Guatemala buscará desarrollar programas de capacitación profesional para arqueólogos, etnólogos y personal de museos y administradores de las entidades públicas responsables del patrimonio cultural, y promover la creación de museos locales.

F. Ambos gobiernos están de acuerdo en que, para que las restricciones impuestas por los Estados Unidos a las importaciones logren impedir el saqueo, el Gobierno de la República de Guatemala se empeñará en fortalecer la

cooperación en la región Centroamericana para proteger el patrimonio cultural de la región, reconociendo el hecho de que las fronteras políticas y las fronteras culturales no coinciden; y buscará activamente la cooperación de países con importaciones significativas de objetos arqueológicos de Guatemala para proteger su propiedad cultural.

G. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para desarrollar un plan de administración priorizado para la protección efectiva de sus bienes culturales; y para continuar ejecutando sus planes para el fortalecimiento del Registro de la Propiedad Arqueológica, Histórica y Artística.

H. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para ejecutar plenamente la Ley para la Protección del Patrimonio Cultural de la Nación, Decreto 26-97 del Congreso de la República de Guatemala.

I. El Gobierno de la República de Guatemala hará sus mejores esfuerzos, por medio de la educación y la ejecución y aplicación de sus leyes, para mejorar la protección de su patrimonio arqueológico.

J. El Gobierno de la República de Guatemala, previo al vencimiento del período de cinco años del presente Memorándum de Entendimiento, emprenderá la evaluación de las mejoras logradas en general en los campos de la aplicación de la ley, el manejo de los recursos culturales, la educación, conservación, investigación y el sistema de museos nacionales.

ARTÍCULO III

Las obligaciones de ambos Gobiernos y las actividades que se lleven a cabo de conformidad con el presente Memorándum de Entendimiento quedan sujetas a las leyes y reglamentos de cada Gobierno, segun proceda, incluyendo los que se refieren a la disponibilidad de fondos.

ARTÍCULO IV

A. Este Memorándum de Entendimiento entrará en vigor al momento de firmarse. Permanecerá vigente durante un período de cinco años, a menos que se prorrogue.

B. Este Memorándum de Entendimiento se puede enmendar por medio del intercambio de notas diplomáticas.

C. La vigencia de este Memorándum de Entendimiento estará sujeta a una revisión que se realizará con el fin de determinar, previo al vencimiento del período de cinco años de vida del Memorándum de Entendimiento, si se debe prorrogar.

EN FE DE LO CUAL firman este Memorándum de Entendimiento los suscritos, quienes están debidamente autorizados por sus respectivos Gobiernos para hacerlo.

HECHO en Washington, por duplicado, el veinte nueve día del mes de septiembre de mil novecientos noventa y siete, en inglés y en castellano; ambos textos son igualmente auténticos.

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA:

POR EL GOBIERNO DE LA REPÚBLICA DE GUATEMALA:

[TRANSLATION – TRADUCTION]

MÉMORANDUM D'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU GUATEMALA RELATIF À L'IMPOSITION DE RESTRICTIONS À L'IMPORTATION SUR LES OBJETS ET MATÉRIAUX ARCHÉOLOGIQUES PROVENANT DES CULTURES PRÉCOLOMBIENNES DU GUATEMALA

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Guatemala,

Agissant conformément aux dispositions de la Convention de 1970 de l'UNESCO concernant les mesures à prendre pour interdire et empêcher l'importation, l'exportation et le transfert de propriété illicites des biens culturels, à laquelle les deux pays sont parties, et

Souhaitant décourager le pillage d'objets et de matériaux archéologiques irremplaçables représentant les cultures préhispaniques du Guatemala : les Mayas des basses terres du Petén et les cultures des hautes terres et de la côte méridionale,

Sont convenus de ce qui suit :

Article premier

A. Le Gouvernement des États-Unis d'Amérique, conformément à sa réglementation d'application de la convention sur le patrimoine culturel, restreint l'importation aux États-Unis des objets et matériaux archéologiques énumérés dans l'annexe au présent Mémorandum d'accord (ci-après dénommée « la liste établie ») à moins que le Gouvernement de la République du Guatemala ne délivre un certificat ou un autre document attestant que cette exportation n'est pas contraire à sa législation.

B. Le Gouvernement des États-Unis d'Amérique doit offrir de retourner au Gouvernement de la République du Guatemala tout objet ou matériau figurant sur la liste établie et confisqué aux États-Unis d'Amérique.

C. Ces restrictions à l'importation prennent effet à la date de publication de la liste établie dans le régistre fédérale des États-Unis (« US Federal Register »), la publication officielle du Gouvernement des États-Unis qui permet la diffusion équitable des avis publics.

Article II

A. Les représentants du Gouvernement des États-Unis d'Amérique s'efforcent, en collaboration avec ceux du Gouvernement de la République du Guatemala, de publier le présent Mémorandum d'accord et les raisons qui ont conduit à son adoption.

B. Le Gouvernement des États-Unis d'Amérique met tout en œuvre pour faciliter la fourniture d'une assistance technique au Guatemala pour la gestion et la sécurité des ressources culturelles, comme il convient dans le cadre des programmes existants dans le secteur public et/ou privé.

C. Les deux gouvernements cherchent à encourager les institutions universitaires, les institutions non gouvernementales et les autres organisations privées à échanger les savoirs et les informations concernant le patrimoine culturel du Guatemala et à collaborer en vue de la préservation et de la protection de ce patrimoine culturel au moyen de l'assistance technique, de la formation et des ressources appropriées.

D. Le Gouvernement de la République du Guatemala s'efforce d'autoriser l'échange de ses objets et matériaux archéologiques et de ses matériaux ethnologiques lorsque cet échange ne met pas en péril son patrimoine culturel, par exemple dans le cadre de prêts aux fins d'exposition et d'étude à l'étranger, et d'accélérer les procédures d'exportation d'échantillons aux fins de recherche scientifique.

E. Le Gouvernement de la République du Guatemala cherche à développer des programmes de formation professionnels pour les archéologues, les ethnologues, les employés de musées et les administrateurs d'instituts publics responsables du patrimoine culturel, et à favoriser l'ouverture de musées locaux.

F. Les deux gouvernements conviennent de ce que, pour que les restrictions à l'importation des États-Unis d'Amérique permettent effectivement de lutter contre le pillage, le Gouvernement de la République du Guatemala doit s'attacher à renforcer la coopération en Amérique centrale en vue de la protection du patrimoine culturel de la région, compte tenu du fait que les frontières politiques ne coïncident pas avec les frontières culturelles, et doit s'efforcer d'obtenir la coopération des pays qui importent beaucoup d'objets archéologiques guatémaltèques, en vue de protéger son patrimoine culturel.

G. Le Gouvernement de la République du Guatemala met tout en œuvre pour élaborer un plan de gestion assorti de priorités en vue de la protection efficace de ses ressources culturelles et pour continuer à mettre en œuvre ses plans d'amélioration du registre des biens archéologiques, historiques et artistiques.

H. Le Gouvernement de la République du Guatemala met tout en œuvre pour appliquer pleinement la loi pour la protection du patrimoine culturel national, décret 26-97 du Congrès de la République du Guatemala.

I. Le Gouvernement de la République du Guatemala met tout en œuvre pour améliorer la protection de son patrimoine archéologique, grâce à l'éducation et à la mise en œuvre et à l'application de ses lois.

J. Le Gouvernement de la République du Guatemala réalise, avant l'expiration de la période de validité de cinq ans du présent Mémorandum d'accord, une évaluation concernant les améliorations dans de larges domaines tels que l'application de la loi, la gestion des ressources culturelles, l'éducation, la conservation, la recherche et le système national des musées.

Article III

Les obligations des deux gouvernements et les activités menées dans le cadre du présent Mémorandum d'accord sont soumises à la législation et à la réglementation de chacun des gouvernements, le cas échéant, sous réserve de la disponibilité des fonds nécessaires.

Article IV

A. Le présent Mémorandum d'accord entre en vigueur à la date de sa signature. Il reste en vigueur pour une période de cinq ans, à moins qu'il ne soit prorogé.

B. Le présent Mémorandum d'accord peut être amendé par l'échange de notes diplomatiques.

C. Il sera procédé à l'évaluation de l'efficacité du présent Mémorandum d'accord afin de déterminer, avant l'expiration de sa période de validité de cinq ans, s'il doit être prorogé.

EN FOI DE QUOI, les soussignés, à ce dûment autorisés par leurs gouvernements respectifs, ont signé le présent Mémorandum d'accord.

FAIT à Washington, en deux exemplaires, le 29 septembre 1997, en langues anglaise et espagnole, les deux textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

[JOHN R. HAMILTON AND RICHARD P. KEMBLE]

Pour le Gouvernement de la République du Guatemala :

[ALFONSO QUINONES]

LISTE DES OBJETS ET MATÉRIAUX ARCHÉOLOGIQUES DÉSIGNÉS PROVENANT DU GUATEMALA

En vertu d'un Mémorandum d'accord conclu entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Guatemala, on trouvera ci-après la description des objets et matériaux archéologiques pour lesquels les États-Unis imposent des restrictions à l'importation au titre de sa réglementation d'application de la convention sur le patrimoine culturel (P.L. 97-446), l'acte législatif qui permet la mise en œuvre de la Convention de 1970 de l'UNESCO concernant les mesures à prendre pour interdire et empêcher l'importation, l'exportation et le transfert de propriété illicites des biens culturels. La liste établie ci-dessous subsume toutes les catégories d'objets mayas des basses terres du Petén pour lesquels des restrictions à l'importation d'urgence sont en place depuis 1991. Avec la publication de la liste établie ci-dessous, la protection des matériaux mayas de Petén continue sans interruption. La liste établie comprend les matériaux archéologiques dont on sait qu'ils proviennent du Guatemala, datant approximativement de 12 000 av. J.-C. à 1524 ap. J.-C. et comprenant, sans s'y limiter, des objets constitués de céramique, de métal, de pierre, de coquillage et d'os d'animaux qui représentent les cultures des Mayas des basses terres de Petén et comprenant, sans s'y limiter, les cultures des hautes terres et de la côte méridionale.

Il est rappelé au public que l'importation des sculptures monumentales et architecturales, des peintures murales et des stèles est et reste restreinte au titre de la loi de 1972 sur les sculptures monumentales ou architecturales ou peintures murales précolombiennes (19 USC 2091-2095).

Ligne du temps

Époque	Sous-époque	Dates
Époque préclassique	Préclassique ancien	2000/1500 av. J.-C. – 600 av. J.-C.
	Préclassique	600 av. J.-C. – 400 av. J.-C.
	Préclassique récent	400 av. J.-C. – 250 ap. J.-C.
Époque classique	Classique ancien	250 ap. J.-C. – 550 ap. J.-C.
	Classique récent	550 ap. J.-C. – 900 ap. J.-C.
Époque post-classique	Post-classique ancien	900 ap. J.-C. – 1250 ap. J.-C.
	Post-classique récent	1250 ap. J.-C. – 1524 ap. J.-C.

I. Céramique / terre cuite / argile – Un large éventail de techniques décoratives sont utilisées sur toutes les formes : cannelures, lignes et motifs marqués ou incisés, sculpture modelée, motifs polychromes ou bichromes peints de figures humaines ou animales, de scènes mythologiques ou de formes géométriques. Des petites pièces d'argile modelées en boutons, en boucles, en visages, etc., sont souvent appliquées sur les récipients. Les bols et les plats peuvent être pourvus de couvercles ou de trépieds.

A. Récipients communs
   1. Vases (10 à 25 cm de haut)
   2. Bols (8 à 15 cm de haut)
   3. Assiettes et plats (27 à 62 cm de diamètre)
   4. Jarres (12,5 à 50 cm de haut)

B. Formes spéciales
   1. Tambours – polychromes peints ou unis (35 à 75 cm de haut)
   2. Figurines – formes humaines ou animales (6 à 15 cm de haut)
   3. Sifflets – formes humaines ou animales (5 à 10 cm de haut)
   4. Hochets – formes humaines ou animales (5 à 7 cm de haut)
   5. Récipients miniatures (5 à 10 cm de haut)
   6. Poinçons et sceaux – motifs géométriques gravés, diverses tailles et formes
   7. Récipients effigies – formes humaines ou animales (16 à 30 cm de haut)
   8. Encensoirs – décoration élaborée, peinte, appliquée ou modelée, sous la forme de figures humaines (25 à 50 cm de haut)

II. Pierre (jade, obsidienne, silex, albâtre/calcite, pierre calcaire, ardoise et autres)

A. Figurines – humaines ou animales (7 à 25 cm de haut)

B. Masques – décoration incisée et incrustés de coquillages, figures humaines ou animales (20 à 25 cm de long)

C. Bijoux – diverses formes et tailles.
   1. Pendentifs
   2. Bouchons d'oreilles
   3. Colliers

D. Outils et armes
   1. Pointes de flèches (3 à 7 cm de long)
   2. Haches, herminettes, haches polies (3 à 16 cm de long)
   3. Lames (4 à 15 cm de long)
   3. Ciseaux (20 à 30 cm de long)
   4. Pointes de lances (3 à 10 cm de long)
   5. Formes excentriques (10 à 15 cm de long)
   6. Meules (30 à 50 cm de long)

E. Récipients et contenants
   1. Bols (10 à 25 cm de haut)
   2. Assiettes / plats (15 à 40 cm de diamètre)
   3. Vases (6 à 23 cm de haut)

III. Métal (or, argent ou autre) – Moulés ou martelés dans la forme souhaitée, décorés avec des gravures, des incrustations, des motifs perforés ou des pièces ajoutées. Souvent sous des formes humaines ou animales stylisées.

A. Bijoux – diverses formes et tailles
   1. Colliers
   2. Bracelets
   3. Disques
   4. Boucles ou bouchons d'oreilles
   5. Pendentifs

B. Figurines (5 à 10 cm de haut)

C. Masques (15 à 25 cm de long)

IV. Coquillages – décorés avec du cinabre et des lignes incisées, parfois avec application de jade.

A. Figurines – humaines ou animales (2 à 5 cm de haut).

B. Bijoux – diverses formes et tailles.
   1. Colliers
   2. Bracelets
   3. Disques
   4. Boucles ou bouchons d'oreilles
   5. Pendentifs

C. Formes naturelles – souvent avec des motifs incisés, diverses formes et tailles.

V. Os d'animaux – Avec sculpture ou incision de motifs géométriques et animaux et de glyphes.

A. Outils – diverses tailles
   1. Aiguilles
   2. Grattoirs

B. Bijoux – diverses formes et tailles.
   1. Pendentifs
   2. Perles
   3. Bouchons d'oreilles

No. 50938

United States of America
and
Jamaica

Agreement between the Government of the United States of America and the Government of Jamaica concerning cooperation in suppressing illicit maritime drug trafficking (with protocol). Kingstown, 6 May 1997

Entry into force: *10 March 1998 by notification, in accordance with article 24*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Jamaïque

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque relatif à la coopération en vue de la répression du trafic maritime illicite de stupéfiants (avec protocole). Kingstown, 6 mai 1997

Entrée en vigueur : *10 mars 1998 par notification, conformément à l'article 24*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAMAICA CONCERNING COOPERATION IN SUPPRESSING ILLICIT MARITIME DRUG TRAFFICKING

The Government of the United States of America and the Government of Jamaica (hereinafter, "the Parties");

Bearing in mind the special nature of the problem of illicit maritime drug traffic;

Having regard to the urgent need for international cooperation in suppressing illicit maritime drug traffic, which is recognized in the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol, in the 1971 Convention on Psychotropic Substances, and in the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter, the "1988 Convention"), and in the 1982 United Nations Convention on the Law of the Sea;

Recalling the Treaty Between the Government of the United States of America and the Government of Jamaica on Mutual Legal Assistance in Criminal Matters, which entered into force on July 25, 1995;

Recalling further that paragraph 9 of Article 17 of the 1988 Convention requires the Parties to consider entering into bilateral arrangements to carry out, or to enhance the effectiveness of, the provisions of Article 17; and

Desiring to promote greater cooperation between the Parties in combatting illicit maritime drug traffic on the basis of mutual respect for the sovereign equality and territorial integrity of States;

Have agreed as follows:

Nature and Scope of Agreement

Article 1

Objective

The Parties shall, in accordance with this Agreement, cooperate in combatting illicit maritime drug traffic to the fullest extent possible, consistent with available law enforcement resources and related priorities.

Article 2

Definitions

In this Agreement, unless the context otherwise requires:

a. "Illicit traffic" has the same meaning as that term is defined in the 1988 Convention.

b. "Jamaica" has the same meaning as in the Jamaica Independence Act and includes the Islands known as the Morant Cays and the Pedro Cays and other areas under the sovereignty of Jamaica.

c. "Jamaican waters" means those waters under the sovereignty of Jamaica as described in the Maritime Areas Act, 1996, including the internal waters, archipelagic waters and territorial sea of Jamaica.

d. "Jamaican airspace" means the airspace over Jamaica and Jamaican waters.

e. "United States" means the areas under the sovereignty of the United States.

f. "United States waters" means those waters under the sovereignty of the United States, including the internal waters and territorial sea of the United States.

g. "United States airspace" means the airspace over the United States and United States waters.

h. "Law enforcement vessels" are ships clearly marked and identifiable as being on government non-commercial service, used for law enforcement purposes and authorized to that effect, including any boat and aircraft embarked on such ships, aboard which law enforcement officials are embarked.

i. "Law enforcement officials" means, for Jamaica, uniformed members of the Jamaican Constabulary Force and the Jamaican Defence Force; and for the United States of America, uniformed members of the United States Coast Guard.

j. "Law enforcement authorities" means, for Jamaica, the Jamaican Constabulary Force and the Jamaican Defence Force, and for the United States of America, the United States Coast Guard.

Operations Seaward of the Territorial Sea

Article 3

Shipboarding

1. Whenever the law enforcement officials of one Party (the "first Party") encounter a vessel described in Article 15, flying the flag of, or claiming to be registered in, the other Party, located seaward of any nation's territorial sea, and have reasonable grounds to suspect that the vessel is engaged in illicit traffic, the first Party may request, in accordance with Article 14 of this Agreement, the Party which is the claimed flag State to verify the claim of registry and if verified, to authorize the boarding and search of the suspect vessel, cargo and persons found on board by the law enforcement officials of the first Party. Any such request shall be supported by the basis on which it is claimed that the reasonable grounds for suspicion exist.

2. Where permission to board and search the vessel is granted and evidence is found of illicit traffic, the flag State shall be promptly informed of the results of the search, including the names and claimed nationality, if any, of the persons on board, and requested to give directions as to the disposition of the vessel, cargo and persons on board. Such requests shall be answered expeditiously. Pending receipt of such instructions, the vessel, cargo and persons on board may be detained.

3. Boardings and searches conducted pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels.

4. When conducting a boarding and search, law enforcement officials shall take due account of the need not to endanger the safety of life at sea, the security of the suspect vessel and its cargo, or to prejudice the commercial and legal interests of the flag State or any other interested State. Such officials shall also bear in mind the need to observe norms of courtesy, respect and consideration for the persons on board the suspect vessel.

5. Where a vessel of one Party is detained seaward of any State's territorial sea, that Party shall have the right to exercise jurisdiction over the vessel, its cargo and persons on board, but that Party may, subject to its Constitution and laws, waive its right to exercise jurisdiction and authorize the other Party to enforce its laws against the vessel, its cargo and persons on board. Nothing in this Agreement shall be construed as a waiver by a Party of its right to exercise jurisdiction over its nationals.

6. When conducting boardings and searches in accordance with this Agreement, law enforcement officials shall avoid the use of force in any way, including the use of firearms, except in the following cases:

a. the exercise of the right of self-defence;

b. to compel the suspect vessel to stop when the vessel has ignored the respective Party's standard warnings to stop; and

c. to maintain order on board the suspect vessel during the boarding and search or while the vessel is detained, when the crew or persons on board resist, impede the boarding and search or try to destroy evidence of illicit traffic or the vessel, or when the vessel attempts to flee during the boarding and search or while the vessel is detained.

7. Law enforcement officials of the Party authorized to conduct the boarding and search may carry standard small arms and shall only discharge them when it is not possible to apply less extreme measures. In all cases where the discharge of firearms is required, it shall be necessary to have the previous authorization of the flag State except when warning shots are required as a signal for a vessel to stop, or in the exercise of the right of self-defence.

8. Whenever force is used, including the use of firearms, at all times it shall be the minimum reasonably necessary and proportional under the circumstances.

Article 4

Other Boardings Under International Law

Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels, conducted in accordance with international law of the sea by officials of either Party.

Maritime Law Enforcement Programme in and over the Waters of a Party

Article 5

Responsibility

Operations to suppress illicit traffic in the territory, waters and airspace of a Party are the responsibility of, and subject to the authority of, that Party.

Article 6
Cooperation in Areas of Operations

1. The Parties shall establish a programme of cooperation between their respective law enforcement authorities. Each Party may designate a coordinator to organize its programme activities and to identify the vessels and officials involved in the programme to the other Party.

2. A Party (the "first Party") may request the other Party to provide assistance by making available a law enforcement vessel to enable the first Party effectively to patrol and conduct surveillance with a view to the prevention and detection of illicit traffic.

3. When responding favorably to a request pursuant to paragraph 2, the other Party shall provide via secure communications channels:

a. the name and description of the law enforcement vessel;

b. the date at which, and the period for which, it will be available;

c. the name of the Commanding Officer of the vessel; and

d. any other relevant information.

Article 7

Jamaican Law Enforcement Officials on U.S. Law Enforcement Vessels

1. The Government of Jamaica may designate law enforcement officials who, subject to Jamaican law, may for the conduct of law enforcement operations for prevention, detection and suppression of illicit traffic by vessels in Jamaican waters, embark on United States law enforcement vessels. While so embarked and for the aforesaid purposes, such Jamaican law enforcement officials may:

a. enforce the laws of Jamaica in Jamaican waters and seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and

b. authorize the entry of the vessel into and its navigation within Jamaican waters.

2. All activities, including boardings, searches, seizures, detentions and enforcement of Jamaican law under this Article relating to suspect vessels shall be the responsibility of the Jamaican law enforcement officials and carried out by them. Such operations shall be conducted in accordance with Jamaican law. In order to carry out their responsibilities, the Jamaican law enforcement officials may request the Commanding Officer of the U.S. law enforcement vessel to take navigational measures or allow the Jamaican law enforcement officials to use the vessel's systems to communicate with the suspect vessel. Jamaican law enforcement officials may also request or authorize the Commanding Officer of the U.S. law enforcement vessel to use its equipment and available capabilities in order to provide information for the detection, identification and location of vessels and aircraft engaged in illicit traffic.

3. All law enforcement activities under this Article shall be under the control and direction of Jamaican law enforcement officials and shall be conducted in accordance with Jamaican law.

Article 8

United States Law Enforcement Officials on Jamaican Law Enforcement Vessels

1. The Government of the United States of America may designate law enforcement officials who, subject to United States law, may for the conduct of law enforcement operations for the prevention, detection and suppression of illicit traffic in United States waters, embark on Jamaican law enforcement vessels. While so embarked and for the aforesaid purposes, such U.S. law enforcement officials may:

a. enforce the laws of the United States in United States waters and seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and

b. authorize the entry of the vessel into and navigation within United States waters.

2. All activities, including boardings, searches, seizures, detentions and enforcement of United States law under this Article relating to suspect vessels shall be the responsibility of the U.S. law enforcement officials and carried out by them. Such operations shall be conducted in accordance with U.S. law. In order to carry out their responsibilities, the U.S. law enforcement officials may request the Commanding Officer of the Jamaican law enforcement vessel to take navigational measures or allow the U.S. law enforcement officials to use the vessel's systems to communicate with the suspect vessel. U.S. law enforcement officials may also request or authorize the Commanding Officer of the Jamaican law enforcement vessel to use its equipment and available capabilities in order to provide information for the detection, identification and location of vessels and aircraft engaged in illicit traffic.

3. All law enforcement activities under this Article shall be under the control and direction of United States law enforcement officials and shall be conducted in accordance with U.S. law.

Article 9

Authority of Law Enforcement Officials on Board other Party's Law Enforcement Vessels

When law enforcement officials are embarked on the other Party's law enforcement vessel, any law enforcement action being carried out under Article 7 or 8, including any boarding, search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the law enforcement officials, except as follows:

a. crew members of the other Party's law enforcement vessel may assist in any such action if expressly requested to do so by the law enforcement officer in command and, where agreed to, only to the extent and in the manner requested. Such assistance, including any use of force, shall be rendered in accordance with the applicable laws of the requesting Party to the extent not inconsistent with the laws and policies of the requested Party.

b. Subject to subparagraph a, use of force by such crew members shall be in accordance with Articles 3 and 17.

Article 10

Other Assistance by Vessels

1. Neither Party shall conduct operations to suppress illicit traffic in the waters and airspace of the other Party without its permission as provided in this Agreement.

2. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic, a Party (the "first Party") may make a special request to the other Party for *ad hoc* permission for its law enforcement vessel to follow the suspect vessel or aircraft into the other Party's waters or airspace or to enter the other Party's waters in order to maintain contact with the vessel or aircraft, and to investigate, board and search the vessel. Any such request shall be supported by the basis on which it is claimed that special circumstances exist and that there are reasonable grounds for the alleged suspicion.

3. The Requested Party shall decide expeditiously whether to grant the permission sought and in granting such permission may give such directions and attach any conditions it considers appropriate to such permission.

4. All boardings and searches of suspect vessels shall be conducted in accordance with the laws of the Requested Party.

5. Where, as a result of a boarding and search under this Article, evidence is found of illicit traffic, the Requested Party shall be promptly informed of the results of the search, the suspect vessel, cargo and persons on board shall be detained, and taken to a designated port within the waters of that Party unless otherwise directed by that Party. Following such boarding and search, all law enforcement action shall be under the control and direction of the law enforcement officials of, and conducted in accordance with, the laws of the Requested Party.

6. The provisions contained in Article 3 paragraphs 3 and 4 regarding boarding and search and in paragraphs 6–8 regarding the use of force shall apply *mutatis mutandis*.

7. Nothing in this Article authorizes the boarding and search, or detention, of a vessel flying the flag of the Party within whose waters the vessel is located.

8. Nothing in this Article shall be construed to permit a law enforcement vessel of one Party to randomly patrol within the waters of the other Party.

Article 11

Aircraft Support for Suppression of Illicit Traffic

1. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic and that vessel or aircraft is located in or over, or is entering the waters or airspace of one Party (the "first Party"), the law enforcement officials of the other Party shall provide such information regarding the suspect vessel or aircraft to the person designated by the Central Authority of the first Party and a request may be made by the other Party for its aircraft to:

(a) overfly the territory and waters of the other Party in pursuit of the suspect vessel or aircraft fleeing into or located within its waters and airspace; and

(b) manoeuvre to maintain visual and electronic contact with the suspect vessel or aircraft.

2. With regard to the overflight requested in paragraph (a) above, the procedures to be observed shall involve a notification to the Central Authority and the appropriate civil aviation authorities, and compliance with all air navigation and flight safety directions of the Party within whose airspace the overflight is taking place.

3. Where the request relates to manoeuvreing the aircraft to maintain contact with the suspect aircraft or vessel as provided for in paragraph (b) above, the procedures to be observed shall involve:

(a) the express approval of the Central Authority of the Requested Party; and

(b) notification to, and compliance with, all air navigation and air safety directions of the Party within whose airspace the manoeuvreing is taking place.

4. The Party conducting such overflight and manoeuvreing shall also maintain contact with the designated law enforcement officials of the other Party and shall keep them informed of such actions so as to enable them to take such action as may be appropriate.

5. Nothing in this Agreement shall authorize activities in relation to aircraft engaged in legitimate scheduled or charter operations for the carriage of passengers, baggage or cargo.

6. Nothing in this Agreement shall be construed to authorize aircraft of either Party to enter the airspace of any third State.

7. Nothing in this Article shall be construed to permit an aircraft of one Party to randomly patrol within the airspace of the other Party.

Article 12

Other Assistance

Nothing in this Agreement precludes a Party from otherwise expressly authorizing other assistance in suppressing illicit traffic.

Implementation

Article 13

Central Authorities

1. There shall be a Central Authority for each Contracting Party.

2. For the United States of America, the Central Authority shall be the Commandant, United States Coast Guard in Washington, D.C. or any person or persons designated by him. For Jamaica, the Central Authority shall be the Minister responsible for National Security or any person or persons designated by him.

3. All requests under this Agreement shall be made by the Central Authority of the requesting State to the Central Authority of the requested State. The Central Authorities may communicate directly with each other for the purposes of the Agreement.

4. The Central Authorities shall respond to all requests expeditiously.

Article 14

Procedures for Requesting Authorization to Board and Search Suspect Vessels

1. Requests for verification of registration of vessels claiming registration of one of the Parties, and for authorization to board and search such vessels, shall be processed by and between the Central Authorities of the Parties.

2. Each request shall be conveyed orally and confirmed in writing, and shall contain, if possible, the name of the vessel, registration number, homeport, basis for suspicion, and any other identifying information. If there is no response from the flag State within three (3) hours of its receipt of the confirmation in writing, the requesting Party shall be deemed to have been authorized to board the suspect vessel for the purpose of inspecting the vessel's documents, questioning the persons on board, and searching the vessel to determine if it is engaged in illicit traffic.

Article 15

Suspect Vessels and Aircraft

1. Operations to suppress illicit traffic pursuant to this Agreement shall be carried out only against vessels and aircraft, other than aircraft described in Article 11, paragraph 5, used for commercial or private purposes and suspected of illicit traffic, including vessels and aircraft without nationality.

2. For the purposes of this Agreement a vessel shall be deemed to be flying the flag of or registered in a Party where it is registered or licensed as a fishing vessel under the legislation of that Party relating to fishing or the fishing industry.

Article 16

Results of Enforcement Action

1. Each Party shall, on a periodic basis and consistent with its laws, inform the other Party on the stage which has been reached of all investigations, prosecutions and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of illicit traffic was found. To this end, the Parties shall provide each other with such assistance as may be required in accordance with the Treaty on Mutual Legal Assistance in Criminal Matters entered into between the Parties. In addition, the Parties shall provide each other information on the results of such prosecutions and judicial proceedings.

2. Nothing in this Article shall require a Party to disclose details of the investigations, prosecutions and judicial proceedings or the evidence relating thereto.

Article 17

Use of Force

1. The boarding and search teams may carry standard small arms.

2. All use of force by a Party pursuant to this Agreement shall in all cases be the minimum reasonably necessary and proportionate under the circumstances.

3. All use of force by a Party within Jamaican or United States waters pursuant to this Agreement shall be in strict accordance with the laws and policies of the Party within whose waters the force is used.

4. Authorizations to board, search and detain vessels and persons on board include the authority to use force in accordance with this Article to compel compliance.

5. Nothing in this Agreement shall impair the exercise of the inherent right of self-defence by the law enforcement or other officials of the Parties.

Article 18

Dissemination

To facilitate implementation of this Agreement, each Party shall ensure that the other Party is fully informed of its respective applicable laws and policies, particularly those pertaining to the use of force. Each Party shall ensure that all of its law enforcement officials are knowledgeable concerning the applicable laws and policies of both Parties.

Article 19

Asset Sharing

Assets seized in consequence of any operation undertaken in the territory or waters of a Party pursuant to this Agreement shall be disposed of in accordance with the laws of that Party. Assets seized in consequence of any operation undertaken seaward of the territorial sea of either Party pursuant to this Agreement shall be disposed of in accordance with the laws of the seizing Party. To the extent permitted by its laws and upon such terms as it deems appropriate, the seizing Party may, in any case, transfer forfeited assets or proceeds of their sale to the other Party.

Article 20

Settlement of Disputes

In case a question arises in connection with interpretation or implementation of this Agreement, either Party may request consultations between the Parties to resolve the matter. If any loss or injury is suffered as a result of any action taken by the law enforcement or other officials of one Party in contravention of this Agreement, or any improper or unreasonable action is taken by a Party pursuant thereto, the Parties shall, without prejudice to any other legal rights which may be available to the Parties or to any persons or entities affected by any such action, consult at the request of either Party to resolve the matter and decide any questions relating to compensation.

Article 21

Consultations and Review

The Parties shall, on a periodic basis, consult with a view to enhancing the effectiveness of this Agreement.

Article 22

Preservation of Rights and Privileges

Nothing in this Agreement is intended to prejudice the rights and privileges due any individual in any legal proceeding.

Article 23

Status of Exclusive Economic Zone and Right of Archipelagic Sea Lanes Passage

Nothing in this Agreement shall be interpreted so as to prejudice the legal status of the Exclusive Economic Zone, or the right of archipelagic sea lanes passage, as provided in the 1982 United Nations Convention on the Law of the Sea or otherwise in accordance with international law.

Article 24

Entry Into Force and Duration

1. This Agreement shall enter into force upon notification by each Party that it has completed its respective constitutional requirements for entry into force of the Agreement.

2. This Agreement may be terminated at any time by either Party upon written notification to the other Party through the diplomatic channel. Such termination shall take effect three months from the date of notification.

3. This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE AT Kingston, this 6th day of May, 1997, in duplicate.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF JAMAICA

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAMAICA TO THE AGREEMENT CONCERNING COOPERATION IN SUPPRESSING ILLICIT MARITIME DRUG TRAFFICKING

The Government of the United States of America and the Government of Jamaica, (hereinafter, "the Parties"):

Recalling the Agreement Between the Government of the United States of America and the Government of Jamaica Concerning Cooperation in Suppressing Illicit Maritime Drug Trafficking, signed at Kingston May 6, 1997 (hereinafter, "the Agreement");

Recalling also the Memorandum of Understanding between the Parties, signed in Kingston, May 6, 1997 (hereinafter "the MOU");

Considering the continuing firm commitment of both Governments to wage an aggressive campaign against drug trafficking;

Desiring to supplement the Agreement and MOU in order to enhance cooperation in the suppression of illicit traffic by sea and air by providing additional protection to civil aircraft in flight and by facilitating multi-national counter-drug operations;

Mindful of the general international law with respect to the use of force against civil aircraft in flight as reflected in the Convention on International Civil Aviation, adopted at Chicago December 7, 1944 and Article 3 *bis* thereto adopted at Montreal May 10, 1984.

Have agreed as follows:

ARTICLE 1

1. The following paragraph 6 is added to Article 3, Shipboarding, of the Agreement:

"6. In cases arising in the contiguous zone of a Party, not involving suspect vessels fleeing from the waters of that Party or suspect vessels flying the flag of or registered in that Party, in which both Parties have the authority to exercise jurisdiction to prosecute, the Party which conducts the boarding and search shall have the right to exercise jurisdiction".

Paragraphs 6, 7 and 8 of Article 3 of the Agreement are renumbered as paragraphs 7, 8 and 9, respectively.

2. Paragraph 1 of Article 11, Aircraft Support for Suppression of Illicit Traffic, of the Agreement is amended to read:

"1. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic and that vessel or aircraft is located in or over, or is entering the waters or airspace of one Party (the "first Party"), the law enforcement officials of the other Party shall provide such information regarding the suspect vessel or aircraft to the person designated by the Central Authority of the first Party and a request may be made by the other Party for its aircraft to:

(a) overfly the territory and waters of the other Party in pursuit of the suspect vessel or aircraft fleeing into or located within its waters or airspace;

(b) maneuver to maintain visual and electronic contact with the suspect vessel or aircraft; and

(c) subject to the laws of each Party, with due regard for its laws and regulations for the flight and maneuver of aircraft, relay orders from its competent authorities to suspect aircraft to land in the territory of the other Party."

3. The following paragraph 5 is added to Article 11 of the Agreement, as follows:

"5. When maneuvering to maintain contact with a suspect aircraft, the Parties shall not endanger the lives of persons on board or the safety of civil aircraft."

Paragraphs 5, 6 and 7 of Article 11 of the Agreement are renumbered as paragraphs 6, 7 and 8, respectively.

4. Article 12, Other Assistance, of the Agreement is amended to read:

"1. Each Party, after authorization by its Central Authority, may permit, on the occasions and for the time necessary for the proper performance of the operations required under this Agreement, law enforcement aircraft operated by the other Party to land and temporarily remain at international airports in accordance with international norms for the purposes of resupplying fuel and provisions, medical assistance, minor repairs, weather, and other logistics and related purposes.

"2. The law enforcement authority of one Party (the "first Party") may request, and the law enforcement authority of the other Party may authorize, law enforcement officials of the other Party to provide technical assistance to law enforcement officials of the first Party for the investigation, boarding, and search of suspect vessels located in the territory or waters of the first Party.

"3. Nothing in this Agreement precludes a Party from otherwise expressly authorizing other assistance in suppressing illicit traffic."

5. The following Article 14 *bis*, Third Party Platforms, is added to the Agreement, as follows:

"Article 14 *bis*
Third Party Platforms

"1. Law enforcement officials of the Parties may also operate pursuant to this Agreement from vessels and aircraft of other States, including any boat or aircraft embarked on vessels, that are clearly marked and identifiable as being on government non-commercial service and authorized to that effect, as may be agreed to in writing by the Parties, in accordance with arrangements completed by either Party with those other States.

"2. The personnel of any of the other States agreed to pursuant to paragraph 1 of this Article may, in emergencies and under highly exceptional circumstances, assist law enforcement officials of the Parties in conducting boardings and searches.

6. Article 17, Use of Force, of the Agreement is amended to read:

"1. All use of force by a Party pursuant to this Agreement shall be in strict accordance with applicable laws and policies of the respective Party and shall in all cases be the minimum reasonably necessary and proportionate under the circumstances, except that neither Party shall use force against civil aircraft in flight.

"2. The boarding and search teams may carry standard small arms.

"3. All use of force by a Party within Jamaican or United States waters pursuant to this Agreement shall be in strict accordance with the laws and policies of the Party within whose waters the force is used.

"4. Authorizations to board, search and detain vessels and persons on board include the authority to use force in accordance with this Article to compel compliance.

"5. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by the law enforcement or other officials of the Parties."

ARTICLE II

This Protocol shall enter into force upon notification by each Party that it has completed its respective constitutional requirements for entry into force of the Protocol and shall remain in force concurrent with the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Kingston, Jamaica this 6 day of February, 2004, in duplicate.

FOR THE GOVERNMENT OF JAMAICA

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

[TRANSLATION – TRADUCTION]

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA JAMAÏQUE RELATIF À LA COOPÉRATION EN VUE DE LA RÉPRESSION DU TRAFIC MARITIME ILLICITE DE STUPÉFIANTS

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque (ci-après dénommés « les Parties »),

Tenant compte de la nature spéciale du problème du trafic maritime illicite de stupéfiants,

Eu égard à la l'urgente nécessité d'une coopération internationale pour combattre le trafic maritime illicite de stupéfiants, qui est reconnue par la Convention unique sur les stupéfiants de 1961 et son Protocole de 1972, par la Convention sur les substances psychotropes de 1971, par la Convention des Nations Unies contre le trafic illicite de stupéfiants et de substances psychotropes de 1988 (ci-après désignée « la Convention de 1988 ») et par la Convention des Nations Unies sur le droit de la mer de 1982,

Rappelant le Traité entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque sur l'entraide judiciaire en matière pénale, qui est entré en vigueur le 25 juillet 1995;

Rappelant en outre que le paragraphe 9 de l'article 17 de la Convention de 1988 engage les Parties à envisager de conclure des accords bilatéraux pour mettre en œuvre les dispositions de l'article 17 ou en renforcer l'efficacité, et

Désireux de promouvoir une plus ample coopération entre les Parties dans la lutte contre le trafic maritime illicite de stupéfiants sur la base du respect mutuel de l'égalité souveraine et de l'intégrité territoriale des États,

Sont convenus de ce qui suit :

Nature et portée de l'Accord

Article premier. Objectif

Les Parties coopèrent, en vertu du présent Accord, dans la lutte contre le trafic maritime illicite de stupéfiants dans toute la mesure du possible, compte tenu des ressources affectées à l'application des lois et aux priorités connexes.

Article 2. Définitions

Aux fins du présent Accord, à moins que le contexte ne requière une interprétation différente :

a. L'expression « trafic illicite » a le même sens que celui qui lui est donné dans la Convention de 1988.

b. Le terme « Jamaïque » a le même sens que dans le Jamaica Independence Act et comprend les Îles connues sous le nom de Morant Cays et Pedro Cays et d'autres zones relevant de la souveraineté de la Jamaïque.

c. L'expression « eaux de la Jamaïque » désigne les eaux relevant de la souveraineté de la Jamaïque, comme décrit dans la Loi de 1996 relative aux zones maritimes, y compris les eaux intérieures, les eaux archipélagiques et la mer territoriale de la Jamaïque.

d. L'expression « espace aérien de la Jamaïque » désigne l'espace aérien au-dessus de la Jamaïque et de ses eaux.

e. Le terme « États-Unis » désigne les zones relevant de la souveraineté des États-Unis.

f. L'expression « eaux des États-Unis » désigne les eaux relevant de la souveraineté des États-Unis, y compris les eaux intérieures et la mer territoriale des États-Unis.

g. L'expression « espace aérien des États-Unis » désigne l'espace aérien au-dessus des États-Unis et des eaux des États-Unis.

h. L'expression « navires d'application des lois » s'entend des navires portant visiblement une marque extérieure et identifiables comme étant affectés à un service public, y compris de toute embarcation et de tout aéronef sur ces navires et à bord desquels les responsables de l'application des lois ont embarqué.

i. L'expression « responsables de l'application des lois » désigne, pour la Jamaïque, les membres en uniforme de la Jamaican Constabulary Force et de la Force de défense jamaïcaine; et pour les États-Unis d'Amérique, les membres en uniforme de la Garde côtière des États-Unis.

j. L'expression « autorités d'application des lois » désigne, pour la Jamaïque, la Jamaican Constabulary Force et la Force de défense jamaïcaine, et pour les États-Unis d'Amérique, la Garde côtière des États-Unis.

Opérations au large de la mer territoriale

Article 3. Arraisonnement

1. Chaque fois que les responsables de l'application des lois d'une Partie (la « première Partie ») rencontrent un navire visé à l'article 15, battant pavillon de l'autre Partie ou prétendant y être enregistré, qui se trouve au large de la mer territoriale de toute nation, et ont des motifs valables de soupçonner le navire d'être impliqué dans le trafic illicite, la première Partie peut demander, conformément à l'article 14 du présent Accord, à la Partie qui est l'État du pavillon revendiqué de vérifier l'enregistrement et s'il est vérifié, d'autoriser l'arraisonnement et la fouille du navire soupçonné, de sa cargaison et des personnes trouvées à son bord par lesdits responsables de l'application des lois de la première Partie. Une telle demande doit s'appuyer sur la base confirmant l'existence de motifs valables de soupçon.

2. Lorsque la permission d'arraisonner et de fouiller le navire est accordée et la preuve du trafic illicite établie, l'État du pavillon est immédiatement informé des résultats de la fouille, y compris les noms et la nationalité revendiquée, le cas échéant, des personnes à bord, et il est appelé à donner des instructions à l'égard du navire, de la cargaison et des personnes à bord. Ces demandes reçoivent une réponse rapidement. Dans l'attente de telles instructions, le navire, la cargaison et les personnes à bord peuvent être placés en détention.

3. Les opérations d'arraisonnement et de fouille menées conformément au présent Accord sont exécutées par les responsables de l'application des lois à partir des navires d'application des lois.

4. Lors de leurs opérations d'arraisonnement et de fouille, lesdits responsables tiennent dûment compte, lors de l'arraisonnement et de la fouille, de la nécessité de ne pas porter atteinte à la sécurité de la vie en mer et à celle du navire soupçonné et de sa cargaison, ou de ne pas porter préjudice aux intérêts commerciaux et juridiques de l'État du pavillon ou de tout autre État intéressé. Lesdits responsables veillent par ailleurs à respecter les normes de courtoisie, de respect et de considération à l'égard des personnes à bord du navire soupçonné.

5. Si un navire d'une Partie est détenu au large de toute mer territoriale des États, cette Partie a le droit d'exercer sa juridiction sur le navire, sa cargaison et les personnes à bord, mais ladite Partie peut, sous réserve de sa Constitution et de ses lois, renoncer à son droit d'exercer sa juridiction et autoriser l'autre Partie à faire appliquer ses lois contre le navire, sa cargaison et les personnes à bord. Aucune disposition du présent Accord n'est interprétée comme une renonciation par une Partie à son droit d'exercer sa juridiction sur ses ressortissants.

6. Lors de leurs opérations d'arraisonnement et de fouille exécutées conformément au présent Accord, les responsables de l'application des lois évitent d'avoir recours à la force sous quelque forme qui soit, notamment d'utiliser des armes à feu, sauf dans les cas suivants :

a. L'exercice du droit de légitime défense;

b. Pour contraindre le navire soupçonné à s'arrêter lorsqu'il a ignoré les sommations d'usage respectives des Parties; et

c. Pour maintenir l'ordre à bord du navire soupçonné au cours de l'arraisonnement et de la fouille ou si le navire est détenu, lorsque l'équipage ou les personnes à bord opposent une résistance, entravent l'opération ou essaient de détruire les preuves du trafic maritime illicite, ou lorsque le navire tente de s'enfuir au cours de l'opération ou lorsque le navire est détenu.

7. Les responsables de l'application des lois de la Partie autorisée à procéder à l'arraisonnement et à la fouille peuvent porter sur elles des armes légères classiques mais ne les utilisent que lorsqu'il leur sera impossible d'avoir recours à des mesures moins extrêmes. Il est nécessaire que l'État du pavillon donne son accord préalable dans tous les cas où l'usage d'armes à feu s'impose sauf si des tirs de sommation s'imposent pour signaler au navire qu'il doit s'arrêter, ou dans l'exercice du droit de légitime défense.

8. Il conviendra de faire le moindre usage possible de la force, y compris les tirs d'armes à feu, et de tenir en tout temps compte des circonstances.

Article 4. Autres opérations d'arraisonnement en vertu du droit international

Sauf disposition expresse à cet effet, le présent Accord ne s’applique pas ou n’impose pas de limites à l’arraisonnement de navires exécuté conformément au droit international de la mer par les responsables de l’une ou l’autre Partie.

Programme d'application du droit maritime dans et sur les eaux d'une Partie

Article 5. Responsabilité

Les opérations de lutte contre le trafic illicite sur le territoire, dans les eaux et l'espace aérien de l'une des Parties relèvent de la responsabilité de ladite Partie et sont soumises à son autorité.

Article 6. Coopération dans les zones d'opérations

1. Les Parties établissent un programme de coopération entre leurs autorités d'application des lois respectives. Chaque Partie peut désigner un coordonnateur pour organiser ses activités au titre du programme et faire connaître à l'autre Partie les navires et agents participant au programme.

2. Une Partie (la « première Partie ») peut demander à l'autre Partie de fournir une assistance en mettant à disposition un navire d'application des lois afin de permettre effectivement à la première Partie de patrouiller et d'assurer la surveillance en vue de la prévention et de la détection du trafic illicite.

3. En répondant favorablement à une demande en vertu du paragraphe 2, l'autre Partie fournit par le biais de canaux de communication sécurisés :

a. le nom et la description du navire d'application des lois;

b. la date à laquelle il sera disponible et la période de disponibilité;

c. le nom du Commandant du navire; et

d. toute autre information pertinente.

Article 7. Les responsables de l'application des lois de la Jamaïque sur les navires d'application des lois des États-Unis

1. Le Gouvernement de la Jamaïque peut désigner des responsables de l'application des lois qui, sous réserve de la législation jamaïcaine, peuvent pour l'exécution des opérations d'application des lois en vue de la prévention, de la détection et de la répression du trafic illicite par des navires dans les eaux de la Jamaïque, embarquer sur des navires américains d'application des lois. Ainsi embarqués et aux fins susmentionnées, lesdits responsables jamaïcains de l'application des lois peuvent :

a. appliquer les lois de la Jamaïque dans les eaux de la Jamaïque et à partir de là vers la haute mer, dans l'exercice du droit de poursuite ou autrement, conformément au droit international; et

b. autoriser l'entrée et la navigation du navire dans les eaux de la Jamaïque.

2. Toutes les activités, y compris les arraisonnements, fouilles, saisies, arrestations et l'application de la loi jamaïcaine en vertu du présent article relatives aux navires soupçonnés sont à la charge des responsables de l'application des lois de la Jamaïque et exécutées par eux. Ces opérations sont menées conformément à la loi jamaïcaine. Afin de s'acquitter de leurs responsabilités, les responsables de l'application des lois de la Jamaïque peuvent demander au

Commandant du navire d'application des lois des États-Unis de prendre des mesures de navigation ou d'autoriser les responsables de l'application des lois de la Jamaïque à utiliser les systèmes du navire pour communiquer avec le navire soupçonné. Les responsables de l'application des lois de la Jamaïque peuvent aussi demander ou autoriser le Commandant du navire d'application des lois des États-Unis à utiliser son équipement et les capacités disponibles afin de fournir des informations pour la détection, l'identification et la localisation des navires et aéronefs impliqués dans le trafic illicite.

3. Toutes les activités d'application de la loi en vertu du présent article sont sous le contrôle et la direction des responsables de l'application des lois de la Jamaïque et sont exécutées conformément à la loi jamaïcaine.

Article 8. Les responsables de l'application des lois des Etats-Unis sur les navires d'application des lois de la Jamaïque

1. Le Gouvernement des États-Unis d'Amérique peut désigner des responsables de l'application des lois qui, sous réserve du droit des États-Unis, peuvent aux fins de la conduite des opérations d'application des lois pour la prévention, la détection et la répression du trafic illicite dans les eaux des États-Unis, embarquer à bord des navires d'applications des lois de la Jamaïque. Ainsi embarqués et aux fins susmentionnées, lesdits responsables de l'application des lois des États-Unis peuvent :

a. appliquer les lois des États-Unis dans les eaux des États-Unis et à partir de là vers la haute mer, dans l'exercice du droit de poursuite ou autrement, conformément au droit international; et

b. autoriser l'entrée et la navigation du navire dans les eaux des États-Unis.

2. Toutes les activités, y compris les arraisonnements, fouilles, saisies, arrestations et l'application des lois des États-Unis en vertu du présent article, relatives aux navires soupçonnés sont à la charge des responsables de l'application des lois des États-Unis et exécutées par eux. Ces opérations sont menées conformément à la loi américaine. Afin de s'acquitter de leurs responsabilités, les responsables de l'application des lois des États-Unis peuvent demander au Commandant du navire d'application des lois de la Jamaïque de prendre des mesures de navigation ou d'autoriser les responsables de l'application des lois des États-Unis à utiliser les systèmes du navire pour communiquer avec le navire soupçonné. Les responsables de l'application des lois des États-Unis peuvent aussi demander ou autoriser le Commandant du navire d'application des lois de la Jamaïque à utiliser son équipement et les capacités disponibles afin de fournir des informations pour la détection, l'identification et la localisation des navires et aéronefs impliqués dans le trafic illicite.

3. Toutes les activités d'application de la loi en vertu du présent article sont sous le contrôle et la direction des responsables de l'application des lois des États-Unis et sont exécutées conformément à la loi des États-Unis.

Article 9. Autorité des responsables de l'application des lois à bord des navires d'application des lois de l'autre Partie

Lorsque des responsables de l'application des lois sont embarqués à bord du navire d'application des lois de l'autre Partie, les mesures d'application des lois étant entreprises au titre

des articles 7 ou 8, y compris l'arraisonnement, la fouille ou la saisie de biens, toute détention de personnes et tout emploi de la force en vertu du présent Accord, impliquant ou non l'usage d'armes à feu, est exécuté par le responsable de l'application des lois, à l'exception de ce qui suit :

a. Les membres de l'équipage du navire d'application des lois de l'autre Partie peuvent apporter leur concours dans lesdites mesures à la demande explicite du responsable de l'application des lois aux commandes et seulement dans la mesure et selon la manière dont la requête leur a été faite. Ce concours, y compris l'emploi de la force, est apporté conformément aux lois applicables de la Partie requérante dans la mesure où il est compatible avec les lois et les politiques de la Partie requise.

b. Sous réserve de l'alinéa a, l'emploi de la force par des membres de l'équipage doit être en conformité avec les articles 3 et 17.

Article 10. Autre assistance par les navires

1. Aucune des deux Parties ne mène des opérations de répression du trafic illicite dans les eaux et l'espace aérien de l'autre Partie sans son autorisation dans les conditions prévues dans le présent Accord.

2. Lorsqu'il y a des motifs valables de soupçonner qu'un navire ou aéronef est impliqué dans le trafic illicite, une Partie (la « première Partie ») peut adresser une demande spéciale à l'autre Partie afin d'obtenir une autorisation ad hoc pour que son navire d'application des lois suive le navire ou l'aéronef soupçonné dans les eaux ou l'espace aérien de l'autre Partie ou entre dans les eaux de l'autre Partie afin de maintenir le contact avec le navire ou l'aéronef, et d'enquêter, arraisonner et fouiller le navire. Une telle demande doit s'appuyer sur la base confirmant l'existence de circonstances particulières et de motifs valables de soupçon.

3. La Partie requise décide rapidement s'il convient d'accorder l'autorisation demandée et peut, en accordant cette autorisation, donner les directives et fixer les conditions qu'elle juge appropriées.

4. Les opérations d'arraisonnement et de fouille des navires soupçonnés sont exécutées conformément à la législation de la Partie requise.

5. Lorsque, à la suite d'un arraisonnement et d'une fouille en vertu du présent article, la preuve du trafic illicite est établie, la Partie requise est immédiatement informée des résultats de la fouille, le navire soupçonné, sa cargaison et les personnes à bord sont détenus et emmenés vers un port désigné dans les eaux de cette Partie, sauf indication contraire de cette Partie. Après un tel arraisonnement et une telle fouille, toutes les mesures d'application des lois sont sous le contrôle et la direction des responsables de l'application des lois de la Partie requise et prises conformément à la législation de celle-ci.

6. Les dispositions contenues dans l'article 3, paragraphes 3 et 4, concernant l'arraisonnement et la fouille, et paragraphes 6-8 concernant l'emploi de la force s'appliquent mutatis mutandis.

7. Aucune disposition du présent article n'autorise l'arraisonnement et la fouille, ou la détention, d'un navire battant pavillon de la Partie dans les eaux de laquelle le navire se trouve.

8. Aucune disposition du présent article n'est interprétée comme autorisant un navire d'application des lois d'une Partie à patrouiller aléatoirement dans les eaux de l'autre Partie.

Article 11. Soutien aérien pour la répression du trafic illicite

1. Lorsqu'il y a des motifs valables de soupçonner un navire ou un aéronef d'être impliqué dans le trafic illicite et le navire ou l'aéronef se trouve dans les eaux ou au-dessus de l'espace aérien d'une Partie (la « première Partie »), les responsables de l'application des lois de l'autre Partie fournissent des informations concernant le navire ou l'aéronef soupçonné à la personne désignée par l'Autorité centrale de la première Partie et une demande peut être formulée par l'autre Partie pour que son aéronef puisse :

a) survoler le territoire et les eaux de l'autre Partie à la poursuite du navire ou de l'aéronef soupçonné en fuite vers ou se trouvant dans ses eaux et son espace aérien; et

b) manœuvrer pour maintenir un contact visuel et électronique avec le navire ou l'aéronef soupçonné.

2. En ce qui concerne le survol demandé au paragraphe a) ci-dessus, les procédures à suivre impliquent une notification à l'Autorité centrale et aux autorités de l'aviation civile appropriées, et le respect de toutes les directions de navigation aérienne et la sécurité des vols de la Partie dans l'espace aérien de laquelle le survol intervient.

3. Lorsque la demande concerne la manœuvre de l'aéronef afin de maintenir le contact avec l'aéronef ou le navire soupçonné dans les conditions prévues au paragraphe b) ci-dessus, les procédures à suivre impliquent :

a) l'approbation expresse de l'Autorité centrale de la Partie requise; et

b) la notification et le respect de toutes les directives de navigation aérienne et de sécurité aérienne de la Partie dans l'espace aérien de laquelle la manœuvre est exécutée.

4. La Partie exécutant ce survol et cette manœuvre maintient également le contact avec les responsables de l'application des lois désignés de l'autre Partie et les tient informés de telles mesures afin de leur permettre d'entreprendre les actions appropriées.

5. Aucune disposition du présent Accord n'autorise les activités liées aux aéronefs effectuant des vols réguliers ou affrétés légitimes pour le transport de passagers, de bagages ou de marchandises.

6. Aucune disposition du présent Accord n'est interprétée comme autorisant l'aéronef de l'une des Parties à entrer dans l'espace aérien d'un État tiers.

7. Aucune disposition du présent article n'est interprétée comme permettant à un aéronef d'une Partie à patrouiller aléatoirement dans l'espace aérien de l'autre Partie.

Article 12. Autre assistance

Aucune disposition du présent Accord n'empêche une Partie d'autoriser expressément une autre assistance en vue de la répression du trafic illicite.

Exécution

Article 13. Autorités centrales

1. Il y a une Autorité centrale pour chaque Partie contractante.

2. Pour les États-Unis d'Amérique, l'Autorité centrale est le Commandant de la United States Coast Guard à Washington, D.C. ou toute(s) personne(s) désignée(s) par lui.

Pour la Jamaïque, l'Autorité centrale est le Ministre chargé de la sécurité nationale ou toute(s) personne(s) désignée(s) par lui.

3. Toutes les demandes en vertu du présent Accord sont adressées par l'Autorité centrale de l'État requérante à l'Autorité centrale de l'État requis. Les Autorités centrales peuvent communiquer directement entre elles aux fins du présent Accord.

4. Les Autorités centrales répondent à toutes les demandes avec célérité.

Article 14. Procédures de demande d'autorisation d'arraisonnement et de fouille des navires soupçonnés

1. Les demandes de vérification de l'enregistrement des navires alléguant l'enregistrement de l'une des Parties, et d'autorisation d'arraisonner et de fouiller ces navires, sont traitées entre les Autorités centrales des Parties.

2. Chaque demande est transmise oralement et confirmée par écrit, et contient, le cas échéant, le nom du navire, le numéro d'enregistrement, le port d'attache, les motifs de soupçon et toute autre information d'identification. Si l'État du pavillon ne répond pas dans les trois (3) heures de la réception de la confirmation par écrit, la Partie requérante est réputée avoir été autorisée à monter à bord du navire soupçonné aux fins d'inspecter les documents du navire, d'interroger les personnes à bord et de fouiller le navire pour déterminer s'il est impliqué dans le trafic illicite.

Article 15. Navires et aéronefs soupçonnés

1. Les opérations de lutte contre le trafic illicite conformément au présent Accord sont menées exclusivement contre des navires et des aéronefs, autres que ceux visés au paragraphe 5 de l'article 11, utilisés à des fins commerciales ou privées et soupçonnés de trafic illicite, y compris contre des navires et aéronefs apatrides.

2. Aux fins du présent Accord, un navire est considéré comme battant pavillon ou enregistré dans une Partie où il est enregistré en tant que navire de pêche en vertu de la législation de ladite Partie relative à la pêche ou à l'industrie de la pêche.

Article 16. Résultats des mesures d'application

1. Chaque Partie informe, périodiquement et conformément à sa législation, l'autre Partie du stade atteint dans toutes les enquêtes, poursuites et procédures judiciaires résultant de mesures d'application prises en vertu du présent Accord dans les cas où la preuve du trafic illicite est faite. À cette fin, les Parties se fourniront mutuellement toute assistance qui peut être nécessaire

conformément au Traité d'entraide judiciaire en matière pénale conclu entre les Parties. En outre, les Parties se communiquent mutuellement des informations sur les résultats de ces poursuites et procédures judiciaires.

2. Aucune disposition du présent article n'oblige une Partie à divulguer les détails des enquêtes, poursuites et procédures judiciaires ou les éléments de preuve s'y rapportant.

Article 17. Emploi de la force

1. Les équipes d'arraisonnement et de fouille peuvent porter des armes de petit calibre.

2. Tout emploi de la force conformément au présent Accord doit, dans tous les cas, se limiter au minimum raisonnable nécessaire dans les circonstances.

3. Tout emploi de la force par une Partie dans les eaux de la Jamaïque ou des États-Unis en vertu du présent Accord se fait en stricte conformité avec les lois et les politiques de la Partie dans les eaux de laquelle la force est employée.

4. Les autorisations de monter à bord, de fouiller et de détenir les navires et les personnes à bord comprennent le droit d'employer la force conformément au présent article pour imposer le respect de la loi.

5. Aucune disposition du présent Accord ne porte atteinte à l’exercice du droit inhérent de légitime défense par les responsables de l'application des lois ou d'autres agents de l’une ou l’autre Partie.

Article 18. Diffusion

Afin de faciliter la mise en œuvre du présent Accord, chaque Partie veille à ce que l’autre Partie soit pleinement informée de ses lois et politiques applicables, notamment en matière d'emploi de la force. Chaque Partie veille à ce que l'ensemble de ses responsables de l'application des lois soient informés des lois et politiques applicables des deux Parties.

Article 19. Partage des biens

Les biens saisis à la suite d'une opération menée sur le territoire ou dans les eaux d'une Partie en vertu du présent Accord sont aliénés conformément à la législation de cette Partie. Les biens saisis à la suite d'une opération menée au large de la mer territoriale de chacune des Parties en vertu du présent Accord sont aliénés conformément à la législation de la Partie qui saisit. Dans la mesure autorisée par sa législation et dans les conditions qui lui semblent appropriées, la Partie qui saisit peut, en toute circonstance, transférer les biens confisqués ou le produit de leur vente à l’autre Partie.

Article 20. Règlement de différends

Lorsque se pose une question touchant à l'interprétation et l’application du présent Accord, chaque Partie peut demander des consultations entre les Parties afin de résoudre le problème. En cas de perte ou de préjudice résultant d’une mesure prise par les responsables de l’application des lois ou d'autres responsables d’une Partie en violation du présent Accord, ou de toute autre mesure

impropre ou déraisonnable prise par une Partie en application dudit Accord, les Parties, sans préjudice de tous autres droits juridiques qui peuvent être à la disposition des Parties ou des personnes ou entités concernées par une telle action, se consultent à la demande de l'une ou l'autre Partie pour résoudre le problème et se prononcer sur toute question touchant à l'indemnisation.

Article 21. Consultations et examen

Les Parties se consultent, périodiquement, en vue de renforcer l'efficacité du présent Accord.

Article 22. Préservation des droits et privilèges

Aucune disposition du présent Accord ne saurait porter atteinte aux droits et privilèges dont jouit un individu en cas de poursuite judiciaire.

Article 23. Statut de la Zone économique exclusive et droit de passage archipélagique

Aucune disposition du présent Accord n'est interprétée de façon à porter préjudice au statut juridique de la Zone économique exclusive ou du droit de passage archipélagique, comme le prévoit la Convention des Nations Unies de 1982 sur le droit de la mer ou autrement, conformément au droit international.

Article 24. Entrée en vigueur et durée

1. Le présent Accord entre en vigueur à la date à laquelle chaque Partie a informé l'autre que ses exigences constitutionnelles internes ont été accomplies.

2. Le présent Accord peut être dénoncé à tout moment par l'une des Parties sur notification écrite envoyée à l'autre Partie par la voie diplomatique. La dénonciation prend effet trois mois après la date de notification.

3. Le présent Accord continuera de s'appliquer après la dénonciation en ce qui concerne toute procédure administrative ou juridique survenant à la suite de mesures prises en vertu du présent Accord.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Accord.

FAIT à Kingston, le 6 mai 1997, en double exemplaire.

Pour le Gouvernement des États-Unis d'Amérique :

[JOHN W. VESSEY III]

Pour le Gouvernement de la Jamaïque :

[SEYMOUR MULLINGS]

PROTOCOLE À L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA JAMAÏQUE RELATIF À LA COOPÉRATION EN VUE DE LA RÉPRESSION DU TRAFIC MARITIME ILLICITE DE STUPÉFIANTS

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque (ci-après dénommés « les Parties »),

Rappelant l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque relatif à la coopération en vue de la répression du trafic maritime illicite de stupéfiants, signé à Kingston le 6 mai 1997 (ci-après dénommé « l'Accord »),

Rappelant également le Mémorandum d'entente entre les Parties, signé à Kingston le 6 mai 1997 (ci-après dénommé « MDE »),

Considérant l'engagement ferme et continu des deux Gouvernements à mener une lutte active contre le trafic de stupéfiants,

Désireux de compléter l'Accord et le MDE en vue de renforcer la coopération en matière de répression du trafic illicite par mer et par air en fournissant une protection supplémentaire aux aéronefs civils en vol et en facilitant les opérations multinationales de lutte contre les stupéfiants,

Ayant présent à l'esprit le droit international général à l'égard de l'emploi de la force contre les aéronefs civils en vol tel qu'indiqué dans la Convention relative à l'aviation civile internationale, adoptée à Chicago le 7 décembre 1944 et l'article 3 *bis* y relatif, adopté à Montréal le 10 mai 1984,

Sont convenus de ce qui suit :

Article premier

1. Le paragraphe 6 ci-après est ajouté à l'article 3, Arraisonnement, de l'Accord :

« 6. Dans les cas survenant dans la zone contiguë d'une Partie, n'impliquant pas de navires soupçonnés fuyant les eaux de ladite Partie ou des navires soupçonnés battant pavillon ou enregistrés dans ladite Partie, dans lesquels les deux Parties ont le droit d'exercer leur juridiction de poursuite, la Partie qui dirige l'arraisonnement et la fouille a le droit d'exercer sa juridiction ».

Les paragraphes 6, 7 et 8 de l'article 3 de l'Accord deviennent respectivement les paragraphes 7, 8 et 9.

2. Le paragraphe 1 de l'article 11, Soutien aérien pour la répression du trafic illicite, de l'Accord est modifié comme suit :

> « 1. Lorsqu'il y a des motifs valables de soupçonner un navire ou un aéronef d'être impliqué dans le trafic illicite et le navire ou l'aéronef se trouve dans les eaux ou au-dessus de l'espace aérien d'une Partie (la « première Partie »), les responsables de l'application des lois de l'autre Partie fournissent des informations concernant le navire ou l'aéronef soupçonné à la personne désignée par l'Autorité centrale de la première Partie et une demande peut être formulée par l'autre Partie pour que son aéronefs puisse :

a) survoler le territoire et les eaux de l'autre Partie à la poursuite du navire ou de l'aéronef soupçonné en fuite vers ou se trouvant dans ses eaux et son espace aérien; et

b) manœuvrer pour maintenir un contact visuel et électronique avec le navire ou l'aéronef soupçonné; et

c) sous réserve de la législation de chaque Partie, dans le respect de ses lois et règlements pour le vol et la manœuvre des aéronefs, relayer les commandes de ses autorités compétentes à l'aéronef soupçonné d'atterrir sur le territoire de l'autre Partie. »

3. Le paragraphe 5 ci-après est ajouté à l'article 11 de l'Accord, comme suit :

« 5. Lors de la manœuvre pour maintenir le contact avec un aéronef soupçonné, les Parties ne mettent pas en danger la vie des personnes à bord ou la sécurité de l'aéronef civil. »

Les paragraphes 5, 6 et 7 de l'article 11 de l'Accord deviennent respectivement les paragraphes 6, 7 et 8.

4. L'article 12, Autre Assistance, de l'Accord est modifié comme suit :

« 1. Chaque Partie, après autorisation par son Autorité centrale, peut permettre, pour le temps nécessaire à la bonne exécution des opérations requises en vertu du présent Accord, à l'aéronef d'application des lois exploité par l'autre Partie d'atterrir et de demeurer temporairement dans les aéroports internationaux conformément aux normes internationales aux fins de réapprovisionnement en carburant et provisions, d'assistance médicale, de réparations mineures, en raison de la météo et pour d'autres questions liées à la logistique.

« 2. L'autorité d'application des lois d'une Partie (la « première Partie ») peut demander aux responsables de l'application des lois de l'autre Partie de fournir une assistance technique aux responsables de l'application des lois de la première Partie pour l'enquête, l'arraisonnement et la fouille de navires soupçonnés se trouvant sur le territoire ou dans les eaux de la première Partie, et l'autorité d'application des lois de l'autre Partie peut l'autoriser.

« 3. Aucune disposition du présent Accord n'empêche une Partie d'autoriser expressément une autre assistance dans la répression du trafic illicite. »

5. L'article 14 *bis* ci-après. Plates-formes de tiers, est ajouté à l'Accord, comme suit :

« Article 14 bis. Plates-formes de tiers

« 1. Les responsables de l'application des lois des Parties peuvent également travailler, en vertu du présent Accord, à partir de navires et d'aéronefs d'États tiers, y compris tout bateau ou aéronef embarqué sur les navires, portant des marques extérieures indiquant clairement qu'ils sont affectés à un service public et autorisés à cet effet, tel que les Parties sont convenues par écrit, conformément aux arrangements accomplis par l'une ou l'autre Partie avec les États tiers.

« 2. Le personnel de l'un des États tiers convenu conformément au paragraphe 1 du présent article peut, en cas d'urgence et dans des circonstances tout à fait

exceptionnelles, apporter son assistance aux responsables de l'application des lois des Parties dans l'exécution des opérations d'arraisonnement et de fouille.

6. L'article 17, Emploi de la force, de l'Accord est modifié comme suit :

« 1. Tout emploi de la force conformément au présent Accord doit être rigoureusement conforme aux lois et politiques applicables de la Partie concernée et doit, dans tous les cas, se limiter au minimum raisonnable nécessaire dans les circonstances, sauf qu'aucune des Parties n'emploie la force contre les aéronefs civils en vol.

« 2. Les équipes d'arraisonnement et de fouille peuvent porter des armes de petit calibre.

« 3. Tout emploi de la force par une Partie dans les eaux de la Jamaïque ou des États-Unis en vertu du présent Accord se fait en stricte conformité avec les lois et les politiques de la Partie dans les eaux de laquelle la force est employée.

« 4. Les autorisations de monter à bord, de fouiller et de détenir les navires et les personnes à bord comprennent le droit d'employer la force conformément au présent article pour imposer le respect de la loi.

« 5. Aucune disposition du présent Accord ne porte atteinte à l'exercice du droit inhérent de légitime défense par les responsables de l'application des lois ou d'autres agents des Parties. »

Article II

Le présent Protocole entre en vigueur à la date à laquelle chaque Partie a informé l'autre que ses exigences constitutionnelles internes ont été accomplies et reste en vigueur parallèlement à l'Accord.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Protocole.

FAIT à Kingston, Jamaïque, le 6 février 2004, en double exemplaire.

Pour le Gouvernement de la Jamaïque :

[SUE M. COBB]

Pour le Gouvernement des États-Unis d'Amérique :

[PETER PHILIPS]

No. 50939

United States of America
and
Nicaragua

Memorandum of Understanding between the U.S. Geological Survey of the Department of the Interior of the United States of America and the Nicaraguan Institute of Territorial Studies of Nicaragua concerning scientific and technical cooperation in the earth and mapping sciences (with annexes). Reston, 4 March 1999, and Managua, 10 March 1999

Entry into force: *10 March 1999 by signature, in accordance with article IX*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Nicaragua

Mémorandum d'accord entre l'Institut d'études géologiques des États-Unis du Département de l'intérieur des États-Unis d'Amérique et l'Institut nicaraguayen des études territoriales du Nicaragua relatif à la coopération scientifique et technique dans le domaine des sciences de la terre et de la cartographie (avec annexes). Reston, 4 mars 1999, et Managua, 10 mars 1999

Entrée en vigueur : *10 mars 1999 par signature, conformément à l'article IX*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE NICARAGUAN INSTITUTE OF TERRITORIAL STUDIES OF NICARAGUA CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN THE EARTH AND MAPPING SCIENCES

ARTICLE I. SCOPE AND OBJECTIVES

1. The U.S. Geological Survey of the Department of the Interior of the United States of America (hereinafter referred to as the "USGS") and the Nicaraguan Institute of Territorial Studies (hereinafter referred to as the "INETER") hereby agree to pursue scientific and technical cooperation with respect to earth sciences in accordance with this Memorandum of Understanding (hereinafter referred to as the "Memorandum").

2. The purpose of this Memorandum is to provide a framework for the exchange of scientific and technical knowledge and the augmentation of scientific and technical capabilities of the USGS and the INETER (hereinafter referred to as the "Parties") with respect to the geological, geophysical, seismological, hydrogeological, disaster preparedness and mitigation, and mapping sciences.

3. For cooperation requested by the INETER that extends into subjects outside the authority of the USGS, the USGS may, with the consent of the INETER and to the extent permitted by United States laws and policies, endeavor to include the participation of other United States entities in the development and undertaking of activities within the scope of this Memorandum.

4. For cooperation requested by the USGS that extends into subjects outside the authority of the INETER, the INETER may, with the consent of the USGS and to the extent permitted by Nicaraguan laws and policies, endeavor to include the participation of other Nicaraguan entities in the development and undertaking of activities within the scope of this Memorandum.

ARTICLE II. COOPERATIVE ACTIVITIES

1. Forms of cooperation under this Memorandum may consist of exchanges of technical information, visits, training, and cooperative research consistent with ongoing programs of the Parties. Specific areas of cooperation include, but are not limited to, such areas of mutual interest as:

A. Assessment and mitigation of geologic hazards and risks (volcanoes, earthquakes, landslides, and tsunami);

B. Geologic mapping;

C. Disaster preparedness and mitigation studies;

D. The environment;

E. Remote sensing;

F. Water resources and other hydrologic investigations;

G. Biology and biological technical developments; and

H. Publications, libraries, and information systems.

2. Activities under this Memorandum shall be undertaken in accordance with the laws, regulations, and procedures of each country.

ARTICLE III. SOURCE OF FUNDING

Cooperative activities under this Memorandum shall be subject to the availability of appropriated funds, resources, and personnel to each Party. Financial arrangements shall be agreed upon by the Parties in writing before the commencement of each activity.

ARTICLE IV. TAX EXEMPTION

The Parties pledge to seek from the respective Governments the exoneration of all fees and taxes, including taxes on services rendered, levied on the following items, within the scope of this Memorandum.

A. Personal effects being used by and belonging to USGS personnel;

B. Imported scientific and technical material and equipment that belongs to the U.S. Government and would remain its property until the end of the project; and

C. All contracts for construction of facilities necessary to implement this Memorandum.

ARTICLE V. INTELLECTUAL PROPERTY AND SECURITY OBLIGATIONS

Provisions for the protection and distribution of intellectual property created or furnished in the course of cooperative activities under this Memorandum shall be governed by the provisions of Annex I of the Memorandum. Provisions for the protection of classified information and unclassified export-controlled information and equipment are set forth in Annex II of this Memorandum. Annexes I and II constitute an integral part of this Memorandum.

ARTICLE VI. DISCLAIMER

Information transmitted by one Party to the other Party under this Memorandum shall be accurate to the best knowledge and belief of the transmitting Party, but the transmitting Party does not warrant the suitability of the information transmitted for any particular use or application by the receiving Party or by any third party.

ARTICLE VII. PLANNING AND REVIEW OF ACTIVITIES

The Parties shall designate representatives who, at such times as the Parties may agree, shall review the activities under this Memorandum and develop proposals for future activities, as appropriate.

ARTICLE VIII. PROJECT ANNEXES

Any activity carried out under this Memorandum shall be agreed upon in advance by the Parties in writing. Whenever more than the exchange of technical information or visits of individuals is planned, such activity shall be described in an agreed Project Annex to this

Memorandum, which shall set forth in terms appropriate to the activity, a work plan, staffing requirements, cost estimates, funding source, and other undertakings, obligations, or conditions not included in this Memorandum. In case of inconsistency between the terms of this Memorandum and the terms of a Project Annex, the terms of this Memorandum shall be controlling.

ARTICLE IX. ENTRY INTO FORCE AND TERMINATION

This Memorandum shall enter into force upon signature by both Parties and remain in force for five (5) years. It may be amended or extended by mutual written agreement, and may be terminated at any time by either Party upon ninety (90) days written notice to the other Party. Unless otherwise agreed, the termination of this Memorandum shall not affect the validity or duration of projects under this Memorandum that are initiated prior to such termination.

DONE at Reston and Managua, in duplicate, in the English language.

FOR THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA:

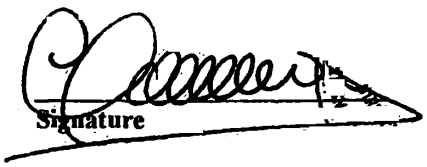
Signature

Charles G. Groat
Name

Director, U.S. Geological Survey
Title

March 4, 1999
Date

FOR THE NICARAGUAN INSTITUTE OF TERRITORIAL STUDIES (INETER):



Signature

Claudio Gutierrez Huete
Name

Director General, INETER
Title

March 10, 1999
Date

ANNEX I

INTELLECTUAL PROPERTY

Pursuant to Article V of the Memorandum of Understanding:

The Parties shall ensure adequate and effective protection of intellectual property created or furnished under this Memorandum and relevant implementing arrangements. The Parties agree to notify one another in a timely fashion of any inventions or copyrighted works arising under this Memorandum and to seek protection for such intellectual property in a timely fashion. Rights to such intellectual property shall be allocated as provided in this Annex.

I. SCOPE

A. This Annex is applicable to all cooperative activities undertaken pursuant to this Memorandum, except as otherwise specifically agreed by the Parties or their designees.

B. For purposes of this Memorandum, "intellectual property" shall have the meaning found in Article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm, July 14, 1967.

C. This Annex addresses the allocation of rights, interests, and royalties between Parties. Each Party shall ensure that the other Party can obtain the rights to intellectual property allocated in accordance with the Annex, by obtaining those rights from its own participants through contracts or other legal means, if necessary. This Annex does not otherwise alter or prejudice the allocation between a Party and its nationals, which shall be determined by that Party's laws and practices.

D. Disputes concerning intellectual property arising under this Memorandum should be resolved through discussions between the concerned participating institutions or, if necessary, the Parties or their designees. Upon mutual agreement of the Parties, a dispute shall be submitted to an arbitral tribunal for binding arbitration in accordance with the applicable rules of international law. Unless the Parties or their designees agree otherwise in writing, the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL) shall govern.

E. Termination or expiration of this Memorandum shall not affect the rights or obligations under this Annex.

II. ALLOCATION OF RIGHTS

A. Each Party shall be entitled to a nonexclusive, irrevocable, royalty-free license in all countries to translate, reproduce, and publicly distribute scientific and technical journal articles, reports, and books directly arising from cooperation under this Memorandum. All publicly distributed copies of a copyrighted work prepared under this provision shall indicate the names of the authors of the work unless an author explicitly declines to be named.

B. Rights to all forms of intellectual property, other than those rights described in Section II.A above, shall be allocated as follows:

1. Visiting researchers, for example, scientists visiting primarily in furtherance of their education, shall receive intellectual property rights under the policies of the host institution. In addition, each visiting researcher named as an inventor shall be entitled to share in a portion of any royalties earned by the host institution from the licensing of such intellectual property.

2. (a) For intellectual property created during joint research, for example, when the Parties, participating institutions, or participating personnel have agreed in advance on the scope of work, each Party shall be entitled to obtain all rights and interests in its own territory. Rights and interests in third countries will be determined in implementing arrangements. If research is not designated as "joint research" in the relevant implementing arrangement, right to intellectual property arising from the research will be allocated in accordance with paragraph II.B.1. In addition, each person named as an inventor shall be entitled to share in a portion of any royalties earned by either institution from the licensing of the property.

(b) Not withstanding paragraph II.B.2.(a), if a type of intellectual property is available under the laws of one Party but not the other Party, the Party whose laws provide for this type of protection shall be entitled to all rights and interests worldwide. Persons named as inventors of the property shall nonetheless be entitled to royalties as provided in paragraph II.B.2.(a).

III. BUSINESS-CONFIDENTIAL INFORMATION

In the event that information identified in a timely fashion as business-confidential is furnished or created under the Memorandum, each Party and its participants shall protect such information in accordance with applicable laws, regulations, and administrative practice. Information may be identified as "business-confidential" if a person having the information may derive an economic benefit from it or may obtain a competitive advantage over those who do not have it, the information is not generally known or publicly available from other sources, and the owner has not previously made the information available without imposing in a timely manner an obligation to keep it confidential.

ANNEX II

SECURITY OBLIGATIONS

I. PROTECTION OF INFORMATION

Both Parties agree that no information or equipment requiring protection in the interest of national defense or foreign relations of either Party and classified in accordance with its applicable national laws and regulations shall be provided under this Memorandum. In the event that information or equipment which is known or believed to require such protection is identified in the course of cooperative activities pursuant to this Memorandum, it shall be brought immediately to the attention of the appropriate officials and the Parties in writing and applied to this information and equipment and shall, if appropriate, amend this Memorandum to incorporate such measures.

II. TECHNOLOGY TRANSFER

The transfer of unclassified export-controlled information or equipment between the Parties shall be in accordance with the relevant laws and regulations of each Party. If either Party deems it necessary, detailed provisions for the prevention of unauthorized transfer or retransfer of such information or equipment shall be incorporated into the contracts or implementing arrangements. Export-controlled information shall be marked to identify it as export controlled and identify any restrictions on further use or transfer.

AGREEMENT TO AMEND AND EXTEND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE NICARAGUAN INSTITUTE OF TERRITORIAL STUDIES OF NICARAGUA CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN THE EARTH AND MAPPING SCIENCES

The Memorandum of Understanding (hereinafter "Memorandum") Between the U.S. Geological Survey (hereinafter "USGS") of the Department of the Interior of the United States of America and the Nicaraguan Institute of Territorial Studies of Nicaragua (hereinafter "INETER") (hereinafter "Party" or "Parties") Concerning Scientific and Technical Cooperation in the Earth and Mapping Sciences signed by the USGS on March 4, 1999, and INETER on March 10, 1999, is hereby amended and extended as follows:

1. Article II: Delete Article II in its entirety and substitute the following:

ARTICLE II. COOPERATIVE ACTIVITIES

1. Forms of cooperation under this Memorandum may consist of exchanges of technical information, visits, participation in training courses, conferences and symposia; the exchange of professional geoscientists in areas of mutual interest; and any other cooperative research consistent with programs of the Parties. Specific areas of cooperation may include, but are not limited to, such areas of mutual interest as:

A. Earth-science investigations, including hazards, resources and the environment;

B. Biology, biological investigations and technical developments;

C. Geographic and geospatial analysis and investigations;

D. Water resources and other hydrologic investigations; and

E. Information systems.

2. Activities under this Memorandum shall be undertaken in accordance with the laws, regulations, and procedures of each country."

2. Article IV: Delete article IV in its entirety and substitute the following:

ARTICLE IV. FEE AND TAX EXEMPTION

1. In accordance with its laws and regulations, each Party shall work toward obtaining on behalf of the other Party relief from taxes, fees, customs duties, and other charges (excluding fees for specific services rendered) levied with respect to:

A. All transfer, ownership, construction, renovation or maintenance of facilities or property by or on behalf of the other Party to implement this Memorandum;

B. The import, purchase, ownership, use or disposition (including export) of goods and services by or on behalf of the other Party in support of activities under this Memorandum; and

C. Personal property of personnel of the other Party or entities of that Party implementing provisions of this Memorandum.

2. Commodities provided for under this Memorandum and acquired by the United States, its contractors, grantees, or by foreign governments or their agents where such commodities were financed with United States funds, shall be exempt from taxation, including value-added taxes (VAT) and customs duties. If such taxation is imposed, then INETER shall provide timely reimbursement to the Government of the United States or its agents. Commodities include any material, article, supplies, goods or equipment. These same rules apply to all funds provided for in this Memorandum, including grants, salaries and all monetary assistance."

3. All other terms and conditions of the Memorandum remain unchanged.

4. Entry into Force and Termination:

This Agreement shall enter into force upon signature and shall be effective from March 10, 2004. It remains in force until terminated by either Party upon ninety (90) days written notice to the other Party. The termination of this Agreement shall not affect the validity or duration of projects under this Agreement that are initiated prior to such termination.

Done in Reston and Managua in duplicate, in the English language.

FOR THE UNITED STATES GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA

Signature

Charles G. Groat
Name

Director
Title

MAY 24, 2004
Date

FOR THE NICARAGUAN INSTITUTE OF TERRITORIAL STUDIES OF NICARAGUA.

Signature

Claudio Gutiérrez Huete
Name

Executive Director
Title

JUNE 25, 2004
Date

[TRANSLATION – TRADUCTION]

MÉMORANDUM D'ACCORD ENTRE L'INSTITUT D'ÉTUDES GÉOLOGIQUES DES ÉTATS-UNIS DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET L'INSTITUT NICARAGUAYEN DES ÉTUDES TERRITORIALES DU NICARAGUA RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE ET DE LA CARTOGRAPHIE

Article premier. Champ d'application et objectifs

1. Le Service géologique du Département de l'intérieur des États-Unis d'Amérique, ci-après dénommé l'« USGS », et l'Institut nicaraguayen des études territoriales, ci-après dénommé l'« INETER », sont convenus de poursuivre la coopération scientifique et technique dans le domaine des sciences de la terre, conformément au présent Mémorandum d'accord, ci-après dénommé le « Mémorandum ».

2. Le présent Mémorandum vise à fournir un cadre pour l'échange de connaissances scientifiques et techniques et pour le renforcement des moyens scientifiques et techniques de l'USGS et de l'INETER, ci-après dénommés les « Parties », concernant les sciences géologiques, géophysiques, sismologiques et hydrogéologiques, la préparation aux catastrophes et l'atténuation de leurs effets, ainsi que les sciences cartographiques.

3. Dans le cas d'une coopération sollicitée par l'INETER dans des domaines dépassant le cadre de compétence de l'USGS, celui-ci peut, avec l'accord de l'INETER, et dans la mesure autorisée par les lois et les politiques des États-Unis d'Amérique, s'efforcer d'obtenir la participation d'autres organismes américains au développement et à l'exécution des activités relevant du présent Mémorandum.

4. Dans le cas d'une coopération sollicitée par l'USGS dans des domaines dépassant le cadre de compétence de l'INETER, celui-ci pourra, avec l'accord de l'USGS, et dans la mesure autorisée par les lois et les politiques du Nicaragua, s'efforcer d'obtenir la participation d'autres organismes nicaraguayens au développement et à l'exécution des activités relevant du présent Mémorandum.

Article II. Activités de coopération

1. Les formes de coopération au titre du présent Mémorandum peuvent comprendre l'échange d'informations techniques, les visites, la formation et la recherche conjointe conformément aux programmes en cours des Parties. Les domaines spécifiques de coopération comprennent, mais sans s'y limiter, les domaines d'intérêt mutuel ci-après :

A. L'évaluation et l'atténuation des risques géologiques (éruptions volcaniques, tremblements de terre, glissements de terrain et tsunami);

B. La cartographie géologique;

C. Les études de préparation aux catastrophes et d'atténuation de leurs effets;

D. L'environnement;

E. La télédétection;

F. Les études sur les ressources en eau et autres études hydrologiques;

G. La biologie et les développements techniques dans le domaine de la biologie; et

H. Les publications, les bibliothèques et les systèmes d'information.

2. Les activités au titre du présent Mémorandum sont entreprises conformément aux lois, règlements et procédures de chaque pays.

Article III. Source de financement

Les activités de coopération prévues par le présent Mémorandum sont subordonnées, pour chaque Partie, à la disponibilité des fonds alloués, des ressources et du personnel. Les dispositions financières sont convenues par écrit entre les Parties avant le début de chaque activité.

Article IV. Exemption fiscale

Les Parties s'engagent à solliciter auprès des Gouvernements respectifs, l'exonération de tous les droits et taxes, y compris les taxes sur les services rendus, prélevés sur les articles ci-dessous relevant du présent Mémorandum.

A. Les effets personnels utilisés par le personnel de l'USGS ou lui appartenant;

B. Les matériels et équipements scientifiques et techniques importés, qui appartiennent au Gouvernement américain et demeurent sa propriété jusqu'à la fin du projet; et

C. Tous les contrats de construction des installations nécessaires pour mettre en œuvre le présent Mémorandum.

Article V. Propriété intellectuelle et obligations en matière de sécurité

Les dispositions relatives à la protection et à la distribution de la propriété intellectuelle créée ou fournie dans le cadre des activités de coopération au titre du présent Mémorandum sont régies par l'annexe I du Mémorandum. Les dispositions relatives à la protection des informations classifiées et des informations et équipements non classifiés dont l'exportation fait l'objet d'un contrôle figurent à l'annexe II du présent Mémorandum. Les annexes I et II font partie intégrante du présent Mémorandum.

Article VI. Déni de responsabilité

Les informations communiquées par l'une des Parties à l'autre en vertu du présent Mémorandum sont exactes, à la connaissance de la Partie qui les communique, mais celle-ci ne garantit pas qu'elles se prêtent à une quelconque utilisation ou application particulière par la Partie réceptrice ou par une tierce partie.

Article VII. Planification et examen des activités

Les Parties désignent des représentants qui, à des dates convenues par les Parties, examinent les activités découlant du présent Mémorandum et élaborent des propositions pour de futures activités, le cas échéant.

Article VIII. Annexes de projet

Toute activité exécutée au titre du présent Mémorandum est convenue préalablement par écrit par les Parties. Lorsqu'une activité programmée dépasse le cadre de l'échange d'informations techniques ou de visites d'individus, elle doit être décrite, d'un commun accord, dans une annexe de projet au présent Mémorandum, qui énonce, en des termes appropriés à l'activité, le plan de travail, les besoins en personnel, les coûts estimatifs, la source de financement, ainsi que les autres engagements, obligations ou conditions qui ne figurent pas dans le présent Mémorandum. En cas de contradiction entre les termes du présent Mémorandum et ceux d'une annexe de projet, les termes du Mémorandum prévalent.

Article IX. Entrée en vigueur et dénonciation

Le présent Mémorandum entre en vigueur à la date de sa signature par les deux Parties et le demeure pendant 5 ans. Il peut être modifié ou prorogé par accord écrit mutuel, et peut être dénoncé à tout moment par l'une ou l'autre Partie moyennant un préavis écrit de 90 jours adressé à l'autre Partie. Sauf accord contraire, la dénonciation du présent Mémorandum est sans effet sur la validité ou la durée des projets relevant du présent Mémorandum, qui ont démarré avant telle dénonciation.

FAIT à Reston et à Managua, en double exemplaire, en langue anglaise.

Pour le Service géologique du Département de l'intérieur des États-Unis d'Amérique :

CHARLES G. GROAT
Directeur du Service géologique des États-Unis
4 mars 1999

Pour l'Institut nicaraguayen des études territoriales (INETER) :

CLAUDIO GUTIERREZ HUETE
Directeur général de l'INETER
10 mars 1999

ANNEXE I

PROPRIÉTÉ INTELLECTUELLE

Conformément à l'article V du Mémorandum d'accord :

Les Parties assurent une protection adéquate et effective de la propriété intellectuelle créée ou fournie dans le cadre du présent Mémorandum et des modalités de mise en œuvre y relatives. Les Parties sont convenues de s'informer mutuellement en temps utile de toutes les inventions ou œuvres protégées par le droit d'auteur résultant du présent Mémorandum et d'en faire assurer la protection en temps voulu. Les droits relatifs à telle propriété intellectuelle sont conférés conformément aux dispositions de la présente annexe.

I. CHAMP D'APPLICATION

A. La présente annexe est applicable à toutes les activités de coopération menées conformément au présent Mémorandum, sauf accord contraire spécifique entre les Parties ou leurs représentants.

B. Aux fins du présent Mémorandum, l'expression « propriété intellectuelle » a le sens que lui donne l'article 2 de la Convention instituant l'Organisation mondiale de la propriété intellectuelle, signée à Stockholm le 14 juillet 1967.

C. La présente annexe concerne la répartition des droits, intérêts et redevances entre les Parties. Chaque Partie fait en sorte que l'autre Partie puisse se prévaloir des droits de propriété intellectuelle octroyés conformément à la présente annexe, en acquérant ces droits auprès de ses propres participants par le biais de contrats ou d'autres moyens légaux si nécessaire. La présente annexe ne modifie ni ne porte atteinte à la répartition des droits entre une Partie et ses ressortissants, qui est déterminée par les lois et pratiques de cette Partie.

D. Tous différends relatifs à la propriété intellectuelle et découlant du présent Mémorandum devraient être réglés par le biais de discussions entre les institutions participantes concernées ou, le cas échéant, entre les Parties ou leurs représentants. D'un commun accord entre elles, les Parties soumettent les différends à un tribunal arbitral pour arbitrage exécutoire, conformément aux règles applicables du droit international. À moins que les Parties ou leurs représentants n'en disposent autrement par écrit, le règlement d'arbitrage de la Commission des Nations Unies pour le droit commercial international (CNUDCI) s'applique.

E. La dénonciation ou l'expiration du présent Mémorandum est sans incidence sur les droits et obligations énoncés à la présente annexe.

II. ATTRIBUTION DES DROITS

A. Chaque Partie a droit, dans tous les pays, à une licence non exclusive, irrévocable et exempte de redevances pour la traduction, la reproduction et la distribution publique des articles,

rapports et ouvrages scientifiques et techniques résultant directement d'activités de coopération relevant du présent Mémorandum. Tous les exemplaires d'une œuvre protégée par des droits d'auteur, mis à la disposition du public et réalisés conformément à la présente disposition, portent la mention du nom de l'auteur, à moins que ce dernier n'y renonce expressément.

B. Les droits relatifs à toutes les formes de propriété intellectuelle, autres que les droits décrits au paragraphe A de la section II ci-dessus, sont répartis comme suit :

1. Les chercheurs associés, notamment les scientifiques dont le séjour est principalement destiné à parfaire leur formation, reçoivent des droits de propriété intellectuelle selon les modalités convenues avec leur institution d'accueil. En outre, chaque chercheur associé auteur d'une invention a droit à une part des redevances perçues par l'institution d'accueil en vertu de la licence d'utilisation de la propriété intellectuelle.

2. a) En ce qui concerne la propriété intellectuelle créée par la recherche conjointe, par exemple, lorsque les Parties, les institutions participantes ou le personnel participant sont convenus à l'avance du champ d'application des travaux, chaque Partie obtient tous les droits et intérêts sur son propre territoire. Les droits et intérêts dans des pays tiers seront déterminés dans les modalités de mise en œuvre. Si la recherche n'est pas désignée comme une « recherche conjointe » dans les modalités de mise en œuvre y relatives, les droits de propriété intellectuelle issus de cette recherche sont attribués selon les modalités définies au paragraphe II.B.1. En outre, chaque personne désignée comme l'inventeur a droit à une quote-part des redevances perçues par l'une ou l'autre des institutions participantes au titre de la licence.

b) Nonobstant les dispositions de l'alinéa 2a) du paragraphe B de la section II, si un type de propriété intellectuelle est disponible en vertu des lois d'une Partie, mais pas de l'autre, la Partie dont les lois prévoient ce type de protection bénéficie de tous les droits et intérêts y relatifs dans le monde entier. Les personnes désignées comme inventeurs du bien peuvent néanmoins percevoir les redevances prévues à l'alinéa 2a) du paragraphe B de la section II.

III. INFORMATIONS COMMERCIALES À CARACTÈRE CONFIDENTIEL

Si des informations identifiées en temps utile comme des informations commerciales confidentielles sont fournies ou créées en vertu du présent Mémorandum, chaque Partie et ses participants en assument la protection conformément aux lois, règlements et pratiques administratives en vigueur. Une information est qualifiée d'information commerciale à caractère confidentiel si la personne qui la détient peut en tirer un avantage économique ou disposer, grâce à elle, d'un avantage concurrentiel par rapport à ceux qui ne l'ont pas, si l'information n'est ni connue ni disponible auprès d'autres sources, et si son détenteur ne l'a pas, auparavant, rendue accessible sans l'assortir, en temps opportun, d'une obligation de confidentialité.

ANNEXE II

OBLIGATIONS EN MATIÈRE DE SÉCURITÉ

I. PROTECTION DE L'INFORMATION

Les deux Parties conviennent qu'il ne sera pas fourni, dans le cadre du présent Mémorandum, d'informations ou d'équipements nécessitant une protection pour des raisons de défense nationale ou de relations étrangères de l'une ou l'autre d'entre elles et classés secrets conformément à ses lois et règlements nationaux en vigueur. Au cas où une information ou un équipement dont la protection est connue ou estimée nécessaire est identifié au cours d'activités de coopération entreprises conformément au présent Mémorandum, ce fait est immédiatement signalé aux autorités compétentes et aux Parties par écrit, et la mesure de sécurité est appliquée à l'information ou à l'équipement et, le cas échéant, les Parties modifient le présent Mémorandum afin d'y incorporer de telles mesures.

II. TRANSFERT DE TECHNOLOGIE

Le transfert entre les Parties d'informations ou d'équipements non classifiés et dont l'exportation fait l'objet d'un contrôle s'effectue conformément aux lois et règlements pertinents de chaque Partie. Si l'une ou l'autre Partie le juge nécessaire, des dispositions détaillées visant à empêcher le transfert ou le retransfert non autorisé de telles informations ou de tels équipements sont incorporés dans les contrats ou les modalités de mise en œuvre. Les informations dont l'exportation fait l'objet d'un contrôle sont marquées de manière à les identifier comme telles et à identifier toute mesure de restriction concernant une utilisation ou un transfert futur.

ACCORD PORTANT AMENDEMENT ET PROROGATION DU MÉMORANDUM D'ACCORD ENTRE LE SERVICE GÉOLOGIQUE DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET L'INSTITUT NICARAGUAYEN DES ÉTUDES TERRITORIALES DU NICARAGUA RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE ET DE LA CARTOGRAPHIE

Le Mémorandum d'accord, ci-après dénommé « Mémorandum », entre le Service géologique du Département de l'intérieur des États-Unis d'Amérique, ci-après dénommé « USGS », et l'Institut nicaraguayen des études territoriales du Nicaragua, ci-après dénommé « INETER », ci-après dénommés la « Partie » ou les « Parties », relatif à la coopération scientifique et technique dans le domaine des sciences de la terre et de la cartographie, signé par l'USGS le 4 mars 1999 et par l'INETER le 10 mars 1999 est par le présent amendé et prorogé comme suit :

1. Article II : Abroger entièrement l'article II et le remplacer ainsi qu'il suit :

Article II. Activités de coopération

1. Les activités de coopération entreprises au titre du présent Mémorandum peuvent comprendre l'échange d'informations techniques, les visites réciproques, la participation à des stages, conférences et colloques; l'échange de géoscientifiques professionnels dans des domaines d'intérêt commun et toute autre recherche conjointe dans le cadre de programmes des Parties. Les domaines spécifiques de coopération peuvent comprendre, mais sans s'y limiter, les domaines d'intérêt commun ci-après :

A. Les études dans le domaine des sciences de la terre, y compris les risques, les ressources et l'environnement;

B. La biologie, les études et développements techniques dans le domaine de la biologie;

C. Les analyses et études géographiques et géospatiales;

D. Les études sur les ressources en eau et autres recherches hydrologiques; et

E. Les systèmes d'information.

2. Les activités au titre du présent Mémorandum sont entreprises conformément aux lois, règlements et procédures de chaque pays.

2. Article IV : Abroger entièrement l'article IV et le remplacer ainsi qu'il suit :

Article IV. Exemption de droits et d'impôts

1. Conformément à ses lois et règlements, chaque Partie s'efforce d'obtenir pour le compte de l'autre Partie un allègement des impôts, des frais, des droits de douane et des autres redevances (sauf des frais pour services spécifiques rendus) perçus en ce qui concerne :

A. Le transfert, la possession, la construction, la rénovation ou l'entretien, par l'autre Partie ou en son nom, d'installations ou de biens afin de mettre en œuvre le présent Mémorandum;

B. L'importation, l'achat, la possession, l'utilisation ou la cession (y compris l'exportation) de biens et services par l'autre Partie ou en son nom afin de soutenir les activités au titre du présent Mémorandum; et

C. Les biens personnels des membres du personnel de l'autre Partie ou des entités de la Partie qui met en œuvre les dispositions du présent Mémorandum.

2. Les produits de base visés par le présent Mémorandum et acquis par les États-Unis, ses contractants, ses bénéficiaires ou par des gouvernements étrangers ou leurs représentants, s'ils ont été financés par des fonds des États-Unis, sont exempts d'impôts, y compris de la taxe sur la valeur ajoutée (TVA) et des droits de douane. En cas d'imposition, l'INETER effectue un remboursement en temps utile au profit du Gouvernement des États-Unis ou de ses représentants. Les produits comprennent des matériels, des articles, des approvisionnements, des biens ou des équipements. Ces mêmes règles s'appliquent à tous les fonds visés par le présent Mémorandum, y compris les subventions, les salaires et toute forme d'assistance financière.

3. Toutes les autres clauses et conditions du Mémorandum restent inchangées.

4. Entrée en vigueur et dénonciation :

Le présent Accord entrera en vigueur dès sa signature et prend effet à compter du 10 mars 2004. Il demeure en vigueur jusqu'à sa dénonciation par l'une ou l'autre Partie moyennant un préavis écrit de 90 jours adressé à l'autre Partie. La dénonciation du présent Accord est sans incidence sur la validité ou la durée des projets relevant du présent Accord, qui ont démarré avant cette dénonciation.

FAIT à Reston et à Managua, en double exemplaire, en langue anglaise.

Pour le Service géologique du Département de l'intérieur des États-Unis d'Amérique :

NOM : CHARLES G. GROAT
Titre : Directeur
Date : 24 mai 2004

Pour l'Institut nicaraguayen des études territoriales du Nicaragua :

NOM : CLAUDIO GUTIERREZ HUETE
Titre : Directeur exécutif
Date : 25 juin 2004.

No. 50940

United States of America
and
Cyprus

Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus. Washington, 17 June 1996

Entry into force: *14 September 1999 by the exchange of the instruments of ratification, in accordance with article 22*

Authentic texts: *English and Greek*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Chypre

Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre. Washington, 17 juin 1996

Entrée en vigueur : *14 septembre 1999 par l'échange des instruments de ratification, conformément à l'article 22*

Textes authentiques : *anglais et grec*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF CYPRUS

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The Government of the United States of America and the Government of the Republic of Cyprus;

Recalling the Treaty for the Mutual Extradition of Criminals Between the United States of America and Great Britain, signed at London December 22, 1931;

Noting that the Treaty remains in force between the Government of the United States of America and the Government of the Republic of Cyprus; and

Desiring to provide for more effective cooperation between the two States in the suppression of crime, and, for that purpose, to conclude a new treaty for the extradition of offenders;

Have agreed as follows:

Article 1

Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought for prosecution for or convicted of an extraditable offense.

Article 2

Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty.

2. Subject to paragraph 1 of this Article, an offense shall also be an extraditable offense if it consists of an attempt or a conspiracy to commit, aiding or abetting, counselling or procuring the commission of or being an accessory before or after the fact to, any offense described in paragraph 1.

3. For the purposes of this Article, an offense shall be an extraditable offense:

(a) whether or not the laws in the Contracting States place the offense within the same category of offenses or describe the offense by the same terminology; or

(b) whether or not the offense is one for which United States law requires the proof of such matters as interstate transportation, of use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States court.

4. If the offense was committed outside the territory of the Requesting State, extradition shall be granted if the laws in the Requested State provide for the punishment of an offense committed outside its territory in similar circumstances. If the laws in the Requested State

do not so provide, extradition will still be granted if the executive authority of the Requested State, in its discretion, consents to the setting in motion of the extradition procedure.

5. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense specified in the request, even if the latter offense is punishable by less than one year's deprivation of liberty, provided that all other requirements for extradition are met.

Article 3

Treatment of Nationals

1. Neither Contracting State shall be obligated to extradite its own nationals, but the Requested State may extradite such persons unless otherwise provided by its laws and Constitution.

2. If extradition is refused solely on the basis of the nationality of the person sought, the Requested State shall, at the request of the Requesting State, submit the case to its authorities for prosecution.

Article 4

Political and Military Offenses

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.

2. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:

(a) a murder or other willful crime against the person of a Head of State of one of the Contracting States, or of a member of the Head of State's family;

(b) an offense for which both Contracting States have the obligation pursuant to a multilateral international agreement to

extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and

(c) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

3. Notwithstanding paragraph 2 of this Article, extradition shall not be granted if the executive authority of the Requested State determines that the request was politically motivated.

4. The executive authority of the Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Article 5

Prior Prosecution

1. Extradition shall not be granted when the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.

2. Extradition shall not be precluded by the fact that the authorities in the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested, or to discontinue any criminal proceedings which have been instituted against the person sought for those acts.

Article 6

Capital Punishment

1. When the offense for which extradition is sought is punishable by death under the laws in the Requesting State and is not punishable by death under the laws in the Requested State, the Requested State may refuse extradition unless the Requesting State, if so requested, provides assurances that the death penalty, if imposed, will not be carried out.

2. In instances in which a Requesting State provides an assurance in accordance with paragraph 1 of this Article, the death penalty, if imposed by the courts of the Requesting State, shall not be carried out.

Article 7

Lapse of Time

Extradition shall not be barred because of the prescriptive laws of either the Requesting or the Requested State.

Article 8

Extradition Procedures and Required Documents

1. All requests for extradition shall be submitted through the diplomatic channel.

2. All requests for extradition shall be supported by:

(a) documents, statements, or other types of information which describe the identity and probable location of the person sought;

(b) information describing the facts of the offense and the procedural history of the case;

(c) a copy of the law or a statement of the provisions of the law describing the essential elements of the offense for which extradition is requested;

(d) a copy of the law or a statement of the provisions of the law describing the punishment for the offense; and

(e) the documents, statements, or other types of information specified in paragraph 3 or paragraph 4 of this Article, as applicable.

3. A request for extradition of a person who is sought for prosecution shall also be supported by:

(a) a copy of the warrant or order of arrest;

(b) a copy of the charging document, if available; and

(c) a statement of the facts of the case summarizing the testimony of witnesses and describing physical and documentary evidence and disclosing reasonable grounds to believe that an offense was committed and the person sought committed it. For this purpose, the actual affidavits or testimony of witnesses need not be forwarded.

4. A request for extradition relating to a person who has been convicted of the offense for which extradition is sought shall also be supported by:

(a) a copy of the judgment of conviction or, a statement by a judicial authority that the person has been convicted;

(b) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out; and

(c) in the case of a person who has been convicted in absentia, the documents required in paragraph 3.

5. If the information communicated by the Requesting State is considered to be insufficient to allow the Requested State to grant extradition, the latter State shall request the necessary supplementary information and may fix a time limit for the receipt thereof.

6. If the person sought has been found guilty in absentia, the executive authority of the Requested State may refuse extradition, unless the Requesting State provides the Requested State with information which demonstrates that the person was afforded an adequate opportunity to present a defense.

7. Except when this Treaty provides otherwise the procedures with regard to extradition and provisional arrest shall be governed solely by the law of the Requested State.

Article 9

Admissibility of Documents

Documents in support of an extradition request shall be received and admitted as evidence in extradition proceedings if:

(a) in the case of a request from the United States, they purport to be certified by a judge, magistrate, or officer in the United States to be the original documents or true copies of such documents and they are authenticated either by the oath of a witness or by the official seal of The Secretary of State of the United States;

(b) in the case of a request from the Republic of Cyprus, they are certified by the principal diplomatic or principal consular officer of the United States resident in the Republic of Cyprus, as provided by the extradition laws of the United States; or

(c) they are certified or authenticated in any other manner accepted by the laws in the Requested State.

Article 10

Translation

All documents submitted by the Requesting State shall be either in the language of the Requesting State or in the language of the Requested State but the latter State shall have the right to require a translation into its own language.

Article 11

Provisional Arrest

1. In case of urgency, a Contracting State may request the provisional arrest of the person sought pending presentation of the request for extradition. A request for provisional

arrest may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Ministry of Justice and Public Order of the Republic of Cyprus. The facilities of the International Criminal Police Organization (Interpol) may be used to transmit such a request.

2. The application for provisional arrest shall contain:

(a) a description of the person sought;

(b) the location of the person sought, if known;

(c) a brief statement of the facts of the case, including, if possible, the time and location of the offense;

(d) a citation of the law and a description of the criminal conduct involved;

(e) a statement of the existence of a warrant of arrest or a finding of guilt or judgment of conviction against the person sought; and

(f) a statement that a request for extradition for the person sought will follow.

3. The Requesting State shall be notified without delay of the disposition of its application and the reasons for any denial.

4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the formal request for extradition and the supporting documents required in Article 8.

5. The fact that the person sought has been discharged from custody pursuant to paragraph (4) of this Article shall not prejudice the subsequent rearrest and extradition of that person if the extradition request and supporting documents are delivered at a later date.

Article 12

Decision and Surrender

1. The Requested State shall promptly notify the Requesting State through the diplomatic channel of its decision on the request for extradition.

2. If the request is denied in whole or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.

3. If the request for extradition is granted, the authorities of the Contracting States shall agree on the time and place for the surrender of the person sought.

4. If the person sought is not removed from the territory of the Requested State within the time prescribed by the laws in that State, that person may be discharged from custody, and the Requested State may subsequently refuse extradition for the same offense.

Article 13

Temporary and Deferred Surrender

1. If the extradition request is granted in the case of a person who is being prosecuted or is serving a sentence in the Requested State, the Requested State may temporarily surrender the person sought to the Requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person, in accordance with conditions to be determined by agreement in writing between the Contracting States.

2. The Requested State may postpone the extradition proceedings against a person who is being prosecuted or who is serving a sentence in that State. The postponement may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

Article 14

Requests for Extradition Made by More than One State

If the Requested State receives requests from the other Contracting State and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the executive authority of the Requested State shall determine to which State it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:

(a) whether the requests were made pursuant to treaty;

(b) the place where each offense was committed;

(c) the respective interests of the Requesting States;

(d) the gravity of the offenses;

(e) the nationality of the victim;

(f) the possibility of further extradition between the Requesting States; and

(g) the chronological order in which the requests were received from the Requesting States.

Article 15

Seizure and Surrender of Property

1. To the extent permitted under its laws, the Requested State may seize and surrender to the Requesting State all articles, documents, and evidence connected with the offense in respect of which extradition is granted. The items mentioned in this Article may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.

2. The Requested State may condition the surrender of the property upon satisfactory assurances from the Requesting State that the property will be returned to the Requested

State as soon as practicable. The Requested State may also defer the surrender of such property if it is needed as evidence in the Requested State.

3. The rights of third parties in such property shall be duly respected.

Article 16

Rule of Speciality

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for:

(a) the offense for which extradition has been granted or a differently denominated offense based on the same facts on which extradition was granted, provided such offense is extraditable or is a lesser included offense;

(b) an offense committed after the extradition of the person; or

(c) an offense for which the executive authority of the Requested State consents to the person's detention, trial, or punishment. For the purpose of this subparagraph:

(i) the Requested State may require the submission of the documents called for in Article 8; and

(ii) the person extradited may be detained by the Requesting State for 90 days, or for such longer period of time as the Requested State may authorize, while the request is being processed.

2. A person extradited under this Treaty may not be extradited to a third State for an offense committed prior to his surrender unless the surrendering State consents.

3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the extradition of that person to a third State, if:

(a) that person leaves the territory of the Requesting State after extradition and voluntarily returns to it; or

(b) that person does not leave the territory of the Requesting State within 10 days of the day on which that person is free to leave.

Article 17

Waiver of Extradition

If the person sought formally consents, by way of affidavit or otherwise, to surrender to the Requesting State, the Requested State may surrender the person as expeditiously as possible without further proceedings.

Article 18

Transit

1. Either Contracting State may authorize transportation through its territory of a person surrendered to the other State by a third State. A request for transit shall be made through the diplomatic channel or directly between the United States Department of Justice and the Ministry of Justice and Public Order of the Republic of Cyprus. The facilities of Interpol may be used to transmit such a request. It shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.

2. No authorization is required where air transportation is used and no landing is scheduled on the territory of the Contracting State. If an unscheduled landing occurs on the territory of the other Contracting State, the other Contracting State may require the request for transit as provided in paragraph 1. That Contracting State shall detain the person to be transported until the request for transit is received and the transit is effected, so long as the request is received within 96 hours of the unscheduled landing.

Article 19

Representation and Expenses

1. The Requested State shall advise, assist, appear in court on behalf of the Requesting State, and represent the interests of the Requesting State, in any proceeding arising out of a request for extradition.

2. The Requesting State shall bear the expenses related to the translation of documents and the transportation of the person surrendered. The Requested State shall pay all other expenses incurred in that State by reason of the extradition proceedings.

3. Neither State shall make any pecuniary claim against the other State arising out of the arrest, detention, examination, or surrender of persons sought under this Treaty.

Article 20

Consultation

The United States Department of Justice and the Ministry of Justice and Public Order of the Republic of Cyprus may consult with each other directly or through the facilities of Interpol in connection with the processing of individual cases and in furtherance of maintaining and improving procedures for the implementation of this Treaty.

Article 21

Application

This Treaty shall apply to offenses committed before as well as after the date it enters into force.

Article 22

Ratification and Entry into Force

1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Nicosia as soon as possible.

2. This Treaty shall enter into force upon the exchange of the instruments of ratification.

3. Upon the entry into force of this Treaty, the Treaty for the Mutual Extradition of Criminals between the United States of America and Great Britain, signed at London December 22, 1931, shall cease to have any effect between the Government of the United States of America and the Government of the Republic of Cyprus. Nevertheless, the prior Treaty shall apply to any extradition proceedings in which the extradition documents have already been submitted to the courts of the Requested State at the time this Treaty enters into force, except that Articles 16 and 17 of this Treaty shall be applicable to such proceedings.

Article 23

Termination

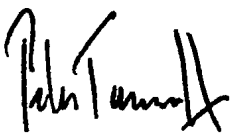
Either Contracting State may terminate this Treaty at any time by giving written notice to the other Contracting State through the diplomatic channel, and the termination shall be effective six months after the date of such notice.

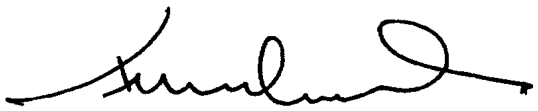
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments have signed this Treaty.

DONE at Washington, in duplicate, this seventeenth day of June, 1996, in the English and Greek languages, both texts being equally authentic. In case of divergence the English text shall prevail.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF CYPRUS:





[GREEK TEXT – TEXTE GREC]

ΣΥΝΘΗΚΗ ΕΚΔΟΣΗΣ ΦΥΓΟΔΙΚΩΝ

ΜΕΤΑΞΥ

ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΩΝ ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ ΤΗΣ ΑΜΕΡΙΚΗΣ

ΚΑΙ

ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΠΙΝΑΚΑΣ ΠΕΡΙΕΧΟΜΕΝΩΝ

Η Κυβέρνηση των Ηνωμένων Πολιτειών της Αμερικής και η Κυβέρνηση της Κυπριακής Δημοκρατιας:

'Εχοντας υπόψη τη Συνθήκη για την Αμοιβαία 'Εκδοση Εγκληματιών Μεταξύ των Ηνωμένων Πολιτειών της Αμερικής και της Μεγάλης Βρεττανίας που υπεγράφη στο Λονδίνο στις 22 Δεκεμβρίου του 1931·

Σημειώνοντας ότι η Συνθήκη παραμένει σε ισχύ μεταξύ της Κυβέρνησης των Ηνωμένων Πολιτειών της Αμερικής και της Κυβέρνησης της Κυπριακής Δημοκρατίας· και

Επιθυμώντας να παρέχουν πιο αποτελεσματική συνεργασία μεταξύ των δύο Κρατών για την καταστολή του εγκλήματος, και, για το σκοπό αυτό, να συνάψουν νέα συνθήκη για την έκδοση αδικοπραγούντων.

'Εχουν συμφωνήσει ως ακολούθως:

Άρθρο 1

Υποχρέωση Έκδοσης Φυγοδίκων

Τα Συμβαλλόμενα Κράτη συμφωνούν να εκδίδουν το ένα στο άλλο, σύμφωνα με τις διατάξεις της Συνθήκης αυτής, πρόσωπα που καταζητούνται για δίωξη ή που καταδικάστηκαν για αδίκημα για το οποίο δύνσται να χωρήσει έκδοση.

'Αρθρο 2

Αδικήματα για τα οποία δύναται να χωρήσει 'Εκδοση

1. Αδίκημα είναι αδίκημα για το οποίο δύναται να χωρήσει έκδοση αν τιμωρείται βάσει των νόμων και των δύο Συμβαλλομένων Κρατών με στέρηση της ελευθερίας για περίοδο που υπερβαίνει το ένα έτος ή με αυστηρότερη ποινή.

2. Τηρουμένης της παραγράφου 1 του 'Αρθρου αυτού, αδίκημα είναι επίσης αδίκημα για το οποίο δύναται να χωρήσει έκδοση αν συνίσταται σε απόπειρα ή συνωμοσία διάπραξης, βοήθεια ή παρακίνηση, συνηγορία ή πρόκληση της διάπραξης ή ύπαρξη συνέργειας πριν από ή μετά το γεγονός οποιουδήποτε αδικήματος που περιγράφεται στην παράγραφο 1.

3. Για τους σκοπούς του 'Αρθρου αυτού, αδίκημα είναι αδίκημα για το οποίο δύναται να χωρήσει έκδοση:

(α) ανεξάρτητα του αν ή όχι οι νόμοι των Συμβαλλομένων Κρατών τοποθετούν το αδίκημα εντός της ίδιας κατηγορίας αδικημάτων ή περιγράφουν το αδίκημα με την ίδια ορολογία· ή

(β) ανεξάρτητα του αν ή όχι το αδίκημα είναι ένα από τα αδικήματα για το οποίο ο νόμος των Ηνωμένων Πολιτειών απαιτεί για την απόδειξη θεμάτων όπως η διαπολιτειακή μεταφορά, χρήση των ταχυδρομείων ή άλλων διευκολύνσεων που επηρεάζουν το μεταξύ των πολιτειών εμπόριο ή το εξωτερικό εμπόριο, αφού τέτοια θέματα εξυπηρετούν απλώς το σκοπό εγκαθίδρυσης δικαιοδοσίας σε δικαστήριο των Ηνωμένων Πολιτειών.

4. Αν το αδίκημα διαπράχθηκε εκτός της επικράτειας του Αιτούντος Κράτους, η έκδοση χορηγείται αν οι νόμοι του Αιτουμένου Κράτους προνοούν για την τιμωρία αδικήματος που διαπράχθηκε εκτός της επικράτειάς του υπό παρόμοιες περιστάσεις. Αν οι νόμοι του Αιτουμένου Κράτους δεν προνοούν με τον τρόπο

αυτό, η εκτελεστική εξουσία του Αιτουμένου Κράτους δύναται, κατά τη διακριτική της ευχέρεια, να συγκατατεθεί για έναρξη της διαδικασίας έκδοσης.

5. Αν χορηγήθηκε έκδοση για αδίκημα για το οποίο δύναται να χωρήσει έκδοση, χορηγείται επίσης για οποιοδήποτε άλλο αδίκημα που ορίζεται στην αίτηση, ακόμη και αν το τελευταίο αδίκημα τιμωρείται με λιγότερο από έναν έτος στέρησης της ελευθερίας, νοουμένου ότι όλες οι άλλες απαιτήσεις για έκδοση πληρούνται.

Άρθρο 3

Μεταχείριση Υπηκόων

1. Κανένα από τα Συμβαλλόμενα Κράτη δεν δεσμεύεται να εκδίδει τους δικούς του υπηκόους, αλλά το Αιτούμενο Κράτος δύναται να εκδίδει τα πρόσωπα αυτά εκτός αν οι νόμοι και το Σύνταγμά του προνοούν διαφορετικά.

2. Αν η έκδοση απορριφθεί αποκλειστικά λόγω της υπηκοότητας του προσώπου που καταζητείται, το Αιτούμενο Κράτος, κατόπιν αίτησης του Αιτούντος Κράτους, παραπέμπει την υπόθεση στις αρχές του για δίωξη.

Άρθρο 4

Πολιτικά και Στρατιωτικά Αδικήματα

1. Έκδοση δεν χορηγείται αν το αδίκημα για το οποίο ζητείται η έκδοση είναι πολιτικό αδίκημα.

2. Για τους σκοπούς της Συνθήκης αυτής, τα ακόλουθα αδικήματα δεν θεωρούνται πολιτικά αδικήματα:

(α) φόνος ή άλλο εκ προμελέτης έγκλημα εναντίον του προσώπου του Αρχηγού Κράτους ενός από τα Συμβαλλόμενα Κράτη, ή μέλους της οικογένειας του Αρχηγού Κράτους·

(β) αδίκημα για το οποίο και τα δύο Συμβαλλόμενα Κράτη έχουν την υποχρέωση σύμφωνα με πολυμερή διεθνή συμφωνία να εκδίδουν το προσωπο που καταζητείται ή να παραπέμπουν την υπόθεση στις αρμόδιες αρχές τους για απόφαση ως προς τη δίωξη· και

(γ) συνωμοσία ή προσπάθεια διάπραξης οποιουδήποτε από τα προαναφερόμενα αδικήματα, ή βοήθεια ή παρακίνηση προσώπου που διαπράττει ή προσπαθεί να διαπράξει τα αδικήματα αυτά.

3. Ανεξάρτητα από τις διατάξεις που περιλαμβάνονται στην παράγραφο 2 του Άρθρου αυτού, δεν χορηγείται έκδοση αν η εκτελεστική εξουσία του Αιτουμένου Κράτους αποφασίσει ότι η αίτηση είχε πολιτικά κίνητρα.

4. Η εκτελεστική εξουσία του Αιτουμένου Κράτους δύναται να αρνηθεί την έκδοση για αδικήματα βάσει στρατιωτικού νόμου τα οποία δεν είναι αδικήματα βάσει του συνήθους ποινικού νόμου.

***Άρθρο* 5**

Ου Δις Δικάζειν

1. Έκδοση δεν χορηγείται όταν το πρόσωπο που καταζητείται έχει καταδικαστεί ή αθωωθεί στο Αιτούμενο Κράτος για το αδίκημα για το οποίο ζητείται η έκδοση.

2. Έκδοση δεν εμποδίζεται από το γεγονός ότι οι αρχές του Αιτουμένου Κράτους αποφάσισαν να μη διώξουν το πρόσωπο που καταζητείται για τις πράξεις για τις οποίες ζητείται έκδοση, ή να διακόψουν οποιεσδήποτε ποινικές διαδικασίες έχουν αρχίσει εναντίον του προσώπου που καταζητείται για τις πράξεις αυτές.

***Άρθρο* 6**

***Θανατική* Ποινή**

1. Όταν το αδίκημα για το οποίο ζητείται έκδοση τιμωρείται με θάνατο βάσει των νόμων του Αιτούντος Κράτους και δεν τιμωρείται με θάνατο βάσει των νόμων του Αιτουμένου Κράτους, το Απούμενο Κράτος δύναται να αρνηθεί την έκδοση εκτός αν το Αιτούν Κράτος, αν του ζητηθεί, δώσει διαβεβαιώσεις ότι η θανατική ποινή, αν επιβληθεί, δεν θα εκτελεστεί.

2. Σε περιπτώσεις στις οποίες το Αιτούν Κράτος δίνει διαβεβαίωση σύμφωνα με την παράγραφο 1 του Άρθρου αυτού, η θανατική ποινή, αν επιβληθεί από τα δικαστήρια του Αιτούντος Κράτους, δεν εκτελείται.

Άρθρο 7

Π*αραγραφή*

Έκδοση δεν αποκλείεται λόγω των νόμων περί παραγραφής είτε του Αιτούντος είτε του Αιτουμένου Κράτους.

'Αρθρο 8

Διαδικασίες 'Εκδοσης Φυγοδίκων και Απαιτούμενα 'Εγγραφα

1. 'Ολες οι αιτήσεις για έκδοση υποβάλλονται μέσω της διπλωματικής οδού.

2. 'Ολες οι αιτήσεις για έκδοση υποστηρίζονται από·

(α) έγγραφα, δηλώσεις, ή άλλου τύπου πληροφορίες που περιγράφουν την ταυτότητα και πιθανή τοποθεσία που βρίσκεται το πρόσωπο που καταζητείται·

(β) πληροφορίες που περιγράφουν τα γεγονότα του αδικήματος και τη διαδικαστική ιστορία της υπόθεσης·

(γ) αντίγραφο του νόμου ή έκθεση των διατάξεων του νόμου που περιγράφουν τα ουσιώδη στοιχεία του αδικήματος για το οποίο ζητείται έκδοση·

(δ) αντίγραφο του νόμου ή έκθεση των διατάξεων του νόμου που περιγράφουν την ποινή για το αδίκημα· και

(ε) τα έγγραφα, δηλώσεις, ή άλλου τύπου πληροφορίες που ορίζονται στην παράγραφο 3 ή στην παράγραφο 4 του 'Αρθρου αυτού, όπου εφαρμόζονται.

3. Αίτηση για έκδοση προσώπου το οποίο καταζητείται για δίωξη υποστηρίζεται επίσης από:

(α) αντίγραφο του εντάλματος ή διατάγματος σύλληψης·

(β) αντίγραφο του κατηγορητηρίου, αν υπάρχει· και

(γ) έκθεση των γεγονότων της υπόθεσης η οποία να περιέχει περίληψη της μαρτυρίας των μαρτύρων και να περιγράφει πραγματική και γραπτή μαρτυρία και να φανερώνει εύλογους λόγους να πιστεύεται ότι διαπράχθηκε αδίκημα και το πρόσωπο που καταζητείται το διέπραξε. Για το σκοπό αυτό δεν είναι ανάγκη να αποστέλλονται αυτούσιες οι ένορκες δηλώσεις ή η μαρτυρία των μαρτύρων.

4. Αίτηση για έκδοση που σχετίζεται με πρόσωπο το οποίο καταδικάστηκε για το αδίκημα για το οποίο ζητείται η έκδοση υποστηρίζεται επίσης από:

(α) αντίγραφο της καταδικαστικής απόφασης ή δήλωση από δικαστική αρχή ότι το πρόσωπο καταδικάστηκε·

(β) αντίγραφο της ποινής που επιβλήθηκε, αν έχει επιβληθεί ποινή στο πρόσωπο που καταζητείται, και δήλωση που να αναφέρει σε ποια έκταση η ποινή εκτελέστηκε· και

(γ) στην περίπτωση προσώπου που καταδικάστηκε ερήμην, τα έγγραφα που απαιτούνται στην παράγραφο 3.

5. Αν οι πληροφορίες που δίνονται από το Αιτούν Κράτος θεωρούνται ανεπαρκείς για να επιτρέψουν στο Αιτούμενο Κράτος να χορηγήσει έκδοση, το τελευταίο Κράτος ζητά τις αναγκαίες συμπληρωματικές πληροφορίες και δύναται να ορίσει χρονικό όριο για τη λήψη αυτών

6. Αν το πρόσωπο που καταζητείται βρέθηκε ένοχο ερήμην, η εκτελεστική εξουσία του Αιτουμένου Κράτους δύναται να αρνηθεί την έκδοση, εκτός αν το Αιτούν Κράτος παράσχει στο Αιτούμενο Κράτος πληροφορίες οι οποίες δείχνουν ότι το πρόσωπο είχε επαρκή ευκαιρία να παρουσιάσει υπεράσπιση.

7. Εκτός όταν η Συνθήκη αυτή προνοεί διαφορετικά οι διαδικασίες αναφορικά με την έκδοση και προσωρινή σύλληψη διέπονται αποκλειστικά από το νόμο του Αιτουμένου Κράτους.

***Άρθρο* 9**

Αποδοχή Εγγράφων

Έγγραφα προς υποστήριξη αίτησης για έκδοση θα παραλαμβάνονται και θα γίνονται αποδεκτά ως μαρτυρία σε διαδικασίες έκδοσης αν:

(α) στην περίπτωση αίτησης από την Κυπριακή Δημοκρατία, πιστοποιούνται από τον προϊστάμενο διπλωματικό ή προξενικό λειτουργό των Ηνωμένων Πολιτειών που κατοικεί στην Κυπριακή Δημοκρατία, όπως προνοείται από τους νόμους έκδοσης των Ηνωμένων Πολιτειών·

(β) στην περίπτωση αίτησης από τις Ηνωμένες Πολιτείες, αυτά φέρονται ως πιστοποιημένα από δικαστή, παισματοδίκη, ή λειτουργό στις Ηνωμένες Πολιτείες ότι είναι πρωτότυπα έγγραφα ή πιστά αντίγραφα των εγγράφων αυτών και επισημοποιούνται είτε μέσω του όρκου μάρτυρα είτε μέσω της επίσημης σφραγίδας του Υπουργού Εξωτερικών των Ηνωμένων Πολιτειών· ή

(γ) πιστοποιούνται ή επισημοποιούνται με οποιοδήποτε άλλο τρόπο που είναι αποδεκτός από τους νόμους του Αιτουμένου Κράτους.

Άρθρο 10

Μετάφραση

Όλα τα έγγραφα που υποβάλλονται από το Αιτούν Κράτος είναι είτε στη γλώσσα του Αιτούντος Κράτους είτε στη γλώσσα του Απουμένου Κράτους αλλά το τελευταίο Κράτος έχει το δικάιωμα να απαιτήσει μετάφραση στη γλώσσα του.

Άρθρο 11

Προσωρινή Σύλληψη

1. Σε επείγουσα περίπτωση, Συμβαλλόμενο Κράτος δύναται να ζητήσει την προσωρινή σύλληψη του προσώπου που καταζητείται ενώ εκκρεμεί η παρουσίαση της αίτησης για έκδοση. Αίτηση για προσωρινή σύλληψη δύναται να διαβιβαστεί μέσω της διπλωματικής οδού ή άμεσα μεταξύ του Υπουργείου Δικαιοσύνης και Δημοσίας Τάξεως της Κυπριακής Δημοκρατίας και του Υπουργείου Δικαιοσύνης των Ηνωμένων Πολιτειών. Οι διευκολύνσεις της Διεθνούς Ποινικής Αστυνομικής Οργάνωσης ('Ιντερπολ) δύνανται να χρησιμοποιηθούν για τη διαβίβαση της αίτησης αυτής.

2. Η αίτηση για προσωρινή σύλληψη θα περιλαμβάνει:

(α) περιγραφή του προσώπου που καταζητείται·

(β) τον τόπο που βρίσκεται το πρόσωπο που καταζητείται, αν είναι γνωστός·

(γ) σύντομη έκθεση των γεγονότων της υπόθεσης, περιλαμβανομένου αν είναι δυνατό του χρόνου και τόπου του αδικήματος·

(δ) παραπομπή στο νόμο και περιγραφή των ενεχομένων εγκληματικών ενεργειών·

(ε) δήλωση για την ύπαρξη εντάλματος σύλληψης, ή εύρεση ενοχής ή ύπαρξη καταδικαστικής απόφασης εναντίον του προσώπου που καταζητείται· και

(ζ) δήλωση ότι θα ακολουθήσει αίτηση για έκδοση του προσώπου που καταζητείται.

3. Το Απούν Κράτος θα πληροφορείται χωρίς καθυστέρηση για τη διεκπεραίωση της αίτησης του και τους λόγους για οποιαδήποτε άρνηση.

4. Πρόσωπο το οποίο συλλαμβάνεται προσωρινά δύναται να απολυθεί από την κράτηση με την πάροδο εξήντα (60) ημερών από την ημερομηνία της προσωρινής σύλληψης σύμφωνα με τη Συνθήκη αυτή αν η εκτελεστική αρχή του Αιτουμένου Κράτους δεν πάρει στο μεταξύ την επίσημη αίτηση για έκδοση και τα έγγραφα υποστήριξης τα οποία απαιτούνται σύμφωνα με το άρθρο 8.

5. Το γεγονός ότι το πρόσωπο που καταζητείται απολύθηκε από την κράτηση σύμφωνα με την παράγραφο (4) του 'Αρθρου αυτού δεν θα επηρεάζει τη μεταγενέστερη επανασύλληψη και έκδοσή του αν η αίτηση για έκδοση και τα έγγραφα υποστήριξης παραδοθούν σε μεταγενέστερη ημερομηνία.

Άρθρο 12

Απόφαση και Παράδοση

1. Το Αιτούμενο Κράτος πληροφορεί έγκαιρα το Αιτούν Κράτος μέσω της διπλωματικής οδού για την απόφαση του επί της αίτησης για έκδοση.

2. Αν η αίτηση απορριφθεί εν όλω ή εν μέρει, το Αιτούμενο Κράτος δίνει εξήγηση των λόγων απορριψης. Το Αιτούμενο Κράτος θα δίνει αντίγραφα σχετικών δικαστικών αποφάσεων κατόπιν αίτησης.

3. Αν η αίτηση για έκδοση γίνει αποδεκτή, οι αρχές των Συμβαλλομένων Κρατών θα συμφωνούν για το χρόνο και τόπο παράδοσης του προσώπου που καταζητείται.

4. Αν το πρόσωπο που καταζητείται δεν μετακινηθεί από το έδαφος του Αιτουμένου Κράτους εντός του χρόνου που καθορίζεται από τους νόμους του Κράτους αυτού, το πρόσωπο αυτό δύναται να απολυθεί από την κράτηση, και το Αιτούμενο Κράτος δύναται μεταγενέστερα να αρνηθεί έκδοση για το ίδιο αδίκημα.

Άρθρο 13

Προσωρινή και Αναβαλλόμενη Παράδοση

1. Αν η αίτηση έκδοσης γίνει αποδεκτή στην περίπτωση προσώπου το οποίο διώκεται ή εκτίει ποινή στο Αιτούμενο Κράτος, το Αιτούμενο Κράτος δύναται να παραδώσει προσωρινά το πρόσωπο που καταζητείται στο Αιτούν Κράτος για το σκοπό δίωξης. Το πρόσωπο που παραδίδεται με τον τρόπο αυτό θα παραμένει υπό κράτηση στο Αιτούν Κράτος και θα επιστρέφεται στο Αιτούμενο Κράτος μετά την περάτωση των διαδικασιών εναντίον του προσώπου αυτού, σύμφωνα με τους όρους που θα καθορίζονται με γραπτή συμφωνία μεταξύ των Συμβαλλομένων Κρατών.

2. Το Αιτούμενο Κράτος δύναται να αναβάλει τις διαδικασίες έκδοσης εναντίον προσώπου το οποίο διώκεται ή το οποίο εκτίει ποινή στο Κράτος αυτό. Η αναβολή δύναται να συνεχιστεί μέχρις ότου η δίωξη του προσώπου που καταζητείται περατωθεί ή μέχρις ότου το πρόσωπο αυτό εκτίσει οποιαδήποτε ποινή του επιβλήθηκε.

Άρθρο 14

Αιτήσεις για Έκδοση Φυγοδίκων που Γίνονται από Περισσότερες της Μιας Χώρες

Αν το Αιτούμενο Κράτος λάβει αιτήσεις από το άλλο Συμβαλλόμενο Κράτος και από οποιοδήποτε άλλο Κράτος ή Κράτη για την έκδοση του ίδιου προσώπου, είτε για το ίδιο αδίκημα είτε για διαφορετικά αδικήματα, η εκτελεστική εξουσία του Αιτουμένου Κράτους θα αποφασίζει σε ποιο Κράτος θα παραδοθεί το πρόσωπο. Κατά την έκδοση της απόφασής του, το Αιτούμενο Κράτος θα λαμβάνει υπόψη όλους τους σχετικούς παράγοντες, που περιλαμβάνουν αλλά δεν περιορίζονται στους:

(α) κατά πόσο οι αιτήσεις έγιναν σύμφωνα με συνθήκη·

(β) τον τόπο όπου διαπράχθηκε κάθε αδίκημα·

(γ) τα αντίστοιχα συμφέροντα των Αιτούντων Κρατών·

(δ) τη σοβαρότητα των αδικημάτων·

(ε) την υπηκοότητα του θύματος·

(ζ) την πιθανότητα περαιτέρω έκδοσης μεταξύ των Αιτούντων Κρατών· και

(η) τη χρονολογική σειρά με την οποία οι αιτήσεις λήφθηκαν από τα Αιτούντα Κράτη.

Άρθρο 15

Κατάσχεση και Παράδοση Περιουσίας

1. Στην έκταση που επιτρέπουν οι νόμοι του, το Αιτούμενο Κράτος δύναται να κατάσχει και παραδώσει στο Αιτούν Κράτος όλα τα αντικείμενα, έγγραφα, και αποδεικτικά στοιχεία που σχετίζονται με το αδίκημα σε σχέση με το οποίο χορηγείται έκδοση. Τα αντικείμενα, έγγραφα και στοιχεία που αναφέρονται στο Άρθρο αυτό δύνανται να παραδοθούν ακόμα και όταν η έκδοση δεν δύναται να επιτευχθεί εξαιτίας του θανάτου, εξαφάνισης, ή απόδρασης του προσώπου που καταζητείται.

2. Το Αιτούμενο Κράτος δύναται να εξαρτήσει την παράδοση της περιουσίας από ικανοποιητικές διαβεβαιώσεις του Αιτούντος Κράτους ότι η περιουσία θα επιστραφεί στο Αιτούμενο Κράτος μόλις αυτό καταστεί πρακτικό. Το Αιτούμενο Κράτος δύναται επίσης να αναβάλει την παράδοση της περιουσίας αν αυτή χρειάζεται ως απόδειξη στο Αιτούμενο Κράτος.

3. Τα δικαιώματα των τρίτων μερών στην περιουσία αυτή θα είναι δεόντως σεβαστά.

'Αρθρο 16

Κανόνας Ειδικότητας

1. Πρόσωπο που εκδόθηκε βάσει της Συνθήκης αυτής δεν δύναται να φυλακιστεί, δικαστεί, ή τιμωρηθεί στο Αιτούν Κράτος εκτός για:

(α) το αδίκημα για το οποίο χορηγήθηκε έκδοση ή για διαφορετικά κατονομαζόμενο αδίκημα που βασίζεται στα ίδια γεγονότα επί των οποίων χορηγήθηκε έκδοση, νοουμένου ότι το αδίκημα αυτό είναι εκδόσιμο ή είναι περιλαμβανόμενο αδίκημα που φέρει μικρότερη ποινή·

(β) αδίκημα που διαπράχθηκε μετά την έκδοση του προσώπου· ή

(γ) αδίκημα για το οποίο η εκτελεστική εξουσία του Αιτουμένου Κράτους συναινεί στην κράτηση του προσώπου, δίκη, ή τιμωρία. Για το σκοπό της υποπαραγράφου αυτής:

(i) το Αιτούμενο Κράτος δύναται να απαιτήσει την υποβολή των εγγράφων που ζητούνται στο 'Αρθρο 8· και

(ii) το πρόσωπο που εκδόθηκε δύναται να κρατηθεί από το Αιτούν Κράτος για 90 ημέρες, ή για τέτοια μεγαλύτερη χρονική περίοδο όπως το Αιτούμενο Κράτος δύναται να εξουσιοδοτήσει, ενόσω η αίτηση τυγχάνει χειρισμού.

2. Πρόσωπο που εκδόθηκε βάσει της Συνθήκης αυτής δεν δύναται να εκδοθεί σε τρίτο Κράτος για αδίκημα που διαπράχθηκε πριν από την παράδοσή του εκτός αν το Κράτος που το παραδίδει συναινεί.

3. Οι παράγραφοι 1 και 2 του 'Αρθρου αυτού δεν εμποδίζουν την κράτηση, δίκη, ή τιμωρία προσώπου που εκδόθηκε, ή την έκδοση του προσώπου αυτού σε τρίτο Κράτος, αν:

(α) το πρόσωπο αυτό εγκαταλείψει το έδαφος του Αιτούντος Κράτους μετά την έκδοση και εθελοντικά επιστρέψει σ'αυτό· ή

(β) το πρόσωπο αυτό δεν εγκαταλείψει το έδαφος του Αιτούντος Κράτους εντός 10 ημερών από την ημέρα κατά την οποία είναι ελεύθερο να φύγει.

Άρθρο 17

Παραίτηση Έκδοσης

Αν το πρόσωπο που καταζητείται επίσημα συναινεί, υπό μορφή ένορκης δήλωσης ή διαφορετικά, να παραδοθεί στο Απούν Κράτος, το Απούμενο Κράτος δύναται να παραδώσει το πρόσωπο όσο πιο σύντομα γίνεται χωρίς περαιτέρω διαδικασία.

Άρθρο 18

Διαμετακόμιση

1. Καθένα Συμβαλλόμενο Κράτος δύναται να εξουσιοδοτήσει διαμετακόμιση μέσω του εδάφους του, προσώπου που παραδίδεται στο άλλο Κράτος από τρίτο Κράτος. Αίτηση για διαμετακόμιση γίνεται μέσω της διπλωματικής οδού ή άμεσα μεταξύ του Υπουργείου Δικαιοσύνης και Δημοσίας Τάξεως της Κυπριακής Δημοκρατίας και του Υπουργείου Δικαιοσύνης των Ηνωμένων Πολιτειών. Οι διευκολύνσεις της 'Ιντερπολ δύνανται να χρησιμοποιηθούν για τη διαβίβαση της αίτησης αυτής. Η αίτηση θα περιλαμβάνει περιγραφή του προσώπου που διαμετακομίζεται και σύντομη έκθεση των γεγονότων της υπόθεσης. Πρόσωπο υπό διαμετακόμιση δύναται να παραμείνει υπό κράτηση κατά τη διάρκεια της περιόδου διαμετακόμισης.

2. Καμιά εξουσιοδότηση δεν απαιτείται όταν χρησιμοποιείται αεροπορική διαμετακόμιση και δεν προγραμματίζεται προσγείωση επί του εδάφους του Συμβαλλόμενου Κράτους. Αν συμβεί απρογραμμάτιστη προσγείωση επί του εδάφους του άλλου Συμβαλλόμενου Κράτους, αυτό το Συμβαλλόμενο Κράτος δύναται να απαιτήσει την αίτηση για διαμετακόμιση όπως προβλέπεται στην παράγραφο 1. Το Συμβαλλόμενο αυτό Κράτος κρατεί το πρόσωπο που πρόκειται να διαμετακομιστεί μέχρις ότου η αίτηση για διαμετακόμιση ληφθεί και πραγματοποιηθεί η διαμετακόμιση, εφόσον η αίτηση ληφθεί εντός 96 ωρών από την απρογραμμάτιστη προσγείωση.

***Άρθρο* 19**

Αντιπροσώπευση και Έξοδα

1. Το Αιτούμενο Κράτος θα συμβουλεύει, βοηθά, εμφανίζεται στο δικαστήριο για λογαριασμό του Αιτούντος Κράτους, και αντιπροσωπεύει τα συμφέροντα του Αιτούντος Κράτους, σε οποιαδήποτε διαδικασία που προκύπτει από αίτηση για έκδοση.

2. Το Αιτούν Κράτος θα υφίσταται τα έξοδα που σχετίζονται με τη μετάφραση εγγράφων και τη διαμετακόμιση του προσώπου που παραδίδεται. Το Αιτούμενο Κράτος θα πληρώνει όλα τα άλλα έξοδα που προκύπτουν στο Κράτος αυτό λόγω των διαδικασιών έκδοσης.

3. Κανένα Κράτος δεν θα προβάλλει οποιαδήποτε χρηματική απαίτηση εναντίον του άλλου Κράτους που προκύπτει από τη σύλληψη, κράτηση, εξέταση, ή παράδοση των προσώπων που καταζητούνται βάσει της Συνθήκης αυτής.

***Άρθρο* 20**

Διαβούλευση

Το Υπουργείο Δικαιοσύνης των Ηνωμένων Πολιτειών και το Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως της Κυπριακής Δημοκρατίας δύνανται να διαβουλεύονται μεταξύ τους άμεσα ή μέσω των διευκολύνσεων της 'Ιντερπολ σε σχέση με το χειρισμό ατομικών υποθέσεων και στην προώθηση της διατήρησης και βελτίωσης των διαδικασιών για την εφαρμογή της Συνθήκης αυτής.

Άρθρο 21

Εφαρμογή

Η Συνθήκη αυτή θα εφαρμόζεται σε αδικήματα που διαπράχθηκαν πριν όπως επίσης και μετά την ημερομηνία έναρξης της ισχύος της.

Άρθρο 22

Επικύρωση και Έναρξη Ισχύος

1. Η Συνθήκη αυτή υπόκειται σε επικύρωση, και τα έγγραφα επικύρωσης θα ανταλλαγούν στη Λευκωσία το συντομότερο δυνατό.

2. Η Συνθήκη αυτή αρχίζει να ισχύει με την ανταλλαγή των εγγράφων επικύρωσης.

3. Με την έναρξη της ισχύος της Συνθήκης αυτής, η Συνθήκη για την Αμοιβαία Έκδοση Εγκληματιών μεταξύ των Ηνωμένων Πολιτειών της Αμερικής και της Μεγάλης Βρεττανίας, που υπεγράφη στο Λονδίνο στις 22 Δεκεμβρίου, 1931, παύει να ισχύει μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης των Ηνωμένων Πολιτειών της Αμερικής. Εν τούτοις, η προηγούμενη Συνθήκη εφαρμόζεται σε οποιαδήποτε διαδικασία έκδοσης στην οποία τα έγγραφα έκδοσης είχαν ήδη υποβληθεί στα δικαστήρια του Αιτουμένου Κράτους κατά το χρόνο έναρξης της ισχύος της Συνθήκης αυτής, εκτός από τα Άρθρα 16 και 17 της Συνθήκης αυτής που θα εφαρμόζονται σε τέτοια διαδικασία.

'Αρθρο 23

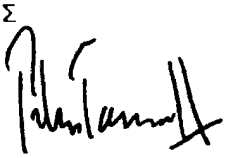
Τερματισμός

Καθένα Συμβαλλόμενο Κράτος δύναται να τερματίσει κατά οποιοδήποτε χρόνο τη Συνθήκη αυτή δίνοντας γραπτή ειδοποίηση στο άλλο Συμβαλλόμενο Κράτος μέσω της διπλωματικής οδού, και ο τερματισμός θα αρχίσει να ισχύει έξι μήνες μετά την ημερομηνία της ειδοποίησης αυτής.

ΣΕ ΜΑΡΤΥΡΙΑ ΑΥΤΩΝ, οι υπογεγραμμένοι, όντας δεόντως εξουσιοδοτημένοι από τις αντίστοιχες Κυβερνήσεις τους υπέγραψαν τη Συνθήκη αυτή.

ΕΓΙΝΕ στην Ουάσινγκτον εις διπλούν, στις 17 Ιουνίου 1996, στην Αγγλική και Ελληνική γλώσσα, και των δύο κειμένων όντων εξίσου αυθεντικών. Σε περίπτωση διαφοράς θα υπερισχύει το Αγγλικό κείμενο.

ΓΙΑ ΤΗΝ ΚΥΒΕΡΝΗΣΗ ΤΩΝ ΗΝΩΜΕΝΩΝ ΠΟΛΙΤΕΙΩΝ ΤΗΣ ΑΜΕΡΙΚΗΣ



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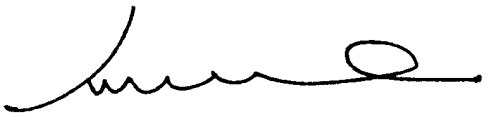


[TRANSLATION – TRADUCTION]

TRAITÉ D'EXTRADITION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CHYPRE

Table des matières

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre,

Rappelant le Traité pour l'extradition mutuelle des criminels entre les États-Unis d'Amérique et la Grande-Bretagne, signé à Londres 22 décembre 1931,

Notant que le Traité demeure en vigueur entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre, et

Désireux d'améliorer l'efficacité de la coopération entre les deux États en matière de répression de la criminalité et, à cette fin, de conclure un nouveau traité relatif à l'extradition des personnes condamnées,

Sont convenus de ce qui suit :

Article premier. Obligation d'extrader

Les États contractants conviennent de se livrer, l'un à l'autre, et conformément au présent Traité, les personnes recherchées aux fins de poursuites ou condamnées pour une infraction donnant lieu à extradition.

Article 2. Infractions passibles d'extradition

1. Une infraction donne lieu à extradition si elle est passible, en vertu de la législation des deux États contractants, d'une peine privative de liberté d'une durée supérieure à une année, ou d'une peine plus sévère.

2. Sous réserve des dispositions du paragraphe 1 du présent article, donnent également lieu à extradition les faits constitutifs de tentative ou de complicité dans la commission d'une infraction visée au paragraphe 1, en fournissant assistance, encouragement, conseil, service, ou de toute autre manière avant ou après ladite infraction.

3. Aux fins du présent article, une infraction donne lieu à extradition si :

a) la législation des États contractants la classe dans la même catégorie d'infractions ou lui donne la même appellation, ou

b) l'infraction est l'une de celles pour lesquelles la loi des États-Unis exige la preuve d'un transport entre États ou l'utilisation du courrier ou l'emploi de tout autre moyen d'échange commercial entre États ou de commerce extérieur, lesdits éléments ne servant qu'à établir la compétence d'un tribunal des États-Unis.

4. Si l'infraction a été commise hors du territoire de l'État requérant, l'extradition est accordée si les lois de l'État requis autorisent la sanction d'une infraction commise en dehors de son territoire dans des circonstances similaires. Dans le cas où les lois de l'État requis ne l'autorisent pas, l'extradition sera tout de même accordée si le pouvoir exécutif de l'État requis, à sa discrétion, consent à enclencher la procédure d'extradition.

5. Si l'extradition a été accordée au titre d'une infraction donnant lieu à extradition, elle l'est aussi pour toute autre infraction visée dans la demande, même si cette dernière est passible d'une peine privative de liberté inférieure à un an, à condition que toutes les autres conditions requises pour l'extradition soient remplies.

Article 3. Traitement des ressortissants

1. Aucun des États contractants n'est tenu d'extrader ses propres ressortissants; toutefois, l'État requis peut extrader ces personnes, sauf disposition contraire de ses lois et de sa Constitution.

2. Si l'extradition est refusée uniquement sur la base de la nationalité de la personne recherchée, l'État requis présente, à la demande de l'État requérant, l'affaire à ses autorités compétentes aux fins de poursuites.

Article 4. Infractions politiques et militaires

1. L'extradition n'est pas accordée si l'infraction au titre de laquelle elle est demandée revêt un caractère politique.

2. Aux fins du présent Traité, les infractions suivantes ne sont pas considérées comme des infractions politiques :

a) un homicide ou un autre crime délibéré contre la personne d'un chef d'État de l'un des États contractants, ou d'un membre de sa famille;

b) une infraction pour laquelle les deux États contractants ont l'obligation, en vertu d'un accord multilatéral, d'extrader la personne réclamée ou de soumettre le cas aux autorités compétentes pour décider des poursuites, et

c) une complicité ou une tentative de commettre l'une des infractions précédentes, ou la participation en qualité de complice d'une personne qui a commis ou qui a l'intention de commettre ces infractions.

3. Nonobstant les dispositions du paragraphe 2 du présent article, l'extradition n'est pas accordée si l'autorité exécutive de l'État requis estime que la demande est politiquement motivée.

4. L'autorité exécutive de l'État requis peut refuser l'extradition pour les infractions considérées comme telles par le code militaire et non par la législation pénale ordinaire.

Article 5. Poursuites antérieures

1. L'extradition n'est pas accordée lorsque la personne recherchée a déjà été condamnée ou acquittée dans l'État requis au titre de l'infraction pour laquelle l'extradition est demandée.

2. L'extradition ne peut pas être refusée si les autorités de l'État requis ont décidé de ne pas poursuivre la personne recherchée pour les faits à raison desquels l'extradition est demandée, ou de mettre fin aux poursuites pénales qu'elles ont engagées contre ladite personne.

Article 6. Peine capitale

1. Lorsque l'infraction pour laquelle l'extradition est demandée est passible de la peine de mort en vertu de la législation de l'État requérant et que la législation de l'État requis ne prévoit pas la peine capitale pour cette infraction, la remise de la personne recherchée peut être refusée à moins que, avant ladite remise, l'État requérant ne fournissent les assurances, estimées suffisantes par l'État requis, que la peine capitale ne sera pas infligée ou qu'elle ne sera pas exécutée au cas où elle serait prononcée.

2. Dans le cas où l'État requérant fournit les assurances visées au paragraphe 1 du présent article, la peine capitale, si elle est imposée par les tribunaux dudit État, n'est pas exécutée.

Article 7. Prescription

L'extradition ne peut être refusée en raison de la législation de l'État requérant ou de l'État requis en matière de prescription.

Article 8. Procédure d'extradition et pièces requises

1. Toutes les demandes d'extradition sont présentées par la voie diplomatique.

2. La demande d'extradition est accompagnée des pièces suivantes :

a) les documents, déclarations ou autres types de renseignements indiquant l'identité de la personne recherchée et le lieu probable où elle se trouve;

b) un exposé des faits liés à l'infraction et la chronologie des actes de procédure concernant l'affaire;

c) une copie de la loi ou de l'énoncé des dispositions de la loi décrivant les éléments essentiels de l'infraction pour laquelle l'extradition est demandée;

d) une copie de la loi ou de l'énoncé des dispositions de la loi décrivant la peine applicable pour ladite infraction, et

e) les documents, déclarations ou autres types de renseignements visés aux paragraphes 3 ou 4 du présent article, suivant le cas.

3. La demande d'extradition d'une personne recherchée aux fins de poursuites est également accompagnée des pièces suivantes :

a) une copie du mandat d'arrêt;

b) une copie de l'acte d'inculpation, le cas échéant, et

c) un exposé des faits relatifs à l'affaire résumant les dépositions des témoins et faisant état des preuves matérielles ou écrites, présentant les motifs valables de croire qu'une infraction a été commise et que la personne recherchée est l'auteur des faits. La transmission des déclarations sous serment et des dépositions de témoins n'est pas nécessaire à cette fin.

4. La demande d'extradition relative à une personne qui a été reconnue coupable de l'infraction pour laquelle l'extradition est demandée s'accompagne en outre des pièces suivantes :

a) une copie du jugement de condamnation ou une ordonnance rendue par une autorité judiciaire confirmant la condamnation de cette personne;

b) une copie de la peine prononcée, si la personne recherchée a été condamnée, et une déclaration établissant la mesure dans laquelle la peine a été exécutée, et

c) dans le cas d'une personne qui a été condamnée par contumace, les documents visés au paragraphe 3.

5. Quand l'État requis considère que les informations fournies pour étayer une demande d'extradition sont insuffisantes, il peut demander un complément d'informations dans un délai raisonnable pour leur réception.

6. Le pouvoir exécutif de l'État requis peut refuser l'extradition si la personne recherchée a été reconnue coupable par contumace, à moins que l'État requérant ne fournisse à l'État requis des informations qui démontrent qu'une possibilité suffisante de présenter une défense a été offerte à ladite personne.

7. Sauf disposition contraire du présent Traité, la procédure relative à l'extradition et à l'arrestation provisoire est régie uniquement par la législation de l'État requis.

Article 9. Recevabilité des pièces

Les documents étayant la demande d'extradition sont reçus et admis comme preuves dans la procédure d'extradition si :

a) dans le cas d'une demande formulée par les États-Unis d'Amérique, ils sont certifiés par un juge, un magistrat ou un fonctionnaire des États-Unis d'Amérique comme originaux ou conformes aux originaux et sont authentifiés par serment d'un témoin ou par le sceau officiel du Secrétaire d'État des États-Unis d'Amérique;

b) dans le cas d'une demande formulée par la République de Chypre, ils sont certifiés par l'agent diplomatique ou consulaire principal des États-Unis d'Amérique en poste en République de Chypre, tel que prévu par la législation américaine en matière d'extradition, ou

c) ils sont certifiés ou authentifiés de toute autre manière acceptée par les lois de l'État requis.

Article 10. Traduction

Tous les documents soumis par l'État requérant doivent être soit dans la langue de l'État requérant, soit dans la langue de l'État requis, mais ce dernier a le droit d'exiger une traduction dans sa propre langue.

Article 11. Arrestation provisoire

1. En cas d'urgence, un État contractant peut demander l'arrestation provisoire de la personne recherchée en attendant la présentation de la demande d'extradition. Une demande d'arrestation provisoire peut être communiquée par voie diplomatique ou directement entre le Département de la justice des États-Unis d'Amérique et le Ministère de la justice et de l'ordre public de la République de Chypre. Cette demande peut être transmise par l'intermédiaire de l'Organisation internationale de police criminelle (INTERPOL).

2. La demande d'arrestation provisoire contient les éléments suivants :

a) le signalement de la personne recherchée;

b) l'endroit, s'il est connu, où se trouve la personne recherchée;

c) un bref exposé des faits, y compris, si possible, le moment et le lieu de l'infraction;

d) une citation de la loi et une description de la conduite criminelle en question;

e) une déclaration attestant l'existence d'un mandat d'arrêt ou d'une condamnation ou d'un jugement prononcé contre la personne recherchée; et

f) une déclaration attestant qu'une demande d'extradition à l'encontre de la personne recherchée suivra.

3. L'État requérant est notifié sans délai de la suite donnée à sa demande et des raisons d'un refus éventuel de donner suite à la demande.

4. Une personne ayant fait l'objet d'une arrestation provisoire peut être remise en liberté après un délai de 60 jours à compter de la date de l'arrestation provisoire, conformément au présent Traité, si l'autorité exécutive de l'État requis n'a pas reçu la demande d'extradition officielle et les documents justificatifs requis par l'article 8.

5. La mise en liberté de la personne faisant l'objet de la demande d'extradition, conformément au paragraphe 4 du présent article, ne fait pas obstacle à une nouvelle arrestation et à l'extradition de ladite personne si la demande et les documents justificatifs parviennent ultérieurement.

Article 12. Décision et remise

1. L'État requis notifie à l'État requérant, par la voie diplomatique et dans les meilleurs délais, sa décision concernant la demande d'extradition.

2. En cas de rejet total ou partiel de la demande, l'État requis indique le motif de sa décision. Sur demande, l'État requis communique la copie des décisions judiciaires pertinentes.

3. Si la demande d'extradition est accordée, les autorités des États contractants conviennent du moment et du lieu de la remise de la personne recherchée.

4. Si la personne recherchée n'est pas reconduite du territoire de l'État requis dans le délai prévu par les lois de cet État, elle peut être remise en liberté et l'État requis pourra ultérieurement refuser l'extradition au titre de la même infraction.

Article 13. Remise temporaire ou ajournée

1. En cas d'acceptation d'une demande d'extradition visant une personne faisant l'objet de poursuites ou purgeant une peine dans l'État requis, ce dernier peut remettre temporairement la personne recherchée à l'État requérant aux fins de poursuites. La personne ainsi remise est gardée en détention dans l'État requérant et est retournée à l'État requis après la fin des poursuites judiciaires engagées contre elle, selon les modalités convenues par accord écrit entre les États contractants.

2. L'État requis peut ajourner la procédure d'extradition à l'encontre d'une personne qui fait l'objet de poursuites ou qui purge une peine dans cet État. Cet ajournement peut continuer jusqu'à la fin des poursuites contre la personne recherchée ou jusqu'à l'exécution définitive de toute peine prononcée.

Article 14. Concours de demandes d'extradition

Si l'État requis reçoit, pour la même personne, des demandes d'extradition émanant de l'autre État contractant et d'un ou plusieurs autres États, que ce soit pour la même infraction ou pour d'autres infractions, l'autorité exécutive de l'État requis décide à quel État remettre la personne recherchée. Pour prendre sa décision, l'État requis tient compte de tous les facteurs pertinents, y compris, mais sans s'y limiter :

a) si les demandes ont été présentées ou non en vertu d'un traité;

b) du lieu où chaque infraction a été commise;

c) des intérêts respectifs des États requérants;

d) de la gravité des infractions;

e) de la nationalité de la victime;

f) de l'éventualité d'une extradition ultérieure entre les États requérants, et

g) de l'ordre chronologique de réception des demandes d'extradition introduites par les États requérants.

Article 15. Saisie et remise de biens

1. Dans la mesure où ses lois le permettent, l'État requis peut saisir et remettre à l'État requérant tous articles, documents et pièces à conviction ayant trait à l'infraction pour laquelle l'extradition est accordée. Les biens mentionnés au présent article doivent être remis même si l'extradition ne peut être effectuée en raison du décès, de la disparition ou de la fuite de la personne recherchée.

2. L'État requis peut subordonner la remise de tels biens à une assurance suffisante à fournir par l'État requérant garantissant que tels biens seront restitués à l'État requis dans les meilleurs délais. L'État requis peut en outre ajourner la remise des biens s'il s'avère qu'ils sont nécessaires pour servir de preuve dans ledit État.

3. Les droits des tiers sur tels biens doivent être dûment respectés.

Article 16. Règle de la spécialité

1. Une personne extradée en vertu du présent Traité ne peut être ni détenue, ni jugée, ni punie sur le territoire de la Partie requérante sauf :

a) dans le cas d'une infraction pour laquelle l’extradition a été accordée ou d'une infraction entrant dans une classification différente sur la base des mêmes faits pour lesquels l’extradition a été accordée, à condition que l'infraction soit de nature à donner lieu à extradition, ou constitue une infraction moins grave;

b) une infraction commise après l'extradition de la personne, ou

c) une infraction pour laquelle le pouvoir exécutif de l'État requis donne son consentement à la détention de ladite personne, à son jugement ou à sa condamnation. Aux fins du présent alinéa :

i) l’État requis peut exiger que lui soient remises les pièces énumérées à l'article 8, et

ii) la personne extradée peut être détenue par l'État requérant pour une durée de 90 jours ou une plus longue période autorisée par l'État requis, pendant le traitement de la demande.

2. Une personne extradée en vertu du présent Traité ne peut pas être extradée vers un État tiers, pour une infraction commise avant sa remise, sans le consentement de l'État qui effectue la remise.

3. Les dispositions des paragraphes 1 et 2 du présent article ne s'opposent pas à la détention, au jugement ou à la condamnation d'une personne extradée, ni à l'extradition de ladite personne vers un État tiers si :

a) la personne concernée quitte le territoire de l'État requérant après l'extradition pour ensuite y revenir de son propre chef, ou

b) ladite personne ne quitte pas le territoire de l'État requérant dans les 10 jours suivant la date à laquelle elle aurait pu le faire librement.

Article 17. Renonciation à l'extradition

Si la personne recherchée consent de manière formelle, par voie de déclaration sous serment ou autrement, à être remise à l'État requérant, l'État requis peut la remettre dans les meilleurs délais sans autres formalités.

Article 18. Transit

1. Chaque État contractant peut autoriser le transit à travers son territoire d'une personne remise à l'autre État par un État tiers. Toute demande de transit est introduite par la voie diplomatique ou directement entre le Département de la justice des États-Unis d'Amérique et le Ministère de la justice et de l'ordre public de la République de Chypre. Cette demande peut être transmise par l'intermédiaire de l'Organisation internationale de police criminelle. La demande contient une description de la personne transportée, ainsi qu'un bref exposé des éléments de l'affaire. Une personne en transit peut être maintenue en détention pendant la période du transit.

2. Aucune autorisation n'est requise en cas de transport aérien ne prévoyant aucune escale sur le territoire de l'État contractant. En cas d'atterrissage imprévu sur le territoire de l'autre État contractant, ce dernier peut exiger une demande de transit conformément au paragraphe 1. Cet État contractant place en détention la personne jusqu'à réception de la demande de transit et le transit peut être effectué, à condition que la demande soit reçue dans un délai de 96 heures à compter de l'heure d'atterrissage imprévu.

Article 19. Représentation et frais

1. L'État requis conseille et fournit son assistance à l'État requérant, de même qu'il comparait en son nom et représente ses intérêts au cours de toute procédure engagée dans le cadre d'une demande d'extradition.

2. L'État requérant prend à sa charge les frais résultant de la traduction des documents d'extradition et du transport de la personne remise. L'État requis assume tous les autres frais encourus dans cet État en rapport avec la procédure d'extradition.

3. Aucun État ne réclame de l'autre État des dédommagements pécuniaires résultant de l'arrestation, la détention, l'examen ou la remise des personnes recherchées conformément au présent Traité.

Article 20. Consultations

Le Département de la justice des États-Unis d'Amérique le Ministère de la justice et de l'ordre public de la République de Chypre peuvent se consulter directement ou par l'intermédiaire de l'Organisation internationale de police criminelle au sujet du traitement des cas individuels et pour assurer le maintien et l'amélioration des procédures de mise en œuvre du présent Traité.

Article 21. Application

Le présent Traité s'applique aux infractions commises aussi bien avant qu'après la date de son entrée en vigueur.

Article 22. Ratification et entrée en vigueur

1. Le présent Traité est soumis à ratification et les instruments de ratification sont échangés à Nicosie dans les meilleurs délais.

2. Le présent Traité entre en vigueur à la date de l'échange des instruments de ratification.

3. Dès l'entrée en vigueur du présent Traité, le Traité pour l'extradition mutuelle des criminels entre les États-Unis d'Amérique et la Grande-Bretagne, signé à Londres 22 décembre 1931, cesse de produire ses effets entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre. Toutefois, le traité précédent s'applique aux procédures d'extradition dans lesquelles les documents d'extradition ont déjà été soumis aux tribunaux de l'État requis au moment de l'entrée en vigueur du présent Traité, à l'exception des articles 16 et 17 du présent Traité qui s'y appliquent.

Article 23. Dénonciation

Chacun des États contractants peut dénoncer le présent Traité en tout temps moyennant préavis écrit adressé à l'autre État contractant par la voie diplomatique, et la dénonciation prend effet six mois à compter de la date dudit préavis.

EN FOI DE QUOI, les soussignés, à ce dûment autorisés par leur Gouvernement respectif, ont signé le présent Traité.

FAIT à Washington, le 17 juin 1996, en double exemplaire, en langues anglaise et grecque, les deux textes faisant également foi. En cas de divergence d'interprétation, la version anglaise prévaut.

Pour le Gouvernement des États-Unis d'Amérique :

[PETER TARNOFF]

Pour le Gouvernement de la République de Chypre :

[ALECOS MICHAELIDES]

No. 50941

United States of America
and
Poland

Treaty between the United States of America and the Republic of Poland on mutual legal assistance in criminal matters (with forms). Washington, 10 July 1996

Entry into force: *17 September 1999, in accordance with article 19*

Authentic texts: *English and Polish*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Pologne

Traité entre les États-Unis d'Amérique et la République de Pologne relatif à l'entraide judiciaire en matière pénale (avec formulaires). Washington, 10 juillet 1996

Entrée en vigueur : *17 septembre 1999, conformément à l'article 19*

Textes authentiques : *anglais et polonais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The United States of America and the Republic of Poland;

Desiring to improve the effectiveness of the law enforcement authorities of both countries in the investigation, prosecution, and prevention of crime through cooperation and mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1

Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses. The Contracting Parties shall also provide such assistance for forfeiture and other proceedings directly related to criminal offenses, where such assistance is not prohibited by the laws of the Requested State.

2. Assistance shall include:

a) taking the testimony or statements of persons;

b) providing documents, records, and articles of evidence;

c) locating or identifying persons or items;

d) serving documents;

e) transferring persons in custody for testimony or other purposes;

f) executing requests for searches and seizures;

g) assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime, collection of fines; and

h) any other form of assistance not prohibited by the laws of the Requested State.

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2

Central Authorities

1. Each Contracting Party shall have a Central Authority to make and receive requests pursuant to this Treaty.

2. For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For the Republic of Poland, the Central Authority shall be the Minister of Justice - Attorney General or a person designated by the Minister of Justice - Attorney General.

3. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.

Article 3

Limitations on Assistance

1. The Central Authority of the Requested State may deny assistance if:

a) the request relates to an offense under military law that would not be an offense under ordinary criminal law;

b) the request relates to a political offense;

c) the execution of the request would prejudice the security or similar essential interests of the Requested State; or

d) the request is not made in conformity with the Treaty.

2. Before denying assistance pursuant to this Article, the Central Authorities shall consult to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4

Form and Contents of Requests

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in emergency situations. In any such case, the request shall be confirmed in writing within ten days thereafter unless the Central Authority of the Requested State agrees otherwise. The request shall be in the language of the Requested State unless otherwise agreed.

2. The request shall include the following:

   a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;

   b) information describing the facts of the offenses and the procedural history of the case;

   c) the text of the laws describing the offenses for which assistance is requested;

   d) a description of the evidence, information, or other assistance sought; and

   e) a statement of the purpose for which the evidence, information, or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

   a) information on the identity and location of any person who is to provide testimony or evidence;

   b) information on the identity and location of a person to be served, that person's status in the case, and the manner in which service is to be made;

   c) information on the identity and whereabouts of persons or items to be located;

   d) a precise description of the place or person to be searched and of the items to be seized;

e) a description of the manner in which any testimony or statement is to be taken and recorded;

f) a list of questions to be asked of a person from whom testimony or a statement is sought;

g) a description of any particular procedure to be followed in executing the request;

h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and

i) any other information that may assist the Requested State in executing the request.

Article 5

Execution of Requests

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, shall transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request. The judicial or other competent authorities of the Requested State shall issue subpoenas, search warrants, or other orders necessary to execute the request.

2. The Central Authority of the Requested State shall make all necessary arrangements for the representation in the Requested State of the Requesting State in any proceedings arising out of a request for assistance.

3. Requests shall be executed in accordance with the laws of the Requested State except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.

4. If the Central Authority of the Requested State determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or

proceeding in that State, it may postpone execution, or make execution subject to conditions determined necessary after consultations with the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the conditions, it shall comply with the conditions.

5. The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Central Authority of the Requesting State. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested State shall so inform the Central Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed.

6. The Central Authority of the Requested State shall respond to reasonable inquiries by the Central Authority of the Requesting State on progress toward execution of the request.

7. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If the request is delayed or postponed, the Central Authority of the Requested State shall inform the Central Authority of the Requesting State of the reasons for the delay or postponement.

Article 6
Costs

The Requested State shall pay all costs relating to the execution of a request, except for the following:

a) the fees of experts;

b) the costs of interpretation and translation;

c) the costs of recording by private parties of testimony or statements, or the costs of preparation by private parties of written records or videotapes of testimony or statements; and

d) the allowances and expenses related to travel of persons travelling to a place in the Requested State as requested by the Requesting State, or pursuant to Article 10 or Article 11.

Article 7
Limitations on Use

1. The Central Authority of the Requested State may request that the Requesting State not use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Central Authority of the Requested State. In such cases, the Requesting State shall comply with this condition.

2. The Central Authority of the Requested State may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to terms and conditions it may specify. If the Requesting State accepts the information or evidence subject to such conditions, the Requesting State shall use its best efforts to comply with the conditions.

3. Nothing in this Article shall preclude the use or disclosure of information to the extent that such information is exculpatory to a defendant in a criminal prosecution. The Requesting State shall notify the Requested State in advance of any such proposed disclosure.

4. Information or evidence which has been made public in the Requesting State in a manner consistent with paragraph 1 or 2 may thereafter be used for any purpose.

Article 8

Testimony or Evidence in the Requested State

1. A person in the Requested State from whom testimony or evidence is requested pursuant to this Treaty shall be compelled, if necessary, to appear and testify or produce items, including documents, records, and articles of evidence. A person who gives false testimony, either orally or in writing, in execution of a request, shall be subject to prosecution and punishment in the Requested State in accordance with the criminal laws of that State, regardless of whether the person would also be subject to prosecution and punishment in the Requesting State.

2. Upon request, the Central Authority of the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request, and shall allow such persons to question the person giving the testimony or evidence.

4. If the person referred to in paragraph 1 invokes a right to decline to provide testimony or evidence under the laws of the Requesting State, the testimony or evidence shall nonetheless be taken as requested. Thereafter, the Central Authority of the Requested State shall transmit the testimony or evidence, together with the asserted claim, for resolution by the competent authorities of the Requesting State.

5. Evidence produced in the Requested State pursuant to this Article or that is the subject of testimony taken under this Article shall, upon request, be authenticated by an attestation, including, in the case of business records, authentication in the manner indicated in Form A appended to this Treaty. The absence or nonexistence of such records shall, upon request, be certified through the use of Form B appended to this Treaty. Records authenticated by Form A, or Form B certifiying the absence or nonexistence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 9

Official Documents and Records of Government Agencies

1. The Requested State shall provide the Requesting State with copies of documents, records, or information in any form that are available to members of the public of the Requested State generally or upon compliance with a legal requirement and are in the possession of an executive, legislative, or judicial authority in the Requested State.

2. The Requested State may provide copies of any documents, records, or information in any form that are in the possession of an executive, legislative, or judicial authority in that State, but that are not publicly available, to the same extent and under the same conditions as such copies would be available to its own law enforcement or judicial authorities. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

3. Records of an executive, legislative, or judicial authority produced pursuant to this Article shall, upon request, be authenticated by an official responsible for maintaining them through the use of Form C appended to this Treaty. The absence or nonexistence of such records shall, upon request, be certified through the use of Form D appended to this Treaty. Records authenticated by Form C, or Form D certifying the absence or nonexistence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 10

Appearance in the Requesting State

1. When the Requesting State requests the appearance of a person in that State, the Requested State shall invite the person to appear before the appropriate authority in the Requesting State. The Requesting State shall indicate the extent to which the person's

expenses will be paid. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the person's response.

2. A person appearing in the Requesting State shall not be prosecuted, detained, or subjected to any restriction of personal liberty in the Requesting State by reason of acts or convictions that preceded that person's departure from the Requested State.

3. The safe conduct provided for by this Article shall cease fifteen consecutive days from the date when the person's presence is no longer required, and that person, having had an opportunity to leave, has nevertheless remained in the Requesting State, or, having left, has returned.

Article 11

Temporary Transfer of Persons in Custody

1. A person in the custody of the Requested State whose presence in the Requesting State is sought for purposes of assistance under this Treaty shall be transferred temporarily from the Requested State to the Requesting State for that purpose if the person consents and if the Central Authorities of both States agree.

2. A person in the custody of the Requesting State whose presence in the Requested State is sought for purposes of assistance under this Treaty shall be transferred temporarily from the Requesting State to the Requested State if the person consents and if the Central Authorities of both States agree.

3. For purposes of this Article:

a) the receiving State shall have the authority and the obligation to keep the person transferred in custody unless otherwise authorized by the sending State;

b) the receiving State shall return the person transferred to the custody of the sending State as soon as circumstances permit or as otherwise agreed by both Central Authorities;

c) the receiving State shall not require the sending State to initiate extradition or any other proceedings for the return of the person transferred; and

d) the person transferred shall receive credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State.

Article 12

Location or Identification of Persons or Items

If the Requesting State seeks the location or identity of persons or items in the Requested State, the Requested State shall use its best efforts to ascertain the location or identity.

Article 13

Service of Documents

1. The Requested State shall use its best efforts to effect service of any document relating to any request for assistance made by the Requesting State under the provisions of this Treaty.

2. The Requesting State shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting State a reasonable time before the scheduled appearance.

3. The Requested State shall return a proof of service to the Requesting State in the manner specified in the Request.

Article 14

Search and Seizure

1. The Requested State shall execute a request for the search, seizure, and delivery of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.

2. Upon request by the Central Authority of the Requesting State, every official in the Requested State who has had custody of a seized item shall certify, through the use of Form E appended to this Treaty, the identity of the item, the continuity of its custody, and any changes in its condition. No further certification shall be required. The certificates shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

3. The Central Authority of the Requested State may require that the Requesting State agree to the terms and conditions deemed necessary by the Central Authority of the Requested State to protect third party interests in the item to be transferred.

Article 15

Return of Items

The Central Authority of the Requested State may require that the Central Authority of the Requesting State return as soon as possible any items, including documents, records, or articles of evidence furnished to it in execution of a request under this Treaty.

Article 16

Assistance in Forfeiture Proceedings

1. If the Central Authority of one Contracting Party becomes aware of proceeds or instrumentalities of offenses that are located in the other Party and may be forfeitable or

at least subject to immobilization under the laws of the other Party, it may so inform the Central Authority of the other Party. If the other Party has jurisdiction in this regard, it may present this information to its authorities for a determination whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country, and shall, through their Central Authority, report on the action taken to the other Party that provided the initial information.

2. The Contracting Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the proceeds and instrumentalities of offenses, as well as in proceedings relating to restitution to the victims of crime and the collection of fines imposed as sentences in criminal prosecutions. This may include action to temporarily immobilize the proceeds or instrumentalities pending further proceedings.

3. The Party that has custody over proceeds or instrumentalities of offenses shall dispose of them in accordance with its laws. Either Party may transfer all or part of such assets, or the proceeds of their sale, to the other Party, to the extent permitted by the transferring Party's laws and upon such terms as it deems appropriate.

Article 17

Compatibility with Other Treaties

Assistance and procedures set forth in this Treaty shall not prevent either of the Contracting Parties from granting assistance to the other Party through the provisions of other applicable international agreements. The Parties may also provide assistance pursuant to established practices in a manner consistent with their laws.

Article 18

Consultation

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to promote the most effective use of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 19

Ratification, Entry Into Force, and Termination

1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Warsaw as soon as possible.

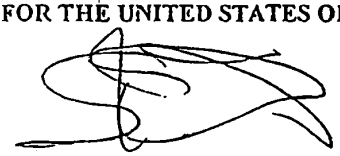
2. This Treaty shall enter into force 30 days after the exchange of instruments of ratification.

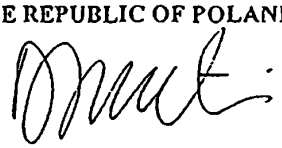
3. Either Contracting Party may terminate this Treaty at any time by giving written notice to the other Contracting Party, and the termination shall be effective six months after the date of the receipt of such notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington, this tenth day of July, 1996, in duplicate, in the English and Polish languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA: **FOR THE REPUBLIC OF POLAND:**





Form A

CERTIFICATION OF BUSINESS RECORDS

I,_____(name)_____, having been advised as a witness that false testimony subjects me to a penalty of criminal punishment, testify as follows:

I am employed by/associated with_____(name of business from which documents are sought)_____ in the position of _____(business position or title)_____ and by reason of my position am authorized and qualified to provide this testimony.

Each of the records attached hereto is a record in the custody of the above-named business that:

(1) was made, at or near the time of the occurrence of the matters set forth therein, by, or from information transmitted by, a person with knowledge of those matters;

(2) was kept in the course of a regularly conducted business activity;

(3) was made by the business as a regular practice; and,

(4) if not an original record, is a duplicate of the original.

_____(date of execution)_____

_____(place of execution)_____

_____(signature)_____

Form B

CERTIFICATION OF ABSENCE OR NONEXISTENCE OF BUSINESS RECORDS

I, _____ (name)_____, having been advised as a witness that false testimony subjects me to a penalty of criminal punishment, testify as follows:

I am employed by/associated with _____(name of business from which documents are sought)_____ in the position of _____(business position or title)_____ and by reason of my position am authorized and qualified to provide this testimony.

As a result of my employment/association with the above-named business, I am familiar with the business records it maintains. The business maintains business records that:

(1) are made, at or near the time of the occurrence of the matters set forth therein by, or from information transmitted by, a person with knowledge of those matters;

(2) are kept in the course of a regularly conducted business activity; and

(3) are made by the business as a regular practice.

Among the records so maintained are records of individuals and entities that have accounts or otherwise transact business with the above-named business. I have made or caused to be made a diligent search of those records. No records have been found reflecting any business activity between the business and the following individuals and entities: _____.

If the business had maintained an account on behalf of or participated in a transaction with any of the foregoing individuals or entities, its business records would reflect that fact.

_____(date of execution)_____

_____(place of execution)_____

_____(signature)_____

Form C

CERTIFICATION OF OFFICIAL DOCUMENTS AND RECORDS

I, _____(name)_____, certify as follows:

1. **_____(name of public authority)_____ is a government office or agency of _____(country)_____ and is authorized by law to maintain official documents and records setting forth matters required by law to be reported and recorded or filed;**
2. **my position with the above-named public authority is _____(official title)_____;**
3. **in my official capacity I have caused the production of true and accurate copies of documents and records maintained by that public authority; and**
4. **those copies are described below and attached.**

Description of documents and records:

_____(signature)_____

(Official Seal or Stamp)

_____(date)_____

Form D

CERTIFICATION OF ABSENCE OR NONEXISTENCE OF OFFICIAL DOCUMENTS AND RECORDS

I, _____(name)_____, certify as follows:

1. **_____(name of public authority)_____ is a government office or agency of _____(country)_____ and is authorized by law to maintain official documents and records setting forth matters that are required by law to be reported and recorded or filed;**
2. **documents and records of the type described below set forth matters that are required by law to be reported and recorded or filed, and such matters regularly are recorded or filed by the above-named public authority;**
3. **my position with the above-named public authority is _____(official title)_____;**
4. **in my official capacity I have made, or caused to be made, a diligent search of the above-named public authority's records for the documents and records described below; and**
5. **no such document or records have been found to exist therein.**

Description of documents and records:

_____(Signature)_____

(Offical Seal or Stamp)

_____(Date)_____

Form E

CERTIFICATION WITH RESPECT TO SEIZED ITEMS

I, _____(name)_____, having been advised as a witness that false testimony subjects me to a penalty of criminal punishment, testify as follows:

1. **I am employed by _____(country)_____ and my position or title is _____(position or title)_____;**
2. **I received custody of the items listed below from _____(name of person)_____ on _____(date)_____ at _____(place)_____; and**
3. **I relinquished custody of the items listed below to _____(name of person)_____ on _____(date)_____ at _____(place)_____ in the same condition as when I received them (or, in different, as noted below).**

Description of items:

Changes in condition while in my custody:

_____(date of execution)_____

_____(place of execution)_____

(Official Seal or Stamp)

_____(signature)_____

[POLISH TEXT – TEXTE POLONAIS]

U M O W A

MIĘDZY STANAMI ZJEDNOCZONYMI AMERYKI A RZECZĄPOSPOLITĄ POLSKĄ O WZAJEMNEJ POMOCY PRAWNEJ W SPRAWACH KARNYCH

Stany Zjednoczone Ameryki
oraz Rzeczpospolita Polska

pragnąc zwiększyć skuteczność organów ścigania w obu państwach w zakresie dochodzenia, postępowania karnego i zapobiegania przestępstwom przez współpracę i wzajemną pomoc prawną w sprawach karnych,

uzgodniły, co następuje:

Artykuł 1

Zakres pomocy

1. Umawiające się Strony udzielają sobie wzajemnie pomocy zgodnie z postanowieniami niniejszej Umowy w związku z dochodzeniem, postępowaniem karnym i zapobieganiem przestępstwom. Umawiające się Strony udzielają sobie także takiej pomocy w zakresie przepadku mienia i innych postępowań bezpośrednio związanych z popełnieniem przestępstw, jeżeli pomoc taka nie jest zabroniona przez prawo Państwa wezwanego.

2. Pomoc obejmuje:

a) odbieranie zeznań lub oświadczeń osób;
b) dostarczanie dokumentów, protokołów i dowodów rzeczowych;
c) ustalanie miejsca znajdowania się lub tożsamości osób lub przedmiotów;
d) doręczanie dokumentów;
e) przekazywanie osób pozbawionych wolności w celu przesłuchania lub w innych celach;
f) wykonywanie wniosków o przeszukanie i odebranie;
g) pomoc w postępowaniu związanym z zabezpieczeniem i przepadkiem mienia, restytucją na rzecz ofiar przestępstw, ściąganiem grzywien oraz
h) wszelkie inne formy pomocy nie zabronione przez prawo Państwa wezwanego.

3. Pomocy udziela się niezależnie od tego, czy czyn będący w Państwie wzywającym przedmiotem dochodzenia, postępowania karnego lub innego postępowania, którego dotyczy wniosek, stanowiłby przestępstwo według prawa Państwa wezwanego.

4. Celem niniejszej Umowy jest wyłącznie wzajemna pomoc prawna pomiędzy stronami. Postanowienia niniejszej Umowy nie dają żadnej osobie prywatnej prawa uzyskiwania, zatajania lub wyłączania jakichkolwiek dowodów lub czynienia przeszkód w wykonywaniu wniosku.

Artykuł 2

Organy Centralne

1. Każda Umawiająca się Strona ustanawia Organ Centralny dla przekazywania i przyjmowania wniosków na podstawie niniejszej Umowy.

2. W Stanach Zjednoczonych Ameryki organem Centralnym jest Prokurator Generalny lub osoba wyznaczona przez Prokuratora Generalnego. W Rzeczypospolitej Polskiej Organem Centralnym jest Minister Sprawiedliwości - Prokurator Generalny lub osoba wyznaczona przez Ministra Sprawiedliwości - Prokuratora Generalnego.

3. W ramach niniejszej Umowy Organy Centralne porozumiewają się bezpośrednio.

Artykuł 3

Ograniczenie pomocy

1. Organ Centralny Państwa wezwanego może odmówić udzielenia pomocy, jeżeli:

a) wniosek dotyczy przestępstwa wojskowego, które nie stanowi przestępstwa w świetle powszechnego prawa karnego;

b) wniosek dotyczy przestępstwa politycznego;

c) wykonanie wniosku mogłoby naruszyć bezpieczeństwo lub inny podobny, istotny interes Państwa wezwanego, lub

d) wniosek nie został sporządzony zgodnie z niniejszą Umową.

2. Przed odmową udzielenia pomocy zgodnie z niniejszym artykułem, Organy Centralne porozumiewają się ze sobą w celu rozważenia, czy pomoc może być udzielona pod warunkami, jakie uzna za konieczne Organ Centralny Państwa wezwanego. Państwo wzywające, które akceptuje pomoc na takich warunkach, stosuje się do tych warunków.

3. Jeżeli Organ Centralny Państwa wezwanego odmawia udzielenia pomocy, informuje Organ Centralny Państwa wzywającego o przyczynach odmowy.

Artykuł 4

Forma i treść wniosku

1. Wniosek o udzielenie pomocy sporządza się na piśmie, jednakże w nagłych sytuacjach Organ Centralny Państwa wezwanego może wyrazić zgodę na wniosek w innej formie. W każdym takim wypadku wniosek potwierdza się na piśmie w ciągu następnych dziesięciu dni, chyba że Organ Centralny Państwa wezwanego uzgodni inne postępowanie. Wniosek sporządza się w języku Państwa wezwanego, o ile nie uzgodni się inaczej.

2. Wniosek powinien zawierać:

a) nazwę organu prowadzącego dochodzenie, postępowanie karne lub inne postępowanie, którego wniosek dotyczy;

b) opis stanu faktycznego przestępstw oraz informacje o dotychczasowym przebiegu postępowania w sprawie;

c) tekst przepisów prawa dotyczących przestępstw, z powodu których wnosi się o pomoc;

d) opis dowodów, informacji lub innego rodzaju pomocy, o którą się wnosi oraz

e) oświadczenie dla jakich celów wnosi się o dowody, informacje lub inną pomoc.

3. W miarę konieczności i możliwości wniosek powinien zawierać również:

a) informację o tożsamości i miejscu pobytu osoby, którą należy przesłuchać lub która ma przedstawić dowód;

b) informację o tożsamości i miejscu pobytu osoby, której należy dokonać doręczenia, o statusie tej osoby w sprawie oraz o sposobie w jaki doręczenie powinno być dokonane;

c) informację o miejscu znajdowania się i tożsamości osób i rzeczy, które mają być odszukane;

d) dokładny opis miejsca lub osoby, które mają być przeszukane oraz rzeczy, które powinny być odebrane;

e) opis sposobu, w jaki ma być odebrane i zaprotokołowane zeznanie świadka lub oświadczenie;

f) listę pytań, które mają być zadane osobie, od której mają być odebrane zeznania lub oświadczenia;

g) opis szczególnej procedury, jaka ma być zastosowana przy wykonywaniu wniosku;

h) informację dotyczącą należności i zwrotu wydatków, do których ma prawo osoba wezwana do stawiennictwa w Państwie wzywającym oraz

i) wszelkie inne informacje, które mogą ułatwić Państwu wezwanemu wykonanie wniosku.

Artykuł 5

Wykonanie wniosku

1. Organ Centralny Państwa wezwanego wykonuje wniosek niezwłocznie lub jeżeli jest to wskazane, przekazuje wniosek organowi właściwemu do podjęcia czynności. Właściwe organy Państwa wezwanego czynią wszystko co jest w ich mocy aby wykonać wniosek. Organy sądowe lub inne właściwe organy Państwa wezwanego wydają wezwania do dokonania czynności pod groźbą kary, nakazy przeszukania lub inne nakazy konieczne dla wykonania wniosku.

2.Organ Centralny Państwa wezwanego dokonuje wszelkich niezbędnych czynności dla zastępstwa Państwa wzywającego w Państwie wezwanym, w każdym postępowaniu wynikającym z wniosku o pomoc.

3. Wniosek wykonuje się zgodnie z prawem Państwa wezwanego, chyba, że niniejsza Umowa stanowi inaczej. Należy jednakże stosować sposób wykonania określony we wniosku, jeżeli nie jest to zakazane przez prawo Państwa wezwanego.

4. Jeżeli Organ Centralny Państwa wezwanego oceni, że wykonanie wniosku przeszkadzałoby toczącemu się w tym Państwie dochodzeniu, postępowaniu karnemu lub innemu postępowaniu w tym Państwie, może odroczyć wykonanie lub po porozumieniu się z Organem Centralnym Państwa wzywającego uzależnić wykonanie od warunków uznanych za konieczne. Jeżeli Państwo wzywające akceptuje pomoc na takich warunkach, stosuje się do tych warunków.

5. Państwo wezwane dołoży wszelkich starań aby zachować poufność wniosku i jego treści, jeżeli takiej poufności żąda Organ Centralny Państwa wzywającego. Jeżeli wniosek nie może być wykonany bez naruszenia poufności, Organ Centralny Państwa wezwanego powiadamia o tym Organ Centralny.Państwa wzywającego, który postanawia, czy pomimo tego wniosek powinien być wykonany.

6. Organ Centralny Państwa wezwanego udziela odpowiedzi na uzasadnione zapytania Organu Centralnego Państwa wzywającego w sprawie postępów w wykonywaniu wniosku.

7. Organ Centralny Państwa wezwanego powiadamia niezwłocznie Organ Centralny Państwa wzywającego o wynikach wykonania wniosku. Jeżeli wykonanie wniosku zostało opóźnione lub odroczono jego wykonanie, Organ Centralny Państwa wezwanego podaje do wiadomości Organu Centralnego Państwa wzywającego powody opóźnienia lub odroczenia.

Artykuł 6

Koszty

Państwo wezwane ponosi wszelkie koszty związane z wykonaniem wniosku, z wyjątkiem:

a) wynagrodzenia biegłych;

b) kosztów tłumaczeń pisemnych i ustnych;

c) kosztów poniesionych przez osoby prywatne zapisu zeznań lub oświadczeń albo kosztów poniesionych przez osoby prywatne przygotowania zapisów pisemnych lub zapisów wideo zeznań lub oświadczeń;

d) należności i wydatków związanych z podróżami osób do miejsca w Państwie wezwanym na życzenie Państwa wzywającego lub zgodnie z Artykułami 10 lub 11.

Artykuł 7

Ograniczenia wykorzystania

1. Organ Centralny Państwa wezwanego może żądać, aby bez uprzedniej zgody Organu Centralnego Państwa wezwanego, Państwo wzywające nie wykorzystywało żadnej informacji lub dowodu uzyskanego na podstawie niniejszej Umowy w jakimkolwiek dochodzeniu, postępowaniu karnym lub postępowaniu innym, niż opisane we wniosku. W takich wypadkach Państwo wzywające stosuje się do takiego warunku.

2. Organ Centralny Państwa wezwanego może żądać, aby była zachowana poufność informacji lub dowodów dostarczonych na podstawie niniejszej Umowy lub aby zostały wykorzystane zgodnie z warunkami ustanowionymi przez jego Organ Centralny. Jeżeli Państwo wzywające akceptuje informacje lub dowody z zastrzeżeniem takich warunków, Państwo wzywające dołoży wszelkich starań aby warunki te były przestrzegane.

3. Postanowienia niniejszego artykułu nie wykluczają wykorzystania lub ujawnienia informacji w zakresie w jakim takie informacje przemawiają na korzyść oskarżonego w postępowaniu karnym. Państwo wzywające powiadomi z wyprzedzeniem Państwo wezwane o każdym przewidywanym ujawnieniu informacji.

4. Informacje lub dowody udostępnione do publicznej wiadomości w Państwie wzywającym w sposób zgodny z ustępami 1 lub 2, mogą być następnie wykorzystywane w każdym celu.

Artykuł 8

Zeznania lub dowody w Państwie wezwanym

1. W Państwie wezwanym osoba, od której żąda się zeznań lub dowodu na podstawie niniejszej Umowy, powinna być zmuszona, jeżeli jest to konieczne, do stawiennictwa i złożenia zeznań lub przedstawienia przedmiotów, łącznie z dokumentami, protokołami i dowodami rzeczowymi. Osoba składająca fałszywe zeznania, ustnie lub na piśmie, w wykonaniu wniosku, podlega ściganiu i ukaraniu w Państwie wezwanym, zgodnie z prawem karnym tego Państwa, bez względu na to czy osoba ta podlega ściganiu i ukaraniu w Państwie wzywającym.

2. Na wniosek, Organ Centralny Państwa wezwanego informuje z wyprzedzeniem o dacie i miejscu przesłuchania lub przeprowadzaniu dowodu zgodnie z niniejszym artykułem.

3. Państwo wezwane zezwala na obecność osób, wymienionych we wniosku, podczas wykonywania wniosku i zezwala takim osobom na zadawanie pytań osobom przesłuchiwanym lub przedstawiającym dowody.

4. Osobę wymienioną w ustępie 1 przesłuchuje się lub przeprowadza dowód zgodnie z wnioskiem, mimo że powołuje się ona na prawo odmowy zeznań lub przeprowadzenia dowodu w świetle prawa Państwa wzywającego. Następnie Organ Centralny Państwa wezwanego przekaże zeznanie lub dowód wraz ze zgłoszonym zastrzeżeniem w celu podjęcia decyzji przez właściwe organy Państwa wzywającego.

5. Dowód przeprowadzony w Państwie wezwanym zgodnie z niniejszym artykułem lub który jest przedmiotem zeznań złożonych na mocy postanowień niniejszego artykułu będzie, na wniosek, uwierzytelniony poprzez poświadczenie, włącznie z tym, że w wypadku dokumentów gospodarczych uwierzytelnienie nastąpi w sposób przewidziany w Formularzu A, załączonym do niniejszej Umowy. Brak lub nieistnienie takich dokumentów, będzie, na wniosek, poświadczone przy użyciu Formularza B, załączonego do niniejszej Umowy Dokumenty uwierzytelnione przy użyciu Formularza A lub Formularz B stwierdzający brak takich dokumentów lub ich nieistnienie mogą być dopuszczone w Państwie wzywającym jako dowód na potwierdzenie prawdziwości spraw tam przedstawionych.

Artykuł 9

Dokumenty i protokoły urzędowe

1. Państwo wezwane udostępnia Państwu wzywającemu kopie dokumentów, protokołów lub informacji w każdej postaci, które dla członków społeczeństwa Państwa wezwanego są dostępne powszechnie lub przy spełnieniu wymagań przewidzianych prawem i które są w posiadaniu władzy wykonawczej, ustawodawczej lub sądowniczej Państwa wezwanego.

2. Państwo wezwane może dostarczyć kopie wszelkich dokumentów, protokołów lub informacji w każdej postaci znajdujących się w posiadaniu organu władzy wykonawczej, ustawodawczej i sądowniczej w tym Państwie, które nie są dostępne powszechnie, w takim samym zakresie i na takich samych warunkach, na jakich takie kopie są udostępniane jego własnym organom ścigania lub organom sądowym. Państwo wezwane może według swego uznania odmówić wykonania wniosku na podstawie niniejszego ustępu w całości lub w części.

3. Dokumenty władzy wykonawczej, ustawodawczej lub sądowniczej przedkładane zgodnie z niniejszym artykułem będą na wniosek, uwierzytelnione przez urzędnika odpowiedzialnego za ich przechowywanie, przy użyciu Formularza C, załączonego do niniejszej Umowy. Brak lub nieistnienie takich dokumentów będzie, na wniosek, poświadczone przy użyciu Formularza D, załączonego do niniejszej Umowy. Dokumenty uwierzytelnione przy użyciu Formularza C lub Formularz D stwierdzający brak takich dokumentów lub ich nieistnienie mogą być dopuszczone w Państwie wzywającym jako dowód na potwierdzenie prawdziwości spraw tam przedstawionych.

Artykuł 10

Stawiennictwo w Państwie wzywającym

1. Jeżeli Państwo wzywające żąda stawiennictwa osoby w tym Państwie, Państwo wezwane zaprasza tę osobę do stawiennictwa przed właściwym organem w Państwie wzywającym. Państwo wzywające określa zakres w jakim zostaną pokryte wydatki tej osoby. Organ Centralny Państwa wezwanego informuje niezwłocznie Organ Centralny Państwa wzywającego o odpowiedzi tej osoby.

2. Osoba stawiająca się w Państwie wzywającym, nie podlega ściganiu, zatrzymaniu lub żadnemu ograniczeniu wolności osobistej z powodu jakichkolwiek czynów lub skazań z okresu poprzedzającego jej wyjazd z Państwa wezwanego.

3. Gwarancja nietykalności przewidziana w niniejszym artykule kończy się z upływem piętnastu kolejnych dni od dnia, w którym obecność tej osoby nie jest już wymagana i osoba ta mając możliwość wyjazdu nie opuści terytorium Państwa wzywającego lub po jego opuszczeniu tam powróci.

Artykuł 11

Czasowe przekazywanie osób pozbawionych wolności

1. Osobę pozbawioną wolności w Państwie wezwanym, której obecności w Państwie wzywającym żąda się do celów pomocy przewidzianej w niniejszej Umowie, przekazuje się czasowo z Państwa wezwanego do Państwa wzywającego w tym celu, jeżeli osoba ta na to wyraża zgodę i jeżeli Organy Centralne obu Państw to uzgodnią.

2. Osobę pozbawioną wolności w Państwie wzywającym, której obecności w Państwie wezwanym żąda się dla celów pomocy przewidzianej w niniejszej Umowie, przekazuje się czasowo z Państwa wzywającego do Państwa wezwanego, jeżeli osoba ta na to się godzi i jeżeli Organy Centralne obu Państw to uzgodnią.

3. Dla celów niniejszego artykułu:

a) Państwo przyjmujące jest upoważnione i zobowiązane do trzymania osoby przekazanej w areszcie, chyba że na co innego zezwoli Państwo przekazujące;

b) Państwo przyjmujące zwraca do aresztu osobę przekazaną Państwu przekazującemu tak szybko jak pozwalają na to okoliczności lub jak inaczej uzgodnią Organy Centralne;

c) Państwo przyjmujące nie zażąda od Państwa przekazującego wszczęcia postępowania ekstradycyjnego lub jakiegokolwiek innego postępowania w celu zwrotu osoby przekazanej, oraz

d) osobie przekazanej zalicza się okres pobytu w areszcie w Państwie przyjmującym na poczet wykonania kary wymierzonej w Państwie przekazującym.

Artykuł 12

Ustalenie miejsca znajdowania się lub tożsamości osób lub przedmiotów

Jeżeli Państwo wzywające żąda ustalenia miejsca znajdowania się lub tożsamości osoby lub przedmiotów w Państwie wezwanym, Państwo wezwane dokłada wszelkich starań aby ustalić miejsce znajdowania się lub tożsamość.

Artykuł 13

Doręczanie dokumentów

1. Państwo wezwane dokłada wszelkich starań aby dokonać doręczenia każdego dokumentu dotyczącego każdego wniosku o pomoc złożonego przez Państwo wzywające na podstawie postanowień niniejszej Umowy.

2. Państwo wzywające przekazuje wniosek o doręczenie dokumentu wzywającego do stawiennictwa osoby przed organem w Państwie wzywającym w rozsądnym terminie przed wyznaczonym terminem stawiennictwa.

3. Państwo wezwane odsyła Państwu wzywającemu dowód doręczenia w sposób określony we wniosku.

Artykuł 14

Przeszukanie i odebranie

1. Państwo wezwane wykonuje wniosek o przeszukanie, odebranie i przekazanie każdego przedmiotu Państwu wzywającemu, jeżeli wniosek zawiera informację usprawiedliwiającą taką czynność w świetle prawa Państwa wezwanego.

2. Na wniosek Organu Centralnego Państwa wzywającego każdy urzędnik w Państwie wezwanym , który sprawował dozór nad odebranym przedmiotem zaświadcza przy użyciu Formularza E, załączonego do niniejszej Umowy, tożsamość przedmiotu, ciągłość dozoru oraz wszelkie zmiany dotyczące stanu przedmiotu. Żadne inne poświadczenia nie będą wymagane. Poświadczenia te będą mogły służyć w Państwie wzywającym jako dowody prawdziwości okoliczności, które w nich stwierdzono.

3. Organ Centralny Państwa wezwanego może żądać aby Państwo wzywające wyraziło zgodę na warunki uznane za konieczne przez Organ Centralny Państwa wezwanego dla ochrony interesów osoby trzeciej do przedmiotu, który podlega przekazaniu.

Artykuł 15

Zwrot przedmiotów

Organ Centralny Państwa wezwanego może żądać, aby Organ Centralny Państwa wzywającego zwrócił tak szybko, jak to możliwe wszelkie przedmioty, włącznie z dokumentami, protokołami lub dowodami rzeczowymi, dostarczonymi w wykonaniu wniosku na podstawie niniejszej Umowy.

Artykuł 16

Pomoc w postępowaniu w sprawie przepadku

1. Jeżeli Organ Centralny jednej z Umawiających się Stron dowie się o istnieniu korzyści pochodzących z przestępstwa oraz narzędzi przestępstwa znajdujących się na terytorium drugiej Strony, które mogą podlegać przepadkowi lub przynajmniej zabezpieczeniu na podstawie prawa drugiej Strony, może ona o tym zawiadomić Organ Centralny drugiej Strony. Jeżeli druga Strona posiada jurysdykcję w tym przedmiocie, to może przedstawić tę informację swoim organom w celu zdecydowania czy właściwe jest podjęcie jakichkolwiek działań. Organy te podejmują decyzję zgodnie z prawem ich kraju oraz za pośrednictwem swego Organu Centralnego poinformują o podjętych działaniach Stronę, która dokonała wstępnego zawiadomienia.

2. Umawiające się Strony udzielają sobie wzajemnie pomocy w zakresie dozwolonym przez ich właściwe prawa w postępowaniu dotyczącym przepadku korzyści pochodzących z przestępstwa oraz narzędzi przestępstwa, jak również w postępowaniu dotyczącym restytucji na rzecz ofiar przestępstwa oraz ściąganiu grzywien orzeczonych wyrokiem w postępowaniu karnym. Pomoc może obejmować działania mające na celu tymczasowe zabezpieczenie korzyści pochodzących z przestępstwa oraz narzędzi przestępstwa do czasu dalszego postępowania.

3. Strona sprawująca władztwo nad korzyściami pochodzącymi z przestępstwa oraz narzędziami przestępstwa rozporządza nimi zgodnie z jej prawem. Każda ze Stron może przekazać drugiej Stronie całość lub część takiego mienia lub dochodu z ich sprzedaży w zakresie dozwolonym przez prawo Strony przekazującej i na warunkach, jakie uzna za stosowne.

Artykuł 17

Zgodność z innymi Umowami

Pomoc i procedury przewidziane w niniejszej Umowie nie stoją na przeszkodzie, aby Umawiające się Strony udzielały sobie pomocy na podstawie postanowień innych właściwych umów międzynarodowych. Strony mogą również udzielać sobie pomocy na podstawie ustalanych praktyk w sposób zgodny z ich prawem.

Artykuł 18

Konsultacje

Organy Centralne Umawiających się Stron będą przeprowadzały konsultacje w okresach wzajemnie przez siebie uzgodnionych, w celu popierania najbardziej skutecznego stosowania niniejszej Umowy. Organy Centralne mogą również uzgodnić takie środki praktyczne, jakie mogą okazać się konieczne dla ułatwienia stosowania niniejszej Umowy.

Artykuł 19

Ratyfikacja, wejście w życie i wypowiedzenie

1. Niniejsza Umowa podlega ratyfikacji a dokumenty ratyfikacyjne zostaną wymienione w Warszawie, możliwie jak najszybciej.

2. Niniejsza Umowa wejdzie w życie 30 dni po wymianie dokumentów ratyfikacyjnych.

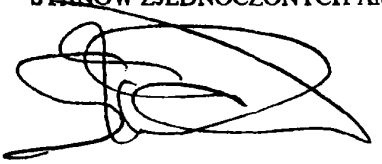
3. Każda z Umawiających się Stron może wypowiedzieć niniejszą Umowę w dowolnym czasie poprzez pisemne zawiadomienie drugiej Umawiającej się Strony, a wypowiedzenie

nabierze mocy po upływie sześciu miesięcy od daty otrzymania takiego zawiadomienia.

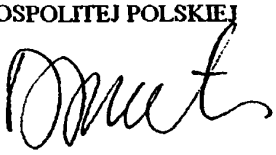
Na dowód czego, niżej podpisani, należycie w tym celu upoważnieni przez ich właściwe władze podpisali niniejszą Umowę.

Sporządzono w Waszyngtonie dnia 10 lipca 1996 roku w dwóch egzemplarzach, każdy w językach angielskim i polskim, przy czym obydwa teksty mają jednakową moc.

W imieniu
STANÓW ZJEDNOCZONYCH AMERYKI



W imieniu
RZECZYPOSPOLITEJ POLSKIEJ



Formularz A

Poświadczenie dokumentów gospodarczych

Ja, ...(imię i nazwisko) pouczony jako świadek o odpowiedzialności karnej za fałszywe zeznania, zeznaję co następuje:

Jestem zatrudniony przez / współpracuję z..... (nazwa firmy, której żąda się dokumentów) na stanowisku ..... (stanowisko w firmie lub tytuł) i w związku z zajmowaniem tego stanowiska mam upoważnienie i kwalifikacje do złożenia tego zeznania.

Każdy z dokumentów, dołączonych do niniejszego, jest dokumentem w posiadaniu wyżej wymienionej firmy, który:

1. był sporządzony w czasie zaistnienia lub w czasie zbliżonym do zaistnienia przedstawionych spraw przez osobę obeznaną z tymi sprawami albo na podstawie przekazanych przez nią informacji;
2. był sporządzony w trakcie stale prowadzonej działalności gospodarczej;
3. był sporządzony przez firmę w ramach jej stałej praktyki i
4. jeśli nie jest dokumentem oryginalnym jest kopią oryginału.

(data wykonania)

.....

(miejsce wykonania)

.....

(podpis)

.....

Formularz B

Poświadczenie braku lub nieistnienia dokumentów gospodarczych

Ja, ...(imię i nazwisko) pouczony jako świadek o odpowiedzialności karnej za fałszywe zeznania, zeznaję co następuje:

Jestem zatrudniony przez /współpracuję z .....(nazwa firmy od której żąda się dokumentów) na stanowisku .....(stanowisko w firmie lub tytuł) i w związku z zajmowaniem tego stanowiska mam upoważnienie i kwalifikacje do złożenia tego zeznania.

Z racji zatrudnienia w wyżej wymienionej firmie (współpracy z wyżej wymienioną firmą) jestem zaznajomiony z prowadzonymi przez nią dokumentami gospodarczymi. Firma prowadzi dokumenty gospodarcze, które:

1. są sporządzone w czasie zaistnienia lub w czasie zbliżonym do zaistnienia przedstawionych spraw przez osobę obeznaną z tymi sprawami albo na podstawie przekazanych przez nią informacji;
2. są sporządzone w trakcie stale prowadzonej działalności gospodarczej;
3. są sporządzone przez firmę w ramach jej stałej praktyki.

Wśród tak prowadzonych dokumentów, znajdują się dokumenty osób fizycznych lub innych podmiotów gospodarczych, które mają rozliczenia lub w inny sposób prowadzą działalność gospodarczą z wyżej wymienioną firmą. Dokonałem starannego przeglądu tych dokumentów lub zleciłem jego przeprowadzenie. Nie znaleziono żadnego dokumentu potwierdzającego istnienie rozliczeń lub działalności gospodarczej pomiędzy tą firmą a następującymi osobami fizycznymi lub innymi podmiotami gospodarczymi.....

Gdyby ta firma prowadziła rozliczenia w imieniu powyższych osób fizycznych lub innych podmiotów gospodarczych albo też uczestniczyła w działalności gospodarczej, jej dokumenty gospodarcze odzwierciedlałyby ten fakt.

(data wykonania)

.....

(miejsce wykonania)

.....

(podpis)

.....

Formularz C

Poświadczenie dokumentów i protokołów urzędowych

Ja,.....(imię i nazwisko) poświadczam co następuje:

1. **.....(nazwa organu władzy publicznej) jest urzędem państwowym lub agencją (nazwa państwa)..... i jest upoważniony przez prawo do prowadzenia dokumentów i protokołów urzędowych w sprawach, co do których prawo wymaga zgłoszenia, rejestracji lub gromadzenia danych;**
2. **we wskazanym wyżej organie władzy publicznej zajmuję..... (stanowisko lub tytuł służbowy);**
3. **w ramach swoich urzędowych kompetencji poleciłem sporządzenie wiernych i dokładnych kopii dokumentów i protokołów urzędowych prowadzonych przez ten organ władzy publicznej i**
4. **te kopie są opisane poniżej i załączone.**

Opis dokumentów i protokołów urzędowych:

.....

.....

(Podpis)

.....

(Data wykonania)

..... **Pieczęć tłoczona lub zwykła**

Formularz D

Poświadczenie braku lub nieistnienia dokumentów i protokołów urzędowych

Ja, ...(imię i nazwisko) poświadczam, co następuje:

1. .....(nazwa organu władzy publicznej) jest urzędem państwowym lub agencją .....(nazwa państwa) i jest upoważniony przez prawo do prowadzenia dokumentów i protokołów urzędowych w sprawach, co do których prawo wymaga zgłoszenia, rejestracji lub gromadzenia danych;
2. wskazane poniżej dokumenty i protokoły urzędowe dotyczą spraw, co do których prawo lub praktyka wymaga zgłoszenia, rejestracji lub gromadzenia danych przez powyższy organ władzy publicznej;
3. we wskazanym wyżej organie władzy publicznej zajmuję..... (stanowisko lub tytuł służbowy);
4. w ramach swoich urzędowych kompetencji dokonałem lub zleciłem dokonanie starannego przeglądu dokumentów i protokołów urzędowych powyższego urzędu państwowego w celu odnalezienia dokumentów i protokołów opisanych poniżej i
5. nie stwierdzono, aby takie dokumenty protokoły tam istniały.

Opis dokumentów i protokołów:

(podpis)

.....

(data wykonania)

.....

Pieczęć tłoczona
lub zwykła

Formularz E

Poświadczenie dotyczące odebranych przedmiotów

Ja,.....(imię i nazwisko) pouczony jako świadek o odpowiedzialności karnej za fałszywe zeznania, zeznaję:

1. jestem zatrudniony w .....(nazwa państwa) i zajmuję stanowisko .....(stanowisko lub tytuł służbowy);
2. niżej wymienione przedmioty otrzymałem pod dozór od ..... (imię i nazwisko osoby) dnia ..... (data) w ..... (miejsce);
3. dozór nad niżej wymienionymi przedmiotami przekazałem ..... (imię i nazwisko osoby) w dniu .....(data) w .....(miejsce) przy czym przedmioty te znajdowały się w takim samym stanie, w jakim je otrzymałem (lub jeżeli w innym, to jak opisano poniżej).

Opis przedmiotów:

Zmiany dotyczące stanu przedmiotów w okresie mojego dozoru:

(data wykonania)

.....

(miejsce wykonania)

.....

(podpis)

.....

Pieczęć tłoczona lub zwykła

[TRANSLATION – TRADUCTION]

TRAITÉ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE DE POLOGNE RELATIF À L'ENTRAIDE JUDICIAIRE EN MATIÈRE PÉNALE

Les États-Unis d'Amérique et la République de Pologne;

Désireux d'améliorer l'efficacité des autorités des deux pays chargées de faire appliquer la loi dans les enquêtes, les poursuites judiciaires et la prévention du crime par la coopération et l'entraide judiciaire en matière pénale,

Sont convenus de ce qui suit :

Article premier. Domaine d'application

1. Conformément aux dispositions du présent Traité, les Parties contractantes, s'accordent mutuellement une assistance en matière d'enquête, de poursuite judiciaire et de prévention des infractions. Elles se prêtent également l'assistance nécessaire pour la confiscation et autres procédures liées aux infractions pénales, lorsque pareille assistance n'est pas interdite par la législation de l'État requis.

2. L'assistance comprend :

a) le recueil de témoignages ou de dépositions;

b) la fourniture de documents, de pièces et d'éléments de preuve;

c) la localisation et l'identification de personnes ou d'objets;

d) la signification de documents;

e) le transfèrement de détenus afin qu'ils puissent comparaître comme témoins ou à d'autres fins;

f) l'exécution de demandes de perquisition et de saisie;

g) la participation à des procédures liées à l'immobilisation et à la confiscation de biens, à la réparation aux victimes d'infractions et au recouvrement d'amendes; et

h) toute autre forme d'entraide qui n'est pas interdite par la législation de l'État requis.

3. Les Parties s'accordent une entraide judiciaire sans tenir compte de la question de savoir si le comportement qui fait l'objet de l'enquête, des poursuites ou des procédures dans l'État requérant constitue un délit au titre de la législation de l'État requis.

4. Le présent Traité est prévu exclusivement aux fins d'entraide judiciaire entre les Parties. Les dispositions du présent Traité ne donnent en aucun cas le droit à une personne privée d'obtenir, de supprimer ou d'exclure un élément de preuve ou d'empêcher l'exécution d'une demande.

Article 2. Autorités centrales

1. Chaque Partie contractante désigne une autorité centrale chargée de présenter et de recevoir des demandes formulées en vertu du présent Traité.

2. Les autorités centrales sont, pour les États-Unis d'Amérique, le procureur général (« l'Attorney General ») ou toute personne désignée par ce dernier et, pour la République de Pologne, le Ministre de la justice – le Procureur général ou toute personne que celui-ci désigne.

3. Les autorités centrales communiquent directement entre elles aux fins du présent Traité.

Article 3. Limitation de l'assistance

1. L'autorité centrale de l'État requis peut refuser l'assistance si :

a) la demande est liée à une infraction selon le droit militaire, qui n'en constituerait pas une au regard du droit pénal ordinaire;

b) la demande est liée à un délit politique;

c) l'exécution de la demande est susceptible de porter atteinte à la -sûreté ou à des intérêts essentiels similaires de l'État requis; ou

d) la demande n'est pas conforme au présent Traité.

2. Avant d'opposer un refus à une demande d'assistance en vertu du présent article, les Autorités centrales se concertent afin d'examiner si l'assistance ne pourrait pas être apportée sous certaines conditions que l'Autorité centrale de l'État requis estime nécessaires. Si l'État requérant accepte l'assistance dans telles conditions, il s'y conforme.

3. Si l'Autorité centrale de l'État requis refuse son assistance, elle en informe l'Autorité centrale de l'État requérant en motivant son refus.

Article 4. Forme et contenu des demandes

1. Une demande d'assistance est présentée par écrit bien qu'il soit loisible à l'Autorité centrale de l'État requis d'accepter une demande sous une autre forme dans des situations d'urgence. Dans tel cas, la demande est confirmée par écrit dans les dix (10) jours qui suivent, à moins que l'Autorité centrale de l'État requis n'accepte qu'il en soit autrement. La demande est formulée dans la langue de l'État requis, sauf accord contraire.

2. La demande d'assistance comprend les éléments suivants :

a) le nom de l'autorité en charge de l'enquête, des poursuites ou de toutes procédures connexes;

b) un exposé des faits liés à l'infraction et la chronologie des actes de procédure concernant l'affaire;

c) les textes de loi décrivant les infractions pour lesquelles l'assistance est demandée;

d) une description des éléments de preuve, informations ou autre assistance requise; et

e) une déclaration indiquant les raisons pour lesquelles les éléments de preuve, informations ou autres formes d'assistance sont requis.

3. Dans la mesure où cela s'avère nécessaire et possible, une demande comprend également :

a) des informations sur l'identité et la localisation de toute personne appelée à fournir un témoignage ou une déposition;

b) des informations concernant l'identité et la localisation de toute personne qui doit recevoir une signification, son statut dans l'affaire, et les modalités de sa signification;

c) des informations sur l'identité et les coordonnées de la personne ou des objets qu'il s'agit de retrouver;

d) une description précise de la personne ou du lieu à perquisitionner et des objets à saisir;

e) la description de la manière dont un témoignage ou une déposition doivent être recueillis et enregistrés;

f) une liste de questions à poser à la personne appelée à témoigner ou à faire une déposition;

g) une description de toute procédure spéciale que l'on souhaite adopter dans l'exécution de la demande;

h) des informations sur les indemnités et les frais qu'une personne appelée à comparaître dans l'État requérant pourra réclamer; et

i) toute autre information susceptible d'aider l'État requis dans l'exécution de la demande.

Article 5. Exécution des demandes

1. L'Autorité centrale de l'État requis exécute promptement la demande ou, le cas échéant, la transmet à l'autorité compétente. Les autorités compétentes de l'État requis prennent toutes les mesures possibles pour garantir l'exécution de la demande. Les autorités judiciaires ou les autres autorités compétentes de l'État requis délivrent des citations à comparaître, des mandats de perquisition et toutes autres ordonnances nécessaires à la satisfaction de la demande.

2. L'Autorité centrale de l'État requis prend les dispositions nécessaires en vue d'assurer la représentation de l'État requérant, dans l'État requis, dans toutes procédures résultant d'une demande d'assistance.

3. Les demandes sont exécutées conformément à la législation de l'État requis, sauf disposition contraire du présent Traité. Toutefois, la méthode d'exécution indiquée dans la demande est suivie, sauf si elle est interdite par la législation de l'État requis.

4. Si l'Autorité centrale de l'État requis estime que l'exécution d'une demande est de nature à gêner une enquête, des poursuites ou une procédure en cours dans cet État, elle peut reporter l'exécution ou la soumettre à certaines conditions jugées nécessaires après concertation avec l'Autorité centrale de l'État requérant. Si l'État requérant accepte l'assistance dans telles conditions, il s'y conforme.

5. L'État requis fait tout son possible pour que la demande et son contenu restent confidentiels si l'Autorité centrale de l'État requérant le requiert. Si la demande ne peut être exécutée sans violer l'exigence de confidentialité, l'Autorité centrale de l'État requis en informe l'Autorité centrale de l'État requérant qui décide alors si la demande doit néanmoins être exécutée.

6. L'Autorité centrale de l'État requis répond aux demandes raisonnables de l'Autorité centrale de l'État requérant concernant la progression de l'exécution de la demande.

7. L'Autorité centrale de l'État requis informe sans délai l'Autorité centrale de l'État requérant de l'issue de l'exécution de la demande. Si l'exécution de la demande est retardée ou reportée, l'Autorité centrale de l'État requis informe l'Autorité centrale de l'État requérant des motifs du retard ou du report.

Article 6. Frais

L'État requis règle tous les frais liés à l'exécution de la demande d'assistance, à l'exception des :

a) honoraires d'experts;

b) frais d'interprétation et de traduction;

c) coûts d'enregistrement de témoignages ou de déclarations par des parties privées , ou des frais de préparation de rapports écrits ou de bandes vidéo de témoignages ou de déclarations par des parties privées; et

d) frais et indemnités liés au déplacement de personnes se rendant dans un lieu dans l'État requis tel que demandé par l'État requérant ou au titre de l'articles 10 ou de l'article 11.

Article 7. Limites d'utilisation

1. L'Autorité centrale de l'État requis peut demander à l'État requérant de n'utiliser, sans le consentement préalable de l'Autorité centrale de l'État requis, aucune information ou preuve obtenue au titre du présent Traité dans toute enquête, poursuite ou procédure autre que dans l'affaire visée dans la demande. Dans ce cas, l'État requérant s'y conforme.

2. L'Autorité centrale de l'État requis peut demander à ce qu'une information ou un élément de preuve, fourni en vertu du présent Accord, soit tenu confidentiel ou utilisé uniquement conformément à des clauses et à des conditions qu'il pourra énoncer. Si l'État requérant accepte les renseignements ou les éléments de preuve sous telles conditions, il fait le maximum pour s'y conformer.

3. Aucune disposition du présent article n'empêche l'utilisation ou la divulgation des informations, dans la mesure où telles informations sont disculpatoires pour un défendeur dans le cadre d'une poursuite pénale. L'État requérant informe l'État requis à l'avance de toute divulgation proposée.

4. Les informations ou les éléments de preuve rendus publics dans l'État requérant, en vertu des paragraphes 1 ou 2, pourront, à toutes fins utiles, être utilisés par la suite.

Article 8. Témoignage ou éléments de preuve dans l'État requis

1. Toute personne présente sur le territoire de l'État requis et dont le témoignage ou la déposition est recherché conformément au présent Traité est tenue, selon que de besoin, de comparaître et de témoigner ou produire des objets, y compris des documents, des dossiers et des pièces justificatives. Une personne qui fait un faux témoignage, sous forme orale ou écrite, en réponse à une demande est passible de poursuite et de sanction dans l'État requis, conformément à la législation pénale dudit État, indépendamment du fait qu'elle soit également passible de poursuite et de sanction dans l'État requérant ou non.

2. À la demande, l'Autorité centrale de l'État requis fournit à l'avance des renseignements sur le lieu et la date de présentation des témoignages ou des éléments de preuve, conformément au présent article.

3. L'état requis autorise la présence des personnes visées dans la demande pendant l'exécution de celle-ci, et les autorise à interroger la personne qui témoigne ou fournit des éléments de preuve.

4. Si la personne visée au paragraphe 1 invoque le droit de refuser de fournir un témoignage ou une déposition en vertu de la législation de l'État requérant, le témoignage ou les éléments de preuve sont néanmoins recueillis à la demande. Par la suite, l'Autorité centrale de l'État requis transmet le témoignage ou les éléments de preuve, accompagnés de la prétention, afin que les autorités compétentes de l'État requérant se prononcent à cet égard.

5. Les éléments de preuve produits dans l'État requis en vertu du présent article ou qui ont fait l'objet d'un témoignage recueilli en application du présent article sont, à la demande, authentifiés par une attestation, y compris dans le cas de documents d'entreprise, sous la forme indiquée dans le formulaire A joint en annexe au présent Traité. L'absence ou l'inexistence de telles pièces est, sur demande, certifiée en utilisant le formulaire B joint en annexe au présent Traité. Les pièces authentifiées au moyen des formulaires A ou B qui en certifient l'absence ou l'inexistence, sont admises comme éléments de preuve dans l'État requérant.

Article 9. Pièces et documents officiels d'organismes publics

1. L'État requis communique à l'État requérant, des copies de documents, de pièces, ou encore des informations, quelle qu'en soit la forme, dont disposent les membres de l'administration de l'État requis en général, ou conformément à une condition juridique, dont dispose une autorité exécutive, législative ou judiciaire de l'État requis.

2. L'État requis peut fournir des copies des documents, y compris des pièces ou des informations sous toutes formes, dont disposent une autorité exécutive, législative ou judiciaire dans cet État et qui ne sont pas rendues publiques, dans la même mesure et dans les mêmes conditions qu'elles seraient mises à la disposition de ses propres autorités de police et de justice. L'État requis peut, à sa discrétion, refuser de donner suite à une demande en totalité ou en partie, conformément au présent paragraphe.

3. Les pièces d'une autorité exécutive, législative ou judiciaire produites en vertu du présent article sont, sur demande, authentifiées par un fonctionnaire chargé de leur maintien par l'utilisation du formulaire C joint en annexe au présent Traité. L'absence ou l'inexistence de ces pièces est, sur demande, certifiée au moyen du formulaire D joint en annexe au présent Traité. Les pièces authentifiées au moyen des formulaires C ou D qui en certifient l'absence ou l'inexistence, sont admises comme éléments de preuve dans l'État requérant.

Article 10. Comparution sur le territoire de l'État requérant

1. Lorsque l'État requérant demande la comparution d'une personne sur son territoire, l'État requis invite la personne à comparaitre devant l'autorité compétente de l'État requérant. L'État requérant indique les modalités de prise en charge de la personne concernée. L'Autorité centrale de l'État requis informe sans délai l'Autorité centrale de l'État requérant de la réponse de l'intéressé.

2. Une personne qui comparaît sur le territoire de l'État requérant ne peut être poursuivie, détenue ou soumise à aucune restriction de sa liberté individuelle dans l'État requérant en raison de faits ou de condamnations antérieurs à son départ de l'État requis.

3. Le sauf-conduit prévu par le présent article perd sa validité dans un délai de 15 jours consécutifs à compter de la date à laquelle la présence de la personne n'est plus exigée, et si cette personne, ayant eu la possibilité de quitter le territoire de l'État requérant, y est toutefois demeurée, ou si l'ayant déjà quitté, elle y est retournée.

Article 11. Transfèrement temporaire des détenus

1. Tout détenu dans l'État requis, dont la présence dans l'État requérant est nécessaire dans le cadre de l'assistance prévue par le présent Traité, est transféré temporairement de l'État requis vers l'État requérant à cette fin si l'intéressé y consent et si les Autorités centrales des deux États en conviennent.

2. Tout détenu dans l'État requérant, dont la présence dans l'État requis est nécessaire dans le cadre de l'assistance prévue par le présent Traité, est temporairement transféré de l'État requérant à l'État requis si la personne y consent et si les Autorités centrales des deux États en conviennent.

3. Aux fins du présent article :

a) l'État d'accueil a le pouvoir et l'obligation de garder la personne transférée en détention, sauf autorisation contraire de l'État d'envoi;

b) l'État d'accueil renvoie la personne transférée à la garde de l'État d'envoi dès que les circonstances le permettent ou après accord contraire entre les deux Autorités centrales;

c) l'État d'accueil n'oblige pas l'État d'envoi à engager une procédure d'extradition ou toute autre procédure pour le retour de la personne transférée; et

d) la personne transférée est créditée de toute partie de sa peine imposée sur le territoire de l'État d'envoi au titre du temps de sa détention sur le territoire de l'État d'accueil.

Article 12. Localisation ou identification de personnes ou d'objets

Si l'État requérant cherche à localiser ou à identifier des personnes ou des objets sur le territoire de l'État requis, ce dernier fera tout son possible pour vérifier la localisation ou l'identité de ces personnes ou objets.

Article 13. Signification de documents

1. L'État requis fait tout son possible pour signifier tout document relatif à toute demande d'assistance formulée par l'État requérant conformément aux dispositions du présent Traité.

2. L'État requérant transmet toute demande de signification d'un document requérant la comparution d'une personne devant une autorité sur le territoire de l'État requérant raisonnablement à l'avance de la date de comparution programmée.

3. L'État requis transmet un justificatif de la signification à l'État requérant, de la manière spécifiée dans la demande.

Article 14. Perquisition et saisie

1. L'État requis exécute une demande de perquisition, de saisie d'un objet, ou celle de sa remise à l'État requérant si la demande comprend des informations qui justifient cette action en vertu de la législation de l'État requis.

2. Sur demande de l'Autorité centrale de l'État requérant, tout fonctionnaire sur le territoire de l'État requis, qui aura en garde un objet saisi certifie, en utilisant le formulaire E joint en annexe au présent Traité, l'identité de l'objet, la continuité de sa garde et toute modification de son état. Aucune autre certification n'est nécessaire. Ces certificats sont recevables comme éléments de preuve dans l'État requérant.

3. L'Autorité centrale de l'État requis peut exiger que l'État requérant accepte les conditions générales que l'Autorité centrale de l'État requis juge nécessaires pour assurer la protection les intérêts des tiers dans les objets à transférer.

Article 15. Restitution d'objets

L'Autorité centrale de l'État requis peut demander à l'Autorité centrale de l'État requérant de lui restituer, dès que possible, tout article, y compris tous documents, dossiers ou éléments de preuve qui lui auront été remis pour l'exécution d'une demande formulée en vertu du présent Traité.

Article 16. Assistance en matière de confiscation

1. Si l'Autorité centrale d'une Partie contractante apprend que le produit d'une infraction ou les moyens utilisés pour la commettre se trouvent sur le territoire de l'autre Partie contractante et sont susceptibles de faire l'objet d'une confiscation ou tout au moins d'une immobilisation au titre de la législation de l'autre Partie, elle peut en informer l'Autorité centrale de cette autre Partie. Si l'autre Partie a compétence en la matière, elle peut communiquer cette information à ses autorités pour déterminer s'il y a lieu d'agir. Ces autorités prennent leur décision conformément à la législation de leur pays et informent, par l'intermédiaire de leur Autorité centrale, l'autre Partie qui a fourni l'information initiale, des mesures prises.

2. Les Parties contractantes se prêtent assistance mutuelle, dans la mesure autorisée par leurs législations respectives, dans des procédures visant à la confiscation du produit de l'infraction et des moyens utilisés pour la commettre, à la restitution des biens aux victimes de l'infraction pénale ainsi qu'à la perception des amendes imposées à titre de condamnation dans des poursuites pénales. Telle assistance couvre la procédure de gel temporaire des produits ou des instruments dans l'attente d'autres procédures.

3. La Partie qui tient à sa garde le produit ou les moyens matériels d'infractions en dispose selon sa propre législation. Chaque Partie peut transférer la totalité ou une partie de ces biens, ou le produit de leur vente, à l'autre Partie, dans la mesure où son droit l'y autorise et dans les conditions qu'elle juge appropriées.

Article 17. Compatibilité avec d'autres Traités

L'assistance et procédures indiquées dans le présent Traité n'empêchent aucune Partie contractante de prêter assistance à l'autre Partie, en application de clauses d'autres accords internationaux auxquels elle serait partie. Les Parties peuvent aussi fournir une assistance en vertu de pratiques établies, conformément à leur législation respective.

Article 18. Consultations

Les Autorités centrales des Parties contractantes se concertent à des moments arrêtés d'un commun accord pour s'assurer que le présent Traité est appliqué avec le maximum d'efficacité. Les autorités centrales peuvent aussi convenir de mesures pratiques tel que nécessaire pour faciliter la mise en œuvre du présent Traité.

Article 19. Ratification, entrée en vigueur et dénonciation

1. Le présent Traité est soumis à ratification et les instruments de ratification sont échangés à Varsovie dans les meilleurs délais.

2. Le présent Traité entre en vigueur trente (30) jours après la date d'échange des instruments de ratification.

3. Chacune des Parties contractantes peut dénoncer le présent Traité à tout moment moyennant un préavis écrit donné à l'autre Partie contractante ; la dénonciation prend effet six (6) mois après réception du préavis.

EN FOI DE QUOI, les soussignés, dûment autorisés par leur Gouvernement respectif, ont signé le présent Traité.

FAIT à Washington DC, le 10 juillet 1996, en double exemplaire, en langues anglaise et polonaise, les deux textes faisant également foi.

Pour les États-Unis d'Amérique :

[STROBE TALBOTT]

Pour la République de Pologne :

[DARIUSZ ROSATI]

FORMULAIRE A
CERTIFICAT RELATIF AUX DOSSIERS D'ENTREPRISE

Je, _____ (nom), certifie, sous peine de poursuites pénales en cas de faux témoignage, ce qui suit :

Je suis employé par/associé à _____ (nom de l'entreprise à laquelle des pièces sont demandées) au poste de _____ (poste commercial ou titre) et à ce titre je suis autorisé et habilité à fournir le présent témoignage

Chacun des dossiers ci-joints est un dossier à la garde de l'entreprise susmentionnée qui :

1) a été établi au moment où les faits rapportés se sont produits, ou peu après par (ou à partir d'informations transmises par) une personne ayant eu connaissance de ces faits;

2) a été tenu dans le cadre d'une activité régulière de l'entreprise;

3) a été régulièrement établi par l'entreprise; et,

4) s'il ne s'agit pas d'un original, constitue une copie de l'original.

_____ (date d'exécution)

_____ (lieu d'exécution)

_____ (signature)

FORMULAIRE B
CERTIFICAT D'ABSENCE OU D'INEXISTENCE DE DOSSIERS D'ENTREPRISE

Je, _____ (nom), certifie, sous peine de poursuites pénales en cas de faux témoignage, ce qui suit :

Je suis employé par/associé à _____ (nom de l'entreprise à laquelle des pièces sont demandées) au poste de _____ (poste commercial ou titre) et à ce titre je suis autorisé et habilité à fournir le présent témoignage.

Du fait de mon emploi/association avec l'entreprise susmentionnée, je suis informé des dossiers qu'elle tient. L'entreprise tient des dossiers qui sont :

1) établis au moment ou presque de l'affaire visée dans la présente par une personne avisée de celle-ci, ou à partir des informations qu'elle a transmises;

2) tenus dans le cadre d'une activité régulière de l'entreprise;

3) régulièrement établis par l'entreprise.

Parmi les dossiers ainsi conservés figurent les dossiers de personnes ou d'entités qui détiennent un compte dans l'entreprise susmentionnée ou qui concluent des affaires avec celle-ci. J'ai procédé ou fait procéder avec diligence à une recherche de ces dossiers. Aucun dossier n'a été trouvé indiquant une activité commerciale quelconque entre celle-ci et les personnes et entités suivantes : _____

Si l'entreprise avait conservé un compte au nom d'une des personnes ou entités susmentionnées ou avait participé à une transaction avec celles-ci, cela figurerait dans ses dossiers.

_____ (date d'exécution)

_____ (lieu d'exécution)

_____ (signature)

FORMULAIRE C
CERTIFICAT RELATIF AUX PIÈCES ET DOSSIERS OFFICIELS

Je, _____(nom), certifie que :

1. _____ (nom de l'autorité publique) est une administration ou une institution publique de _____ (pays) et est autorisée par la loi à tenir des pièces et dossiers officiels des affaires devant être, en vertu de la loi, déclarées et enregistrées ou déposées;

2. J'occupe auprès de l'autorité publique susmentionnée le poste suivant : _____(titre officiel);

3. J'ai procédé en ma qualité de fonctionnaire à la production de copies conformes des pièces et des dossiers tenus par cette autorité publique; et

4. Ces copies sont décrites ci-dessous et jointes.

Description des pièces et dossiers :

_____ (signature)

(Sceau ou timbre officiel)

_____ (date)

FORMULAIRE D
CERTIFICAT D'ABSENCE OU D'INEXISTENCE DE PIÈCES ET DOSSIERS OFFICIELS

Je, _____(nom), certifie que :

1. _____ (nom de l'autorité publique) est une administration ou une institution publique de _____ (pays) et est autorisée par la loi à tenir des pièces et des dossiers officiels des affaires devant être, en vertu de la loi, déclarées et enregistrées ou déposées;

2. Les dossiers du type décrit ci-dessous portent sur des affaires devant être, en vertu de la loi, déclarées et enregistrées ou déposées, et ces affaires sont régulièrement enregistrées ou déposées par l'autorité publique susmentionnée;

3. J'occupe auprès de l'autorité publique susmentionnée le poste suivant : _____(titre officiel);

4. En mon titre officiel, j'ai procédé ou fait procéder avec diligence à une recherche des dossiers de l'autorité publique susmentionnée pour y trouver les pièces et documents décrits ci-dessous; et

5. Aucun dossier du genre n'a été trouvé.

b) Description des pièces et dossiers :

_____ (signature) _____

(Sceau ou timbre officiel)

_____ (date) _____

FORMULAIRE E
CERTIFICAT RELATIF AUX OBJETS SAISIS

Je, _____ (nom), certifie, sous peine de poursuites pénales en cas de faux témoignage, ce qui suit :

1. Je suis employé par _____(pays) et mon poste ou mon titre est _____(poste ou titre);
2. J'ai reçu la garde des objets énumérés ci-dessous de
_____ (nom de la personne) le
_____ (date) à
_____ (lieu); et
3. J'ai confié la garde des objets énumérés ci-dessous à
_____ (nom de la personne) le
_____ (date) à
_____ (lieu) dans le même

État que lorsque je les ai reçus (ou, dans le cas contraire, dans l'état indiqué ci-dessous).

Description des objets :

Modification de leur état depuis la réception :

_____ (date d'exécution)

_____ (lieu d'exécution)

(Sceau officiel ou timbre)

_____ (signature)

No. 50942

United States of America
and
Barbados

Extradition Treaty between the Government of the United States of America and the Government of Barbados. Bridgetown, 28 February 1996

Entry into force: *3 March 2000 by the exchange of the instruments of ratification, in accordance with article 20*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

États-Unis d'Amérique
et
Barbade

Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Barbade. Bridgetown, 28 février 1996

Entrée en vigueur : *3 mars 2000 par l'échange des instruments de ratification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF BARBADOS

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The Government of the United States of America and the Government of Barbados;

Recalling the Treaty for the Mutual Extradition of Criminals between Great Britain and the United States of America, signed at London December 22, 1931,

Noting that both the Government of Barbados and the Government of the United States of America currently apply the terms of that Treaty, and

Desiring to provide for more effective cooperation between the two States in the suppression of crime, and, for that purpose, to conclude a new treaty for the extradition of offenders;

Have agreed as follows:

Article 1

Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought for prosecution or convicted of an extraditable offense by the authorities in the Requesting State.

Article 2

Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty.

2. An offense shall also be an extraditable offense if it consists of an attempt or a conspiracy to commit, aiding or abetting, counselling or procuring the commission of, or being an accessory before or after the fact to, any offense described in paragraph 1.

3. For the purposes of this Article, an offense shall be an extraditable offense:

(a) whether or not the laws in the Contracting States place the offense within the same category of offenses or describe the offense by the same terminology; or

(b) whether or not the offense is one for which United States federal law requires the showing of such matters as interstate transportation, or use of the mails or of other

facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

4. If the offense was committed outside of the territory of the Requesting State, extradition shall be granted in accordance with this treaty if the laws in the Requested State provide for punishment of an offense committed outside of its territory in similar circumstances. If the laws in the Requested State do not so provide, the executive authority of the Requested State may, in its discretion, grant extradition provided the requirements of this treaty are met.

5. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by less than one year's deprivation of liberty, provided that all other requirements for extradition are met.

Article 3

Nationality

Extradition shall not be refused on the ground that the person sought is a national of the Requested State.

Article 4

Political and Military Offenses

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.

2. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:

(a) a murder or other willful crime against the person of a Head of State of one of the Contracting States, or of a member of the Head of State's family;

(b) an offense for which both Contracting States have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and

(c) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

3. Notwithstanding the terms of paragraph 2 of this Article, extradition shall not be granted if the executive authority of the Requested State determines that the request was politically motivated.

4. The executive authority of the Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Article 5

Prior Prosecution

1. Extradition shall not be granted when the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.

2. Extradition shall not be precluded by the fact that the authorities in the Requested States have decided not to prosecute the person sought for the acts for which extradition is requested, or to discontinue any criminal proceedings which have been instituted against the person sought for those acts.

Article 6

Extradition Procedures and Required Documents

1. All requests for extradition shall be submitted through the diplomatic channel.

2. All requests shall be supported by:

(a) documents, statements, or other types of information which describe the identity, and probable location of the person sought;

(b) information describing the facts of the offense and the procedural history of the case;

(c) information as to

(i) the provisions of the laws describing the essential elements of the offense for which extradition is requested;

(ii) the provisions of the law describing the punishment for the offense; and

(iii) the provisions of law describing any time limit on the prosecution; and

(d) the documents, statements, or other types of information specified in paragraph 3 or paragraph 4 of this Article, as applicable.

3. A request for extradition of a person who is sought for prosecution shall also be supported by:

(a) a copy of the warrant or order of arrest, if any, issued by a judge or other competent authority of the Requesting State;

(b) a document setting forth the charges; and

(c) such information as would provide probable cause, according to the law of the Requested State, for the arrest and committal for trial of the person if the offense had been committed in the Requested State.

4. A request for extradition relating to a person who has been convicted of the offense for which extradition is sought shall also be supported by:

(a) a copy of the judgment of conviction or, if such copy is not available, a statement by a judicial authority that the person has been convicted;

(b) information establishing that the person sought is the person to whom the conviction refers;

(c) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out; and

(d) in the case of a person who has been convicted in absentia, the documents required by paragraph 3.

Article 7

Admissibility of Documents

The documents which accompany an extradition request shall be received and admitted as evidence in extradition proceedings if:

(a) in the case of a request from the United States, they are authenticated by an officer of the United States Department of State and are certified by the principal diplomatic or consular officer of Barbados resident in the United States;

(b) in the case of a request from Barbados, they are certified by the principal diplomatic or consular officer of the United States resident in Barbados, as provided by the extradition laws of the United States; or

(c) they are certified or authenticated in any other manner accepted by the law of the Requested State.

Article 8

Lapse of Time

Extradition shall not be denied because of the prescriptive laws of either the Requesting State or the Requested State.

Article 9

Provisional Arrest

1. In case of urgency, a Contracting State may request the provisional arrest of the person sought pending presentation of the request for extradition. A request for provisional arrest may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Attorney General in Barbados. Such a request may also be transmitted through the facilities of the International Criminal Police Organization (INTERPOL), or through such other means as may be settled by arrangement between the Contracting States.

2. The application for provisional arrest shall contain:

(a) a description of the person sought;

(b) the location of the person sought, if known;

(c) a brief statement of the facts of the case, including, if possible, the time and location of the offense;

(d) a description of the laws violated;

(e) a statement of the existence of a warrant of arrest or a finding of guilt or judgment of conviction against the person sought; and

(f) a statement that a request for extradition for the person sought will follow.

3. The Requesting State shall be notified without delay of the disposition of its application and the reasons for any denial.

4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the formal request for extradition and the supporting documents required in Article 6.

5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 of this Article shall not prejudice the subsequent rearrest and extradition of that person if the extradition request and supporting documents are delivered at a later date.

Article 10

Decision and Surrender

1. The Requested State shall promptly notify the Requesting State through the diplomatic channel of its decision on the request for extradition.

2. If the request is denied in whole or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.

3. If the request for extradition is granted, the authorities of the Contracting States shall agree on the time and place for the surrender of the person sought.

4. If the person sought is not removed from the territory of the Requested State within the time prescribed by the law of that State, that person may be discharged from custody, and the Requested State may subsequently refuse extradition for the same offense.

Article 11

Temporary and Deferred Surrender

1. If the extradition request is granted in the case of a person who is being proceeded against or is serving a sentence in the Requested State, the Requested State may temporarily surrender the person sought to the Requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person, in accordance with conditions to be determined by mutual agreement of the Contracting States.

2. The Requested State may postpone the extradition proceedings against a person who is being prosecuted or who is serving a sentence in that State. The postponement may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

Article 12

Requests for Extradition Made by Several States

If the Requested State receives requests from the other Contracting State and from any other State or States for the extradition of the same person, either for the same offense or for

different offenses, the executive authority of the Requested State shall determine to which State it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:

(a) whether the requests were made pursuant to treaty;

(b) the place where each offense was committed;

(c) the respective interests of the Requesting States;

(d) the gravity of the offenses;

(e) the nationality of the victim;

(f) the possibility of further extradition between the Requesting States; and

(g) the chronological order in which the requests were received from the Requesting States.

Article 13

Seizure and Surrender of Property

1 To the extent permitted under its law, the Requested State may seize and surrender to the Requesting State all articles, documents, and evidence connected with the offense in respect of which extradition is granted The items mentioned in this Article may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.

2. The Requested State may condition the surrender of the property upon satisfactory assurances from the Requesting State that the property will be returned to the Requested State as soon as practicable The Requested State may also defer the surrender of such property if it is needed as evidence in the Requested State

3. The rights of third parties in such property shall be duly respected.

Article 14

Rule of Speciality

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for:

(a) the offense for which extradition has been granted or a differently denominated offense based on the same facts on which extradition was granted, provided such offense is extraditable, or is a lesser included offense;

(b) an offense committed after the extradition of the person; or

(c) an offense for which the executive authority of the Requested State consents to the person's detention, trial, or punishment. For the purpose of this subparagraph:

(i) the Requested State may require the submission of the documents called for in Article 6; and

(ii) the person extradited may be detained by the Requesting State for 90 days, or for such longer period of time as the Requested State may authorize, while the request is being processed.

2. A person extradited under this Treaty may not be extradited to a third State for an offense committed prior to his surrender unless the surrendering State consents.

3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the extradition of that person to a third State, if:

(a) that person leaves the territory of the Requesting State after extradition and voluntarily returns to it; or

(b) that person does not leave the territory of the Requesting State within 10 days of the day on which that person is free to leave.

Article 15

Waiver of Extradition

If the person sought consents to surrender to the Requesting State, the Requested State may surrender the person as expeditiously as possible without further proceedings.

Article 16

Transit

1. Either Contracting State may authorize transportation through its territory of a person surrendered to the other State by a third State. A request for transit shall be transmitted through the diplomatic channel or directly between the Department of Justice in the United States and the Attorney General in Barbados. Such a request may also be transmitted through the facilities of the International Criminal Police Organization (INTERPOL), or through such other means as may be settled by arrangement between the Contracting States. It shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.

2. No authorization is required where air transportation is used and no landing is scheduled on the territory of the Contracting State. If an unscheduled landing occurs on the territory of the other Contracting State, the other Contracting State may require the request for transit as provided in paragraph 1. That Contracting State may detain the person to be transported until the request for transit is received and the transit is effected, so long as the request is received within 96 hours of the unscheduled landing.

Article 17

Representation and Expenses

1. The Requested State shall advise, assist, appear in court on behalf of the Requesting State, and represent the interests of the Requesting State, in any proceedings arising out of a request for extradition.

2. The Requesting State shall bear the expenses related to the translation of documents and the transportation of the person surrendered. The Requested State shall pay all other expenses incurred in that State by reason of the extradition proceedings.

3. Neither State shall make any pecuniary claim against the other State arising out of the arrest, detention, examination, or surrender of persons sought under this Treaty.

Article 18

Consultation

The Department of Justice of the United States and the Attorney General of Barbados may consult with each other directly in connection with the processing of individual cases and in furtherance of maintaining and improving procedures for the implementation of this Treaty

Article 19

Application

This Treaty shall apply to offenses committed before as well as after the date it enters into force.

Article 20

Ratification and Entry into Force

1. This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Treaty shall enter into force upon the exchange of the instruments of ratification.

3. Upon the entry into force of this Treaty, the Treaty on Extradition signed at London December 22, 1931, shall cease to have any effect between the United States and Barbados. Nevertheless, the prior Treaty shall apply to any extradition proceedings in which the extradition

documents have already been submitted to the courts of the Requested State at the time this Treaty enters into force, except that Article 15 of this Treaty shall be applicable to such proceedings. Article 14 of this Treaty shall apply to persons found extraditable under the prior Treaty.

Article 21

Termination

Either Contracting State may terminate this Treaty at any time by giving written notice to the other Contracting State, and the termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments have signed this Treaty.

DONE at Bridgetown, in duplicate, this 28th day of February, 1996.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF BARBADOS:

[TRANSLATION – TRADUCTION]

TRAITÉ D'EXTRADITION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA BARBADE

TABLE DES MATIÈRES

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Barbade,

Rappelant le Traité d'extradition mutuelle des criminels entre la Grande Bretagne et les États-Unis d'Amérique, signé à Londres le 22 décembre 1931,

Notant que le Gouvernement de la Barbade et le Gouvernement des États-Unis d'Amérique appliquent actuellement les dispositions de ce Traité, et

Désireux d'impulser une plus grande efficacité à la coopération entre les deux États en matière de répression de la criminalité et, à cette fin, de conclure un nouveau traité relatif à l'extradition des auteurs d'infractions,

Sont convenus de ce qui suit :

Article premier. Obligation d'extrader

Les États contractants conviennent d'extrader l'un vers l'autre, et conformément aux dispositions du présent Traité, les personnes recherchées aux fins de poursuites ou condamnées pour une infraction passible d'extradition par les autorités de l'État requérant.

Article 2. Infractions passibles d'extradition

1. Une infraction donne lieu à extradition si elle est passible, en vertu de la législation des deux États contractants, d'une peine privative de liberté d'une durée supérieure à une année, ou d'une peine plus sévère.

2. Donnent également lieu à extradition les faits constitutifs de tentative ou de complicité dans la commission d'une infraction visée au paragraphe 1, en fournissant assistance, encouragement, conseil, service, ou de toute autre manière avant ou après telle infraction.

3. Aux fins du présent article, une infraction est passible d'extradition si :

a) la législation des États contractants la classe dans la même catégorie d'infractions ou lui donne la même appellation; ou

b) l'infraction fait partie de celles pour lesquelles la loi fédérale des États-Unis exige la preuve d'un transport entre États ou l'utilisation du courrier ou l'emploi de tout autre moyen d'échange commercial entre États ou de commerce extérieur, tels éléments ne servant qu'à établir la compétence d'un tribunal fédéral des États-Unis.

4. Si l'infraction a été commise hors du territoire de l'État requérant, l'extradition est accordée en vertu du présent Traité si la législation de l'État requis prévoit la sanction d'une infraction commise en dehors de son territoire dans des circonstances similaires. Dans le cas où la législation de l'État requis ne le prévoit pas, l'autorité exécutive de l'État requis peut, à sa discrétion, accorder l'extradition à condition que les exigences énoncées dans le présent Traité soient respectées.

5. Si l'extradition a été accordée au titre d'une infraction donnant lieu à extradition, elle l'est aussi pour toute autre infraction visée dans la demande, même si cette dernière est passible d'une peine privative de liberté inférieure à un an, à condition que toutes les autres conditions requises pour l'extradition soient remplies.

Article 3. Nationalité

L'extradition n'est pas refusée au motif que la personne recherchée est un ressortissant de l'État requis.

Article 4. Infractions politiques et militaires

1. L'extradition n'est pas accordée si l'infraction au titre de laquelle elle est demandée revêt un caractère politique.

2. Aux fins du présent Traité, les infractions suivantes ne sont pas considérées comme des infractions politiques :

a) l'homicide ou un autre crime prémédité contre la personne d'un chef d'État d'un des États contractants, ou d'un membre de sa famille;

b) une infraction à l'égard de laquelle les deux États contractants ont l'obligation, en vertu d'un accord international multilatéral, d'extrader la personne recherchée ou de soumettre l'affaire à leurs autorités compétentes pour décider des poursuites; et

c) une conspiration ou une tentative de commission de l'une des infractions précédentes, ou la participation en qualité de complice d'une personne qui a commis ou qui a l'intention de commettre telles infractions.

3. Nonobstant les dispositions du paragraphe 2 du présent article, l'extradition n'est pas accordée si l'autorité exécutive de l'État requis estime que la demande est politiquement motivée.

4. L'autorité exécutive de l'État requis peut refuser l'extradition pour les infractions considérées comme telles par le code militaire et non par la législation pénale ordinaire.

Article 5. Poursuites antérieures

1. L'extradition n'est pas accordée lorsque la personne recherchée a déjà été condamnée ou acquittée dans l'État requis au titre de l'infraction pour laquelle son extradition est demandée.

2. L'extradition n'est pas exclue au motif que les autorités de l'État requis ont décidé de ne pas poursuivre la personne recherchée pour les faits à raison desquels l'extradition est demandée, ou d'abandonner des poursuites pénales qu'elles ont engagées contre elle.

Article 6. Procédures d'extradition et pièces exigées

1. Toutes les demandes d'extradition sont présentées par la voie diplomatique.

2. Sont produits à l'appui d'une demande d'extradition :

a) les documents, déclarations, ou autres types d'informations indiquant l'identité de la personne recherchée et le lieu probable où elle se trouve;

b) un exposé des faits liés à l'infraction et la chronologie des actes de procédure concernant l'affaire;

c) les informations concernant :

i) les dispositions législatives décrivant les éléments essentiels de l'infraction pour laquelle l'extradition est demandée;

ii) les dispositions législatives décrivant la peine prévue pour l'infraction; et

iii) les dispositions législatives décrivant les prescriptions en matière de poursuites; et

d) les documents, déclarations ou autres types de renseignements précisés aux paragraphes 3 ou 4 du présent article, suivant le cas.

3. La demande d'extradition d'une personne recherchée aux fins de poursuites est également accompagnée :

a) d'une copie du mandat d'arrêt ou de l'ordre d'arrestation, le cas échéant, délivré par un juge ou toute autre autorité compétente de l'État requérant;

b) d'un document établissant les charges; et

c) de tout élément de preuve jugé suffisant, conformément à la législation de l'État requis, pour justifier des poursuites judiciaires contre la personne recherchée si l'infraction dont la personne est accusée a été commise dans l'État requis.

4. La demande d'extradition relative à une personne qui a été reconnue coupable de l'infraction pour laquelle l'extradition est demandée s'accompagne en outre :

a) d'une copie du jugement de condamnation ou, à défaut, d'une déclaration d'une autorité judiciaire indiquant que cette personne a été condamnée;

b) des informations établissant que la personne recherchée est bien la personne visée par la condamnation;

c) d'une copie de la peine prononcée, si la personne recherchée a été condamnée, et d'une déclaration établissant la mesure dans laquelle la peine a été exécutée; et

d) dans le cas d'une personne qui a été condamnée par contumace, les documents visés au paragraphe 3.

Article 7. Recevabilité de documents

Les documents qui accompagnent la demande d'extradition sont reçus comme preuves dans la procédure d'extradition aux conditions suivantes :

a) dans le cas d'une demande des États-Unis, s'ils sont authentifiés par un fonctionnaire du Département d'État des États-Unis et certifiés par l'agent diplomatique ou consulaire principal de la Barbade résidant aux États-Unis;

b) dans le cas d'une demande du Belize, s'ils sont certifiés par l'agent diplomatique ou consulaire principal des États-Unis résidant à la Barbade, tel que prévu par la législation des États-Unis en matière d'extradition; ou

c) s'ils sont certifiés ou authentifiés de toute autre manière acceptée par la législation de l'État requis.

Article 8. Prescription

L'extradition ne peut être refusée en raison de la législation de l'État requérant ou de l'État requis en matière de prescription.

Article 9. Arrestation provisoire

1. En cas d'urgence, un État contractant peut demander l'arrestation provisoire de la personne recherchée en attendant la présentation de la demande d'extradition. La demande d'arrestation provisoire peut être transmise par la voie diplomatique ou directement entre le Département de la justice des États-Unis et l'Attorney General de la Barbade. Telle demande peut également être transmise par l'intermédiaire de l'Organisation internationale de police criminelle (Interpol), ou par tout autre moyen convenu entre les États contractants.

2. La demande d'arrestation provisoire contient les éléments suivants :

a) le signalement de la personne recherchée;

b) si elle est connue, une indication du lieu où elle se trouve;

c) un bref exposé des faits, y compris, si possible, le moment et le lieu de l'infraction;

d) une description des lois violées;

e) une déclaration attestant l'existence d'un mandat d'arrêt ou d'une condamnation ou d'un jugement prononcé contre la personne recherchée; et

f) une déclaration attestant qu'une demande d'extradition à l'encontre de la personne recherchée suivra.

3. L'État requérant est notifié sans délai de la suite donnée à sa demande et des raisons d'un refus éventuel de donner suite à sa demande.

4. Une personne ayant fait l'objet d'une arrestation provisoire peut être remise en liberté dans les 60 jours suivant la date de l'arrestation provisoire au titre du présent Traité, si l'autorité exécutive de l'État requis n'a pas reçu la demande d'extradition officielle et les documents justificatifs requis à l'article 6.

5. La mise en liberté de la personne recherchée, en application du paragraphe 4 du présent article, ne fait pas obstacle à une nouvelle arrestation et à son extradition si la demande d'extradition et les documents à l'appui parviennent ultérieurement.

Article 10. Décision et remise

1. L'État requis transmet, par la voie diplomatique et dans les meilleurs délais, à l'État requérant sa décision au sujet de la demande d'extradition.

2. En cas de rejet total ou partiel de la demande, l'État requis motive sa décision. Sur demande, l'État requis communique la copie des décisions judiciaires pertinentes.

3. Si la demande d'extradition est accordée, les autorités des États contractants conviennent du moment et du lieu de la remise de la personne recherchée.

4. Si la personne recherchée n'est pas extradée du territoire de l'État requis dans le délai prévu par la législation de cet État, elle peut être remise en liberté et l'État requis pourra ultérieurement refuser l'extradition au titre de la même infraction.

Article 11. Remise temporaire ou ajournée

1. En cas d'acceptation d'une demande d'extradition visant une personne faisant l'objet de poursuites ou purgeant une peine dans l'État requis, ce dernier peut remettre temporairement la personne recherchée à l'État requérant aux fins de poursuites. La personne ainsi remise est maintenue en détention dans l'État requérant et est retournée à l'État requis à l'issue des poursuites judiciaires engagées contre elle, selon les modalités convenues d'un commun accord entre les États contractants.

2. L'État requis peut ajourner la procédure d'extradition à l'encontre d'une personne qui fait l'objet de poursuites ou qui purge une peine dans cet État. Cet ajournement peut continuer jusqu'à la fin des poursuites contre la personne recherchée ou de la purge en totalité ou en partie de la peine prononcée.

Article 12. Demandes d'extradition présentées par plusieurs États

Si l'État requis reçoit, pour la même personne, des demandes d'extradition émanant de l'autre État contractant et d'un ou plusieurs autres États, que ce soit pour la même infraction ou pour d'autres infractions, l'autorité exécutive de l'État requis décide à quel État remettre la personne recherchée. Pour prendre sa décision, l'État requis tient compte de tous les facteurs pertinents, y compris, mais sans s'y limiter :

a) si les demandes ont été présentées ou non en vertu d'un traité;

b) du lieu où chaque infraction a été commise;

c) des intérêts respectifs des États requérants;

d) de la gravité des infractions;

e) de la nationalité de la victime;

f) de l'éventualité d'une extradition ultérieure entre les États requérants; et

g) l'ordre chronologique de réception des demandes d'extradition introduites par les États requérants.

Article 13. Saisie et1 remise de biens

1. Dans la mesure où sa législation l'autorise, l'État requis peut saisir et remettre à l'État requérant tous les objets, documents et éléments de preuve ayant trait à l'infraction pour laquelle l'extradition est accordée. Les objets mentionnés au présent article doivent être remis même si l'extradition ne peut être effectuée en raison du décès, de la disparition ou de la fuite de la personne recherchée.

2. L'État requis peut subordonner la remise des biens à la fourniture, par l'État requérant, d'assurances suffisantes garantissant que lesdits biens seront restitués à l'État requis dès que

possible. L'État requis peut reporter la remise des biens s'ils s'avèrent nécessaires pour les besoins de l'établissement de la preuve dans l'État requis.

3. Les droits des tiers sur tels biens doivent être dûment respectés.

Article 14. Règle de la spécialité

1. Une personne extradée en vertu du présent Traité ne peut être ni détenue, ni jugée, ni punie sur le territoire de l'État requérant sauf pour :

a) une infraction pour laquelle l'extradition a été accordée ou une infraction libellée autrement en s'appuyant sur les mêmes faits pour lesquels l'extradition a été accordée, à condition que l'infraction puisse donner lieu à extradition, ou qu'elle soit une infraction incluse mais de gravité moindre;

b) une infraction commise après l'extradition de la personne, ou

c) une infraction pour laquelle l'autorité exécutive de l'État requis consent à la détention, au jugement ou à la sanction. Aux fins du présent alinéa :

i) l'État requis peut exiger que lui soient remises les pièces énumérées à l'article 6; et

ii) la personne extradée peut être détenue par l'État requérant pendant une durée de 90 jours ou une durée plus longue autorisée par l'État requis pendant que la demande est traitée.

2. Une personne extradée en vertu du présent Traité ne peut pas être extradée vers un État tiers pour une infraction commise avant sa remise, sans le consentement de l'État qui effectue la remise.

3. Les dispositions des paragraphes 1 et 2 du présent article ne s'opposent pas à la détention, au jugement ou à la condamnation d'une personne extradée, ni à l'extradition de ladite personne vers un État tiers si :

a) la personne concernée quitte le territoire de l'État requérant après l'extradition pour ensuite y revenir de son propre chef; ou

b) la personne ne quitte pas le territoire de l'État requérant dans les 10 jours à compter du jour où elle est libre de le faire.

Article 15 Renonciation à l'extradition

Si la personne recherchée consent à être remise à l'État requérant, l'État requis peut la remettre aussitôt que possible sans autres formalités.

Article 16. Transit

1. Chaque État contractant peut autoriser le transit par son territoire d'une personne remise à l'autre État par un État tiers. Une demande de transit est transmise par la voie diplomatique ou directement entre le Département de la justice des États-Unis et l'Attorney General de la Barbade. Telle demande peut également être transmise par l'intermédiaire de l'Organisation internationale de police criminelle (Interpol), ou par tout autre moyen convenu entre les États contractants. La

demande contient le signalement de la personne transportée et un bref exposé des faits de l'affaire. Une personne en transit peut être maintenue en détention pendant la période du transit.

2. Aucune autorisation n'est requise en cas de transport aérien ne prévoyant aucune escale sur le territoire de l'État contractant. En cas d'atterrissage imprévu sur le territoire de l'autre État contractant, ce dernier peut exiger une demande de transit conformément au paragraphe 1. Cet État contractant peut détenir la personne jusqu'à réception de la demande de transit et le transit peut être effectué, à condition que la demande soit reçue dans un délai de 96 heures à compter de l'heure d'atterrissage imprévu

Article 17. Représentation et frais

1. L'État requis conseille et fournit son assistance à l'État requérant, de même qu'il comparait en son nom et représente ses intérêts au cours des procédures engagées dans le cadre d'une demande d'extradition.

2. L'État requérant prend à sa charge les frais résultant de la traduction des documents d'extradition et du transport de la personne remise. L'État requis assume tous les autres frais encourus dans l'État requérant suite à la procédure d'extradition.

3. Aucun État ne réclame de l'autre État des dédommagements pécuniaires résultant de l'arrestation, de la détention, de l'examen ou de la remise des personnes recherchées en vertu du présent Traité.

Article 18. Consultations

Le Département de la justice des États-Unis et l'Attorney General de la Barbade peuvent se consulter directement au sujet du traitement des cas individuels et pour assurer le maintien et l'amélioration des procédures de mise en œuvre du présent Traité.

Article 19. Application

Le présent Traité s'applique aux infractions commises aussi bien avant qu'après la date de son entrée en vigueur.

Article 20. Ratification et entrée en vigueur

1. Le présent Traité est soumis à ratification et les instruments de ratification sont échangés à Washington dans les meilleurs délais.

2. Le présent Traité entre en vigueur à la date de l'échange des instruments de ratification.

3. Dès l'entrée en vigueur du présent Traité, le traité d'extradition signé à Londres le 22 décembre 1931 cesse de s'appliquer entre les États-Unis et la Barbade. Toutefois, le traité précédent s'applique aux procédures d'extradition dans lesquelles les documents d'extradition ont déjà été soumis aux tribunaux de l'État requis au moment de l'entrée en vigueur du présent Traité, sauf si l'article 15 du présent Traité s'y applique. L'article 14 du présent Traité s'applique aux personnes passibles d'extradition en vertu du traité précédent.

Article 21. Dénonciation

Chacun des États contractants peut dénoncer le présent Traité à tout moment moyennant un préavis écrit donné à l'autre État contractant; la dénonciation prend effet six mois après réception du préavis.

EN FOI DE QUOI, les soussignés, dûment autorisés par leur Gouvernement respectif, ont signé le présent Traité.

FAIT à Bridgetown, en double exemplaire, le 28 février 1996.

Pour le Gouvernement des États-Unis d'Amérique :

[JEANETTE W. HYDE]

Pour le Gouvernement de la Barbade :

[DAVID SIMMONS]

No. 50943

Ireland
and
Samoa

Agreement between Ireland and Samoa for the exchange of information relating to tax matters. Dublin, 8 December 2009

Entry into force: *21 February 2012 by notification, in accordance with article 11*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Ireland, 6 June 2013*

Irlande
et
Samoa

Accord entre l'Irlande et Samoa relatif à l'échange de renseignements en matière fiscale. Dublin, 8 décembre 2009

Entrée en vigueur : *21 février 2012 par notification, conformément à l'article 11*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande, 6 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

IRELAND

AND

SAMOA

FOR THE

EXCHANGE OF INFORMATION RELATING TO TAX MATTERS

The Government of Ireland and the Government of Samoa desiring to facilitate the exchange of information with respect to taxes have agreed as follows:

Article 1

Object and Scope of the Agreement

The competent authorities of the Contracting Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Contracting Parties concerning taxes covered by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment and collection of such taxes, the recovery and enforcement of tax claims, or the investigation or prosecution of tax matters. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8. The rights and safeguards secured to persons by the laws or administrative practice of the requested Party remain applicable to the extent that they do not unduly prevent or delay effective exchange of information.

Article 2

Jurisdiction

A Requested Party is not obligated to provide information which is neither held by its authorities nor in the possession or control of persons who are within its territorial jurisdiction.

Article 3

Taxes Covered

1. The taxes which are the subject of this Agreement are taxes of every kind and description imposed by the Contracting Parties at the date of signature of the Agreement.

2. This Agreement shall also apply to any identical taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes. This Agreement shall also apply to any substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the existing taxes if the competent authorities of the Contracting Parties so agree. Furthermore, the taxes covered may be expanded or modified by mutual agreement of the Contracting Parties in the form of an exchange of letters. The competent authorities of the Contracting Parties shall notify each other of any substantial changes to the taxation and related information gathering measures covered by the Agreement.

Article 4

Definitions

1. For the purposes of this Agreement, unless otherwise defined:

a) the term "Contracting Party" means Ireland or Samoa as the context requires;

b) the term "Ireland" means Ireland and includes any area outside the territorial waters of Ireland which has been or may hereafter be designated under the laws of Ireland concerning the Exclusive Economic Zone and the Continental Shelf, as an area within which Ireland may exercise such sovereign rights and jurisdiction as are in conformity with international law;

c) the term "Samoa" means the Independent State of Samoa and the territorial waters thereof;

d) the term "competent authority" means

i) in the case of Ireland, the Revenue Commissioners or their authorised representative;

ii) in the case of Samoa, the Minister of Revenue or an authorised representative of the Minister of Revenue;

e) the term "person" includes an individual, a company and any other body of persons;

f) the term "company" means anybody corporate or any entity that is treated as a body corporate for tax purposes;

g) the term "publicly traded company" means any company whose principal class of shares is listed on a recognised stock exchange provided its listed shares can be readily purchased or sold by the public. Shares can be purchased or sold "by the public" if the purchase or sale of shares is not implicitly or explicitly restricted to a limited group of investors;

h) the term "principal class of shares" means the class or classes of shares representing a majority of the voting power and value of the company;

i) the term "recognised stock exchange" means any stock exchange agreed upon by the competent authorities of the Contracting Parties;

j) the term "collective investment fund or scheme" means any pooled investment vehicle, irrespective of legal form. The term "public collective investment fund or scheme" means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed "by the public" if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;

k) the term "tax" means any tax to which the Agreement applies;

l) the term "applicant Party" means the Contracting Party requesting information;

m) the term "requested Party" means the Contracting Party requested to provide information;

n) the term "information gathering measures" means laws and administrative or judicial procedures that enable a Contracting Party to obtain and provide the requested information;

o) the term "information" means any fact, statement or record in any form whatever;

p) the term "criminal tax matters" means tax matters involving intentional conduct which is liable to prosecution under the criminal laws of the applicant Party;

q) the term " criminal laws" means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes.

2. As regards the application of this Agreement at any time by a Contracting Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party, any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

Article 5

Exchange of Information Upon Request

1. The competent authority of the requested Party shall provide upon request information for the purposes referred to in Article 1. Such information shall be exchanged without regard to whether the conduct being investigated would constitute a crime under the laws of the requested Party if such conduct occurred in the requested Party.

2. If the information in the possession of the competent authority of the requested Party is not sufficient to enable it to comply with the request for information, that Party shall use all relevant information gathering measures to provide the applicant Party with the information requested, notwithstanding that the requested Party may not need such information for its own tax purposes.

3. If specifically requested by the competent authority of an applicant Party, the competent authority of the requested Party shall provide information under this Article, to the extent allowable under its domestic laws, in the form of depositions of witnesses and authenticated copies of original records.

4. Each Contracting Party shall ensure that its competent authorities for the purposes specified in Article 1 of the Agreement, have the authority to obtain and provide upon request:

a) information held by banks, other financial institutions, and any person acting in an agency or fiduciary capacity including nominees and trustees;

b) information regarding the ownership of companies, partnerships, trusts, foundations, "Anstalten" and other persons, including, within the constraints of Article 2, ownership information on all such persons in an ownership chain; in the case of trusts, information on settlors, trustees and beneficiaries; and in the case of foundations, information on founders, members of the foundation council and beneficiaries. Further, this Agreement does not create an obligation on the Contracting Parties to obtain or provide ownership information with respect to publicly traded companies or public collective investment funds or schemes unless such information can be obtained without giving rise to disproportionate difficulties.

5. The competent authority of the applicant Party shall provide the following information to the competent authority of the requested Party when making a request for information under the Agreement to demonstrate the foreseeable relevance of the information to the request:

a) the identity of the person under examination or investigation;

b) a statement of the information sought including its nature and the form in which the applicant Party wishes to receive the information from the requested Party;

c) the tax purpose for which the information is sought;

d) grounds for believing that the information requested is held in the requested Party or is in the possession or control of a person within the jurisdiction of the requested Party;

e) to the extent known, the name and address of any person believed to be in possession of the requested information;

f) a statement that the request is in conformity with the law and administrative practices of the applicant Party, that if the requested information was within the jurisdiction of the applicant Party then the competent authority of the applicant Party would be able to obtain the information under the laws of the applicant Party or in the normal course of administrative practice and that it is in conformity with this Agreement;

g) a statement that the applicant Party has pursued all means available in its own territory to obtain the information, except those that would give rise to disproportionate difficulties.

6. The competent authority of the requested Party shall forward the requested information as promptly as possible to the applicant Party. To ensure a prompt response, the competent authority of the requested Party shall:

a) Confirm receipt of a request in writing to the competent authority of the applicant Party and shall notify the competent authority of the applicant Party of deficiencies in the request, if any, within 60 days of the receipt of the request.

b) If the competent authority of the requested Party has been unable to obtain and provide the information within 90 days of receipt of the request, including if it encounters obstacles in furnishing the information or it refuses to furnish the information, it shall immediately inform the applicant Party, explaining the reason for its inability, the nature of the obstacles or the reasons for its refusal.

Article 6

Tax Examinations Abroad

1. A Contracting Party may allow representatives of the competent authority of the other Contracting Party to enter the territory of the first-mentioned Party to interview individuals and examine records with the written consent of the persons concerned. The competent authority of the second-mentioned Party shall notify the competent authority of the first-mentioned Party of the time and place of the meeting with the individuals concerned.

2. At the request of the competent authority of one Contracting Party, the competent authority of the other Contracting Party may allow representatives of the competent authority of the first-mentioned Party to be present at the appropriate part of a tax examination in the second-mentioned Party.

3. If the request referred to in paragraph 2 is acceded to, the competent authority of the Contracting Party conducting the examination shall, as soon as possible, notify the competent authority of the other Party about the time and place of the examination, the authority or official designated to carry out the examination and the procedures and conditions required by the first-mentioned Party for the conduct of the examination. All decisions with respect to the conduct of the tax examination shall be made by the Party conducting the examination.

Article 7

Possibility of Declining a Request

1. The requested Party shall not be required to obtain or provide information that the applicant Party would not be able to obtain under its own laws for purposes of the administration or enforcement of its own tax laws. The competent authority of the requested Party may decline to assist where the request is not made in conformity with this Agreement.

2. The provisions of this Agreement shall not impose on a Contracting Party the obligation to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process. Notwithstanding the foregoing, information of the type referred to in Article 5, paragraph 4 shall not be treated as such a secret or trade process merely because it meets the criteria in that paragraph.

3. The provisions of this Agreement shall not impose on a Contracting Party the obligation to obtain or provide information, which would reveal confidential communications between a client and an attorney, solicitor or other admitted legal representative where such communications are:

a) produced for the purposes of seeking or providing legal advice or

b) produced for the purposes of use in existing or contemplated legal proceedings.

4. The requested Party may decline a request for information if the disclosure of the information would be contrary to public policy (ordre public).

5. A request for information shall not be refused on the ground that the tax claim giving rise to the request is disputed.

6. The requested Party may decline a request for information if the information is requested by the applicant Party to administer or enforce a provision of the tax law of the applicant Party, or any requirement connected therewith, which discriminates against a national of the requested Party as compared with a national of the applicant Party in the same circumstances.

Article 8

Confidentiality

Any information received by a Contracting Party under this Agreement shall be treated as confidential and may be disclosed only to persons or authorities (including courts and administrative bodies) in the jurisdiction of the Contracting Party concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to, the taxes covered by this Agreement. Such persons or authorities shall use such information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. The information may not be disclosed to any other person or entity or authority or any other jurisdiction without the express written consent of the competent authority of the requested Party.

Article 9

Costs

Incidence of costs incurred in providing assistance shall be agreed by the Contracting Parties.

Article 10

Mutual Agreement Procedure

1. Where difficulties or doubts arise between the Contracting Parties regarding the implementation or interpretation of the Agreement, the competent authorities shall endeavour to resolve the matter by mutual agreement.

2. In addition to the agreements referred to in paragraph 1, the competent authorities of the Contracting Parties may mutually agree on the procedures to be used under Articles 5 and 6.

3. The competent authorities of the Contracting Parties may communicate with each other directly for purposes of reaching agreement under this Article.

4. The Contracting Parties may also agree on other forms of dispute resolution.

Article 11

Entry into Force

This Agreement shall enter into force when each Party has notified the other of the completion of its necessary internal procedures for entry into force. Upon entry into force, it shall have effect:

a) for criminal tax matters on that date; and

b) for all other matters covered in Article 1 on that date, but only in respect of taxable periods beginning on or after that date, or where there is no taxable period, all charges to tax arising on or after that date.

Article 12

Termination

1. Either Contracting Party may terminate the Agreement by serving a notice of termination either through diplomatic channels or by letter to the competent authority of the other Contracting Party.

2. Such termination shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of notice of termination by the other Contracting Party.

3. Following termination of the Agreement the Contracting Parties shall remain bound by the provisions of Article 8 with respect to any information obtained under the Agreement.

In witness whereof, the undersigned, being duly authorised thereto, have signed the Agreement.

Done, in duplicate this 8th day of December 2009

For Ireland:	For Samoa:
Micheál Martin	**Anasii Leota TUUU**

[TRANSLATION – TRADUCTION]

ACCORD ENTRE L'IRLANDE ET SAMOA RELATIF À L'ÉCHANGE DE RENSEIGNEMENTS EN MATIÈRE FISCALE

Désireux de faciliter l'échange de renseignements en matière fiscale, le Gouvernement de l'Irlande et le Gouvernement de Samoa sont convenus de ce qui suit :

Article premier. Objet et champ d'application de l'Accord

Les autorités compétentes des Parties contractantes s'accordent une assistance mutuelle par l'échange de renseignements vraisemblablement pertinents pour l'administration et l'application de leurs législations internes relatives aux impôts visés par le présent Accord. Ces renseignements sont ceux qui sont vraisemblablement pertinents pour la détermination, l'établissement et la perception de ces impôts, pour le recouvrement et l'exécution des créances fiscales ou pour les enquêtes ou les poursuites en matière fiscale. Les renseignements sont échangés conformément aux dispositions du présent Accord et tenus secrets selon les modalités prévues à l'article 8. Les droits et protections dont bénéficient les personnes, en vertu des dispositions législatives ou des pratiques administratives de la Partie requise, restent applicables dans la mesure où ils n'entravent ou ne retardent pas indûment l'échange effectif de renseignements.

Article 2. Compétence

La Partie requise n'est pas tenue de fournir des renseignements qui ne sont ni détenus par ses autorités ni en la possession ou sous le contrôle de personnes relevant de sa compétence territoriale.

Article 3. Impôts visés

1. Les impôts qui constituent l'objet du présent Accord sont les impôts de toute nature et de toute dénomination institués par les Parties contractantes à la date de signature de l'Accord.

2. Le présent Accord s'applique aussi aux impôts de même nature institués après la date de signature de l'Accord et qui s'ajoutent aux impôts actuels ou s'y substituent. Le présent Accord s'applique en outre aux impôts sensiblement analogues institués après la date de signature du présent Accord et qui s'ajoutent aux impôts actuels ou s'y substituent, si les autorités compétentes des Parties contractantes en conviennent. En outre, les impôts visés peuvent être élargis ou modifiés d'un commun accord entre les Parties contractantes, par un échange de lettres. Les autorités compétentes des Parties contractantes se communiquent toutes les modifications importantes apportées aux mesures fiscales et aux mesures connexes de collecte de renseignements visées dans le présent Accord.

Article 4. Définitions

1. Aux fins du présent Accord, et sauf définition contraire :

a) l'expression « Partie contractante » désigne l'Irlande ou le Samoa, suivant le contexte;

b) le terme « Irlande » désigne l'Irlande et comprend toute région située en dehors des eaux territoriales de l'Irlande qui a été ou peut être désignée, conformément à la législation irlandaise relative à la zone économique exclusive et au plateau continental, comme une région à l'intérieur de laquelle l'Irlande peut exercer ses droits souverains ou sa juridiction conformément au droit international;

c) le terme « Samoa » désigne l'État indépendant du Samoa et ses eaux territoriales;

d) l'expression « autorité compétente » désigne :

i) dans le cas de l'Irlande, les Revenue Commissioners ou leur représentant autorisé;

ii) dans le cas du Samoa, le Ministre du revenu ou son représentant autorisé;

e) le terme « personne » désigne une personne physique, une société et toute autre association de personnes;

f) le terme « société » désigne toute personne morale ou toute entité considérée comme telle, au regard de l'impôt;

g) l'expression « société cotée » désigne toute société dont la catégorie principale d'actions est cotée sur une bourse reconnue, les actions cotées de la société devant pouvoir être achetées et vendues facilement par le public. Telles actions peuvent être achetées ou vendues « par le public » si l'achat ou la vente ne sont pas implicitement ou explicitement restreints à un groupe limité d'investisseurs;

h) l'expression « catégorie principale d'actions » désigne la ou les catégorie(s) d'actions représentant la majorité des droits de vote et de la valeur de la société;

i) l'expression « bourse reconnue » désigne toute bourse choisie d'un commun accord par les autorités compétentes des Parties contractantes;

j) l'expression « fonds ou dispositif de placement collectif » désigne tout instrument de placement groupé, quelle qu'en soit la forme juridique. L'expression « fonds ou dispositif de placement collectif public » désigne tout fonds ou dispositif de placement collectif dont les parts, actions ou autres participations peuvent être facilement achetées, vendues ou rachetées par le public. Les parts, actions ou autres participations au fonds ou dispositif peuvent être facilement achetées, vendues ou rachetées « par le public » si l'achat, la vente ou le rachat n'est pas implicitement ou explicitement réservé à un groupe restreint d'investisseurs;

k) le terme « impôt » désigne tout impôt auquel s'applique le présent Accord;

l) l'expression « Partie requérante » désigne la Partie contractante qui demande des renseignements;

m) l'expression « Partie requise » désigne la Partie contractante à laquelle des renseignements sont demandés;

n) l'expression « mesures de collecte de renseignements » désigne les dispositions législatives et les procédures administratives ou judiciaires qui permettent à une Partie contractante d'obtenir et de fournir les renseignements demandés;

o) le terme « renseignement » désigne tout fait, témoignage ou document, quelle qu'en soit la forme;

p) l'expression « affaires fiscales pénales » désigne les affaires fiscales qui impliquent une conduite intentionnelle susceptible de poursuites judiciaires en vertu du droit pénal de la Partie requérante;

q) l'expression « droit pénal » désigne toute la législation pénale désignée comme telle en vertu de la législation nationale, qu'elle fasse partie de la législation fiscale, du code pénal ou d'autres lois;

2. Aux fins de l'application du présent Accord à tout moment par une Partie contractante, tout terme ou toute expression qui n'y sont pas définis ont, à moins que le contexte n'impose une interprétation différente, le sens que leur attribue la législation de cette Partie, au moment considéré, le sens que leur attribue la législation fiscale en vigueur de cette Partie prévalant sur celui qui leur est attribué par d'autres lois en vigueur dans cette Partie.

Article 5. Échange de renseignements sur demande

1. L'autorité compétente de la Partie requise fournit, sur demande, des renseignements aux fins visées à l'article 1. Ces renseignements sont échangés, que l'acte faisant l'objet de l'enquête constitue ou non une infraction au regard du droit de la Partie requise s'il s'était produit sur le territoire de cette Partie.

2. Si les renseignements que détient l'autorité compétente de la Partie requise ne suffisent pas pour lui permettre de donner suite à la demande de renseignements, la Partie requise prend toutes les mesures appropriées de collecte de renseignements pour fournir à la Partie requérante les renseignements demandés, même si la Partie requise n'a pas besoin de ces renseignements à ses propres fins fiscales.

3. Sur demande spécifique de l'autorité compétente de la Partie requérante, l'autorité compétente de la Partie requise fournit les renseignements visés au présent article, dans la mesure où son droit interne l'y autorise, sous la forme de dépositions de témoins et de copies certifiées conformes aux documents originaux.

4. Chaque Partie contractante fait en sorte que ses autorités compétentes aient le droit, aux fins prévues à l'article 1 de l'Accord, d'obtenir ou de fournir sur demande :

a) les renseignements détenus par les banques, les autres établissements financiers et toute personne agissant en qualité de mandataire ou de fiduciaire;

b) les renseignements concernant la propriété des sociétés, des sociétés de personnes, des fiducies, des fondations, « Anstalten » et d'autres personnes, y compris, dans les limites de l'article 2, les renseignements en matière de propriété concernant toutes ces personnes lorsqu'elles font partie d'une chaîne de propriété; dans le cas des fiducies, les renseignements sur les disposants, les fiduciaires et les bénéficiaires; et dans le cas des fondations, les renseignements sur les fondateurs, les membres du conseil de la fondation et les bénéficiaires. En outre, le présent Accord n'oblige pas les Parties contractantes à obtenir ou à fournir des renseignements sur la

composition des membres des sociétés cotées ou des fonds ou dispositifs de placement collectif publics, sauf si ces renseignements peuvent être obtenus sans difficulté disproportionnée.

5. L'autorité compétente de la Partie requérante fournit les renseignements suivants à l'autorité compétente de la Partie requise, lorsqu'elle lui soumet une demande de renseignements en vertu du présent Accord, afin de démontrer la pertinence vraisemblable des renseignements recherchés :

a) l'identité de la personne faisant l'objet d'un contrôle ou d'une enquête;

b) les indications concernant les renseignements recherchés, notamment leur nature et la forme sous laquelle la Partie requérante souhaite les recevoir de la Partie requise;

c) le but fiscal dans lequel les renseignements sont recherchés;

d) les raisons qui donnent à penser que les renseignements demandés sont détenus dans la Partie requise ou sont en la possession ou sous le contrôle d'une personne relevant de la compétence de la Partie requise;

e) dans la mesure où ils sont connus, les nom et adresse de toute personne dont il y a lieu de penser qu'elle est en possession des renseignements demandés;

f) une déclaration attestant que la demande est conforme aux dispositions législatives ainsi qu'aux pratiques administratives de la Partie requérante et que, si les renseignements demandés relevaient de la compétence de la Partie requérante, l'autorité compétente de ladite Partie pourrait obtenir tels renseignements en vertu de son droit ou dans le cadre normal de ses pratiques administratives, et que la demande est conforme au présent Accord;

g) une déclaration attestant que la Partie requérante a usé, pour obtenir les renseignements, de tous les moyens disponibles sur son propre territoire, hormis ceux qui soulèveraient des difficultés disproportionnées.

6. L'autorité compétente de la Partie requise transmet les renseignements demandés dans les plus brefs délais possibles à la Partie requérante. Pour assurer une réponse rapide, l'autorité compétente de la Partie requise :

a) Accuse réception de la demande par écrit à l'autorité compétente de la Partie requérante et l'avise, dans les 60 jours à compter de la réception de la demande, des éventuelles lacunes de celle-ci.

b) Si l'autorité compétente de la Partie requise n'a pas pu obtenir et fournir les renseignements dans les 90 jours à compter de la date de réception de la demande, y compris si elle rencontre des obstacles l'empêchant de donner suite à la demande ou si elle refuse de communiquer les renseignements, elle informe immédiatement la Partie requérante de son empêchement, de la nature des obstacles ou des motifs du rejet de la demande.

Article 6. Contrôles fiscaux à l'étranger

1. Une Partie contractante peut autoriser des représentants de l'autorité compétente de l'autre Partie contractante à se rendre sur son territoire pour interroger des personnes physiques et examiner des documents, avec le consentement écrit des personnes concernées. L'autorité compétente de la deuxième Partie communique à l'autorité compétente de la première Partie la date et le lieu de l'entretien avec les personnes physiques concernées.

2. À la demande de l'autorité compétente d'une Partie contractante, l'autorité compétente de l'autre Partie contractante peut autoriser des représentants de l'autorité compétente de la première Partie contractante mentionnée à assister à la phase appropriée d'un contrôle fiscal sur son territoire.

3. Si la demande visée au paragraphe 2 est acceptée, l'autorité compétente de la Partie qui effectue le contrôle fait connaître, aussitôt que possible, à l'autorité compétente de l'autre Partie, la date et le lieu du contrôle, l'autorité ou le fonctionnaire désigné pour effectuer le contrôle ainsi que les procédures et les conditions exigées par la première Partie pour l'exécution du contrôle. Toute décision relative à l'exécution du contrôle fiscal est prise par la Partie qui effectue le contrôle.

Article 7. Possibilité de rejet d'une demande

1. La Partie requise n'est pas tenue d'obtenir ou de fournir des renseignements que la Partie requérante ne pourrait pas obtenir en vertu de son propre droit pour l'exécution ou l'application de sa propre législation fiscale. L'autorité compétente de la Partie requise peut refuser l'assistance lorsque la demande n'est pas soumise conformément au présent Accord.

2. Les dispositions du présent Accord n'obligent pas une Partie contractante à fournir des renseignements susceptibles de révéler un secret commercial, industriel, professionnel ou d'affaires ou un procédé commercial. Nonobstant ce qui précède, les renseignements du type visé au paragraphe 4 de l'article 5 ne sont pas traités comme un tel secret ou procédé commercial du simple fait qu'ils remplissent les critères prévus à ce paragraphe 4.

3. Les dispositions du présent Accord n'obligent pas une Partie contractante à obtenir ou à fournir des renseignements qui divulgueraient des communications confidentielles entre un client et un avocat, un conseil ou un représentant juridique agréé lorsque telles communications :

a) visent à demander ou à fournir un avis juridique; ou

b) sont destinées à être utilisées dans une action en justice en cours ou envisagée.

4. La Partie requise peut rejeter une demande de renseignements si la divulgation de tels renseignements était contraire à l'ordre public.

5. Une demande de renseignements ne peut être rejetée au motif que la créance fiscale faisant l'objet de la demande est contestée.

6. La Partie requise peut rejeter une demande de renseignements si les renseignements sont demandés par la Partie requérante pour appliquer ou exécuter une disposition de sa législation fiscale – ou toute obligation s'y rattachant – qui est discriminatoire envers un ressortissant de la Partie requise par rapport à un ressortissant de la Partie requérante se trouvant dans les mêmes circonstances.

Article 8. Confidentialité

Tout renseignement reçu par une Partie contractante en vertu du présent Accord est tenu confidentiel et ne peut être divulgué qu'aux personnes ou autorités (y compris les tribunaux et les organes administratifs) relevant de la compétence de la Partie contractante qui sont concernées par l'établissement, la perception ou le recouvrement des impôts visés par le présent Accord, par l'exécution ou les poursuites en rapport avec les impôts visés par le présent Accord, ou par les décisions en appel se rapportant à ces impôts. Ces personnes ou ces autorités n'utilisent ces

renseignements qu'à ces fins. Elles peuvent les divulguer à l'occasion d'audiences publiques de tribunaux ou dans des décisions de justice. Les renseignements ne peuvent être révélés à aucune autre personne, entité ou autorité, ni à aucune autre autorité étrangère, sans l'autorisation écrite expresse de l'autorité compétente de la Partie requise.

Article 9. Frais

La répartition des frais encourus pour l'assistance est convenue par les Parties contractantes.

Article 10. Procédure amiable

1. En cas de difficultés ou de doutes entre les Parties contractantes au sujet de l'application ou de l'interprétation du présent Accord, leurs autorités compétentes s'efforcent de régler la question par voie d'accord mutuel.

2. Outre les accords visés au paragraphe 1, les autorités compétentes des Parties contractantes peuvent mutuellement convenir des procédures à suivre en vertu des articles 5 et 6.

3. Les autorités compétentes des Parties contractantes peuvent communiquer entre elles directement en vue de parvenir à un accord conformément au présent article.

4. Les Parties contractantes peuvent également convenir d'autres formes de règlement des différends.

Article 11. Entrée en vigueur

Le présent Accord entre en vigueur une fois que chacune des Parties aura notifié l'autre Partie de l'accomplissement de ses procédures internes requises pour son entrée en vigueur. Les dispositions du présent Accord s'appliquent dès son entrée en vigueur :

a) pour ce qui est des questions fiscales pénales à cette date; et

b) pour ce qui est de toutes les autres questions visées à l'article 1, à cette date, mais uniquement pour les exercices fiscaux commençant à cette date ou par la suite ou, à défaut d'exercice fiscal, à toutes les obligations fiscales prenant naissance à cette date ou par la suite.

Article 12. Dénonciation

1. L'une ou l'autre Partie contractante peut dénoncer l'Accord moyennant un avis de dénonciation, adressé par la voie diplomatique ou par courrier à l'autorité compétente de l'autre Partie contractante.

2. Telle dénonciation prend effet le premier jour du mois suivant l'expiration d'un délai de six mois après réception, par l'autre Partie contractante, du préavis de dénonciation.

3. En cas de dénonciation, les Parties contractantes restent liées par les dispositions de l'article 8 du présent Accord pour tous renseignements obtenus dans le cadre de son application.

EN FOI DE QUOI, les soussignés, à ce dûment autorisés, ont signé le présent Accord.
FAIT en double exemplaire, le 8 décembre 2009.

Pour l'Irlande :
MICHEÁL MARTIN

Pour Samoa :
ANASII LEOTA TUUU

No. 50944

Ireland
and
United States of America

Agreement between the Government of Ireland and the Government of the United States of America on enhancing cooperation in preventing and combating serious crime. Dublin, 21 July 2011

Entry into force: *19 October 2012 by notification, in accordance with article 24 with the exception of articles 8 through 10*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Ireland, 6 June 2013*

Irlande
et
États-Unis d'Amérique

Accord entre le Gouvernement d'Irlande et le Gouvernement des États-Unis d'Amérique relatif au renforcement de la coopération dans la prevention et la répression de la criminalité grave. Dublin, 21 juillet 2011

Entrée en vigueur : *19 octobre 2012 par notification, conformément à l'article 24 à l'exception des articles 8 à 10*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande, 6 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Government of Ireland and the Government of the United States of America On Enhancing Cooperation in Preventing and Combating Serious Crime

The Government of Ireland and the Government of the United States of America (hereinafter "the Parties"),

Desiring to step up co-operation to prevent and combat serious crime, particularly terrorism,

Recognizing that information sharing is an essential component in the fight against serious crime, particularly terrorism,

Recognizing the importance of preventing and combating serious crime, particularly terrorism, while respecting fundamental rights and freedoms, notably privacy,

Inspired by the EU Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Treaty done at Prüm on 27 May 2005, and

Seeking to enhance and encourage cooperation between the Parties in the spirit of partnership,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement,

1. DNA profiles (DNA identification patterns) shall mean a letter or numerical code representing a number of identifying features of the non-coding part of an analyzed human DNA sample.
2. Personal data shall mean any information relating to an identified or identifiable natural person (the "data subject").
3. Processing of personal data shall mean any operation or set of operations which is performed upon personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, sorting, retrieval, consultation, use, disclosure by supply, dissemination or otherwise making available, combination or alignment, blocking, or deletion through erasure or destruction of personal data.
4. Reference data shall mean a DNA profile and the related reference (DNA reference data) or fingerprinting data and the related reference (fingerprinting reference data). Reference data must not contain any data from which the data subject can be directly identified. Reference data not traceable to any individual (untraceables) must be recognisable as such.

   Serious crime, for the purposes of this Agreement, shall mean conduct constituting a criminal offence which is not a minor offence in accordance with Irish law or a misdemeanour under United States law.

Article 2

Purpose and Scope of this Agreement

1. The purpose of this Agreement is to enhance the cooperation between Ireland and the United States in preventing and combating serious crime.

2. The querying powers provided for under this Agreement shall be used only for prevention, detection and investigation of crime because particular circumstances give reason to inquire whether the data subject will commit or has committed an offence referred to in Article 2, paragraph 3.

3. The offences in respect of which the querying powers provided for under this Agreement shall be used shall be serious offences as defined in Article 1.

   To ensure compliance with the Parties' respective national laws, the Parties may agree to specify particular serious crimes for which a Party shall not be obligated to supply personal data as described in Articles 6 and 9 of the Agreement.

Article 3

Fingerprinting data

For the purpose of implementing this Agreement, the Parties shall ensure the availability of reference data from the file for the national automated fingerprint identification systems established for the prevention and investigation of criminal offences. Reference data shall only include fingerprinting data and a reference.

Article 4

Automated querying of fingerprint data

1. For the prevention, detection and investigation of serious crime, each Party shall allow the other Party's national contact points, as referred to in Article 7, access to the reference data in the automated fingerprint identification system, which it has established for that purpose, with the power to conduct automated queries by comparing fingerprinting data. Queries may be conducted only in individual cases and in compliance with the querying Party's national law.

2. Comparison of fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the querying national contact points by means of the automated supply of the reference data required for a clear match.

Article 5

Alternative means to query using identifying data

Until Ireland has a fully operational and automated fingerprint identification system that links to individual criminal records and is prepared to provide the United States with automated access to such a system, it shall provide an alternative means to conduct a query using other identifying data to determine a clear match linking the individual to additional data. Query powers shall be exercised in the same manner as provided in Article 4 to allow for the supply of additional data as provided for in Article 6.

Article 6
Supply of further personal and other data

Should the procedure referred to in Article 4 show a match between fingerprinting data, or should the procedure utilized pursuant to Article 5 show a match, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested Party and shall be supplied in accordance with Article 7.

Article 7
National contact points and implementing agreements

1. For the purpose of the supply of data as referred to in Articles 4 and 5, and the subsequent supply of further personal data as referred to in Article 6, each Party shall designate one or more national contact points. The contact point shall supply such data in accordance with the national law of the Party designating the contact point. Other available legal assistance channels need not be used unless necessary, for instance to authenticate such data for purposes of its admissibility in judicial proceedings of the requesting Party.
2. The technical and procedural details for the queries conducted pursuant to Articles 4 and 5 shall be set forth in one or more implementing agreements or arrangements.

Article 8
Automated querying of DNA profiles

1. If permissible under the national law of both Parties and on the basis of reciprocity, the Parties may allow each other's national contact point, as referred to in Article 10, access to the reference data in their DNA analysis files, with the power to conduct automated queries by comparing DNA profiles for the investigation of serious crime. Queries may be made only in individual cases and in compliance with the querying Party's national law.
2. Should an automated query show that a DNA profile supplied matches a DNA profile entered in the other Party's file, the querying national contact point shall receive by automated notification the reference data for which a match has been found. If no match can be found, automated notification of this shall be given.

Article 9
Supply of further personal and other data

Should the procedure referred to in Article 8 show a match between DNA profiles, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested Party and shall be supplied in accordance with Article 10.

Article 10

National contact point and implementing agreements

1. For the purposes of the supply of data as set forth in Article 8, and the subsequent supply of further personal data as referred to in Article 9, each Party shall designate a national contact point. The contact point shall supply such data in accordance with the national law of the Party designating the contact point. Other available legal assistance channels need not be used unless necessary, for instance to authenticate such data for purposes of its admissibility in judicial proceedings of the requesting Party.

2. The technical and procedural details for the queries conducted pursuant to Article 8 shall be set forth in one or more implementing agreements or arrangements.

Article 11

Supply of personal and other data in order to prevent serious criminal and terrorist offences

1. For the prevention of serious criminal and terrorist offences, the Parties may, in compliance with their respective national law, in individual cases, even without being requested to do so, supply the other Party's relevant national contact point, as referred to in paragraph 6, with the personal data specified in paragraph 2, in so far as is necessary because particular circumstances give reason to believe that the data subject(s) will commit or has committed an offence referred to in Article 2, paragraph 3 and, in particular, terrorist activity, terrorist-linked activity and offences related to the activities of a criminal organisation.

2. The personal data to be supplied may include, if available, surname, first names, former names, other names, aliases, alternative spelling of names, sex, date and place of birth, current and former nationalities, passport number, numbers from other identity documents, and fingerprinting data, as well as a description of any conviction or of the circumstances giving rise to the belief referred to in paragraph 1.

3. The supplying Party may, in compliance with its national law, impose conditions on the use that may be made of such data by the receiving Party. If the receiving Party accepts such data, it shall be bound by any such conditions.

4. Generic restrictions with respect to the legal standards of the receiving Party for processing personal data may not be imposed by the transmitting Party as a condition under paragraph 3 to providing data.

5. In addition to the personal data referred to in paragraph 2, the Parties may provide each other with non-personal data related to the offences set forth in paragraph 1.

6. Each Party shall designate one or more national contact points for the exchange of personal and other data under this Article with the other Party's contact points. The powers of the national contact points shall be governed by the national law applicable.

Article 12

Privacy and Data Protection

1. The Parties recognise that the handling and processing of personal data that they acquire from each other is of critical importance to preserving confidence in the implementation of this Agreement.

2. The Parties commit themselves to processing personal data fairly and in accordance with their respective national laws and:

   a. to ensuring that the personal data provided are adequate and relevant in relation to the specific purpose of the transfer;

   b. to retaining personal data only so long as necessary for the specific purpose for which the data were provided or further processed in accordance with this Agreement; and

   c. to ensuring that possibly inaccurate personal data are brought to the attention of the receiving Party without delay in order that appropriate corrective action is taken.

3. This Agreement shall not give rise to rights on the part of any private person, including to obtain, suppress, or exclude any evidence, or to impede the sharing of personal data. Rights existing independently of this Agreement, however, are not affected.

Article 13

Limitation on processing to protect personal and other data

1. Each Party may process data obtained under this Agreement:

   a. for the purposes set out in Article 2;

   b. for the purposes set out in Article 11;

   c. for preventing a serious threat to its public security

   d. for any other purpose, only with the prior consent of the Party which has transmitted the data; or

   e. in other proceedings directly related to the purposes set out in Article 2.

2. The Parties shall not communicate data provided under this Agreement to any third State, international body or private entity without the consent of the Party that provided the data and without the appropriate safeguards.

3. A Party may conduct an automated query of the other Party's fingerprint or DNA files under Articles 4 or 8, and process data received in response to such a query, including the communication whether or not a hit exists, solely in order to:

   a. establish whether the compared DNA profiles or fingerprint data match;

   b. prepare and submit a follow-up request for assistance in compliance with national law, including the legal assistance rules, if those data match; or

   c. conduct record-keeping, as required or permitted by its national law.

The Party administering the file may process the data supplied to it by the querying Party during the course of an automated query in accordance with Articles 4 and 8 solely where this is necessary for the purposes of comparison, providing automated

replies to the query or record-keeping pursuant to Article 16. The data supplied for comparison shall be deleted immediately following data comparison or automated replies to queries unless further processing is necessary for the purposes mentioned under this Article, paragraph 3, subparagraphs (b) or (c).

Article 14

Correction, blockage and deletion of data

1. At the request of the supplying Party, the receiving Party shall be obliged to correct, block, or delete, consistent with its national law, data received under this Agreement that are incorrect or incomplete or if its collection or further processing contravenes this Agreement or the rules applicable to the supplying Party.
2. Where a Party becomes aware that data it has received from the other Party under this Agreement are not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such data, which shall include in particular supplementation, deletion, or correction of such data.
3. Each Party shall notify the other if it becomes aware that material data it has transmitted to the other Party or received from the other Party under this Agreement are inaccurate or unreliable or are subject to significant doubt.

Article 15

Documentation

1. Each Party shall maintain a record of the transmission and receipt of data communicated to the other Party under this Agreement. This record shall serve to:
   a. ensure effective monitoring of data protection in accordance with the national law of the respective Party;
   b. enable the Parties to effectively make use of the rights granted to them according to Articles 14 and 18; and
   c. ensure data security.
2. The record shall include:
   a. information on the data supplied;
   b. the reason for the supply of the data;
   c. the date of supply; and
   d. the recipient of the data in case the data are supplied to other entities.
3. The recorded data shall be protected with suitable measures against inappropriate use and other forms of improper use and shall be kept for two years. After the conservation period the recorded data shall be deleted immediately, unless this is inconsistent with national law, including applicable data protection and retention rules.

Article 16
Data Security

1. The Parties shall ensure that the necessary technical measures and organisational arrangements are utilised to protect personal data against accidental or unlawful destruction, loss or unauthorised disclosure, alteration, access or any unauthorised form of processing. The Parties in particular shall reasonably take measures to ensure that only those authorised to access personal data can have access to such data.
2. The implementing agreements or arrangements that govern the procedures for automated querying of fingerprint and DNA files pursuant to Articles 4 and 8 shall provide:
   a. that appropriate use is made of modern technology to ensure data protection, security, confidentiality and integrity;
   b. that encryption and authorisation procedures recognised by the competent authorities are used when having recourse to generally accessible networks; and
   c. for a mechanism to ensure that only permissible queries are conducted.

Article 17
Transparency – Providing information to the data subjects

1. Nothing in this Agreement shall be interpreted to interfere with the Parties' legal obligations, as set forth by their respective national laws, to provide data subjects with information as to the purposes of the processing and the identity of the data controller, the recipients or categories of recipients, the existence of the right of access to and the right to rectify the data concerning him or her and any further information such as the legal basis of the processing operation for which the data are intended, the time limits for storing the data and the right of recourse, in so far as such further information is necessary, having regard for the purposes and the specific circumstances in which the data are processed, to guarantee fair processing with respect to data subjects.
2. Such information may be denied in accordance with the respective national laws of the Parties, including if providing this information may jeopardise:
   a. the purposes of the processing;
   b. investigations or prosecutions conducted by the competent authorities in the United States or by the competent authorities in Ireland; or
   c. the rights and freedoms of third parties.
3. Nothing in this Agreement shall be interpreted to interfere with the rights of a data subject, as set out in the Parties' respective national laws, to seek redress for any breach of their data protection or data privacy rights, as set out in the Parties' respective national laws.

Article 18

Information

Upon request, the receiving Party shall inform the supplying Party of the processing of supplied data and the result obtained. The receiving Party shall ensure that its answer is communicated to the supplying Party in a timely manner.

Article 19

Relation to Other Agreements

Nothing in this Agreement shall be construed to limit or prejudice the provisions of any treaty, other agreement, working law enforcement relationship, or domestic law allowing for information sharing between Ireland and the United States.

Article 20

Consultations

1. The Parties shall consult each other regularly on the implementation of the provisions of this Agreement.
2. In the event of any dispute regarding the interpretation or application of this Agreement, the Parties shall consult each other in order to facilitate its resolution.

Article 21

Expenses

Each Party shall bear the expenses incurred by its authorities in implementing this Agreement. In special cases, the Parties may agree on different arrangements.

Article 22

Termination of the Agreement

This Agreement may be terminated by either Party with three months' notice in writing to the other Party. The provisions of this Agreement shall continue to apply to data supplied prior to such termination.

Article 23

Amendments

1. The Parties shall enter into consultations with respect to the amendment of this Agreement at the request of either Party.
2. This Agreement may be amended by written agreement of the Parties at any time.

Article 24

Entry into force

1. This Agreement shall enter into force, with the exception of Articles 8 through 10, on the date of the later note completing an exchange of diplomatic notes between

the Parties indicating that each has taken any steps necessary to bring the agreement into force.

2. Articles 8 through 10 of this Agreement shall enter into force following the conclusion of the implementing agreement(s) or arrangement(s) referenced in Article 10 and on the date of the later note completing an exchange of diplomatic notes between the Parties indicating that each Party is able to implement those articles on a reciprocal basis. This exchange shall occur if the national laws of both Parties permit the type of DNA screening contemplated by Articles 8 through 10.

Done at Dublin. this 21st day of July 2011, in duplicate, in the English language.

FOR THE GOVERNMENT OF IRELAND:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

[TRANSLATION – TRADUCTION]

ACCORD ENTRE LE GOUVERNEMENT D'IRLANDE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF AU RENFORCEMENT DE LA COOPÉRATION DANS LA PRÉVENTION ET LA RÉPRESSION DE LA CRIMINALITÉ GRAVE

Le Gouvernement d'Irlande et le Gouvernement des États-Unis d'Amérique (ci-après dénommés « les Parties »),

Souhaitant renforcer la coopération pour prévenir et combattre la criminalité grave, en particulier le terrorisme,

Reconnaissant que la mise en commun de l'information est une composante essentielle de la lutte contre la criminalité grave, en particulier le terrorisme,

Reconnaissant qu'il importe de prévenir et de combattre la criminalité grave, en particulier le terrorisme, et tout en respectant les droits et libertés fondamentaux, notamment la protection de la vie privée,

S'inspirant de la décision du Conseil de l'Union européenne 2008/615/JHA, du 23 juin 2008, relative à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme et la criminalité transfrontalière et le Traité fait à Prüm le 27 mai 2005, et

Cherchant à renforcer et à encourager la coopération entre les Parties dans un esprit de partenariat,

Sont convenus de ce qui suit :

Article premier. Définitions

Aux fins du présent Accord :

1. Par profils ADN (patrons d'identification ADN) on entend un code lettre ou chiffre représentant un certain nombre de caractéristiques d'identification de la partie non codante d'un échantillon ADN humain analysé.

2. Par données à caractère personnel on entend toutes informations relatives à une personne naturelle identifiée ou identifiable (la « personne concernée »).

3. Par traitement de données à caractère personnel on entend toute opération ou ensemble d'opérations effectués sur des données à caractère personnel, que ce soit par moyens automatisés ou non, telles que la collecte, l'enregistrement, l'organisation, le stockage, l'adaptation ou l'altération, le triage, la récupération, la consultation, l'utilisation, la communication par transmission, la dissémination ou toute autre manière d'assurer la mise à disposition, la combinaison ou l'alignement, le verrouillage ou la suppression par effacement ou destruction de données à caractère personnel.

4. Par données de référence on entend un profil ADN et la référence correspondante (données de référence ADN), ou bien des données dactyloscopiques et la référence correspondante (données de référence dactyloscopiques). Les données de référence ne contiennent aucune donnée permettant l'identification directe de la personne concernée. Les données de référence qui ne

peuvent être attribuées à aucun individu (traces ouvertes) doivent être reconnaissables comme telles.

Aux fins du présent Accord on entend par criminalité grave tout comportement constituant une infraction pénale autre qu'une infraction mineure conformément au droit de l'Irlande ou un délit conformément au droit des États-Unis d'Amérique.

Article 2. But et portée du présent Accord

1. Le but du présent Accord est de renforcer la coopération entre l'Irlande et les États-Unis d'Amérique dans la prévention et la répression de la criminalité grave.

2. Les pouvoirs de consultation conférés par le présent Accord ne sont utilisés que pour la prévention, la détection, et l'investigation de la criminalité en raison du fait que des circonstances particulières justifient des enquêtes en vue de déterminer si la personne concernée commettra ou a commis une infraction visée à l'article 2, paragraphe 3.

3. Les infractions pour lesquelles les pouvoirs d'investigation conférés par le présent Accord sont utilisés sont les infractions graves, telles que définies à l'article 1.

Pour assurer l'observation des droits nationaux des Parties, les Parties peuvent convenir de spécifier des infractions graves particulières pour lesquelles une Partie n'est pas tenue de fournir des données à caractère personnel telles qu'elles sont définies aux articles 6 et 9 du présent Accord.

Article 3. Données dactyloscopiques

Aux fins de la mise en œuvre du présent Accord, les Parties assurent la disponibilité des données de référence à partir du fichier pour les systèmes nationaux automatisés d'identification par empreintes digitales créé en vue de la prévention et l'investigation d'infractions pénales. Les données de référence ne doivent inclure que des données dactyloscopiques et une référence.

Article 4. Consultation automatisée des données dactyloscopiques

1. En vue de la prévention, la détection et l'investigation de la criminalité grave, chacune des Parties permet aux points de contact de l'autre, tels que définis à l'article 7, d'avoir accès aux données de référence contenues dans le système automatisé d'identification par empreintes digitales qu'elle a créé à cette fin, avec le pouvoir d'effectuer des consultations automatisées moyennant la comparaison de données dactyloscopiques. Ces consultations ne sont permises que cas par cas et dans le respect du droit national de la Partie requérante.

2. La comparaison des données dactyloscopiques avec les données de référence tenues par la Partie chargée du fichier est effectuée par les points de contact consultants au moyen de la fourniture automatisée des données de référence nécessaires pour une nette concordance.

Article 5. Moyens alternatifs d'effectuer des consultations par l'utilisation de données d'identification

En attendant que l'Irlande soit dotée d'un système d'identification d'empreintes digitales entièrement opérationnel et automatisé connecté aux fichiers judiciaires individuels et qu'elle soit en mesure de faire mettre à la disposition des États-Unis d'Amérique l'accès automatisé à un tel système, l'Irlande fournira aux États-Unis d'Amérique des moyens alternatifs de mener une enquête en utilisant d'autres données d'identification en vue de déterminer une nette concordance liant l'individu à des données supplémentaires. Les pouvoirs d'investigation sont exercés de la manière prévue à l'article 4 de façon à permettre la fourniture de données supplémentaires comme prévu à l'article 6.

Article 6. Fourniture de données à caractère personnel supplémentaires et d'autres données

Si la procédure prévue à l'article 4 révèle une concordance entre données dactyloscopiques, ou la procédure utilisée selon l'article 5 en fait autant, la fourniture de toutes données à caractère personnel supplémentaires disponibles et autres données concernant les données de référence est régie par le droit national, y compris les règles sur assistance juridique, de la Partie requise, et s'effectue conformément à l'article 7.

Article 7. Points de contact nationaux et accords d'exécution

1. Aux fins de la fourniture de données conformément aux articles 4 et 5, et la fourniture subséquente de données à caractère personnel supplémentaires conformément à l'article 6, chacune des Parties désigne un ou plus d'un point de contact national. Le point de contact fournit ces données conformément au droit national de la Partie qui le désigne. D'autres canaux d'assistance juridique disponibles ne sont à utiliser qu'en cas de besoin, par exemple pour authentifier de telles données afin qu'elles soient recevables dans des procédures judiciaires de la Partie requérante.

2. Les détails techniques et procéduraux relatifs aux consultations conformément aux articles 4 et 5 sont énoncés dans un ou plus d'un accord ou arrangement d'exécution.

Article 8. Consultation automatisée des profils ADN

1. Si les droits nationaux des deux Parties ne s'y opposent pas, et sur la base de la réciprocité, les Parties peuvent permettre à leurs points de contact respectifs, tels que prévus à l'article 10, d'accéder aux données de référence dans leurs fichiers d'analyse ADN, avec le pouvoir d'effectuer des consultations automatisées moyennant la comparaison de profils ADN en vue de l'investigation de la criminalité grave. Ces consultations ne sont permises que cas par cas et dans le respect du droit national de la Partie requérante.

2. Si une consultation automatisée révèle qu'un profil ADN fourni concorde avec un profil ADN enregistré dans le fichier de l'autre Partie, le point de contact faisant la consultation reçoit, par notification automatisée, les données de référence pour lesquelles une concordance a été mise en évidence. Si aucune concordance ne peut être mise en évidence, notification automatisée en est donnée.

Article 9. Fourniture de données à caractère personnel supplémentaires et d'autres données

Si la procédure prévue à l'article 8 révèle une concordance entre des profils ADN, la fourniture de toutes données à caractère personnel supplémentaires disponibles et relatives aux données de référence est régie par le droit national, y compris les règles sur assistance juridique, de la Partie requise. La fourniture se fait conformément à l'article 10.

Article 10. Point national de contact et accords d'exécution

1. Aux fins de la fourniture de données conformément à l'article 8, et la fourniture subséquente de données à caractère personnel supplémentaires conformément à l'article 9, chaque Partie désigne un ou plus d'un point de contact national. Le point de contact fournit ces données conformément au droit national de la Partie qui le désigne. D'autres canaux d'assistance juridique disponibles ne sont à utiliser qu'en cas de besoin, par exemple pour authentifier de telles données afin qu'elles soient recevables dans des procédures judiciaires de la Partie requérante.

2. Les détails techniques et procéduraux relatifs aux consultations effectuées conformément à l'article 8 seront énoncés dans un ou plus d'un accord ou arrangement d'exécution.

Article 11. Fourniture de données à caractère personnel et d'autres données afin de prévenir la criminalité grave et les infractions terroristes

1. En vue de la prévention de la criminalité grave et les infractions terroristes, une Partie peut, en conformité avec son droit national respectif et cas par cas, fournir au point de contact compétent de l'autre Partie tel que visé au paragraphe 6, même si aucune demande à cet effet ne lui est présentée, les données à caractère personnel spécifiées au paragraphe 2, en tant que de besoin, parce que des circonstances particulières font croire que la (les) personne(s) concernée(s) commettra (commettront) ou a (ont) commis des infractions visées à l'article 2, paragraphe 3, et se livrera (livreront), en particulier, à une activité terroriste, à une activité qui s'y rattache et à des infractions en rapport avec une organisation criminelle.

2. Les données à caractère personnel à fournir peuvent comprendre, s'ils sont disponibles, les surnoms, prénoms, noms précédemment utilisés, autres noms, alias, manières alternatives d'épeler les noms, sexe, date et lieu de naissance, nationalités présentes et antérieures, numéro de passeport, numéros d'autres documents d'identification et données dactyloscopiques, ainsi que l'indication des condamnations ou des circonstances motivant la croyance mentionnée au paragraphe 1.

3. La Partie qui fournit les données peut, en application de son droit national, imposer des conditions à l'utilisation susceptible d'être faite des données par la Partie qui les reçoit. Si celle-ci accepte les données, elle est tenue d'observer ces conditions.

4. Des restrictions génériques concernant les exigences juridiques de la Partie qui reçoit les données pour le traitement de données à caractère personnel ne peuvent être imposées par l'autre Partie au titre des conditions prévues au paragraphe 3 relativement à la fourniture de données.

5. En plus des données à caractère personnel visées au paragraphe 2, les Parties peuvent se fournir des données à caractère non-personnel se rattachant aux infractions énoncées au paragraphe 1.

6. Chacune des Parties désigne un ou plus d'un point de contact national pour l'échange, conformément au présent article, de données à caractère personnel ou autres avec les points de contact de l'autre Partie.

Les pouvoirs des points de contact nationaux sont régis par le droit national applicable.

Article 12. Protection de la vie privée et des données

1. Les Parties reconnaissent que l'entretien et le traitement des données à caractère personnel qu'elles obtiennent les unes les autres revêt une importance cruciale en ce qui concerne la confiance qui doit présider à l'exécution du présent Accord.

2. Les Parties s'engagent à traiter les données à caractère personnel équitablement et en conformité avec leurs droits nationaux, et à :

a) assurer que les données à caractère personnel fournies sont adéquates et pertinentes au plan de la fin spécifique du présent Accord;

b) ne pas garder les données à caractère personnel fournies plus longtemps que nécessaire pour accomplir l'objectif pour lequel les données ont été fournies ou traitées en conformité avec le présent Accord; et

c) assurer que les données à caractère personnel possiblement inexistantes soient portées sans retard à l'attention de la Partie qui les a reçues afin que les mesures rectificatives nécessaires soient prises.

3. Le présent Accord ne donne pas naissance à des droits appartenant à des personnes privées, y compris ceux d'obtenir, supprimer ou exclure toute preuve, ou d'empêcher le partage de données à caractère personnel. Toutefois les droits existant indépendamment du présent Accord ne sont pas affectés.

Article 13. Restrictions au traitement visant à protéger les données à caractère personnel et d'autres données

1. Chacune des Parties peut traiter les données obtenues en vertu du présent Accord :

a) aux fins énoncées à l'article 2;

b) aux fins énoncées à l'article 11;

c) pour prévenir toute menace grave à sa sécurité publique;

d) pour toute autre fin, à condition que la Partie qui a transmis les données y donne son consentement par avance; ou

e) dans d'autres procédures se rattachant directement aux fins énoncées à l'article 2.

2. Les Parties ne communiquent pas les données fournies conformément au présent Accord à des États tiers, institutions internationales ou entités privées sans le consentement de la Partie qui a fourni les données et sans les sauvegardes appropriées.

3. Chacune des Parties peut effectuer une consultation automatisée sur les fichiers dactyloscopiques ou ADN de l'autre Partie conformément aux articles 4 et 8 et traiter les réponses reçues à ces consultations, y compris l'information sur le point de savoir s'il existe une concordance, uniquement dans le but :

a) d'établir si les profils ADN ou les données dactyloscopiques sont en concordance;

b) de mettre au point et soumettre une demande de suivi pour obtenir de l'assistance conformément au droit national, y compris les règles sur l'assistance juridique, si les données sont en concordance; ou

c) d'assurer la tenue de fichiers, selon le besoin ou ce qui est permis par son droit national.

La Partie gérant le fichier peut traiter les données qui lui ont été fournies par la Partie consultante au cours d'une consultation automatisée effectuée conformément aux articles 4 et 8 seulement lorsque cela est nécessaire aux fins de comparaison, pour fournir des réponses automatisées à la consultation ou pour la tenue de fichiers en application de l'article 16. Les données fournies à des fins de comparaison sont supprimées dès que la comparaison est achevée ou des réponses automatisées aux consultations ont été envoyées, à moins que des traitements supplémentaires ne soient requis aux fins énoncées au présent article, paragraphe 3, alinéas b) ou c).

Article 14. Correction, verrouillage et suppression de données

1. À la demande de la Partie qui fournit des données, la Partie qui les reçoit est tenue de corriger, verrouiller ou supprimer, en conformité avec son droit national, des données reçues en vertu du présent Accord qui sont incorrectes ou incomplètes ou dont la collecte ou traitement ultérieur viole les termes du présent Accord ou les règles applicables à la Partie qui a fourni les données.

2. Si l'une des Parties s'aperçoit que des données qu'elle a reçues de l'autre Partie conformément au présent Accord ne sont pas exactes, elle prend toutes les mesures nécessaires pour empêcher que par erreur on ne se fie à ces données. Cette obligation comprend, en particulier, la fourniture de données supplémentaires, ainsi que la suppression ou la correction des données en question.

3. Si l'une des Parties s'aperçoit que des données significatives fournies conformément au présent Accord à l'autre Partie ou reçues de cette Partie sont inexactes, non fiables ou sujettes à caution, elle en informe cette autre Partie.

Article 15. Documentation

1. Chacune des Parties tient un registre de la transmission et la réception de données communiquées à l'autre Partie conformément au présent Accord. Ce registre sert à :

a) assurer le contrôle efficace de la protection des données conformément au droit national de la Partie correspondante;

b) permettre aux Parties d'utiliser efficacement les droits que les articles 14 et 18 leur accordent; et

c) assurer la sécurité des données.

2. Le registre comprend :

a) des informations sur les données fournies;

b) la raison pour laquelle les données ont été fournies;

c) la date de la fourniture; et

d) le destinataire qui a reçu les données au cas où elles ont été fournies à d'autres entités.

3. Les données enregistrées doivent être protégées au moyen de mesures adéquates contre leur utilisation inappropriée et autres formes d'utilisation indue. Elles doivent être conservées pendant deux ans. Passé ce délai, elles doivent être supprimées immédiatement, à moins que cela ne soit contraire au droit national, y compris les règles applicables concernant la protection et la rétention des données.

Article 16. Sécurité des données

1. Les Parties veillent à ce que les mesures techniques et arrangements nécessaires soient mis en place pour protéger les données à caractère personnel contre toute destruction accidentelle ou perte, divulgation non autorisée, altération, accès ou toute méthode de traitement illicites. Les Parties assurent en particulier que seules les personnes à ce autorisées peuvent avoir accès à des données à caractère personnel.

2. Les accords ou arrangements d'exécution régissant les procédures de consultation automatisée des fichiers dactyloscopiques et ADN conformément aux articles 4 et 8 doivent prévoir :

a) que la technologie appropriée est à utiliser pour assurer la protection, la sécurité, la confidentialité et l'intégrité des données;

b) que les procédures de cryptage et autorisation reconnues par les autorités compétentes doivent être utilisées lorsqu'on a recours à des réseaux généralement accessibles;

c) qu'un mécanisme adéquat est à utiliser pour assurer que seulement des consultations licites sont effectuées.

Article 17. Transparence – Fourniture d'information aux personnes concernées

1. Rien dans le présent Accord ne sera interprété de manière à entraver les obligations des Parties, telles que prescrites par leurs droits nationaux respectifs, de fournir aux personnes concernées de l'information concernant les buts du traitement et l'identité du contrôleur des données, des personnes qui les reçoivent ou des catégories entre lesquelles elles sont réparties, l'existence du droit d'accès aux données relatives à la personne concernée et du droit de rectifier les données qui la touchent et toute autre information supplémentaire, telle que la base juridique de l'opération de traitement à laquelle les données sont destinées, les délais relatifs au stockage des données et le droit de recours, dans la mesure où de telles informations supplémentaires sont nécessaires, compte tenu des buts et des circonstances spécifiques du traitement des données, afin de garantir un traitement équitable au regard des personnes concernées.

2. Ces informations peuvent être refusées conformément aux droits nationaux respectifs des Parties, en particulier si la fourniture de l'information peut mettre en danger :

a) les buts du traitement;

b) des investigations ou poursuites menées par les autorités compétentes aux États-Unis d'Amérique et par les autorités compétentes de l'Irlande; et

c) les droits et libertés de tiers.

3. Rien dans le présent Accord n'est à interpréter comme entravant les droits d'une personne concernée, tels que prévus dans les droits nationaux respectifs, d'engager des voies de recours contre toute violation de ses droits de protection de données ou de sa vie privée, telles que prévues par les droits nationaux respectifs des Parties.

Article 18. Informations

Sur demande, la Partie qui reçoit des informations informe la Partie qui les a fournies du traitement des données fournies et du résultat obtenu. La Partie qui reçoit les informations veille à ce que sa réponse soit communiquée promptement à la Partie fournissant les informations.

Article 19. Rapport avec d'autres arrangements

Rien dans le présent Accord ne sera interprété de manière à imposer une limite ou porter préjudice aux dispositions de tout traité, un autre accord, une relation concernant l'application du droit du travail, ou une loi nationale permettant le partage d'information entre l'Irlande et les États-Unis d'Amérique.

Article 20. Consultations

1. Les Parties se consulteront régulièrement sur l'exécution des dispositions du présent Accord.

2. Au cas où un différend s'élèverait à propos de l'interprétation ou l'application du présent Accord, les Parties se consulteront en vue de faciliter son règlement.

Article 21. Frais

Chacune des Parties assume les frais encourus par ses autorités dans l'exécution du présent Accord. Dans des cas spéciaux, les Parties peuvent convenir d'arrangements différents.

Article 22. Dénonciation du présent Accord

Le présent Accord peut être dénoncé par l'une ou l'autre des Parties moyennant préavis écrit de trois mois adressé à l'autre Partie. Les dispositions du présent Accord continueront de s'appliquer aux données fournies avant la dénonciation.

Article 23. Amendements

1. Les Parties engageront des consultations au sujet de l'amendement du présent Accord à la demande de l'une ou l'autre d'elles.

2. Le présent Accord peut être amendé par accord écrit des Parties à tout moment.

Article 24. Entrée en vigueur

1. À l'exception des articles 8 à 10 inclus, la présent Accord entrera en vigueur à la date de la dernière des notes échangées entre les Parties pour s'informer que chacune d'elles a pris les mesures nécessaires à cet effet.

2. Les articles 8 à 10 inclus du présent Accord entreront en vigueur après la conclusion des accords d'exécution ou arrangement(s) visés à l'article 10 et à la date de la dernière note complétant un échange de notes diplomatiques entre les Parties s'informant que chacune d'elles est en mesure d'appliquer ces articles sur une base réciproque. Cet échange aura lieu si les droits nationaux des deux Parties permettent le type de dépistage génétique prévu aux articles 8 à 10 inclus.

FAIT à Dublin le 21 juillet 2011, en double exemplaire en langue anglaise.

Pour le Gouvernement d'Irlande :

[Alan Shatter]

Pour le Gouvernement des États-Unis d'Amérique :

[Daniel M Rooney]

No. 50945

Ireland
and
Germany

Agreement between Ireland and the Federal Republic of Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital (with joint declaration, note verbale and protocol). Dublin, 30 March 2011

Entry into force: *28 November 2012 by the exchange of the instruments of ratification, in accordance with article 32*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Ireland, 6 June 2013*

Irlande
et
Allemagne

Accord entre l'Irlande et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune (avec déclaration commune, note verbale et protocole). Dublin, 30 mars 2011

Entrée en vigueur : *28 novembre 2012 par l'échange des instruments de ratification, conformément à l'article 32*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande, 6 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL

Ireland and the Federal Republic of Germany, desiring to conclude a new agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital,

Have agreed as follows:

Article 1

PERSONS COVERED

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

Article 2

TAXES COVERED

1. This Agreement shall apply to taxes on income and on capital imposed on behalf of a Contracting State, of a “Land” or a political subdivision or local authority of a Contracting State or a “Land", irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

3. The existing taxes to which the Agreement shall apply are in particular:

a) in the case of Ireland:

i) the income tax;
ii) the income levy;
iii) the corporation tax; and
iv) the capital gains tax;

(hereinafter referred to as "Irish tax");

b) in the case of the Federal Republic of Germany:

i) the income tax (Einkommensteuer);

ii) the corporation tax (Körperschaftsteuer);

iii) the trade tax (Gewerbesteuer); and

iv) the capital tax (Vermögensteuer);

including the supplements levied thereon

(hereinafter referred to as "German tax").

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their taxation laws.

Article 3

GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:

a) the terms "a Contracting State" and "the other Contracting State" mean Ireland or the Federal Republic of Germany, as the context requires;

b) the term "Ireland" includes any area outside the territorial waters of Ireland which has been or may hereafter be designated, under the laws of Ireland concerning the Exclusive Economic Zone and the Continental Shelf, as an area within which Ireland may exercise such sovereign rights and jurisdiction as are in conformity with international law;

c) the term “Germany“ means the Federal Republic of Germany and, when used in a geographical sense, means the territory of the Federal Republic of Germany, as well as the area of the sea-bed, its subsoil and the superjacent water column adjacent to the territorial sea, wherein the Federal Republic of Germany exercises sovereign rights and jurisdiction in conformity with international law and its national legislation for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources;

d) the term "person" includes an individual, a company and any other body of persons;

e) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;

f) the term “enterprise” applies to the carrying on of any business;

g) the term “business” includes the performance of professional services and of other activities of an independent character;

h) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

i) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;

j) the term "national", in relation to a Contracting State, means:

i) in the case of Ireland:

any individual possessing citizenship of Ireland;
and any legal person, partnership, or association deriving its status as such from the laws in force in Ireland;

ii) in the case of Germany:

any German within the meaning of the Basic Law for the Federal Republic of Germany and any legal person, partnership and association deriving its status as such from the laws in force in Germany;

k) the term "competent authority" means:

i) in the case of Ireland, the Revenue Commissioners or their authorised representative;

ii) in the case of Germany the Federal Ministry of Finance or the agency to which it has delegated its powers.

2. As regards the application of this Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

Article 4

RESIDENT

1. For the purposes of this Agreement, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that State, a “Land” and any political subdivision or local authority of that State or “Land". This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

a) he shall be deemed to be a resident only of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident only of the Contracting State with which his personal and economic relations are closer (centre of vital interests);

b) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident only of the Contracting State in which he has an habitual abode;

c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident only of the Contracting State of which he is a national;

d) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated.

Article 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

a) a place of management;

b) a branch;

c) an office;

d) a factory;

e) a workshop; and

f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. A building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months.

4. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;

e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;

f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 6 applies - is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker,

general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article 6

INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships, boats and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.

Article 7

BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall,

however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income or capital gains which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

SHIPPING, INLAND WATERWAYS TRANSPORT AND AIR TRANSPORT

1. Profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

2. Profits from the operation of boats engaged in inland waterways transport shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

3. For the purposes of this Article the terms "profits from the operation of ships or aircraft in international traffic" shall include profits from

a) the occasional rental of ships or aircraft on a bare-boat basis, and

b) the use or rental of containers (including trailers and ancillary equipment used for transporting the containers),

if these activities pertain to the operation of ships or aircraft or boats.

4. If the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship or boat is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship or boat is a resident.

5. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

Article 9

ASSOCIATED ENTERPRISES

1. Where

a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State - and taxes accordingly - profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement

and the competent authorities of the Contracting States shall if necessary consult each other.

Article 10

DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed:

a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership or a German Real Estate Investment Trust Company) which holds directly at least 10 per cent of the capital of the company paying the dividends;

b) 15 per cent of the gross amount of the dividends in all other cases.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other income which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident through a

permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

Article 11

INTEREST

1. Interest arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State.

2. The term "interest", as used in this Article, means income from debt-claims of every kind, whether or not secured by mortgage, and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures but does not include any income which is treated as a dividend under Article 10. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

3. The provisions of paragraph 1 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

4. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

Article 12

ROYALTIES

1. Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State.

2. The term "royalties", as used in this Article, means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including motion pictures or films, recordings on tape or other media used for radio or television broadcasting or other means of reproduction or transmission), any patent, trade mark, design or model, plan, secret formula or process, or for information concerning industrial, commercial or scientific experience. The term “royalties“ shall also include payments of any kind received as a consideration for the use of or the right to use a person’s name, picture or any other similar personality rights, or the recording of entertainers' or sportsmens’ performances by radio or television.

3. The provisions of paragraph 1 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

4. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the liability to pay the royalties was incurred and such royalties are borne by such permanent establishment, then such royalties

shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

5. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

Article 13

CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise), may be taxed in that other State.

3. Gains from the alienation of ships or aircraft operated in international traffic, boats engaged in inland waterways transport or movable property pertaining to the operation of such ships, aircraft or boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4. Gains derived by a resident of a Contracting State from the alienation of shares and similar rights in a company, other than shares quoted on a stock exchange, deriving more than 50 per cent of their value, directly or indirectly, from immovable property situated in the other Contracting State, may be taxed in that other State.

5. Gains from the alienation of any property, other than that referred to in paragraphs 1, 2, 3 and 4, shall be taxable only in the Contracting State of which the alienator is a resident.

6. Where an individual was a resident of a Contracting State for a period of 3 years or more and has become a resident of the other Contracting State, paragraph 5 shall not prevent the first-mentioned State from taxing under its domestic law an

amount that is effectively determined by reference to the capital appreciation of the shares in a company for the period of residence of that individual in the first-mentioned State. In such case, the appreciation of capital by reference to which the amount was taxed in the first-mentioned State shall not be included in the determination of the subsequent appreciation of capital by the other State.

Article 14

INCOME FROM EMPLOYMENT

1. Subject to the provisions of Articles 15, 17,18 and 19, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, and

b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft or boat operated in international traffic may be taxed in the Contracting State in which the place of effective management of the enterprise which operates the ship, aircraft or boat is situated.

Article 15

DIRECTORS' FEES

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors of a company which is a resident of the other Contracting State may be taxed in that other State.

Article 16

ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 7 and 14, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7 and 14, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.

3. Paragraphs 1 and 2 shall not apply to income accruing from the exercise of activities by artistes or sportsmen in a Contracting State where the visit to that State is financed entirely or mainly from public funds of the other Contracting State, a "Land", a political subdivision or a local authority of a Contracting State or a "Land" or by an organisation which in that other State is recognised as a charitable organisation. In such a case the income shall be taxed only in the Contracting State of which the individual is a resident.

Article 17

PENSIONS AND ANNUITIES

1. Subject to the provisions of paragraph 2 of Article 18, pensions, other similar remuneration or annuities, arising in a Contracting State and paid to a resident of the other Contracting State, shall be taxable only in that other State.

2. Notwithstanding the provisions of paragraph 1, payments which are made in accordance with the social insurance legislation of a Contracting State shall be taxable only in that State.

3. Notwithstanding the provisions of paragraph 1, such a pension, similar remuneration or annuity arising in a Contracting State which is attributable in whole or in part to contributions which, for more than 12 years in that State,

a) did not form part of the taxable income from employment, or

b) were tax-deductible, or

c) were tax-relieved in some other way

shall be taxable only in that State. This paragraph shall not apply if that State does not actually tax the pension, other similar remuneration or annuity, or if the 12-year condition is fulfilled in both Contracting States.

4. Notwithstanding the provisions of paragraph 1, recurrent or non-recurrent payments made by one of the Contracting States or a political subdivision thereof to a resident of the other Contracting State as compensation for political persecution or for an injury or damage sustained as a result of war (including restitution payments) or of military or civil alternative service or of a crime, a vaccination or a similar event shall be taxable only in the first-mentioned State.

5. The term "annuities" means certain amounts payable periodically at stated times, for life or for a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

Article 18

GOVERNMENT SERVICE

1. Salaries, wages and other similar remuneration, paid by a Contracting State, a "Land", a political subdivision or a local authority of a Contracting State, or a "Land" to an individual in respect of services rendered to that State, "Land", political subdivision or local authority, shall be taxable only in that State. However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:

a) is a national of that State; or

b) did not become a resident of that State solely for the purpose of rendering the services.

2. Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds created by, a Contracting State, a "Land" or a political subdivision or a local authority of a Contracting State or a "Land" to an individual in respect of services rendered to that State, "Land", subdivision or authority shall be taxable only in that State. However, such pensions and other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.

3. The provisions of Articles 14, 15, 16, and 17 shall apply to salaries, wages, pensions and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State, a "Land", a political subdivision or a local authority of a Contracting State or a "Land".

4. The provisions of paragraphs 1 and 2 shall likewise apply in respect of remuneration paid by or on behalf of the Goethe Institute or the German Academic Exchange Service (Deutscher Akademischer Austauschdienst). Corresponding treatment of the remuneration of other comparable institutions of the Contracting States may be arranged by the competent authorities by mutual agreement.

Article 19

VISITING PROFESSORS, TEACHERS AND STUDENTS

1. An individual who visits a Contracting State at the invitation of that State or of a university, college, school, museum or other cultural institution of that State or under an official programme of cultural exchange for a period not exceeding two years solely for the purpose of teaching, giving lectures or carrying out research at such institution and who is, or was immediately before that visit, a resident of the other Contracting State shall be exempt from tax in the first-mentioned State on his remuneration for such activity, provided that such remuneration is derived by him from the other Contracting State.

2. Payments which a student or business apprentice who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

Article 20

OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the beneficial owner of the income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

3. Where, by reason of a special relationship between the person referred to in paragraph 1 and some other person, or between both of them and some third person, the amount of the income referred to in paragraph 1 exceeds the amount (if any) which would have been agreed upon between them in the absence of such a relationship, the provisions of this Article shall apply only to the last mentioned amount. In such a case, the excess part of the income shall remain taxable according to the laws of each Contracting State, due regard being had to the other applicable provisions of this Agreement.

Article 21

CAPITAL

1. Capital represented by immovable property referred to in Article 6, owned by a resident of a Contracting State and situated in the other Contracting State, may be taxed in that other State.

2. Capital represented by movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State may be taxed in that other State.

3. Capital represented by ships and aircraft operated in international traffic, and by boats engaged in inland waterways transport, and by movable property pertaining to the operation of such ships and aircraft and boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated.

4. All other elements of capital of a resident of a Contracting State shall be taxable only in that State.

Article 22

MISCELLANEOUS RULES APPLICABLE TO CERTAIN OFFSHORE ACTIVITIES

1. The provisions of this Article shall apply notwithstanding any other provision of this Agreement where activities (in this Article called "relevant activities") are carried on offshore in connection with the exploration or exploitation of the sea bed and subsoil and their natural resources situated in a Contracting State.

2. An enterprise of a Contracting State which carries on relevant activities in the other Contracting State shall, subject to paragraph 3 of this Article, be deemed to be carrying on business in that other State through a permanent establishment situated therein.

3. The provisions of paragraph 2 shall not apply where the activities referred to in paragraph 1 are carried on in the areas specified in that paragraph for a period not exceeding a total of:

a) in the case of activities in connection with exploration, 90 days in any period of twelve months commencing or ending in the fiscal year concerned; and
b) in the case of activities in connection with exploitation, 30 days in any period of twelve months commencing or ending in the fiscal year concerned.

4. Salaries, wages and similar remuneration derived by a resident of a Contracting State in respect of an employment connected with relevant activities in the other Contracting State may, to the extent that the duties are performed offshore in that other State, be taxed in that other State.

5. Gains derived by a resident of a Contracting State from the alienation of:

a) exploration or exploitation rights; or

b) shares (or comparable instruments) deriving their value or the greater part of their value directly or indirectly from such rights,

may be taxed in that other State.

In this paragraph "exploration or exploitation rights" mean rights to assets to be produced by the exploration or exploitation of the seabed or subsoil or their natural resources in the other Contracting State, including rights to interests in or to the benefit of such assets.

Article 23

ELIMINATION OF DOUBLE TAXATION

1. Subject to the provisions of the laws of Ireland regarding the allowance as a credit against Irish tax of tax payable in a territory outside Ireland (which shall not affect the general principle hereof):

a) German tax payable under the laws of Germany and in accordance with this Agreement, whether directly or by deduction, on profits, income or capital gains from sources within Germany (excluding in the case of a dividend tax payable in respect of the profits out of which the dividend is paid) shall be allowed as a credit against any Irish tax computed by reference to the same profits, income or capital gains by reference to which German tax is computed;

b) in the case of a dividend paid by a company which is a resident of Germany to a company which is a resident of Ireland and which controls directly or indirectly 5 per cent or more of the voting power in the company paying the dividend, the credit shall take into account (in addition to any German tax creditable under the provisions of subparagraph a)) German tax payable by the company in respect of the profits out of which such dividend is paid;

c) for the purposes of sub-paragraphs a) and b) profits, income and capital gains owned by a resident of Ireland which may be taxed in Germany in accordance with this Agreement shall be deemed to be derived from sources in Germany;

d) where in accordance with any provision of the Agreement income derived by a resident of Ireland is exempt from Irish tax, Ireland may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

2. Tax shall be determined in the case of a resident of Germany as follows:

a) There shall be exempted from the assessment basis of the German tax any item of income arising in Ireland and any item of capital situated within Ireland which, according to this Agreement, is actually taxed in Ireland and is not dealt with in sub-paragraph b).

In the case of items of income from dividends the preceding provision shall apply only to such dividends as are paid to a company (not including partnerships) being a resident of Germany by a company being a resident of Ireland at least 10 per cent of the capital of which is owned directly by the German company and which were not deducted when determining the profits of the company distributing these dividends.

There shall be exempted from the assessment basis of the taxes on capital any shareholding the dividends of which, if paid, would be exempted according to the foregoing sentences.

b) Subject to the provisions of German tax law regarding credit for foreign tax, there shall be allowed as a credit against German tax payable in respect of the following items of income Irish tax paid under the laws of Ireland and in accordance with this Agreement:

aa) dividends not dealt with in sub-paragraph a);

bb) items of income that may be taxed in Ireland according to paragraph 4 of Article 13 (Capital gains);

cc) directors' fees;

dd) items of income that may be taxed in Ireland according to Article 16 (Artistes and sportsmen).

c) The provisions of sub-paragraph b) shall apply instead of the provisions of sub-paragraph a) to items of income as defined in Articles 7 and 10 and to the assets from which such income is derived if the resident of Germany does not prove that the gross income of the permanent establishment in the business year in which the profit has been realised or of the company resident in Ireland in the business year for which the dividends were paid was derived exclusively or almost exclusively from activities within the meaning of paragraph 1 of section 8 of the German Law on External Tax Relations (Außensteuergesetz); the same shall apply to immovable property used by a permanent establishment and to income from this immovable property of the permanent establishment (paragraph 4 of Article 6) and to profits from the alienation of such immovable property (paragraph 1 of Article 13) and of the movable property forming part of the business property of the permanent establishment (paragraph 2 of Article 13).

d) Germany, however, retains the right to take into account in the determination of its rate of tax the items of income and capital, which are under the provisions of this Agreement exempted from German tax.

e) Notwithstanding the provisions of sub-paragraph a) double taxation shall be avoided by allowing a tax credit as laid down in sub-paragraph b)

aa) if in the Contracting States items of income or capital are placed under different provisions of this Agreement or attributed to different persons (except pursuant to Article 9) and this conflict cannot be settled by a procedure in accordance with paragraph 3 of Article 26 and if as a result of this difference in placement or attribution the

relevant income or capital would remain untaxed or be taxed lower than without this conflict or

bb) if after due consultation with the competent authority of Ireland, Germany notifies Ireland through diplomatic channels of other items of income to which it intends to apply the provisions of sub-paragraph b). Double taxation is then avoided for the notified income by allowing a tax credit from the first day of the calendar year, following that in which the notification was made.

Article 24

NON-DISCRIMINATION

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. Stateless persons who are residents of a Contracting State shall not be subjected in either Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of the State concerned in the same circumstances are or may be subjected.

3. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

4. Except where the provisions of paragraph 1 of Article 9, paragraph 4 of Article 11, or paragraph 5 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned

State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.

5. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

6. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

Article 25

MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24 to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs.

Article 26

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of a Contracting State, a "Land" or a political subdivision or local authority of a Contracting State or a "Land", insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing provisions, the information may be used for other purposes, if under the law of both States it may be used for these other purposes and the competent authority of the supplying State authorises this use.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (ordre public).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

Article 27

ASSISTANCE IN THE COLLECTION OF TAXES

1. The Contracting States shall lend assistance to each other in the collection of revenue claims. This assistance is not restricted by Articles 1 and 2. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.

2. The term "revenue claim" as used in this Article means an amount owed in respect of taxes of every kind and description imposed on behalf of the Contracting States, a Land or of a political subdivision or local authority thereof, insofar as the taxation thereunder is not contrary to this Agreement or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount.

3. When a revenue claim of a Contracting State is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other State.

4. When a revenue claim of a Contracting State is a claim in respect of which that State may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other State shall take measures of conservancy in respect of that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other State even if, at the

time when such measures are applied, the revenue claim is not enforceable in the first-mentioned State or is owed by a person who has a right to prevent its collection.

5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by a Contracting State for purposes of paragraph 3 or 4 shall not, in that State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that State by reason of its nature as such. In addition, a revenue claim accepted by a Contracting State for the purposes of paragraph 3 or 4 shall not, in that State, have any priority applicable to that revenue claim under the laws of the other Contracting State.

6. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.

7. Where, at any time after a request has been made by a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned State, the relevant revenue claim ceases to be

a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned State that is enforceable under the laws of that State and is owed by a person who, at that time, cannot, under the laws of that State, prevent its collection, or

b) in the case of a request under paragraph 4, a revenue claim of the first-mentioned State in respect of which that State may, under its laws, take measures of conservancy with a view to ensure its collection

the competent authority of the first-mentioned State shall promptly notify the competent authority of the other State of that fact and, at the option of the other State, the first-mentioned State shall either suspend or withdraw its request.

8. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:

a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

b) to carry out measures which would be contrary to public policy (ordre public);

c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;

d) to provide assistance in those cases where the administrative burden for that State is clearly disproportionate to the benefit to be derived by the other Contracting State;

e) to provide assistance if that State considers that the taxes with respect to which assistance is requested are imposed contrary to generally accepted taxation principles.

Article 28

PROCEDURAL RULES FOR TAXATION AT SOURCE

1. If in one of the Contracting States the taxes on dividends, interest, royalties or other items of income derived by a person who is a resident of the other Contracting State are levied by withholding at source, the right of the first-mentioned State to apply the withholding of tax at the rate provided under its domestic law shall not be affected by the provisions of this Agreement. The tax withheld at source shall be refunded on application by the taxpayer if and to the extent that it is reduced by this Agreement or ceases to apply.

2. Refund applications must be submitted by the end of the fourth year following the calendar year in which the withholding tax was applied to the dividends, interest, royalties or other items of income.

3. Notwithstanding paragraph 1, each Contracting State shall provide for procedures to the effect that payments of income subject under this Agreement to no tax or only to reduced tax in the state of source may be made without deduction of tax or with deduction of tax only at the rate provided in the relevant Article.

4. The Contracting State in which the items of income arise may ask for a certificate by the competent authority on the residence in the other Contracting State.

5. The competent authorities may by mutual agreement implement the provisions of this Article and if necessary establish other procedures for the implementation of tax reductions or exemptions provided for under this Agreement.

Article 29

LIMITATION OF RELIEF

Where, under any provision of this Agreement, income or capital gains is or are wholly or partly relieved from tax in a Contracting State and, under the laws in force in the other Contracting State, an individual, in respect of the said income or capital gains, is subject to tax by reference to the amount thereof which is remitted to or received in that other State, and not by reference to the full amount thereof, then the relief to be allowed under this Agreement in the first-mentioned State shall apply only to so much of the income or capital gains as is remitted to or received in that other State.

Article 30

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

Article 31

PROTOCOL

The attached Protocol shall be an integral part of this Agreement.

Article 32

ENTRY INTO FORCE

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

2. This Agreement shall enter into force on the day of the exchange of the instruments of ratification and shall have effect:

a) in Ireland:

i) in the case of income tax, income levy and capital gains tax, for any year of assessment beginning on or after the first day of January in the calendar year next following the year in which this Agreement enters into force;

ii) in the case of corporation tax, for any financial year beginning on or after the first day of January in the calendar year next following the year in which this Agreement enters into force;

b) in Germany:

i) in the case of taxes withheld at source, in respect of amounts paid on or after the first day of January in the calendar year next following the year in which this Agreement enters into force;

ii) in the case of other taxes, in respect of taxes levied for periods beginning on or after the first day of January in the calendar year next following the year in which this Agreement enters into force.

3. Upon the entry into force of this Agreement, the Convention between Ireland and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital and to the Gewerbesteuer (Trade Tax), signed at Dublin on 17th of October 1962, as amended by the Protocol signed at Berlin on 25th of May 2010 (hereinafter referred to as the 1962 Convention), shall cease to have effect from the dates on which this Agreement becomes effective for taxes in accordance with the relevant provisions of paragraph 2.

4. Notwithstanding paragraphs 2 and 3, where the provisions of Article XXII of the 1962 Convention would have afforded any greater relief from tax than is due under this Agreement, any such provision as aforesaid shall continue to have effect for a period of 12 months from the date on which the provisions of this Agreement would otherwise have effect in accordance with the provisions of paragraph 2.

5. Notwithstanding the provisions of paragraphs 2 and 3 and the provisions of Article 17 where, immediately before the entry into force of this Agreement an individual was in receipt of payments falling within Articles XIII and XV of the 1962 Convention, that individual may elect that the provisions of Articles XIII and XV shall continue to apply to such payments and not the provisions of Article 17.

Article 33

TERMINATION

This Agreement shall remain in force until terminated by one of the Contracting States. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving notice of termination at least six months before the end of any calendar year beginning after the expiration of a period of five years from the date of entry into force of the Agreement. In such event, this Agreement shall cease to have effect:

a) in Ireland:

i) in the case of income tax, income levy and capital gains tax, for any year of assessment beginning on or after the first day of January in the calendar year next following the year in which notice of termination is given;

ii) in the case of corporation tax, for any financial year beginning on or after the first day of January in the calendar year next following the year in which notice of termination is given;

b) in Germany:

i) in the case of taxes withheld at source, in respect of amounts paid on or after the first day of January in the calendar year next following the year in which notice of termination is given;

ii) in the case of other taxes, in respect of taxes levied for periods beginning on or after the first day of January in the calendar year next following the year in which notice of termination is given.

Notice of termination shall be regarded as having been given by a Contracting State on the date of receipt of such notice by the other Contracting State.

Article 34

REGISTRATION

Registration of this Agreement with the Secretariat of the United Nations, in accordance with Article 102 of the United Nations Charter, shall be initiated by the Contracting State where the Agreement was signed, immediately following its entry into force. The other Contracting State shall be informed of registration, and of the UN registration number, as soon as this has been confirmed by the Secretariat.

In Witness Whereof the undersigned, duly authorised thereto, have signed this Agreement.

DONE in duplicate at Dublin on 30th March 2011 in the English and German languages, both texts being equally authoritative.

For Ireland
Michael Noonan

For the Federal Republic of Germany
Busso von Alvensleben

PROTOCOL

to the Agreement

between

Ireland

and

The Federal Republic of Germany

for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion
with
respect to Taxes on Income and on Capital

signed on ….....

Ireland and The Federal Republic of Germany have in addition to the Agreement of …….. for the Avoidance of Double Taxation and the Prevention of Tax Evasion with respect to Taxes on Income and on Capital agreed on the following provisions, which shall form an integral part of the said Agreement:

1. With reference to this Agreement as a whole:

a) Retirement Benefit Schemes in Ireland

It is understood that, taking account of

aa) tax-relief given for contributions or premiums paid in respect of retirement benefit schemes, retirement annuity contracts or other

pension products in accordance with Part 30 of the Taxes Consolidation Act 1997 of Ireland, and

bb) the exemption from tax of income and gains accruing to a fund (referred to in this paragraph as a "pension fund") created by such contributions or premiums,

distributions (for the purposes of section 784A of the Taxes Consolidation Act 1997) from an approved retirement fund (within the meaning of that section) that was created by the transfer of accrued rights or assets from a pension fund shall only be taxable by reference to the provisions of that section, notwithstanding any provision of this Agreement.

b) Undertakings for Collective Investment

aa) Notwithstanding the provisions of this Agreement but without prejudice to any benefits to which an undertaking for collective investment in transferable securities ("UCITS") would otherwise be entitled under this Agreement, a UCITS which is established in a Contracting State and which receives income arising in the other Contracting State shall be treated for purposes of applying the Agreement to such income as an individual who is a resident of the Contracting State in which it is established and as the beneficial owner of the income it receives, but only to the extent that the beneficial interests in the UCITS are owned by equivalent beneficiaries.

bb) However, if at least 95 percent of the beneficial interests in the UCITS are owned by equivalent beneficiaries, the UCITS shall be treated as an individual who is a resident of the Contracting State in which it is established and as the beneficial owner of all of the income it receives.

cc) For purposes of this paragraph,

i) the term "UCITS" means an undertaking for collective investment in transferable securities within the meaning of European Communities

(Undertaking for Collective Investment in Transferable Securities) Regulations 1989, as amended or extended from time to time and any other regulations that may be construed as one with those Regulations, as well as any other investment fund, arrangement or entity established in either Contracting State which the competent authorities of the Contracting States agree to regard as a UCITS for purposes of this paragraph; and

ii) the term "equivalent beneficiary" means a resident of the Contracting State in which the UCITS is established, and a resident of any other State with which the Contracting State in which the income arises has an income tax agreement that provides for effective and comprehensive information exchange who would, if he received the particular item of income for which benefits are being claimed under this Agreement, be entitled under that agreement, or under the domestic law of the Contracting State in which the income arises, to a rate of tax with respect to that item of income that is at least as low as the rate claimed under this Agreement by the UCITS with respect to that item of income.

c) Common Contractual Fund in Ireland

A Common Contractual Fund established in Ireland shall not be regarded as a resident of Ireland and shall be treated as fiscally transparent for the purposes of granting tax treaty benefits.

2. With reference to Article 10 (Dividends):

It is understood that the term "dividends" also includes income from distributions on certificates of a German "Investmentvermögen".

3. With reference to Articles 10 (Dividends) and 11 (Interest):

Notwithstanding the provisions of Article 10 and 11 of this Agreement, dividends and interest may be taxed in the Contracting States in which they arise, and according to the law of that State,

a) if they are derived from rights or debt claims carrying a right to participate in profits, including income derived by a silent partner (''stiller Gesellschafter'') from his participation as such, or from a loan with an interest rate linked to borrower's profit ("partiarisches Darlehen") or from profit sharing bonds (''Gewinnobligationen'') within the meaning of the tax law of Germany, and

b) under the condition that they are deductible in the determination of profits of the debtor of such income.

4. With reference to Article 12 (Royalties):

It is understood that if, following the signature of the Agreement, the laws of Ireland should change to allow a greater amount of royalties to be disregarded for the purposes of the Income Tax Acts than would be permitted by the provisions of Section 234(3A)(a) of the Taxes Consolidation Act 1997 at the time of signature of the Agreement, then Ireland shall notify Germany of such change and, if Germany so requests, shall enter into a renegotiation of the Article so that such royalties arising in Germany may be taxed in Germany.

5. With reference to paragraph 3 of Article 17 (Pensions and Annuities) and paragraph 2 a) of Article 23 (Elimination of Double Taxation) and paragraph 6 of this Protocol:

It is understood income is actually taxed when it is actually included in the taxable base by reference to which the tax is computed. Income is not actually taxed when,

being subject to tax treatment normally applicable to such income, it is either not taxable or exempt from tax.

6. With reference to paragraph 2 of Article 20 (Other Income):

Where the recipient and the payer of a dividend are both residents of Germany and the dividend is attributed to a permanent establishment that the recipient of the dividend has in Ireland but is not actually taxed in Ireland, Germany may tax such a dividend at the rates provided for in paragraph 2 of Article 10. Ireland shall give a credit for such tax according to the provisions of Article 23.

7. With reference to Article 23 (Elimination of Double Taxation):

It is understood that references in paragraph 2e) aa) to items of income or capital being placed under different provisions of this Agreement or being attributed to different persons are references to income or capital being so placed or attributed in accordance with the provisions of this Agreement and to such differences where they are based not on different interpretations of facts or the provisions of the Agreement but rather on different provisions of the domestic law of each Contracting State, as distinguished in paragraphs 32.5 and 32.6 of the July 2008 version of the Commentary on Article 23A and 23B of the model tax convention on income and on capital of the OECD.

8. With reference to Article 26 (Exchange of Information):

If in accordance with domestic law personal data are exchanged under this Agreement, the following additional provisions shall apply subject to the legal provisions in effect for each Contracting State:

a) The receiving agency may use such data only for the stated purpose and shall be subject to the conditions prescribed by the supplying agency.

b) The receiving agency shall on written request inform the supplying agency about the use of the supplied data and the results achieved thereby.

c) Personal data may be supplied only to the responsible agencies. Any subsequent supply to other agencies may be effected only with the prior approval of the supplying agency.

d) The supplying agency shall be obliged to ensure that the data to be supplied are accurate and that they are necessary for and proportionate to the purpose for which they are supplied. Any prohibition of or restriction on data supply prescribed under applicable domestic law shall be observed. If it emerges that inaccurate data or data which should not have been supplied have been supplied, the receiving agency shall be informed of this without delay. That agency shall be obliged to correct or erase such data without delay.

e) Upon application the person concerned shall be informed of the supplied data relating to him and of the use to which such data are to be put. There shall be no obligation to furnish this information if on balance it turns out that the public interest in withholding it outweighs the interest of the person concerned in receiving it. In all other respects, the right of the person concerned to be informed of the existing data relating to him shall be governed by the domestic law of the Contracting State in whose sovereign territory the application for the information is made.

f) The receiving agency shall bear liability in accordance with its domestic laws in relation to any person suffering unlawful damage or loss as a result of supply under the exchange of data pursuant to this Agreement. In relation to the damaged person, the receiving agency may not plead to its discharge that the damage had been caused by the supplying agency.

g) Where the domestic law of the supplying agency contains special provisions for the deletion of the personal data supplied, that agency shall

inform the receiving agency accordingly. Irrespective of such law, supplied personal data shall be erased once they are no longer required for the purpose for which they were supplied.

h) The supplying and the receiving agencies shall be obliged to keep official records of the supply and receipt of personal data.

i) The supplying and the receiving agencies shall be obliged to take effective measures to protect the personal data supplied against unauthorised access, unauthorised alteration and unauthorised disclosure.

[GERMAN TEXT – TEXTE ALLEMAND]

Abkommen

zwischen

der Bundesrepublik Deutschland

und

Irland

zur Vermeidung der Doppelbesteuerung

und zur Verhinderung der Steuerverkürzung

auf dem Gebiet der Steuern vom Einkommen und vom Vermögen

Die Bundesrepublik Deutschland

und

Irland –

von dem Wunsche geleitet, ein neues Abkommen zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung auf dem Gebiet der Steuern vom Einkommen und vom Vermögen zu schließen –

haben Folgendes vereinbart:

Artikel 1

Unter das Abkommen fallende Personen

Dieses Abkommen gilt für Personen, die in einem Vertragsstaat oder in beiden Vertragsstaaten ansässig sind.

Artikel 2

Unter das Abkommen fallende Steuern

(1) Dieses Abkommen gilt, ohne Rücksicht auf die Art der Erhebung, für Steuern vom Einkommen und vom Vermögen, die für Rechnung eines Vertragsstaats, eines seiner Länder oder einer der Gebietskörperschaften eines Vertragsstaats oder Landes erhoben werden.

(2) Als Steuern vom Einkommen und vom Vermögen gelten alle Steuern, die vom Gesamteinkommen, vom Gesamtvermögen oder von Teilen des Einkommens oder des Vermögens erhoben werden, einschließlich der Steuern vom Gewinn aus der Veräußerung beweglichen oder unbeweglichen Vermögens, der Lohnsummensteuern sowie der Steuern vom Vermögenszuwachs.

(3) Zu den zurzeit bestehenden Steuern, für die dieses Abkommen gilt, gehören insbesondere

a) in Irland:

i) die Einkommensteuer („income tax"),

ii) die einkommensabhängige Ergänzungsabgabe („income levy"),

iii) die Körperschaftsteuer („corporation tax") und

iv) die Steuer vom Veräußerungsgewinn („capital gains tax")

(im Folgenden als „irische Steuer" bezeichnet);

b) in der Bundesrepublik Deutschland:

i) die Einkommensteuer,

ii) die Körperschaftsteuer,

iii) die Gewerbesteuer und

iv) die Vermögensteuer,

einschließlich der hierauf erhobenen Zuschläge

(im Folgenden als „deutsche Steuer“ bezeichnet);

(4) Das Abkommen gilt auch für alle Steuern gleicher oder im Wesentlichen ähnlicher Art, die nach der Unterzeichnung des Abkommens neben den bestehenden Steuern oder an deren Stelle erhoben werden. Die zuständigen Behörden der Vertragsstaaten teilen einander die in ihren Steuergesetzen eingetretenen wesentlichen Änderungen mit.

Artikel 3
Allgemeine Begriffsbestimmungen

(1) Im Sinne dieses Abkommens, wenn der Zusammenhang nichts anderes erfordert,

a) bedeuten die Ausdrücke „ein Vertragsstaat“ und „der andere Vertragsstaat“ je nach dem Zusammenhang die Bundesrepublik Deutschland oder Irland;

b) umfasst der Ausdruck „Irland“ das sich außerhalb der Hoheitsgewässer Irlands erstreckende Gebiet, das nach dem Recht Irlands betreffend die ausschließliche Wirtschaftszone und den Festlandsockel als ein Gebiet ausgewiesen ist oder im Folgenden ausgewiesen werden kann, in dem Irland souveräne Rechte und Hoheitsbefugnisse in Übereinstimmung mit dem Völkerrecht ausüben kann.

c) bedeutet der Ausdruck „Deutschland“ die Bundesrepublik Deutschland und, wenn im geografischen Sinne verwendet, das Hoheitsgebiet der Bundesrepublik Deutschland sowie das an das Küstenmeer angrenzende Gebiet des Meeresbodens, des Meeresuntergrunds und der darüber befindlichen Wassersäule, soweit die Bundesrepublik Deutschland dort in Übereinstimmung

mit dem Völkerrecht und ihren innerstaatlichen Rechtsvorschriften souveräne Rechte und Hoheitsbefugnisse zum Zwecke der Erforschung, Ausbeutung, Erhaltung und Bewirtschaftung der lebenden und nicht lebenden natürlichen Ressourcen ausübt;

d) umfasst der Ausdruck „Person“ natürliche Personen, Gesellschaften und alle anderen Personenvereinigungen;

e) bedeutet der Ausdruck „Gesellschaft“ juristische Personen oder Rechtsträger, die für die Besteuerung wie juristische Personen behandelt werden;

f) bezieht sich der Ausdruck „Unternehmen“ auf die Ausübung einer Geschäftstätigkeit;

g) schließt der Ausdruck „Geschäftstätigkeit“ die Ausübung einer freiberuflichen oder sonstigen selbständigen Tätigkeit ein;

h) bedeuten die Ausdrücke „Unternehmen eines Vertragsstaats“ und „Unternehmen des anderen Vertragsstaats", je nachdem, ein Unternehmen, das von einer in einem Vertragsstaat ansässigen Person betrieben wird, oder ein Unternehmen, das von einer im anderen Vertragsstaat ansässigen Person betrieben wird;

i) bedeutet der Ausdruck „internationaler Verkehr“ jede Beförderung mit einem Seeschiff oder Luftfahrzeug, das von einem Unternehmen mit tatsächlicher Geschäftsleitung in einem Vertragsstaat betrieben wird, es sei denn, das Seeschiff oder Luftfahrzeug wird ausschließlich zwischen Orten im anderen Vertragsstaat betrieben;

j) bedeutet der Ausdruck „Staatsangehöriger“ in Bezug auf einen Vertragsstaat

i) in Irland:

alle natürlichen Personen, die die irische Staatsbürgerschaft besitzen, und alle juristischen Personen, Personengesellschaften oder anderen Personenvereinigungen, die nach dem in Irland geltenden Recht errichtet worden sind;

ii) in Deutschland:

alle Deutschen im Sinne des Grundgesetzes für die Bundesrepublik Deutschland sowie alle juristischen Personen, Personengesellschaften und anderen Personenvereinigungen, die nach dem in Deutschland geltenden Recht errichtet worden sind;

k) bedeutet der Ausdruck „zuständige Behörde“

i) in Irland die „Revenue Commissioners“ oder ihren bevollmächtigten Vertreter;

ii) in Deutschland das Bundesministerium der Finanzen oder die Behörde, an die es seine Befugnisse delegiert hat.

(2) Bei der Anwendung des Abkommens durch einen Vertragsstaat hat, wenn der Zusammenhang nichts anderes erfordert, jeder im Abkommen nicht definierte Ausdruck die Bedeutung, die ihm im Anwendungszeitraum nach dem Recht dieses Staates über die Steuern zukommt, für die das Abkommen gilt, wobei die Bedeutung nach dem in diesem Staat anzuwendenden Steuerrecht den Vorrang vor einer Bedeutung hat, die der Ausdruck nach anderem Recht dieses Staates hat.

Artikel 4

Ansässige Person

(1) Im Sinne dieses Abkommens bedeutet der Ausdruck „eine in einem Vertragsstaat ansässige Person“ eine Person, die nach dem Recht dieses Staates dort aufgrund ihres Wohnsitzes, ihres ständigen Aufenthalts, des Ortes ihrer Geschäftsleitung oder eines anderen ähnlichen Merkmals steuerpflichtig ist, und umfasst auch diesen Staat, seine Länder und die Gebietskörperschaften dieses Staates oder Landes. Der Ausdruck umfasst jedoch nicht eine Person, die in diesem Staat nur mit Einkünften aus Quellen in diesem Staat oder mit in diesem Staat gelegenem Vermögen steuerpflichtig ist.

(2) Ist nach Absatz 1 eine natürliche Person in beiden Vertragsstaaten ansässig, so gilt Folgendes:

a) Die Person gilt als nur in dem Vertragsstaat ansässig, in dem sie über eine ständige Wohnstätte verfügt; verfügt sie in beiden Vertragsstaaten über eine ständige Wohnstätte, so gilt sie als nur in dem Vertragsstaat ansässig, zu dem sie die engeren persönlichen und wirtschaftlichen Beziehungen hat (Mittelpunkt der Lebensinteressen);

b) kann nicht bestimmt werden, in welchem Vertragsstaat die Person den Mittelpunkt ihrer Lebensinteressen hat, oder verfügt sie in keinem der Vertragsstaaten über eine ständige Wohnstätte, so gilt sie als nur in dem Vertragsstaat ansässig, in dem sie ihren gewöhnlichen Aufenthalt hat;

c) hat die Person ihren gewöhnlichen Aufenthalt in beiden Vertragsstaaten oder in keinem der Vertragsstaaten, so gilt sie als nur in dem Vertragsstaat ansässig, dessen Staatsangehöriger sie ist;

d) ist die Person Staatsangehöriger beider Vertragsstaaten oder keines der

Vertragsstaaten, so regeln die zuständigen Behörden der Vertragsstaaten die Frage in gegenseitigem Einvernehmen.

(3) Ist nach Absatz 1 eine andere als eine natürliche Person in beiden Vertragsstaaten ansässig, so gilt sie als nur in dem Staat ansässig, in dem sich der Ort ihrer tatsächlichen Geschäftsleitung befindet.

Artikel 5
Betriebsstätte

(1) Im Sinne dieses Abkommens bedeutet der Ausdruck „Betriebsstätte“ eine feste Geschäftseinrichtung, durch die die Geschäftstätigkeit eines Unternehmens ganz oder teilweise ausgeübt wird.

(2) Der Ausdruck „Betriebsstätte“ umfasst insbesondere:

a) einen Ort der Leitung,

b) eine Zweigniederlassung,

c) eine Geschäftsstelle,

d) eine Fabrikationsstätte,

e) eine Werkstätte und

f) ein Bergwerk, ein Öl- oder Gasvorkommen, einen Steinbruch oder eine andere Stätte der Ausbeutung natürlicher Ressourcen.

(3) Eine Bauausführung oder Montage ist nur dann eine Betriebsstätte, wenn ihre Dauer

zwölf Monate überschreitet.

(4) Ungeachtet der vorstehenden Bestimmungen dieses Artikels gelten nicht als Betriebsstätten:

a) Einrichtungen, die ausschließlich zur Lagerung, Ausstellung oder Auslieferung von Gütern oder Waren des Unternehmens benutzt werden;

b) Bestände von Gütern oder Waren des Unternehmens, die ausschließlich zur Lagerung, Ausstellung oder Auslieferung unterhalten werden;

c) Bestände von Gütern oder Waren des Unternehmens, die ausschließlich zu dem Zweck unterhalten werden, durch ein anderes Unternehmen bearbeitet oder verarbeitet zu werden;

d) eine feste Geschäftseinrichtung, die ausschließlich zu dem Zweck unterhalten wird, für das Unternehmen Güter oder Waren einzukaufen oder Informationen zu beschaffen;

e) eine feste Geschäftseinrichtung, die ausschließlich zu dem Zweck unterhalten wird, für das Unternehmen andere Tätigkeiten auszuüben, die vorbereitender Art sind oder eine Hilfstätigkeit darstellen;

f) eine feste Geschäftseinrichtung, die ausschließlich zu dem Zweck unterhalten wird, mehrere der unter den Buchstaben a bis e genannten Tätigkeiten auszuüben, vorausgesetzt, dass die sich daraus ergebende Gesamttätigkeit der festen Geschäftseinrichtung vorbereitender Art ist oder eine Hilfstätigkeit darstellt.

(5) Ist eine Person – mit Ausnahme eines unabhängigen Vertreters im Sinne des Absatzes 6 – für ein Unternehmen tätig und besitzt sie in einem Vertragsstaat die Vollmacht, im

Namen des Unternehmens Verträge abzuschließen, und übt sie die Vollmacht dort gewöhnlich aus, so wird das Unternehmen ungeachtet der Absätze 1 und 2 so behandelt, als habe es in diesem Staat für alle von der Person für das Unternehmen ausgeübten Tätigkeiten eine Betriebsstätte, es sei denn, diese Tätigkeiten beschränken sich auf die im Absatz 4 genannten Tätigkeiten, die, würden sie durch eine feste Geschäftseinrichtung ausgeübt, diese Einrichtung nach dem genannten Absatz nicht zu einer Betriebsstätte machten.

(6) Ein Unternehmen wird nicht schon deshalb so behandelt, als habe es eine Betriebsstätte in einem Vertragsstaat, weil es dort seine Geschäftstätigkeit durch einen Makler, Kommissionär oder einen anderen unabhängigen Vertreter ausübt, sofern diese Personen im Rahmen ihrer gewöhnlichen Geschäftstätigkeit handeln.

(7) Allein dadurch, dass eine in einem Vertragsstaat ansässige Gesellschaft eine Gesellschaft beherrscht oder von einer Gesellschaft beherrscht wird, die im anderen Vertragsstaat ansässig ist oder dort (entweder durch eine Betriebsstätte oder in anderer Weise) ihre Geschäftstätigkeit ausübt, wird keine der beiden Gesellschaften zur Betriebsstätte der anderen.

Artikel 6
Einkünfte aus unbeweglichem Vermögen

(1) Einkünfte, die eine in einem Vertragsstaat ansässige Person aus unbeweglichem Vermögen (einschließlich der Einkünfte aus land- und forstwirtschaftlichen Betrieben) bezieht, das im anderen Vertragsstaat liegt, können im anderen Staat besteuert werden.

(2) Der Ausdruck „unbewegliches Vermögen“ hat die Bedeutung, die ihm nach dem Recht des Vertragsstaats zukommt, in dem das Vermögen liegt. Der Ausdruck umfasst in jedem

Fall das Zubehör zum unbeweglichen Vermögen, das lebende und tote Inventar land- und forstwirtschaftlicher Betriebe, die Rechte, für die die Vorschriften des Privatrechts über Grundstücke gelten, Nutzungsrechte an unbeweglichem Vermögen sowie Rechte auf veränderliche oder feste Vergütungen für die Ausbeutung oder das Recht auf Ausbeutung von Mineralvorkommen, Quellen und anderen natürlichen Ressourcen. Seeschiffe, Schiffe, die der Binnenschifffahrt dienen, und Luftfahrzeuge gelten nicht als unbewegliches Vermögen.

(3) Absatz 1 gilt für Einkünfte aus der unmittelbaren Nutzung, der Vermietung oder Verpachtung sowie jeder anderen Art der Nutzung unbeweglichen Vermögens.

(4) Die Absätze 1 und 3 gelten auch für Einkünfte aus unbeweglichem Vermögen eines Unternehmens.

Artikel 7
Unternehmensgewinne

(1) Die Gewinne eines Unternehmens eines Vertragsstaats können nur in diesem Staat besteuert werden, es sei denn, das Unternehmen übt seine Geschäftstätigkeit im anderen Vertragsstaat durch eine dort gelegene Betriebsstätte aus. Übt das Unternehmen seine Geschäftstätigkeit auf diese Weise aus, so können seine Gewinne im anderen Staat besteuert werden, jedoch nur insoweit, als sie dieser Betriebsstätte zugerechnet werden können.

(2) Übt ein Unternehmen eines Vertragsstaats seine Geschäftstätigkeit im anderen Vertragsstaat durch eine dort gelegene Betriebsstätte aus, so werden dieser Betriebsstätte vorbehaltlich des Absatzes 3 in jedem Vertragsstaat die Gewinne zugerechnet, die sie hätte erzielen können, wenn sie eine gleiche oder ähnliche Tätigkeit unter gleichen oder ähnlichen Bedingungen als selbständiges Unternehmen ausgeübt hätte und im Verkehr mit

dem Unternehmen, dessen Betriebsstätte sie ist, völlig unabhängig gewesen wäre.

(3) Bei der Ermittlung der Gewinne einer Betriebsstätte werden die für diese Betriebsstätte entstandenen Aufwendungen, einschließlich der Geschäftsführungs- und allgemeinen Verwaltungskosten, zum Abzug zugelassen, gleichgültig, ob sie in dem Vertragsstaat, in dem die Betriebsstätte liegt, oder anderswo entstanden sind.

(4) Soweit es in einem Vertragsstaat üblich ist, die einer Betriebsstätte zuzurechnenden Gewinne durch Aufteilung der Gesamtgewinne des Unternehmens auf seine einzelnen Teile zu ermitteln, schließt Absatz 2 nicht aus, dass dieser Vertragsstaat die zu besteuernden Gewinne nach der üblichen Aufteilung ermittelt; die Gewinnaufteilung muss jedoch derart sein, dass das Ergebnis mit den Grundsätzen dieses Artikels übereinstimmt.

(5) Aufgrund des bloßen Einkaufs von Gütern oder Waren für das Unternehmen wird einer Betriebsstätte kein Gewinn zugerechnet.

(6) Bei der Anwendung der vorstehenden Absätze sind die der Betriebsstätte zuzurechnenden Gewinne jedes Jahr auf dieselbe Art zu ermitteln, es sei denn, es bestehen ausreichende Gründe dafür, anders zu verfahren.

(7) Gehören zu den Gewinnen Einkünfte oder Veräußerungsgewinne, die in anderen Artikeln dieses Abkommens behandelt werden, so werden die Bestimmungen jener Artikel durch die Bestimmungen dieses Artikels nicht berührt.

Artikel 8

Seeschifffahrt, Binnenschifffahrt und Luftfahrt

(1) Gewinne aus dem Betrieb von Seeschiffen oder Luftfahrzeugen im internationalen Verkehr können nur in dem Vertragsstaat besteuert werden, in dem sich der Ort der tatsächlichen Geschäftsleitung des Unternehmens befindet.

(2) Gewinne aus dem Betrieb von Schiffen, die der Binnenschifffahrt dienen, können nur in dem Vertragsstaat besteuert werden, in dem sich der Ort der tatsächlichen Geschäftsleitung des Unternehmens befindet.

(3) Für Zwecke dieses Artikels beinhaltet der Ausdruck „Gewinne aus dem Betrieb von Seeschiffen oder Luftfahrzeugen im internationalen Verkehr“ auch Gewinne aus

a) der gelegentlichen Vermietung von leeren Seeschiffen oder Luftfahrzeugen und

b) der Nutzung oder Vermietung von Containern (einschließlich Trailern und zugehöriger Ausstattung für den Transport der Container),

wenn diese Tätigkeiten zum Betrieb von Seeschiffen, Luftfahrzeugen oder von Schiffen, die der Binnenschifffahrt dienen, gehören.

(4) Befindet sich der Ort der tatsächlichen Geschäftsleitung eines Unternehmens der See- oder Binnenschifffahrt an Bord eines Schiffes, so gilt er als in dem Vertragsstaat gelegen, in dem der Heimathafen des Schiffes liegt, oder, wenn kein Heimathafen vorhanden ist, in dem Vertragsstaat, in dem die Person ansässig ist, die das Schiff betreibt.

(5) Absatz 1 gilt auch für Gewinne aus der Beteiligung an einem Pool, einer Betriebsgemeinschaft oder einer internationalen Betriebsstelle.

Artikel 9

Verbundene Unternehmen

(1) Wenn

a) ein Unternehmen eines Vertragsstaats unmittelbar oder mittelbar an der Geschäftsleitung, der Kontrolle oder dem Kapital eines Unternehmens des anderen Vertragsstaats beteiligt ist oder

b) dieselben Personen unmittelbar oder mittelbar an der Geschäftsleitung, der Kontrolle oder dem Kapital eines Unternehmens eines Vertragsstaats und eines Unternehmens des anderen Vertragsstaats beteiligt sind

und in diesen Fällen die beiden Unternehmen in ihren kaufmännischen oder finanziellen Beziehungen an vereinbarte oder auferlegte Bedingungen gebunden sind, die von denen abweichen, die unabhängige Unternehmen miteinander vereinbaren würden, so dürfen die Gewinne, die eines der Unternehmen ohne diese Bedingungen erzielt hätte, wegen dieser Bedingungen aber nicht erzielt hat, den Gewinnen dieses Unternehmens zugerechnet und entsprechend besteuert werden.

(2) Werden in einem Vertragsstaat den Gewinnen eines Unternehmens dieses Staates Gewinne zugerechnet – und entsprechend besteuert –, mit denen ein Unternehmen des anderen Vertragsstaats in diesem Staat besteuert worden ist, und handelt es sich bei den zugerechneten Gewinnen um solche, die das Unternehmen des erstgenannten Staates erzielt hätte, wenn die zwischen den beiden Unternehmen vereinbarten Bedingungen die gleichen gewesen wären, die unabhängige Unternehmen miteinander vereinbaren würden, so nimmt der andere Staat eine entsprechende Änderung der dort von diesen Gewinnen erhobenen Steuer vor. Bei dieser Änderung sind die übrigen Bestimmungen dieses

Abkommens zu berücksichtigen; erforderlichenfalls werden die zuständigen Behörden der Vertragsstaaten einander konsultieren.

Artikel 10
Dividenden

(1) Dividenden, die eine in einem Vertragsstaat ansässige Gesellschaft an eine im anderen Vertragsstaat ansässige Person zahlt, können im anderen Staat besteuert werden.

(2) Diese Dividenden können jedoch auch in dem Vertragsstaat, in dem die die Dividenden zahlende Gesellschaft ansässig ist, nach dem Recht dieses Staates besteuert werden; die Steuer darf aber, wenn der Nutzungsberechtigte der Dividenden eine in dem anderen Vertragsstaat ansässige Person ist, nicht übersteigen:

a) 5 Prozent des Bruttobetrags der Dividenden, wenn der Nutzungsberechtigte eine Gesellschaft (jedoch keine Personengesellschaft oder deutsche REIT-Aktiengesellschaft) ist, die unmittelbar über mindestens 10 Prozent des Kapitals der die Dividenden zahlenden Gesellschaft verfügt,

b) 15 Prozent des Bruttobetrags der Dividenden in allen anderen Fällen.

Dieser Absatz berührt nicht die Besteuerung der Gesellschaft in Bezug auf Gewinne, aus denen die Dividenden gezahlt werden.

(3) Der in diesem Artikel verwendete Ausdruck „Dividenden“ bedeutet Einkünfte aus Aktien, Genussrechten oder Genussscheinen, Kuxen, Gründeranteilen oder sonstige Einkünfte, die nach dem Recht des Staates, in dem die ausschüttende Gesellschaft ansässig ist, den Einkünften aus Aktien steuerlich gleichgestellt sind.

(4) Die Absätze 1 und 2 sind nicht anzuwenden, wenn der in einem Vertragsstaat ansässige Nutzungsberechtigte im anderen Vertragsstaat, in dem die die Dividenden zahlende Gesellschaft ansässig ist, eine Geschäftstätigkeit durch eine dort gelegene Betriebsstätte ausübt und die Beteiligung, für die die Dividenden gezahlt werden, tatsächlich zu dieser Betriebsstätte gehört. In diesem Fall ist Artikel 7 anzuwenden.

(5) Erzielt eine in einem Vertragsstaat ansässige Gesellschaft Gewinne oder Einkünfte aus dem anderen Vertragsstaat, so darf dieser andere Staat weder die von der Gesellschaft gezahlten Dividenden besteuern, es sei denn, dass diese Dividenden an eine im anderen Staat ansässige Person gezahlt werden oder dass die Beteiligung, für die die Dividenden gezahlt werden, tatsächlich zu einer im anderen Staat gelegenen Betriebsstätte gehört, noch Gewinne der Gesellschaft einer Steuer für nicht ausgeschüttete Gewinne unterwerfen, selbst wenn die gezahlten Dividenden oder die nicht ausgeschütteten Gewinne ganz oder teilweise aus im anderen Staat erzielten Gewinnen oder Einkünften bestehen.

Artikel 11

Zinsen

(1) Zinsen, die aus einem Vertragsstaat stammen und deren Nutzungsberechtigter eine im anderen Vertragsstaat ansässige Person ist, können nur im anderen Staat besteuert werden.

(2) Der in diesem Artikel verwendete Ausdruck „Zinsen“ bedeutet Einkünfte aus Forderungen jeder Art, auch wenn die Forderungen durch Pfandrechte an Grundstücken gesichert oder mit einer Beteiligung am Gewinn des Schuldners ausgestattet sind, und insbesondere Einkünfte aus öffentlichen Anleihen und aus Obligationen einschließlich der damit verbundenen Aufgelder und der Gewinne aus Losanleihen; der Ausdruck umfasst jedoch nicht Einkünfte, die nach Artikel 10 als Dividenden behandelt werden. Zuschläge für verspätete Zahlung gelten nicht als Zinsen im Sinne dieses Artikels.

(3) Absatz 1 ist nicht anzuwenden, wenn der in einem Vertragsstaat ansässige Nutzungsberechtigte im anderen Vertragsstaat, aus dem die Zinsen stammen, eine Geschäftstätigkeit durch eine dort gelegene Betriebsstätte ausübt und die Forderung, für die die Zinsen gezahlt werden, tatsächlich zu dieser Betriebsstätte gehört. In diesem Fall ist Artikel 7 anzuwenden.

(4) Bestehen zwischen dem Schuldner und dem Nutzungsberechtigten oder zwischen jedem von ihnen und einem Dritten besondere Beziehungen und übersteigen deshalb die Zinsen, gemessen an der zugrunde liegenden Forderung, den Betrag, den Schuldner und Nutzungsberechtigter ohne diese Beziehungen vereinbart hätten, so wird dieser Artikel nur auf den letzteren Betrag angewendet. In diesem Fall kann der übersteigende Betrag nach dem Recht eines jeden Vertragsstaats und unter Berücksichtigung der anderen Bestimmungen dieses Abkommens besteuert werden.

Artikel 12
Lizenzgebühren

(1) Lizenzgebühren, die aus einem Vertragsstaat stammen und deren Nutzungsberechtigter eine im anderen Vertragsstaat ansässige Person ist, können nur im anderen Staat besteuert werden.

(2) Der in diesem Artikel verwendete Ausdruck „Lizenzgebühren“ bedeutet Vergütungen jeder Art, die für die Benutzung oder für das Recht auf Benutzung von Urheberrechten an literarischen, künstlerischen oder wissenschaftlichen Werken (einschließlich Spielfilme oder Filme, Aufzeichnungen auf Band oder andere Medien für Rundfunk- oder Fernsehübertragungen oder andere Reproduktionsträger oder Übertragungsarten), von Patenten, Warenzeichen, Mustern oder Modellen, Plänen, geheimen Formeln oder Verfahren oder für die Mitteilung gewerblicher, kaufmännischer oder wissenschaftlicher Erfahrungen gezahlt werden. Der Ausdruck „Lizenzgebühren“ beinhaltet auch

Vergütungen jeder Art, die für die Benutzung oder das Recht auf Benutzung von Namen, Bildern oder sonstigen vergleichbaren Persönlichkeitsrechten oder die Aufzeichnung der Veranstaltungen von Künstlern und Sportlern durch Rundfunk- oder Fernsehanstalten gezahlt werden.

(3) Absatz 1 ist nicht anzuwenden, wenn der in einem Vertragsstaat ansässige Nutzungsberechtigte im anderen Vertragsstaat, aus dem die Lizenzgebühren stammen, eine Geschäftstätigkeit durch eine dort gelegene Betriebsstätte ausübt und die Rechte oder Vermögenswerte, für die die Lizenzgebühren gezahlt werden, tatsächlich zu dieser Betriebsstätte gehören. In diesem Fall ist Artikel 7 anzuwenden.

(4) Lizenzgebühren gelten dann als aus einem Vertragsstaat stammend, wenn der Schuldner eine in diesem Staat ansässige Person ist. Hat aber der Schuldner der Lizenzgebühren, ohne Rücksicht darauf, ob er in einem Vertragsstaat ansässig ist oder nicht, in einem Vertragsstaat eine Betriebsstätte und ist die Verpflichtung zur Zahlung der Lizenzgebühren für Zwecke der Betriebsstätte eingegangen worden und trägt die Betriebsstätte die Lizenzgebühren, so gelten die Lizenzgebühren als aus dem Staat stammend, in dem die Betriebsstätte liegt.

(5) Bestehen zwischen dem Schuldner und dem Nutzungsberechtigten oder zwischen jedem von ihnen und einem Dritten besondere Beziehungen und übersteigen deshalb die Lizenzgebühren, gemessen an der zugrunde liegenden Leistung, den Betrag, den Schuldner und Nutzungsberechtigter ohne diese Beziehungen vereinbart hätten, so wird dieser Artikel nur auf den letzteren Betrag angewendet. In diesem Fall kann der übersteigende Betrag nach dem Recht eines jeden Vertragsstaats und unter Berücksichtigung der anderen Bestimmungen dieses Abkommens besteuert werden.

Artikel 13
Gewinne aus der Veräußerung von Vermögen

(1) Gewinne, die eine in einem Vertragsstaat ansässige Person aus der Veräußerung unbeweglichen Vermögens im Sinne des Artikels 6 erzielt, das im anderen Vertragsstaat liegt, können im anderen Staat besteuert werden.

(2) Gewinne aus der Veräußerung beweglichen Vermögens, das Betriebsvermögen einer Betriebsstätte ist, die ein Unternehmen eines Vertragsstaats im anderen Vertragsstaat hat, einschließlich derartiger Gewinne, die bei der Veräußerung einer solchen Betriebsstätte (allein oder mit dem übrigen Unternehmen) erzielt werden, können im anderen Staat besteuert werden.

(3) Gewinne aus der Veräußerung von Seeschiffen oder Luftfahrzeugen, die im internationalen Verkehr betrieben werden, von Schiffen, die der Binnenschifffahrt dienen, oder von beweglichem Vermögen, das dem Betrieb dieser Schiffe oder Luftfahrzeuge dient, können nur in dem Vertragsstaat besteuert werden, in dem sich der Ort der tatsächlichen Geschäftsleitung des Unternehmens befindet.

(4) Gewinne, die eine in einem Vertragsstaat ansässige Person aus der Veräußerung von Aktien und ähnlichen Anteilen an einer Gesellschaft, außer börsengehandelten Aktien, erzielt, deren Wert zu mehr als 50 Prozent mittelbar oder unmittelbar aus unbeweglichem Vermögen besteht, das im anderen Vertragsstaat liegt, können im anderen Staat besteuert werden.

(5) Gewinne aus der Veräußerung von in den Absätzen 1, 2, 3 und 4 nicht genanntem Vermögen können nur in dem Vertragsstaat besteuert werden, in dem der Veräußerer ansässig ist.

(6) Bei einer natürlichen Person, die in einem Vertragsstaat während mindestens drei Jahren ansässig war und die im anderen Vertragsstaat ansässig geworden ist, berührt Absatz 5 nicht das Recht des erstgenannten Staates, nach seinen innerstaatlichen

Rechtsvorschriften einen Betrag zu besteuern, der tatsächlich anhand des Vermögenszuwachses bei den Anteilen an einer Gesellschaft im Zeitraum der Ansässigkeit dieser natürlichen Person im erstgenannten Vertragsstaat ermittelt wird. In diesem Fall wird der Vermögenszuwachs, der der Besteuerung des Betrags im erstgenannten Staat zugrunde lag, bei der Ermittlung des späteren Vermögenszuwachses durch den anderen Staat nicht einbezogen.

Artikel 14

Einkünfte aus unselbständiger Arbeit

(1) Vorbehaltlich der Artikel 15, 17,18 und 19 können Gehälter, Löhne und ähnliche Vergütungen, die eine in einem Vertragsstaat ansässige Person aus unselbständiger Arbeit bezieht, nur in diesem Staat besteuert werden, es sei denn, die Arbeit wird im anderen Vertragsstaat ausgeübt. Wird die Arbeit dort ausgeübt, so können die dafür bezogenen Vergütungen im anderen Staat besteuert werden.

(2) Ungeachtet des Absatzes 1 können Vergütungen, die eine in einem Vertragsstaat ansässige Person für eine im anderen Vertragsstaat ausgeübte unselbständige Arbeit bezieht, nur im erstgenannten Staat besteuert werden, wenn

a) der Empfänger sich im anderen Staat insgesamt nicht länger als 183 Tage innerhalb eines Zeitraums von 12 Monaten, der während des betreffenden Steuerjahres beginnt oder endet, aufhält und

b) die Vergütungen von einem Arbeitgeber oder für einen Arbeitgeber gezahlt werden, der nicht im anderen Staat ansässig ist, und

c) die Vergütungen nicht von einer Betriebsstätte getragen werden, die der Arbeitgeber im anderen Staat hat.

(3) Ungeachtet der vorstehenden Bestimmungen dieses Artikels können Vergütungen für eine an Bord eines Seeschiffs, eines Schiffs, das der Binnenschifffahrt dient, oder Luftfahrzeugs im internationalen Verkehr ausgeübte unselbständige Arbeit in dem Vertragsstaat besteuert werden, in dem sich der Ort der tatsächlichen Geschäftsleitung des Unternehmens befindet, das das Schiff, das Luftfahrzeug oder das der Binnenschifffahrt dienende Schiff betreibt.

Artikel 15

Aufsichtsrats- oder Verwaltungsratsvergütungen

Aufsichtsrats- oder Verwaltungsratsvergütungen und ähnliche Zahlungen, die eine in einem Vertragsstaat ansässige Person in ihrer Eigenschaft als Mitglied des Aufsichts- oder Verwaltungsrats einer Gesellschaft bezieht, die im anderen Vertragsstaat ansässig ist, können im anderen Staat besteuert werden.

Artikel 16

Künstler und Sportler

(1) Ungeachtet der Artikel 7 und 14 können Einkünfte, die eine in einem Vertragsstaat ansässige Person als Künstler, wie Bühnen-, Film-, Rundfunk- und Fernsehkünstler sowie Musiker, oder als Sportler aus ihrer im anderen Vertragsstaat persönlich ausgeübten Tätigkeit bezieht, im anderen Staat besteuert werden.

(2) Fließen Einkünfte aus einer von einem Künstler oder Sportler in dieser Eigenschaft persönlich ausgeübten Tätigkeit nicht dem Künstler oder Sportler selbst, sondern einer anderen Person zu, so können diese Einkünfte ungeachtet der Artikel 7 und 14 in dem Vertragsstaat besteuert werden, in dem der Künstler oder Sportler seine Tätigkeit ausübt.

(3) Die Absätze 1 und 2 gelten nicht für Einkünfte aus der von Künstlern oder Sportlern in einem Vertragsstaat ausgeübten Tätigkeit, wenn der Aufenthalt in diesem Staat ganz oder überwiegend aus öffentlichen Mitteln des anderen Vertragsstaats, einem seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder eines Landes oder von einer im anderen Staat als gemeinnützig anerkannten Einrichtung finanziert wird. In diesem Fall können die Einkünfte nur in dem Vertragsstaat besteuert werden, in dem die natürliche Person ansässig ist.

Artikel 17

Ruhegehälter und Renten

(1) Vorbehaltlich des Artikels 18 Absatz 2 können Ruhegehälter, ähnliche Vergütungen oder Renten, die aus einem Vertragsstaat stammen und an eine im anderen Vertragsstaat ansässige Person gezahlt werden, nur in diesem anderen Staat besteuert werden.

(2) Vergütungen, die aufgrund der Sozialversicherungsgesetzgebung eines Vertragsstaats gezahlt werden, können abweichend von Absatz 1 nur in diesem Staat besteuert werden.

(3) Die aus einem Vertragsstaat stammenden Ruhegehälter, ähnlichen Vergütungen oder Renten, die ganz oder teilweise auf Beiträgen beruhen, die in diesem Staat länger als 12 Jahre

a) nicht zu den steuerpflichtigen Einkünften aus unselbständiger Arbeit gehörten oder

b) steuerlich abziehbar waren oder

c) in anderer Weise einer Steuervergünstigung unterlagen,

können abweichend von Absatz 1 nur in diesem Staat besteuert werden. Dieser Absatz ist nicht anzuwenden, wenn dieser Staat die Ruhegehälter oder ähnlichen Vergütungen oder Renten tatsächlich nicht besteuert oder wenn die 12-Jahre-Bedingung in beiden Vertragsstaaten erfüllt ist.

(4) Wiederkehrende und einmalige Vergütungen, die ein Vertragsstaat oder eine seiner Gebietskörperschaften an eine im anderen Vertragsstaat ansässige Person als Entschädigung für politische Verfolgung oder für Unrecht oder Schäden aufgrund von Kriegshandlungen (einschließlich Wiedergutmachungsleistungen) oder des Wehr- oder Zivildienstes oder eines Verbrechens, einer Impfung oder ähnlicher Vorkommnisse zahlt, können abweichend von Absatz 1 nur im erstgenannten Staat besteuert werden.

(5) Der Ausdruck „Renten" bedeutet bestimmte Beträge, die regelmäßig zu festgesetzten Zeitpunkten auf Lebenszeit oder während eines bestimmten oder bestimmbaren Zeitabschnitts aufgrund einer Verpflichtung zahlbar sind, die diese Zahlungen als Gegenleistung für eine in Geld oder Geldeswert bewirkte angemessene Leistung vorsieht.

Artikel 18
Öffentlicher Dienst

(1) Gehälter, Löhne und ähnliche Vergütungen, die von einem Vertragsstaat, einem seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder Landes an eine natürliche Person für diesem Staat, einem seiner Länder oder einer ihrer Gebietskörperschaften geleistete Dienste gezahlt werden, können nur in diesem Staat besteuert werden. Diese Gehälter, Löhne und ähnlichen Vergütungen können jedoch nur im anderen Vertragsstaat besteuert werden, wenn die Dienste in diesem Staat geleistet werden und die natürliche Person in diesem Staat ansässig ist und

a) ein Staatsangehöriger dieses Staates ist oder

b) nicht ausschließlich deshalb in diesem Staat ansässig geworden ist, um die Dienste zu leisten.

(2) Ruhegehälter und ähnliche Vergütungen, die von einem Vertragsstaat, einem seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder eines Landes oder aus von diesem Staat, einem seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder eines Landes errichtetem Sondervermögen an eine natürliche Person für die diesem Staat, einem seiner Länder oder einer ihrer Gebietskörperschaften geleisteten Dienste gezahlt werden, können abweichend von Absatz 1 nur in diesem Staat besteuert werden. Diese Ruhegehälter und ähnlichen Vergütungen können jedoch nur im anderen Vertragsstaat besteuert werden, wenn die natürliche Person in diesem Staat ansässig und ein Staatsangehöriger dieses Staates ist.

(3) Auf Gehälter, Löhne, Ruhegehälter und ähnliche Vergütungen für Dienstleistungen, die im Zusammenhang mit einer Geschäftstätigkeit eines Vertragsstaats, eines seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder Landes erbracht werden, sind die Artikel 14, 15, 16 oder 17 anzuwenden.

(4) Die Absätze 1 und 2 gelten entsprechend für Vergütungen, die seitens oder im Namen des Goethe-Instituts oder des Deutschen Akademischen Austauschdiensts gezahlt werden. Eine entsprechende Behandlung der Vergütungen anderer vergleichbarer Einrichtungen der Vertragsstaaten kann durch die zuständigen Behörden im gegenseitigen Einvernehmen vereinbart werden.

Artikel 19

Gastprofessoren, Lehrer und Studierende

(1) Eine natürliche Person, die sich auf Einladung eines Vertragsstaats oder einer Universität, Hochschule, Schule, eines Museums oder einer anderen kulturellen Einrichtung dieses Vertragsstaats oder im Rahmen eines amtlichen Kulturaustausches in diesem Vertragsstaat höchstens zwei Jahre lang lediglich zur Ausübung einer Lehrtätigkeit, zum Halten von Vorlesungen oder zur Ausübung einer Forschungstätigkeit bei dieser Einrichtung aufhält und die im anderen Vertragsstaat ansässig ist oder dort unmittelbar vor der Einreise in den erstgenannten Staat ansässig war, ist in dem erstgenannten Staat mit ihren für diese Tätigkeit bezogenen Vergütungen von der Steuer befreit, vorausgesetzt, dass diese Vergütungen von dem anderen Vertragsstaat bezogen werden.

(2) Zahlungen, die ein Student, Praktikant oder Lehrling, der sich in einem Vertragsstaat ausschließlich zum Studium oder zur Ausbildung aufhält und der im anderen Vertragsstaat ansässig ist oder dort unmittelbar von der Einreise in den erstgenannten Staat ansässig war, für seinen Unterhalt, sein Studium oder seine Ausbildung erhält, dürfen im erstgenannten Staat nicht besteuert werden, sofern diese Zahlungen aus Quellen außerhalb dieses Staates stammen.

Artikel 20

Andere Einkünfte

(1) Einkünfte einer in einem Vertragsstaat ansässigen Person, die in den vorstehenden Artikeln nicht behandelt wurden, können ohne Rücksicht auf ihre Herkunft nur in diesem Staat besteuert werden.

(2) Absatz 1 ist auf andere Einkünfte als solche aus unbeweglichem Vermögen im Sinne

des Artikels 6 Absatz 2 nicht anzuwenden, wenn der in einem Vertragsstaat ansässige Nutzungsberechtigte der Einkünfte im anderen Vertragsstaat eine Geschäftstätigkeit durch eine dort gelegene Betriebsstätte ausübt und die Rechte oder Vermögenswerte, für die die Einkünfte gezahlt werden, tatsächlich zu dieser Betriebsstätte gehören. In diesem Fall ist Artikel 7 anzuwenden.

(3) Bestehen zwischen der in Absatz 1 bezeichneten Person und einer anderen Person oder zwischen jedem von ihnen und einem Dritten besondere Beziehungen und übersteigen deshalb die in Absatz 1 bezeichneten Einkünfte den Betrag (sofern zutreffend), den diese Personen ohne diese Beziehungen vereinbart hätten, so wird dieser Artikel nur auf den letztgenannten Betrag angewendet. In diesem Fall kann der übersteigende Betrag nach dem Recht eines jeden Vertragsstaats und unter Berücksichtigung der anderen anwendbaren Bestimmungen dieses Abkommens besteuert werden.

Artikel 21
Vermögen

(1) Unbewegliches Vermögen im Sinne des Artikels 6, das einer in einem Vertragsstaat ansässigen Person gehört und im anderen Vertragsstaat liegt, kann im anderen Staat besteuert werden.

(2) Bewegliches Vermögen, das Betriebsvermögen einer Betriebsstätte, die ein Unternehmen eines Vertragsstaats im anderen Vertragsstaat hat, ist, kann im anderen Staat besteuert werden.

(3) Seeschiffe und Luftfahrzeuge, die im internationalen Verkehr betrieben werden, und Schiffe, die der Binnenschifffahrt dienen, sowie bewegliches Vermögen, das dem Betrieb dieser Schiffe oder Luftfahrzeuge dient, können nur in dem Vertragsstaat besteuert werden, in dem sich der Ort der tatsächlichen Geschäftsleitung des Unternehmens befindet.

(4) Alle anderen Vermögensteile einer in einem Vertragsstaat ansässigen Person können nur in diesem Staat besteuert werden.

Artikel 22

Tätigkeiten vor der Küste

(1) Dieser Artikel findet ungeachtet anderer Bestimmungen dieses Abkommens Anwendung, wenn vor der Küste Tätigkeiten (in diesem Artikel als „einschlägige Tätigkeiten“ bezeichnet) in Zusammenhang mit der Erforschung oder Ausbeutung des in einem Vertragsstaat gelegenen Meeresbodens und Meeresuntergrunds sowie ihrer natürlichen Ressourcen ausgeübt werden.

(2) Bei einem Unternehmen eines Vertragsstaats, das im anderen Vertragsstaat einschlägige Tätigkeiten ausübt, wird vorbehaltlich des Absatzes 3 davon ausgegangen, dass es im anderen Vertragsstaat eine Geschäftstätigkeit durch eine dort gelegene Betriebsstätte ausübt.

(3) Absatz 2 ist nicht anzuwenden, wenn die in Absatz 1 genannten Tätigkeiten in den in diesem Absatz bezeichneten Gebieten für die Dauer eines Zeitraums ausgeübt werden, der

a) bei Tätigkeiten in Zusammenhang mit der Erforschung insgesamt 90 Tage innerhalb eines Zeitraums von zwölf Monaten, der während des betreffenden Steuerjahres beginnt oder endet, und

b) bei Tätigkeiten in Zusammenhang mit der Ausbeutung insgesamt 30 Tage innerhalb eines Zeitraums von zwölf Monaten, der während des betreffenden Steuerjahres beginnt oder endet,

nicht übersteigt.

(4) Gehälter, Löhne und ähnliche Vergütungen, die eine in einem Vertragsstaat ansässige Person aus unselbständiger Arbeit in Zusammenhang mit der Ausübung einschlägiger Tätigkeiten im anderen Vertragsstaat bezieht, können in dem anderen Staat besteuert werden, soweit die Aufgaben im anderen Staat vor der Küste ausgeübt werden.

(5) Gewinne, die eine in einem Vertragsstaat ansässige Person erzielt aus der Veräußerung von

a) Erforschungs- oder Ausbeutungsrechten oder

b) Anteilen (oder vergleichbaren Instrumenten), deren Wert ganz oder zum überwiegenden Teil unmittelbar oder mittelbar aus solchen Rechten besteht,

können im anderen Staat besteuert werden. Für die Zwecke dieses Absatzes sind „Erforschungs- oder Ausbeutungsrechte“ die Rechte an Vermögenswerten, die durch die Erforschung oder Ausbeutung des Meeresbodens oder des Meeresuntergrunds oder ihrer natürlichen Ressourcen im anderen Vertragsstaat geschaffen werden, einschließlich der Rechte auf Beteiligung an oder auf Nutzen aus diesen Vermögenswerten.

Artikel 23
Vermeidung der Doppelbesteuerung

(1) Im Rahmen der Rechtsvorschriften Irlands über die Anrechnung der in einem Gebiet außerhalb Irlands zu zahlenden Steuer auf die irische Steuer (jedoch unbeschadet der hierin enthaltenen allgemeinen Grundsätze) wird folgende Steueranrechnung gewährt:

a) Die nach dem Recht Deutschlands und in Übereinstimmung mit diesem

Abkommen von Gewinnen, Einkünften oder Veräußerungsgewinnen aus Quellen innerhalb Deutschlands unmittelbar oder im Abzugsweg zu zahlende deutsche Steuer (bei Dividenden jedoch nicht die Steuern von den Gewinnen, aus denen die Dividenden gezahlt werden) wird auf die irischen Steuern angerechnet, die anhand der Gewinne, Einkünfte oder Veräußerungsgewinne berechnet werden, die der Berechnung der deutschen Steuer dienen;

b) Bei Dividenden, die von einer in Deutschland ansässigen Gesellschaft an eine in Irland ansässige Gesellschaft gezahlt werden, welcher unmittelbar oder mittelbar mindestens 5 Prozent der stimmberechtigten Anteile der die Dividenden auszahlenden Gesellschaft gehören, wird in die Anrechnung (neben den nach Buchstabe a anrechnungsfähigen deutschen Steuern) auch die deutsche Steuer einbezogen, die die Gesellschaft von den Gewinnen zu entrichten hat, aus denen die Dividenden gezahlt werden.

c) Für Zwecke der Buchstaben a und b gelten Gewinne, Einkünfte und Veräußerungsgewinne einer in Irland ansässigen Person, die nach diesem Abkommen in Deutschland besteuert werden können, als aus deutschen Quellen stammend.

d) Einkünfte einer in Irland ansässigen Person, die nach dem Abkommen von der Besteuerung in Irland auszunehmen sind, können gleichwohl in Irland bei der Festsetzung der Steuer für das übrige Einkommen der Person einbezogen werden.

(2) Bei einer in Deutschland ansässigen Person wird die Steuer wie folgt festgesetzt:

a) Von der Bemessungsgrundlage der deutschen Steuer werden die Einkünfte aus Irland sowie die in Irland gelegenen Vermögenswerte ausgenommen, die nach diesem Abkommen tatsächlich in Irland besteuert werden und nicht unter Buchstabe b fallen.

Für Einkünfte aus Dividenden gelten die vorstehenden Bestimmungen nur dann, wenn diese Dividenden an eine in Deutschland ansässige Gesellschaft (jedoch nicht an eine Personengesellschaft) von einer in Irland ansässigen Gesellschaft gezahlt werden, deren Kapital zu mindestens 10 Prozent unmittelbar der deutschen Gesellschaft gehört, und bei der Ermittlung der Gewinne der ausschüttenden Gesellschaft nicht abgezogen worden sind.

Für die Zwecke der Steuern vom Vermögen werden von der Bemessungsgrundlage Beteiligungen ausgenommen, deren Ausschüttungen, falls solche gezahlt würden, nach den vorhergehenden Sätzen auszunehmen wären.

b) Auf die deutsche Steuer vom Einkommen für die folgenden Einkünfte wird unter Beachtung der Vorschriften des deutschen Steuerrechts über die Anrechnung ausländischer Steuern die irische Steuer angerechnet, die nach irischem Recht und in Übereinstimmung mit diesem Abkommen für diese Einkünfte gezahlt worden ist:

aa) Dividenden, die nicht unter Buchstabe a fallen;

bb) Einkünfte, die nach Artikel 13 Absatz 4 (Veräußerungsgewinne) in Irland besteuert werden können;

cc) Aufsichtsrats- und Verwaltungsratsvergütungen;

dd) Einkünfte, die nach Artikel 16 (Künstler und Sportler) in Irland besteuert werden können.

c) Statt der Bestimmungen des Buchstabens a sind die Bestimmungen des Buchstabens b anzuwenden auf Einkünfte im Sinne der Artikel 7 und 10 und die diesen Einkünften zugrunde liegenden Vermögenswerte, wenn die in Deutschland

ansässige Person nicht nachweist, dass die Betriebsstätte in dem Wirtschaftsjahr, in dem sie den Gewinn erzielt hat, oder die in Irland ansässige Gesellschaft in dem Wirtschaftsjahr, für das sie die Ausschüttung vorgenommen hat, ihre Bruttoerträge ausschließlich oder fast ausschließlich aus unter § 8 Absatz 1 des deutschen Außensteuergesetzes fallenden Tätigkeiten bezogen hat; Gleiches gilt für unbewegliches Vermögen, das einer Betriebsstätte dient, und die daraus erzielten Einkünfte (Artikel 6 Absatz 4) sowie für die Gewinne aus der Veräußerung dieses unbeweglichen Vermögens (Artikel 13 Absatz 1) und des beweglichen Vermögens, das Betriebsvermögen der Betriebsstätte darstellt (Artikel 13 Absatz 2).

d) Deutschland behält aber das Recht, die nach den Bestimmungen dieses Abkommens von der deutschen Steuer ausgenommenen Einkünfte und Vermögenswerte bei der Festsetzung seines Steuersatzes zu berücksichtigen.

e) Ungeachtet der Bestimmungen des Buchstabens a wird die Doppelbesteuerung durch Steueranrechnung nach Buchstabe b vermieden, wenn

aa) in den Vertragsstaaten Einkünfte oder Vermögen unterschiedlichen Abkommensbestimmungen zugeordnet oder verschiedenen Personen zugerechnet werden (außer nach Artikel 9) und dieser Konflikt sich nicht durch ein Verfahren nach Artikel 26 Absatz 3 regeln lässt und wenn aufgrund dieser unterschiedlichen Zuordnung oder Zurechnung die betreffenden Einkünfte oder Vermögenswerte unbesteuert blieben oder niedriger als ohne diesen Konflikt besteuert würden; oder

bb) Deutschland nach gehöriger Konsultation mit der zuständigen irischen Behörde Irland auf diplomatischem Weg andere Einkünfte notifiziert, bei denen Deutschland die Anrechnungsmethode nach Buchstabe b anzuwenden beabsichtigt. Die Doppelbesteuerung wird für die notifizierten

Einkünfte durch Steueranrechnung vom ersten Tag des Kalenderjahres vermieden, das auf das Kalenderjahr folgt, in dem die Notifikation übermittelt wurde.

Artikel 24

Gleichbehandlung

(1) Staatsangehörige eines Vertragsstaats dürfen im anderen Vertragsstaat keiner Besteuerung oder damit zusammenhängenden Verpflichtung unterworfen werden, die anders oder belastender ist als die Besteuerung und die damit zusammenhängenden Verpflichtungen, denen Staatsangehörige des anderen Staates unter gleichen Verhältnissen insbesondere hinsichtlich der Ansässigkeit unterworfen sind oder unterworfen werden können. Diese Bestimmung gilt ungeachtet des Artikels 1 auch für Personen, die in keinem Vertragsstaat ansässig sind.

(2) Staatenlose, die in einem Vertragsstaat ansässig sind, dürfen in keinem Vertragsstaat einer Besteuerung oder damit zusammenhängenden Verpflichtung unterworfen werden, die anders oder belastender ist als die Besteuerung und die damit zusammenhängenden Verpflichtungen, denen Staatsangehörige des betreffenden Staates unter gleichen Verhältnissen unterworfen sind oder unterworfen werden können.

(3) Die Besteuerung einer Betriebsstätte, die ein Unternehmen eines Vertragsstaats im anderen Vertragsstaat hat, darf in dem anderen Staat nicht ungünstiger sein als die Besteuerung von Unternehmen des anderen Staates, die die gleiche Tätigkeit ausüben. Diese Bestimmung ist nicht so auszulegen, als verpflichte sie einen Vertragsstaat, den in dem anderen Vertragsstaat ansässigen Personen Steuerfreibeträge, -vergünstigungen und -ermäßigungen aufgrund des Personenstands oder der Familienlasten zu gewähren, die er seinen ansässigen Personen gewährt.

(4) Sofern nicht Artikel 9 Absatz 1, Artikel 11 Absatz 4 oder Artikel 12 Absatz 5 anzuwenden ist, sind Zinsen, Lizenzgebühren und andere Entgelte, die ein Unternehmen eines Vertragsstaats an eine im anderen Vertragsstaat ansässige Person zahlt, bei der Ermittlung der steuerpflichtigen Gewinne dieses Unternehmens unter den gleichen Bedingungen wie Zahlungen an eine im erstgenannten Staat ansässige Person zum Abzug zuzulassen. Desgleichen sind Schulden, die ein Unternehmen eines Vertragsstaats gegenüber einer im anderen Vertragsstaat ansässigen Person hat, bei der Ermittlung des steuerpflichtigen Vermögens dieses Unternehmens unter den gleichen Bedingungen wie Schulden gegenüber einer im erstgenannten Staat ansässigen Person zum Abzug zuzulassen.

(5) Unternehmen eines Vertragsstaats, deren Kapital ganz oder teilweise unmittelbar oder mittelbar einer im anderen Vertragsstaat ansässigen Person oder mehreren solchen Personen gehört oder ihrer Kontrolle unterliegt, dürfen im erstgenannten Staat keiner Besteuerung oder damit zusammenhängenden Verpflichtung unterworfen werden, die anders oder belastender ist als die Besteuerung und die damit zusammenhängenden Verpflichtungen, denen andere ähnliche Unternehmen des erstgenannten Staates unterworfen sind oder unterworfen werden können.

(6) Dieser Artikel gilt ungeachtet des Artikels 2 für Steuern jeder Art und Bezeichnung.

Artikel 25
Verständigungsverfahren

(1) Ist eine Person der Auffassung, dass Maßnahmen eines Vertragsstaats oder beider Vertragsstaaten für sie zu einer Besteuerung führen oder führen werden, die diesem Abkommen nicht entspricht, so kann sie unbeschadet der nach dem innerstaatlichen Recht dieser Staaten vorgesehenen Rechtsmittel ihren Fall der zuständigen Behörde des Vertragsstaats, in dem sie ansässig ist, oder, sofern ihr Fall von Artikel 24 Absatz 1 erfasst wird, der zuständigen Behörde des Vertragsstaats unterbreiten, dessen Staatsangehöriger

sie ist. Der Fall ist innerhalb von drei Jahren ab der ersten Mitteilung der Maßnahme zu unterbreiten, die zu einer dem Abkommen nicht entsprechenden Besteuerung führt.

(2) Hält die zuständige Behörde die Einwendung für begründet und ist sie selbst nicht in der Lage, eine befriedigende Lösung herbeizuführen, so wird sie sich bemühen, den Fall durch Verständigung mit der zuständigen Behörde des anderen Vertragsstaats so zu regeln, dass eine dem Abkommen nicht entsprechende Besteuerung vermieden wird. Die Verständigungsregelung ist ungeachtet der Fristen des innerstaatlichen Rechts der Vertragsstaaten durchzuführen.

(3) Die zuständigen Behörden der Vertragsstaaten werden sich bemühen, Schwierigkeiten oder Zweifel, die bei der Auslegung oder Anwendung des Abkommens entstehen, in gegenseitigem Einvernehmen zu beseitigen. Sie können auch gemeinsam darüber beraten, wie eine Doppelbesteuerung in Fällen vermieden werden kann, die im Abkommen nicht behandelt sind.

(4) Die zuständigen Behörden der Vertragsstaaten können zur Herbeiführung einer Einigung im Sinne der vorstehenden Absätze unmittelbar miteinander verkehren.

Artikel 26

Informationsaustausch

(1) Die zuständigen Behörden der Vertragsstaaten tauschen die Informationen aus, die zur Durchführung dieses Abkommens oder zur Verwaltung oder Durchsetzung des innerstaatlichen Rechts betreffend Steuern jeder Art und Bezeichnung, die für Rechnung eines Vertragsstaats, eines seiner Länder oder einer Gebietskörperschaft eines Vertragsstaats oder Landes erhoben werden, voraussichtlich erheblich sind, soweit die diesem Recht entsprechende Besteuerung nicht dem Abkommen widerspricht. Der Informationsaustausch ist durch Artikel 1 und 2 nicht eingeschränkt.

(2) Alle Informationen, die ein Vertragsstaat nach Absatz 1 erhalten hat, sind ebenso geheim zu halten wie die aufgrund des innerstaatlichen Rechts dieses Staates beschafften Informationen und dürfen nur den Personen oder Behörden (einschließlich der Gerichte und der Verwaltungsbehörden) zugänglich gemacht werden, die mit der Veranlagung oder Erhebung, der Vollstreckung oder Strafverfolgung, der Entscheidung über Rechtsmittel hinsichtlich der in Absatz 1 genannten Steuern oder mit der Aufsicht darüber befasst sind. Diese Personen oder Behörden dürfen die Informationen nur für diese Zwecke verwenden. Sie dürfen die Informationen in einem öffentlichen Gerichtsverfahren oder in einer Gerichtsentscheidung offenlegen. Ungeachtet der vorstehenden Bestimmungen können die Informationen für andere Zwecke verwendet werden, wenn sie nach dem Recht beider Staaten für diese anderen Zwecke verwendet werden können und die zuständige Behörde des übermittelnden Staates diese Verwendung genehmigt.

(3) Absätze 1 und 2 sind nicht so auszulegen, als verpflichteten sie einen Vertragsstaat,

a) Verwaltungsmaßnahmen durchzuführen, die von den Gesetzen und der Verwaltungspraxis dieses oder des anderen Vertragsstaats abweichen;

b) Informationen zu erteilen, die nach den Gesetzen oder im üblichen Ver-

waltungsverfahren dieses oder des anderen Vertragsstaats nicht beschafft werden können;

c) Informationen zu erteilen, die ein Handels-, Industrie-, Gewerbe- oder Berufsgeheimnis oder ein Geschäftsverfahren preisgeben würden oder deren Erteilung der öffentlichen Ordnung widerspräche.

(4) Ersucht ein Vertragsstaat gemäß diesem Artikel um Informationen, so nutzt der andere Vertragsstaat die ihm zur Verfügung stehenden Möglichkeiten zur Beschaffung der erbetenen Informationen, selbst wenn er diese Informationen für seine eigenen steuerlichen Zwecke nicht benötigt. Die in Satz 1 enthaltene Verpflichtung unterliegt den Beschränkungen gemäß Absatz 3, aber diese Beschränkungen sind in keinem Fall so auszulegen, als könne ein Vertragsstaat die Erteilung von Informationen nur deshalb ablehnen, weil er kein innerstaatliches Interesse an diesen Informationen hat.

(5) Absatz 3 ist in keinem Fall so auszulegen, als könne ein Vertragsstaat die Erteilung von Informationen nur deshalb ablehnen, weil sich die Informationen bei einer Bank, einem sonstigen Finanzinstitut, einem Bevollmächtigten, Vertreter oder Treuhänder befinden oder weil sie sich auf das Eigentum an einer Person beziehen.

Artikel 27
Amtshilfe bei der Erhebung von Steuern

(1) Die Vertragsstaaten leisten sich gegenseitige Amtshilfe bei der Erhebung von Steueransprüchen. Diese Amtshilfe ist durch Artikel 1 und 2 nicht eingeschränkt. Die zuständigen Behörden der Vertragsstaaten können in gegenseitigem Einvernehmen regeln, wie dieser Artikel durchzuführen ist.

(2) Der in diesem Artikel verwendete Ausdruck „Steueranspruch“ bedeutet einen Betrag,

der aufgrund von Steuern jeder Art und Bezeichnung, die für Rechnung der Vertragsstaaten, eines Landes oder einer ihrer Gebietskörperschaften erhoben werden, geschuldet wird, soweit die Besteuerung diesem Abkommen oder anderen Übereinkünften, denen die Vertragsstaaten als Vertragsparteien angehören, nicht widerspricht, sowie mit diesem Betrag zusammenhängende Zinsen, Geldbußen und Kosten der Erhebung oder Sicherung.

(3) Ist der Steueranspruch eines Vertragsstaats nach dem Recht dieses Staates vollstreckbar und wird er von einer Person geschuldet, die zu diesem Zeitpunkt nach dem Recht dieses Staates die Erhebung nicht verhindern kann, wird dieser Steueranspruch auf Ersuchen der zuständigen Behörde dieses Staates von der zuständigen Behörde des anderen Vertragsstaats für die Zwecke der Erhebung anerkannt. Der Steueranspruch wird vom anderen Staat nach dessen Rechtsvorschriften über die Vollstreckung und Erhebung seiner eigenen Steuern erhoben, als handele es sich bei dem Steueranspruch um einen Steueranspruch des anderen Staates.

(4) Handelt es sich bei dem Steueranspruch eines Vertragsstaats um einen Anspruch, bei dem dieser Staat nach seinem Recht Maßnahmen zur Sicherung der Erhebung einleiten kann, wird dieser Steueranspruch auf Ersuchen der zuständigen Behörde dieses Staates zum Zwecke der Einleitung von Sicherungsmaßnahmen von der zuständigen Behörde des anderen Vertragsstaats anerkannt. Der andere Staat leitet nach seinen Rechtsvorschriften Sicherungsmaßnahmen in Bezug auf diesen Steueranspruch ein, als wäre der Steueranspruch ein Steueranspruch dieses anderen Staates, selbst wenn der Steueranspruch im Zeitpunkt der Einleitung dieser Maßnahmen im erstgenannten Staat nicht vollstreckbar ist oder von einer Person geschuldet wird, die berechtigt ist, die Erhebung zu verhindern.

(5) Ungeachtet der Absätze 3 und 4 unterliegt ein von einem Vertragsstaat für Zwecke der Absätze 3 oder 4 anerkannter Steueranspruch als solcher in diesem Staat nicht den Verjährungsfristen oder den Vorschriften über die vorrangige Behandlung eines Steueranspruchs nach dem Recht dieses Staates. Ferner hat ein Steueranspruch, der von

einem Vertragsstaat für Zwecke der Absätze 3 oder 4 anerkannt wurde, in diesem Staat nicht den Vorrang, den dieser Steueranspruch nach dem Recht des anderen Vertragsstaats hat.

(6) Verfahren im Zusammenhang mit dem Bestehen, der Gültigkeit oder der Höhe des Steueranspruchs eines Vertragsstaats können nicht bei den Gerichten oder Verwaltungsbehörden des anderen Vertragsstaats eingeleitet werden.

(7) Verliert der betreffende Steueranspruch, nachdem das Ersuchen eines Vertragsstaats nach den Absätzen 3 oder 4 gestellt wurde und bevor der andere Vertragsstaat den betreffenden Steueranspruch erhoben und an den erstgenannten Staat ausgezahlt hat,

a) im Falle eines Ersuchens nach Absatz 3 seine Eigenschaft als Steueranspruch des erstgenannten Staates, der nach dem Recht dieses Staates vollstreckbar ist und von einer Person geschuldet wird, die zu diesem Zeitpunkt nach dem Recht dieses Staates die Erhebung nicht verhindern kann, oder

b) im Falle eines Ersuchens nach Absatz 4 seine Eigenschaft als Steueranspruch des erstgenannten Staates, für den dieser Staat nach seinem Recht Maßnahmen zur Sicherung der Erhebung einleiten kann,

teilt die zuständige Behörde des erstgenannten Staates dies der zuständigen Behörde des anderen Staates unverzüglich mit und nach Wahl des anderen Staates setzt der erstgenannte Staat das Ersuchen entweder aus oder nimmt es zurück.

(8) Dieser Artikel ist nicht so auszulegen, als verpflichte er einen Vertragsstaat,

a) Verwaltungsmaßnahmen durchzuführen, die von den Gesetzen und der Verwaltungspraxis dieses oder des anderen Vertragsstaats abweichen;

b) Maßnahmen durchzuführen, die der öffentlichen Ordnung widersprächen;

c) Amtshilfe zu leisten, wenn der andere Vertragsstaat nicht alle angemessenen Maßnahmen zur Erhebung oder Sicherung, die nach seinen Gesetzen oder seiner Verwaltungspraxis möglich sind, ausgeschöpft hat;

d) Amtshilfe in Fällen zu leisten, in denen der Verwaltungsaufwand für diesen Staat in einem eindeutigen Missverhältnis zu dem Nutzen steht, den der andere Vertragsstaat dadurch erlangt;

e) Amtshilfe zu leisten, wenn die Steuern, für die die Amtshilfe erbeten wird, nach Auffassung dieses Staates entgegen allgemein anerkannten Besteuerungsgrundsätzen erhoben werden.

Artikel 28

Verfahrensregeln für die Quellenbesteuerung

(1) Werden in einem Vertragsstaat die Steuern von Dividenden, Zinsen, Lizenzgebühren oder sonstigen von einer im anderen Vertragsstaat ansässigen Person bezogenen Einkünfte im Abzugsweg erhoben, so wird das Recht des erstgenannten Staates zur Vornahme des Steuerabzugs zu dem nach seinem innerstaatlichen Recht vorgesehenen Satz durch dieses Abkommen nicht berührt. Die im Abzugsweg erhobene Steuer ist auf Antrag des Steuerpflichtigen zu erstatten, wenn und soweit sie durch das Abkommen ermäßigt wird oder entfällt.

(2) Die Anträge auf Erstattung müssen vor dem Ende des vierten auf das Kalenderjahr der Festsetzung der Abzugsteuer auf die Dividenden, Zinsen, Lizenzgebühren oder anderen Einkünfte folgenden Jahres eingereicht werden.

(3) Ungeachtet des Absatzes 1 wird jeder Vertragsstaat Verfahren dafür schaffen, dass Zahlungen von Einkünften, die nach diesem Abkommen im Quellenstaat keiner oder nur einer ermäßigten Steuer unterliegen, ohne oder nur mit dem Steuerabzug erfolgen können, der im jeweiligen Artikel vorgesehen ist.

(4) Der Vertragsstaat, aus dem die Einkünfte stammen, kann eine Bescheinigung der zuständigen Behörde über die Ansässigkeit im anderen Vertragsstaat verlangen.

(5) Die zuständigen Behörden können in gegenseitigem Einvernehmen die Durchführung dieses Artikels regeln und gegebenenfalls andere Verfahren zur Durchführung der im Abkommen vorgesehenen Steuerermäßigungen oder -befreiungen festlegen.

Artikel 29

Einschränkung der Abkommensvergünstigung

Sind nach diesem Abkommen Einkünfte oder Veräußerungsgewinne in einem Vertragsstaat ganz oder teilweise von der Steuer befreit und ist nach dem im anderen Vertragsstaat geltenden Recht eine natürliche Person hinsichtlich dieser Einkünfte oder Veräußerungsgewinne mit dem Betrag dieser Einkünfte oder Veräußerungsgewinne steuerpflichtig, der in den anderen Staat überwiesen oder dort bezogen wird, nicht aber unter Zugrundelegung des Gesamtbetrags dieser Einkünfte oder Veräußerungsgewinne, so ist die nach diesem Abkommen im erstgenannten Staat zu gewährende Steuervergünstigung nur auf den Teil der Einkünfte oder Veräußerungsgewinne anzuwenden, der in den anderen Staat überwiesen oder dort bezogen wird.

Artikel 30

Mitglieder diplomatischer Missionen und konsularischer Vertretungen

Dieses Abkommen berührt nicht die steuerlichen Vorrechte, die den Mitgliedern diplomatischer Missionen und konsularischer Vertretungen nach den allgemeinen Regeln des Völkerrechts oder aufgrund besonderer Übereinkünfte zustehen.

Artikel 31
Protokoll

Das angefügte Protokoll ist Bestandteil dieses Abkommens.

Artikel 32

Inkrafttreten

(1) Dieses Abkommen bedarf der Ratifikation und die Ratifikationsurkunden werden so bald wie möglich ausgetauscht.

(2) Dieses Abkommen tritt am Tag des Austausches der Ratifikationsurkunden in Kraft und ist anzuwenden

a) in Irland

i) bei der Einkommensteuer, der einkommensabhängigen Ergänzungsabgabe („income levy“) und der Steuer vom Veräußerungsgewinn für alle Veranlagungsjahre, die am oder nach dem 1. Januar des Jahres beginnen, das dem Jahr folgt, in dem das Abkommen in Kraft tritt;

ii) bei der Körperschaftsteuer für alle Wirtschaftsjahre, die am oder nach dem 1. Januar des Kalenderjahrs beginnen, das dem Jahr folgt, in dem das Abkommen in Kraft tritt;

b) in Deutschland

i) bei den im Abzugsweg erhobenen Steuern auf die Beträge, die am oder nach dem 1. Januar des Kalenderjahrs gezahlt werden, das dem Jahr folgt, in dem das Abkommen in Kraft tritt;

ii) bei den übrigen Steuern auf die Steuern, die für Zeiträume ab dem 1. Januar des Kalenderjahrs erhoben werden, das dem Jahr folgt, in dem das Abkommen in Kraft tritt.

(3) Das am 17. Oktober 1962 in Dublin unterzeichnete Abkommen zwischen der Bundesrepublik Deutschland und Irland zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung bei den Steuern vom Einkommen und vom Vermögen sowie der Gewerbesteuer in der Fassung des am 25. Mai 2010 in Berlin unterzeichneten Protokolls (im Folgenden als das „Abkommen von 1962“ bezeichnet) ist mit dem Inkrafttreten dieses Abkommens ab den Zeitpunkten nicht mehr anzuwenden, an denen dieses Abkommen für Steuern nach den einschlägigen Bestimmungen des Absatzes 2 in Kraft tritt.

(4) Hätten die Bestimmungen des Artikels XXII des Abkommens von 1962 Anspruch auf eine höhere Entlastung von der Steuer gewährt als das vorliegende Abkommen, so behalten die genannten Bestimmungen ihre Wirkung ungeachtet der Absätze 2 und 3 für einen Zeitraum von zwölf Monaten ab dem Zeitpunkt, an dem dieses Abkommen ansonsten nach Absatz 2 anwendbar gewesen wäre.

(5) Ungeachtet der Absätze 2 und 3 sowie des Artikels 17 kann eine natürliche Person, die unmittelbar vor dem Inkrafttreten dieses Abkommens Zahlungen nach den Artikeln XIII und XV des Abkommens von 1962 erhielt, bezüglich dieser Zahlungen weiterhin die Artikel XIII und XV anstelle von Artikel 17 anwenden.

Artikel 33
Kündigung

Dieses Abkommen bleibt in Kraft, solange es nicht von einem der Vertragsstaaten gekündigt wird. Jeder der Vertragsstaaten kann dieses Abkommen unter Einhaltung einer Frist von sechs Monaten zum Ende eines Kalenderjahrs nach Ablauf von fünf Jahren, vom Tag des Inkrafttretens an gerechnet, auf diplomatischem Wege kündigen. In diesem Fall findet das Abkommen nicht mehr Anwendung

a) in Irland

i) bei der Einkommensteuer, der einkommensabhängigen Ergänzungsabgabe („income levy“) und der Steuer vom Veräußerungsgewinn für alle Veranlagungsjahre, die am oder nach dem 1. Januar des Kalenderjahrs beginnen, das dem Kündigungsjahr folgt;

ii) bei der Körperschaftsteuer für alle Wirtschaftsjahre, die am oder nach dem 1. Januar des Kalenderjahrs beginnen, das dem Kündigungsjahr folgt;

b) in Deutschland

i) bei den im Abzugsweg erhobenen Steuern auf die Beträge, die am oder nach dem 1. Januar des Kalenderjahrs gezahlt werden, das dem Kündigungsjahr folgt;

ii) bei den übrigen Steuern auf die Steuern, die für Zeiträume ab dem 1. Januar des Kalenderjahrs erhoben werden, das dem Kündigungsjahr folgt.

Maßgebend für die Wahrung der Frist ist der Tag des Eingangs der Kündigung beim anderen Vertragsstaat.

Artikel 34
Registrierung

Die Registrierung dieses Abkommens beim Sekretariat der Vereinten Nationen nach Artikel 102 der Charta der Vereinten Nationen wird unverzüglich nach seinem Inkrafttreten von dem Vertragsstaat veranlasst, in dem das Abkommen unterzeichnet wurde. Der

andere Vertragsstaat wird unter Angabe der VN-Registrierungsnummer von der erfolgten Registrierung unterrichtet, sobald diese vom Sekretariat der Vereinten Nationen bestätigt worden ist.

Geschehen zu Dublin am 30. März 2011 in zwei Urschriften, jede in deutscher und englischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Für die Bundesrepublik Deutschland	Für Irland
Busso v. Alvensleben	Michael Noonan

Protokoll
zum Abkommen
zwischen
der Bundesrepublik Deutschland
und
Irland
zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung
auf dem Gebiet der Steuern vom Einkommen und vom Vermögen
vom 30. März 2011

Die Bundesrepublik Deutschland und Irland haben ergänzend zum Abkommen vom 30. März 2011 zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung auf dem Gebiet der Steuern vom Einkommen und vom Vermögen die nachstehenden Bestimmungen vereinbart, die Bestandteil des Abkommens sind:

1. Zu dem Abkommen als Ganzes:

   a) Altersversorgungspläne in Irland

   Unter Berücksichtigung

      aa) einer Steuerentlastung für Beiträge oder Prämien, die im Rahmen von Altersversorgungsplänen, privaten Rentenversicherungen („retirement annuity contracts“) oder anderen Altersvorsorgeprodukten nach „Part 30“ des irischen „Taxes Consolidation Act 1997“ gezahlt werden, und

      bb) der Steuerbefreiung von Einkünften und Gewinnen, die einem durch diese Beiträge oder Prämien geschaffenen Fonds (hier als „Versorgungsfonds“ („pension fund“) bezeichnet) erwachsen,

   können Ausschüttungen (für Zwecke von „Section 784A“ des „Taxes Consolidation Act 1997“) eines zugelassenen Vorsorgefonds („retirement fund“) (im Sinne dieser

„Section"), der durch die Übertragung von Anwartschaften oder Vermögenswerten aus einem Versorgungsfonds („pension fund") errichtet wurde, unbeschadet dieses Abkommens nur anhand der Bestimmungen der genannten „Section" besteuert werden.

b) Investmentvermögen

aa) Ungeachtet der Bestimmungen dieses Abkommens, jedoch unbeschadet der Vergünstigungen, die ein Investmentvermögen ansonsten nach diesem Abkommen geltend machen kann, wird ein in einem Vertragsstaat niedergelassenes Investmentvermögen, das aus dem anderen Vertragsstaat Einkünfte bezieht, für Zwecke der Anwendung des Abkommens auf diese Einkünfte wie eine natürliche Person mit Ansässigkeit in dem Vertragsstaat, in dem das Investmentvermögen niedergelassen ist, und als Nutzungsberechtigter der von ihm bezogenen Einkünfte behandelt, jedoch nur insoweit, als die Nutzungsrechte an dem Investmentvermögen von gleichberechtigten Begünstigten gehalten werden.

bb) Werden jedoch mindestens 95 Prozent der Nutzungsrechte an dem Investmentvermögen von gleichberechtigten Begünstigten gehalten, so wird das Investmentvermögen wie eine natürliche Person mit Ansässigkeit in dem Vertragsstaat, in dem das Investmentvermögen niedergelassen ist, und als Nutzungsberechtigter der Gesamtheit der von ihm bezogenen Einkünfte behandelt.

cc) Im Sinne dieses Absatzes

i) bedeutet der Ausdruck „Investmentvermögen" einen Organismus für gemeinsame Anlagen in Wertpapiere im Sinne der Richtlinie des Rates betreffend bestimmte Organismen für gemeinsame Anlagen in Wertpapiere von 1989 in der jeweils geltenden Fassung und im Sinne anderer Richtlinien gleichen Inhalts sowie andere in einem Vertragsstaat

ansässige Investmentfonds, Gestaltungen oder Rechtsträger, bei denen die zuständigen Behörden der Vertragsstaaten vereinbaren, sie für Zwecke dieses Absatzes als Investmentvermögen zu betrachten; und

ii) bedeutet der Ausdruck „gleichberechtigter Begünstigter“ eine Person mit Ansässigkeit in dem Vertragsstaat, in dem das Investmentvermögen niedergelassen ist, sowie eine Person mit Ansässigkeit in einem anderen Staat, mit dem der Vertragsstaat, aus dem die Einkünfte stammen, ein Doppelbesteuerungsabkommen geschlossen hat, das einen effektiven und umfassenden Informationsaustausch vorsieht, die, würde sie die Einkünfte erzielen, für die Vergünstigungen nach diesem Abkommen beansprucht werden, nach dem Doppelbesteuerungsabkommen oder nach dem innerstaatlichen Recht des Vertragsstaats, aus dem die Einkünfte stammen, hinsichtlich dieser Einkünfte Anspruch auf einen Steuersatz hätte, der mindestens so niedrig ist wie der Satz, den das Investmentvermögen hinsichtlich dieser Einkünfte nach diesem Abkommen beansprucht.

c) „Common Contractual Fund“ in Irland

Ein in Irland errichteter „Common Contractual Fund“ gilt nicht als in Irland ansässig und wird für Zwecke der Gewährung von Abkommensvergünstigungen als steuerlich transparent behandelt.

2. Zu Artikel 10 (Dividenden):

Der Ausdruck „Dividenden“ umfasst auch Einkünfte aus Ausschüttungen auf Anteilscheine an einem deutschen Investmentvermögen.

3. Zu den Artikeln 10 (Dividenden) und 11 (Zinsen):

Ungeachtet der Bestimmungen der Artikel 10 und 11 des Abkommens können Dividenden und Zinsen in dem Vertragsstaat, aus dem sie stammen, nach dem Recht dieses Staates besteuert werden, wenn sie

a) auf Rechten oder Forderungen mit Gewinnbeteiligung, einschließlich der Einkünfte eines stillen Gesellschafters aus seiner Beteiligung als stiller Gesellschafter oder der Einkünfte aus partiarischen Darlehen oder Gewinnobligationen im Sinne des Steuerrechts Deutschlands, beruhen und

b) bei der Ermittlung der Gewinne des Schuldners der Dividenden oder Zinsen abzugsfähig sind.

4. Zu Artikel 12 (Lizenzgebühren):

Treten nach der Unterzeichnung des Abkommens Änderungen im Recht Irlands ein, nach denen ein höherer Betrag an Lizenzgebühren für Zwecke der irischen „Income Tax Acts“ unberücksichtigt bleibt, als nach „Section 234(3A)(a)“ des „Taxes Consolidation Act 1997“ zum Zeitpunkt der Unterzeichnung des Abkommens zulässig ist, so setzt Irland Deutschland von dieser Änderung in Kenntnis und beginnt auf Antrag Deutschlands mit der Neuaushandlung des Artikels, so dass die aus Deutschland stammenden Lizenzgebühren in Deutschland besteuert werden können.

5. Zu Artikel 17 Absatz 3 (Ruhegehälter und Renten), Artikel 23 Absatz 2 Buchstabe a (Vermeidung der Doppelbesteuerung) sowie Nummer 6 dieses Protokolls:

Einkünfte werden „tatsächlich“ besteuert, wenn sie tatsächlich in die Bemessungsgrundlage

einbezogen werden, auf deren Grundlage die Steuer berechnet wird. Einkünfte werden nicht „tatsächlich“ besteuert, wenn sie der üblicherweise für diese Einkünfte geltenden steuerlichen Behandlung unterliegen, jedoch entweder nicht steuerpflichtig oder von der Besteuerung ausgenommen sind.

6. Zu Artikel 20 Absatz 2 (Andere Einkünfte):

Wenn der Empfänger und der Schuldner einer Dividende in Deutschland ansässig sind und die Dividende einer Betriebsstätte zuzurechnen ist, die der Empfänger der Dividende in Irland hat, jedoch in Irland nicht tatsächlich besteuert wird, kann Deutschland die Dividende zu den in Artikel 10 Absatz 2 (Dividenden) vorgesehenen Sätzen besteuern. Irland rechnet diese Steuer nach Artikel 23 an.

7. Zu Artikel 23 (Vermeidung der Doppelbesteuerung):

Bei Einkünften oder Vermögen im Sinne von Absatz 2 Buchstabe e Doppelbuchstabe aa, die unterschiedlichen Abkommensbestimmungen zugeordnet oder verschiedenen Personen zugerechnet werden, handelt es sich um Einkünfte oder Vermögen, die gemäß diesem Abkommen in dieser Weise zugeordnet oder zugewiesen wurden, sowie um Abweichungen, soweit diese nicht auf unterschiedlichen Auslegungen von Sachverhalten oder der Abkommensbestimmungen, sondern auf unterschiedlichen Bestimmungen im innerstaatlichen Recht jedes Vertragsstaats beruhen, wie es sich aus den Absätzen 32.5 und 32.6 des Kommentars zu den Artikeln 23A und 23B des OECD-Musterabkommens auf dem Gebiet der Steuern vom Einkommen und vom Vermögen in der Fassung von Juli 2008 ergibt.

8. Zu Artikel 26 (Informationsaustausch):

Soweit nach Maßgabe des innerstaatlichen Rechts aufgrund dieses Abkommens personenbezogene Daten übermittelt werden, gelten ergänzend die nachfolgenden Bestimmungen

unter Beachtung der für jeden Vertragsstaat geltenden Rechtsvorschriften:

a) Die Verwendung der Daten durch die empfangende Stelle ist nur zu dem angegebenen Zweck und nur zu den durch die übermittelnde Stelle vorgeschriebenen Bedingungen zulässig.

b) Die empfangende Stelle unterrichtet die übermittelnde Stelle auf schriftliches Ersuchen über die Verwendung der übermittelten Daten und über die dadurch erzielten Ergebnisse.

c) Personenbezogene Daten dürfen nur an die zuständigen Stellen übermittelt werden. Die weitere Übermittlung an andere Stellen darf nur mit vorheriger Zustimmung der übermittelnden Stelle erfolgen.

d) Die übermittelnde Stelle ist verpflichtet, auf die Richtigkeit der zu übermittelnden Daten sowie auf die Erforderlichkeit und Verhältnismäßigkeit in Bezug auf den mit der Übermittlung verfolgten Zweck zu achten. Dabei sind die nach dem jeweiligen innerstaatlichen Recht geltenden Übermittlungsverbote oder -beschränkungen zu beachten. Erweist sich, dass unrichtige Daten oder Daten, die nicht übermittelt werden durften, übermittelt worden sind, so ist dies der empfangenden Stelle unverzüglich mitzuteilen. Diese ist verpflichtet, solche Daten unverzüglich zu berichtigen oder zu löschen.

e) Der Betroffene ist auf Antrag über die zu seiner Person übermittelten Daten sowie über den vorgesehenen Verwendungszweck zu unterrichten. Eine Verpflichtung zur Auskunftserteilung besteht nicht, soweit eine Abwägung ergibt, dass das öffentliche Interesse, die Auskunft nicht zu erteilen, das Interesse des Betroffenen an der Auskunftserteilung überwiegt. Im Übrigen richtet sich das Recht des Betroffenen, über die zu seiner Person vorhandenen Daten Auskunft zu erhalten, nach dem innerstaatlichen Recht des Vertragsstaats, in dessen Hoheitsgebiet die Auskunft beantragt wird.

f) Erleidet jemand infolge von Übermittlungen im Rahmen des Datenaustauschs nach diesem Abkommen rechtswidrig einen Schaden oder einen Verlust, haftet ihm hierfür die empfangende Stelle nach Maßgabe ihres innerstaatlichen Rechts. Die empfangende Stelle kann sich im Verhältnis zu der geschädigten Person zu ihrer Entlastung nicht darauf berufen, dass der Schaden durch die übermittelnde Stelle verursacht wurde.

g) Soweit das für die übermittelnde Stelle geltende innerstaatliche Recht in Bezug auf die übermittelten personenbezogenen Daten besondere Löschungsvorschriften enthält, weist diese Stelle die empfangende Stelle darauf hin. Unabhängig von diesem Recht sind die übermittelten personenbezogenen Daten zu löschen, sobald sie für den Zweck, für den sie übermittelt worden sind, nicht mehr erforderlich sind.

h) Die übermittelnde und die empfangende Stelle sind verpflichtet, die Übermittlung und den Empfang personenbezogener Daten aktenkundig zu machen.

i) Die übermittelnde und die empfangende Stelle sind verpflichtet, die übermittelten personenbezogenen Daten wirksam gegen unbefugten Zugang, unbefugte Veränderung und unbefugte Bekanntgabe zu schützen.

[ENGLISH TEXT – TEXTE ANGLAIS]

Joint Declaration

by

Ireland

and

the Federal Republic of Germany

on the occasion of the signing on 30 March 2011 in Dublin

of the Agreement

between Ireland and

the Federal Republic of Germany

for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion

with respect to Taxes on Income and on Capital

Ireland and the Federal Republic of Germany, on the occasion of the signing on 30 March 2011 in Dublin of the new Agreement between Ireland and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital and with regard to the improper use of that Agreement,

Have reached the following understanding:

Improper use of the Agreement

Having regard to paragraphs 7 to 12 of the July 2008 version of the Commentary to Article 1 of the OECD model tax convention, it is understood that this Agreement shall not be interpreted to mean that a Contracting State is prevented from applying its domestic legal provisions on the prevention of tax evasion or tax avoidance where those provisions are used to challenge arrangements which constitute an abuse of the Agreement.

It is further understood that an abuse of the Agreement takes place where a main purpose for entering into certain transactions or arrangements is to secure a more favourable tax position and obtaining that more favourable treatment in these circumstances would be contrary to the object and purpose of the relevant provisions of the Agreement.

This Joint Declaration is signed in duplicate at Dublin, in the English and German languages, this 30 day of March, 2011.

For Ireland

For the Federal Republic of Germany

[GERMAN TEXT – TEXTE ALLEMAND]

Gemeinsame Erklärung
Irlands
und
der
Bundesrepublik Deutschland
anlässlich der Unterzeichnung am 30 März 2011 in Dublin
des Abkommens
zwischen Irland und der Bundesrepublik Deutschland

zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung
auf dem Gebiet der Steuern vom Einkommen und vom Vermögen

Irland und die Bundesrepublik Deutschland haben sich anlässlich der Unterzeichnung am 30 März 2011 in Dublin des neuen Abkommens zwischen Irland und der Bundesrepublik Deutschland zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung auf dem Gebiet der Steuern vom Einkommen und vom Vermögen sowie im Hinblick auf den Missbrauch des Abkommens

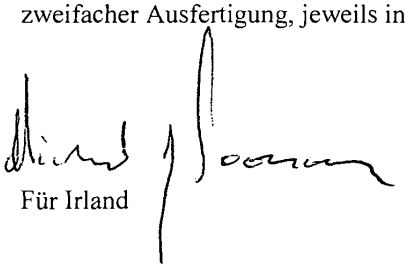
wie folgt verständigt:

Missbräuchliche Inanspruchnahme des Abkommens

Unter Berücksichtigung der Absätze 7 bis 12 des Kommentars zu Artikel 1 des OECD-Musterabkommens ist dieses Abkommen nicht so auszulegen, als hindere es einen Vertragsstaat, seine Bestimmungen nach innerstaatlichem Recht zur Verhinderung der Steuerumgehung oder Steuerhinterziehung anzuwenden, wenn diese Bestimmungen dazu dienen, Gestaltungen entgegenzutreten, die einen Abkommensmissbrauch darstellen.

Ein Abkommensmissbrauch liegt vor, wenn ein Hauptzweck, bestimmte Transaktionen oder Gestaltungen zu verwirklichen, darin besteht, eine günstigere Steuerposition zu erlangen, und diese günstigere Behandlung unter den gegebenen Umständen dem Sinn und Zweck der einschlägigen Vorschriften des Abkommens widersprechen würde.

Diese Gemeinsame Erklärung wird am 30 März 2011 in Dublin in zweifacher Ausfertigung, jeweils in englischer und deutscher Sprache, unterzeichnet.



Für Irland

Für die Bundesrepublik Deutschland

[ENGLISH TEXT – TEXTE ANGLAIS]

Botschaft
der Bundesrepublik Deutschland
Dublin

File No. (please quote): RK 551.20
Note No.: 09 / 2011

Verbal Note

The Embassy of the Federal Republic of Germany presents its compliments to the Department of Foreign Affairs of Ireland and on the occasion of the signing of the Agreement between the Federal Republic of Germany and Ireland for the Avoidance of Double Taxation and for the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, the Embassy has the honour of confirming the following mutual understanding which was reached between the delegations of the two Contracting States regarding the application of Article 4 of said Agreement:

Effective management of a company, not quoted on a stock exchange, shall not be treated as situated in a Contracting State by reference to personnel of a law firm, management company or other third party, where, by reference to all relevant facts and circumstances, the other Contracting State is where key management and commercial decisions that are necessary for the conduct of the company's business as a whole are in substance made.

The Embassy would be grateful if the Department of Foreign Affairs reconfirmed that Ireland is in agreement with the above interpretation.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration.

Dublin, 28 March 2011

The Department
of Foreign Affairs
of Ireland
Dublin

[GERMAN TEXT – TEXTE ALLEMAND]

Auswärtiges Amt

Geschäftszeichen (bitte bei Antwort angeben): 507-551.20 IRL

Verbalnote

Das Auswärtige Amt beehrt sich, die Botschaft von Irland seiner ausgezeichnetesten Hochachtung zu versichern.

Das Auswärtige Amt bestätigt der Botschaft von Irland, dass am 28. November 2012 der Leiter der Rechtsabteilung und Völkerrechtsberater Dr. Martin Ney als Vertreter der Bundesrepublik Deutschland und der Botschafter Dan Mulhall als Vertreter Irlands im Auswärtigen Amt die in guter und gehöriger Form befundenen Ratifikationsurkunden zu dem in Dublin am 30. März 2011 unterzeichneten Abkommen zwischen der Bundesrepublik Deutschland und Irland zur Vermeidung der Doppelbesteuerung und zur Verhinderung der Steuerverkürzung auf dem Gebiet der Steuern vom Einkommen und vom Vermögen ausgetauscht haben.

Nach seinem Artikel 32 Absatz 2 tritt das Abkommen heute in Kraft.

Das Auswärtige Amt benutzt diesen Anlass, die Botschaft von Irland erneut seiner ausgezeichnetesten Hochachtung zu versichern.

Berlin, den 28. November 2012

An die
Botschaft von Irland

[TRANSLATION – TRADUCTION]

ACCORD ENTRE L'IRLANDE ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU ET SUR LA FORTUNE

L'Irlande et la République fédérale d'Allemagne, désireuses de conclure un accord tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune,

Sont convenues de ce qui suit :

Article premier. Personnes visées

Le présent Accord s'applique aux personnes qui sont des résidents de l'un des États contractants ou des deux.

Article 2. Impôts visés

1) Le présent Accord s'applique aux impôts sur le revenu et sur la fortune perçus pour le compte d'un État contractant ou d'un « Land », ou d'une de leurs subdivisions politiques ou collectivités locales, quel que soit le système de perception.

2) Sont considérés comme impôts sur le revenu et sur la fortune les impôts perçus sur le revenu total, sur la fortune totale, ou sur des éléments du revenu ou de la fortune, y compris les impôts sur les gains provenant de l'aliénation de biens mobiliers ou immobiliers, les impôts sur le montant global des salaires payés par les entreprises, ainsi que les impôts sur les plus-values en capital.

3) Les impôts actuels qui font l'objet du présent Accord sont, notamment :

a) en ce qui concerne l'Irlande :

i) l'impôt sur le revenu;

ii) le prélèvement sur le revenu;

iii) l'impôt sur les sociétés; et

iv) l'impôt sur les gains en capital;

(ci-après dénommés, l'« impôt irlandais »);

b) en ce qui concerne la République fédérale d'Allemagne :

i) l'impôt sur le revenu (« Einkommensteuer »);

ii) l'impôt sur les sociétés (« Körperschaftsteuer »);

iii) la taxe professionnelle (« Gewerbesteuer »); et

iv) l'impôt sur les biens patrimoniaux (« Vermögensteuer »);

y compris les suppléments perçus sur ces impôts

(ci-après dénommés, l'« impôt allemand »);

4) Le présent Accord s'applique également aux impôts de nature identique ou sensiblement analogue qui sont établis après la date de la signature de l'Accord et qui s'ajoutent aux impôts actuels ou les remplacent. Les autorités compétentes des États contractants se communiquent les modifications significatives apportées à leurs législations fiscales.

Article 3. Définitions générales

1) Aux fins du présent Accord, sauf incompatibilité avec le contexte :

a) les expressions « un État contractant » et « l'autre État contractant » désignent, suivant le contexte, l'Irlande ou la République fédérale d'Allemagne;

b) le terme « Irlande » comprend toute zone située hors des eaux territoriales irlandaises qui a été ou peut-être, par la suite, désignée, en vertu des lois de ce pays relatives à la Zone économique exclusive et au Plateau continental, comme zone sur laquelle l'Irlande peut exercer, conformément au droit international, des droits souverains ou sa juridiction;

c) le terme « Allemagne » désigne la République fédérale d'Allemagne et, lorsqu'il est utilisé dans un sens géographique, le territoire de ce pays, ainsi que la zone constituée des fonds marins, de leur sous-sol ainsi que de la colonne d'eau surjacente qui borde sa mer territoriale, sur laquelle la République fédérale d'Allemagne exerce, conformément au droit international et à son droit interne, des droits souverains ou sa juridiction aux fins de prospection, d'exploitation, de conservation et de gestion des ressources naturelles vivantes ou non vivantes;

d) le terme « personnes » comprend les personnes physiques, les sociétés et tous autres groupements de personnes;

e) le terme « société » désigne toute personne morale ou entité qui est considérée comme une personne morale aux fins d'établissement de l'impôt;

f) le terme « entreprise » s'applique à l'exercice de toute activité;

g) les termes « activité », par rapport à une entreprise, et « affaires » comprennent l'exercice de professions libérales ou d'autres activités de caractère indépendant;

h) les expressions « entreprise d'un État contractant » et « entreprise de l'autre État contractant » désignent respectivement une entreprise exploitée par un résident d'un État contractant et une entreprise exploitée par un résident de l'autre État contractant;

i) l'expression « trafic international » désigne tout transport effectué par un navire ou un aéronef exploité par une entreprise dont le siège de direction effective est situé dans un État contractant, sauf lorsque le navire ou l'aéronef n'est exploité qu'entre des points situés dans l'autre État contractant;

j) le terme « national » employé relativement à un État contractant désigne :

i) en ce qui concerne l'Irlande :

toute personne physique qui possède la nationalité irlandaise;

et toute personne morale, société de personnes ou association constituée conformément au droit en vigueur en Irlande;

ii) en ce qui concerne l'Allemagne :

tout Allemand au sens de la Loi fondamentale de la République fédérale d'Allemagne et toute personne morale, société de personnes ou association constituée conformément au droit en vigueur en Allemagne;

k) l'expression « autorité compétente » désigne :

i) pour l'Irlande, l'Administration fiscale irlandaise ou son représentant autorisé;

ii) pour l'Allemagne, le Ministère fédéral des finances ou l'organisme auquel il a délégué son autorité.

2) Pour l'application du présent Accord en toute occasion par un État contractant, tout terme ou expression qui n'y est pas défini a, sauf incompatibilité avec le contexte, le sens que lui attribue, à cette occasion, le droit de cet État pour ce qui est des impôts auxquels s'applique l'Accord, le sens attribué à ce terme ou à cette expression par le droit fiscal de cet État prévalant sur le sens que lui attribuent les autres branches de son droit.

Article 4. Résident

1) Au sens du présent Accord, l'expression « résident d'un État contractant » désigne toute personne qui, en vertu du droit de cet État, est assujettie à l'impôt dans celui-ci en raison de son domicile, de sa résidence, de son siège de direction ou de tout autre critère de nature analogue, et s'applique aussi à cet État, à un « Land » ainsi qu'à l'ensemble de leurs subdivisions politiques ou collectivités locales. Toutefois, cette expression ne comprend pas les personnes qui ne sont assujetties à l'impôt dans cet État que pour les revenus de sources situées dans cet État ou pour la fortune qui y est située.

2) Lorsque, selon les dispositions du paragraphe 1, une personne physique est un résident des deux États contractants, sa situation est réglée de la manière suivante :

a) cette personne physique est considérée comme un résident de l'État contractant où elle dispose d'un foyer d'habitation permanent; si elle dispose d'un foyer d'habitation permanent dans les deux États contractants, elle est considérée comme un résident de l'État contractant avec lequel ses liens personnels et économiques sont les plus étroits (centre des intérêts vitaux);

b) si l'État contractant où est situé le centre des intérêts vitaux de cette personne ne peut pas être déterminé, ou si elle ne dispose d'un foyer d'habitation permanent dans aucun des États contractants, elle est considérée comme un résident seulement de l'État contractant où elle séjourne de façon habituelle;

c) si cette personne séjourne de façon habituelle dans les deux États contractants ou si elle ne séjourne de façon habituelle dans aucun d'eux, elle est considérée comme un résident de l'État contractant dont elle possède la nationalité;

d) si cette personne possède la nationalité des deux États contractants ou si elle ne possède la nationalité d'aucun d'eux, leurs autorités compétentes tranchent la question d'un commun accord.

3) Lorsque, selon les dispositions du paragraphe 1, une personne autre qu'une personne physique est un résident des deux États contractants, elle est considérée comme un résident de l'État où son siège de direction effective est situé.

Article 5. Établissement stable

1) Au sens du présent Accord, l'expression « établissement stable » désigne une installation fixe d'affaires par l'intermédiaire de laquelle une entreprise exerce tout ou partie de son activité.

2) L'expression « établissement stable » comprend notamment :

a) un siège de direction;

b) une succursale;

c) un bureau;

d) une usine;

e) un atelier;

f) une mine, un puits de pétrole ou de gaz, une carrière ou tout autre lieu d'extraction de ressources naturelles.

3) Un chantier, ou un projet de construction ou d'installation constitue un établissement stable seulement s'il s'étend sur une durée supérieure à douze mois.

4) Nonobstant les dispositions précédentes du présent article, l'expression « établissement stable » ne s'applique pas aux cas suivants :

a) l'utilisation d'installations aux seules fins de stockage, d'exposition ou de livraison de biens ou de marchandises appartenant à l'entreprise;

b) la maintenance d'un stock de biens ou de marchandises appartenant à l'entreprise aux seules fins de stockage, d'exposition ou de livraison;

c) la maintenance d'un stock de biens ou de marchandises appartenant à l'entreprise aux seules fins de transformation par une autre entreprise;

d) l'utilisation d'une installation fixe d'affaires aux seules fins d'achat de biens ou de marchandises, ou de collecte d'informations, pour l'entreprise;

e) l'utilisation d'une installation fixe d'affaires aux seules fins de l'exercice de toute autre activité de caractère préparatoire ou auxiliaire pour l'entreprise;

f) l'utilisation d'une installation fixe d'affaires aux seules fins de l'exercice cumulé d'activités mentionnées aux alinéas a) à e), à condition que l'activité globale de l'installation fixe d'affaires résultant de ce cumul conserve un caractère préparatoire ou auxiliaire.

5) Nonobstant les dispositions des paragraphes 1 et 2, lorsqu'une personne, autre qu'un agent jouissant d'un statut indépendant auquel s'applique le paragraphe 6, agit pour le compte d'une entreprise et dispose dans un État contractant de pouvoirs qu'elle y exerce habituellement lui permettant de conclure des contrats au nom de l'entreprise, cette entreprise est considérée comme ayant un établissement stable dans cet État pour toutes les activités que cette personne exerce pour l'entreprise, à moins que celles-ci ne soient limitées aux activités mentionnées au paragraphe 4 qui, si elles sont exercées par l'intermédiaire d'une installation fixe d'affaires, ne permettent pas de considérer cette installation comme un établissement stable selon les dispositions de ce paragraphe.

6) Une entreprise n'est pas considérée comme ayant un établissement stable dans un État contractant du seul fait qu'elle y exerce son activité par l'intermédiaire d'un courtier, d'un commissionnaire général ou de tout autre agent jouissant d'un statut indépendant, à condition que ces personnes agissent dans le cadre normal de leur activité.

7) Le fait qu'une société qui est un résident d'un État contractant contrôle une société ou est contrôlée par une société qui est un résident de l'autre État contractant ou qui y exerce son activité (que ce soit par l'intermédiaire d'un établissement stable ou autrement) ne suffit pas, en lui-même, à faire de l'une des deux sociétés un établissement stable de l'autre.

Article 6. Revenus immobiliers

1) Les revenus qu'un résident d'un État contractant tire de biens immobiliers (y compris les revenus des exploitations agricoles ou forestières) situés dans l'autre État contractant sont imposables dans cet autre État.

2) L'expression « biens immobiliers » a le sens que lui attribue le droit de l'État contractant où sont situés les biens considérés. L'expression comprend en tous cas les accessoires de biens immobiliers, le cheptel mort ou vif des exploitations agricoles et forestières, les droits auxquels s'appliquent les dispositions du droit privé concernant la propriété foncière, l'usufruit des biens immobiliers et les droits à des paiements variables ou fixes pour l'exploitation ou la concession de l'exploitation de gisements minéraux, sources et autres ressources naturelles. Les navires, bateaux et aéronefs ne sont pas considérés comme des biens immobiliers.

3) Les dispositions du paragraphe 1 s'appliquent aux revenus provenant de l'exploitation directe, de la location, ainsi que de toute autre forme d'exploitation des biens immobiliers.

4) Les dispositions des paragraphes 1 et 3 s'appliquent également aux revenus provenant des biens immobiliers d'une entreprise.

Article 7. Bénéfices des entreprises

1) Les bénéfices d'une entreprise d'un État contractant ne sont imposables que dans cet État, à moins que l'entreprise n'exerce une activité dans l'autre État contractant par l'intermédiaire d'un établissement stable qui y est situé. Si l'entreprise exerce ainsi son activité, les bénéfices de l'entreprise sont imposables dans l'autre État, mais uniquement dans la mesure où ils sont imputables audit établissement stable.

2) Sous réserve des dispositions du paragraphe 3, lorsqu'une entreprise d'un État contractant exerce son activité dans l'autre État contractant par l'intermédiaire d'un établissement stable qui y est situé, il est imputé, dans chaque État contractant, à cet établissement stable les bénéfices qu'il aurait pu réaliser s'il était une entreprise distincte et indépendante exerçant des activités identiques ou similaires dans des conditions identiques ou similaires et traitant en toute indépendance avec l'entreprise dont il constitue un établissement stable.

3) Pour déterminer les bénéfices d'un établissement stable, sont admises en déduction les dépenses exposées aux fins poursuivies par cet établissement stable, y compris les dépenses de direction et les frais généraux administratifs ainsi exposés, dans l'État contractant où est situé cet établissement stable ou ailleurs.

4) S'il est d'usage, dans un État contractant, de déterminer les bénéfices imputables à un établissement stable sur la base d'une répartition des bénéfices totaux de l'entreprise entre ses diverses parties, aucune disposition du paragraphe 2 n'empêche cet État contractant de déterminer ainsi les bénéfices imposables; la méthode de répartition adoptée doit cependant être telle que le résultat obtenu soit conforme aux principes énoncés dans le présent article.

5) Aucun bénéfice n'est imputé à un établissement pour la simple raison qu'il achète des biens ou des marchandises pour le compte de l'entreprise.

6) Aux fins des dispositions des paragraphes précédents, les bénéfices à imputer à l'établissement stable sont déterminés chaque année selon la même méthode, à moins qu'il n'existe des motifs valables et suffisants de procéder autrement.

7) Lorsque les bénéfices comprennent des éléments de revenu ou des gains en capital traités séparément dans d'autres articles du présent Accord, leurs dispositions ne sont pas affectées par celles du présent article.

Article 8. Navigation maritime, intérieure et aérienne

1) Les bénéfices provenant de l'exploitation de navires ou d'aéronefs en trafic international ne sont imposables que dans l'État contractant où le siège de direction effective de l'entreprise est situé.

2) Les bénéfices provenant de l'exploitation de bateaux servant à la navigation intérieure ne sont imposables que dans l'État contractant où le siège de direction effective de l'entreprise est situé.

3) Aux fins du présent article, l'expression « bénéfices provenant de l'exploitation de navires ou d'aéronefs en trafic international » comprend les bénéfices tirés de

a) la location occasionnelle de navires ou d'aéronefs affrétés en coque nue,

b) l'utilisation ou la location de conteneurs (y compris les remorques et le matériel auxiliaire servant au transport de conteneurs),

si ces activités ont trait à l'exploitation de navires, d'aéronefs ou de bateaux.

4) Si le siège de direction effective d'une entreprise de navigation maritime ou intérieure est à bord d'un navire ou d'un bateau, ce siège est considéré comme situé dans l'État contractant où se trouve le port d'attache de ce navire ou de ce bateau, ou à défaut de port d'attache, dans l'État contractant dont l'exploitant du navire ou du bateau est un résident.

5) Les dispositions du paragraphe 1 s'appliquent aussi aux bénéfices provenant de la participation à un pool, une exploitation en commun ou un organisme international d'exploitation.

Article 9. Entreprises associées

1) Lorsque :

a) une entreprise d'un État contractant participe directement ou indirectement à la direction, au contrôle ou au capital d'une entreprise de l'autre État contractant, ou que

b) les mêmes personnes participent, directement ou indirectement, à la direction, au contrôle ou au capital d'une entreprise d'un État contractant et d'une entreprise de l'autre État contractant,

et que, dans les deux cas, les deux entreprises sont, dans leurs relations commerciales ou financières, liées par des conditions convenues ou imposées qui diffèrent de celles qui peuvent lier des entreprises indépendantes, les bénéfices qui, sans ces conditions, auraient été réalisés par l'une des entreprises, mais ne l'ont pas été à cause de ces mêmes conditions, peuvent être comptabilisés dans les bénéfices de cette entreprise et imposés en conséquence.

2) Lorsqu'un État contractant inclut dans les bénéfices d'une entreprise de cet État, et impose en conséquence, des bénéfices sur lesquels une entreprise de l'autre État contractant a été imposée dans cet autre État, et que les bénéfices ainsi inclus sont des bénéfices qui auraient été réalisés par l'entreprise du premier État si les conditions convenues entre les deux entreprises avaient été celles qui peuvent lier des entreprises indépendantes, l'autre État procède à un ajustement approprié du montant de l'impôt qui y a été perçu sur ces bénéfices. Pour déterminer cet ajustement, il est tenu compte des autres dispositions du présent Accord et les autorités compétentes des États contractants se consultent, si nécessaire.

Article 10. Dividendes

1) Les dividendes payés par une société qui est un résident d'un État contractant à un résident de l'autre État contractant sont imposables dans cet autre État.

2) Toutefois, ces dividendes sont aussi imposables dans l'État contractant dont la société qui paie les dividendes est un résident, et selon le droit de cet État, mais si le bénéficiaire effectif des dividendes est un résident de l'autre État contractant, l'impôt ainsi établi ne peut excéder :

a) 5 % du montant brut des dividendes si le bénéficiaire effectif est une société (autre qu'une société de personnes ou une société fiduciaire d'investissement immobilier allemande) qui contrôle directement au moins 10 % des droits de vote de la société qui paie les dividendes;

b) 15 % du montant brut des dividendes dans tous les autres cas.

Le présent paragraphe est sans incidence sur l'imposition de la société au titre des bénéfices qui servent au paiement des dividendes.

3) Le terme « dividendes » employé dans le présent article désigne les revenus provenant de parts sociales, ou d'actions ou de bons de jouissance, de parts de mine, de parts de fondateur ou d'autres revenus soumis au même régime fiscal que les revenus d'actions par le droit de l'État dont la société distributrice est un résident.

4) Les dispositions des paragraphes 1 et 2 ne s'appliquent pas lorsque le bénéficiaire effectif des dividendes, résident d'un État contractant, exerce dans l'autre État contractant dont la société qui paie les dividendes est un résident, une activité par l'intermédiaire d'un établissement stable qui y est situé, et que la participation génératrice des dividendes s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 sont applicables.

5) Lorsqu'une société qui est un résident d'un État contractant tire des bénéfices ou des revenus de l'autre État contractant, cet autre État ne peut percevoir aucun impôt sur les dividendes payés par la société, sauf dans la mesure où ces dividendes sont payés à un résident de cet autre État ou dans la mesure où la participation génératrice des dividendes se rattache effectivement à un établissement stable situé dans cet autre État, ni prélever aucun impôt, au titre de l'imposition des bénéfices non distribués, sur les bénéfices non distribués de la société, même si les dividendes payés ou les bénéfices non distribués consistent, entièrement ou en partie, en bénéfices ou revenus provenant de cet autre État.

Article 11. Intérêts

1) Les intérêts qui proviennent d'un État contractant et dont le bénéficiaire effectif est un résident de l'autre État contractant sont imposables uniquement dans cet autre État.

2) Le terme « intérêts », tel qu'il est employé dans le présent article, désigne les revenus des créances de toute nature, assorties ou non de garanties hypothécaires ou d'une clause de participation aux bénéfices du débiteur, et notamment les revenus tirés des titres d'état et des titres obligataires de toute sorte, y compris les primes et les lots qui y sont attachés, à l'exception de tout revenu qui est traité comme un dividende au sens de l'article 10. Les pénalisations pour paiement tardif ne sont pas considérées comme des intérêts au sens du présent article.

3) Les dispositions du paragraphe 1 ne s'appliquent pas lorsque le bénéficiaire effectif des intérêts, résident d'un État contactant, exerce dans l'autre État contractant d'où proviennent les intérêts, une activité par l'intermédiaire d'un établissement stable qui y est situé, et que la créance génératrice des intérêts s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 sont applicables.

4) Lorsque, en raison de relations spéciales qui existent entre le débiteur et le bénéficiaire effectif ou que l'un et l'autre entretiennent avec une tierce personne, le montant des intérêts, au regard de la créance pour laquelle ils sont payés, excède le montant dont seraient convenus le débiteur et le bénéficiaire effectif en l'absence de telles relations, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. Dans ce cas, la partie excédentaire des paiements reste imposable selon le droit de chaque État contractant et compte tenu des autres dispositions du présent Accord.

Article 12. Redevances

1) Les redevances qui proviennent d'un État contractant et dont le bénéficiaire effectif est un résident de l'autre État contractant sont imposables uniquement dans cet autre État.

2) Le terme « redevances » employé dans le présent article désigne les rémunérations de toute nature payées pour l'usage ou la concession de l'usage de droits d'auteur sur une œuvre littéraire, artistique ou scientifique (y compris les œuvres cinématographiques, ainsi que les enregistrements sur bandes ou tout autre support utilisés pour la diffusion radiophonique, télévisée ou par tout autre moyen de reproduction ou de transmission), d'un brevet, d'une marque de fabrique, d'un dessin ou d'un modèle, d'un plan, d'une formule ou d'un procédé secret, ou pour des informations ayant trait à une expérience acquise dans le domaine industriel, commercial ou scientifique. Le terme « redevances » comprend également les rémunérations de toute nature payées pour l'usage ou la concession de l'usage du nom ou de l'image d'une personne, ou pour tout autre droit de ce type, ainsi que pour l'enregistrement par une chaîne de télévision ou une station de radio de la représentation d'un artiste de spectacle ou de la prestation d'un sportif.

3) Les dispositions du paragraphe 1 ne s'appliquent pas lorsque le bénéficiaire effectif des redevances, résident d'un État contractant, exerce dans l'autre État contractant d'où proviennent les redevances une activité par l'intermédiaire d'un établissement stable qui y est situé et que le droit ou le bien générateur des redevances s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 sont applicables.

4) Les redevances sont considérées comme provenant d'un État contractant lorsque le débiteur est un résident de cet État. Si toutefois, le débiteur des redevances, résident ou non d'un État contractant, possède, dans un État contractant, un établissement stable qui a contracté l'obligation de paiement des redevances et qui en supporte la charge, celles-ci sont considérées comme provenant de l'État contractant où est situé cet établissement stable.

5) Lorsque, en raison de relations spéciales existant entre le débiteur et le bénéficiaire effectif ou que l'un et l'autre entretiennent avec de tierces personnes, le montant des redevances, compte tenu de la prestation pour laquelle elles sont payées, excède celui dont seraient convenus le débiteur et le bénéficiaire effectif en l'absence de pareilles relations, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. Dans ce cas, la partie excédentaire des paiements reste imposable selon le droit de chaque État contractant et compte tenu des autres dispositions du présent Accord.

Article 13. Gains en capital

1) Les gains qu'un résident d'un État contractant tire de l'aliénation de biens immobiliers visés à l'article 6 et situés dans l'autre État contractant, sont imposables dans cet autre État.

2) Les gains provenant de l'aliénation de biens mobiliers qui font partie de l'actif d'un établissement stable qu'une entreprise d'un État contractant possède dans l'autre État contractant, y compris les gains provenant de l'aliénation de cet établissement stable (seul ou avec l'ensemble de l'entreprise), sont imposables dans cet autre État.

3) Les gains provenant de l'aliénation de navires ou d'aéronefs exploités en trafic international, de bateaux servant à la navigation intérieure ou de biens mobiliers affectés à l'exploitation de ces navires, aéronefs ou bateaux, ne sont imposables que dans l'État contractant où le siège de direction effective de l'entreprise est situé.

4) Les gains qu'un résident d'un État contractant tire de l'aliénation de parts et de droits similaires dans une société, autres que des actions cotées en bourse, dont la valeur provient, directement ou indirectement, pour plus de 50 %, de biens immobiliers situés dans l'autre État contractant sont imposables dans cet autre État.

5) Les gains provenant de l'aliénation de tous biens autres que ceux visés aux paragraphes 1, 2, 3 et 4 ne sont imposables que dans l'État contractant dont le cédant est un résident.

6) Si une personne physique a été un résident d'un État contractant pendant 3 ans ou plus, puis est devenue un résident de l'autre État contractant, les dispositions du paragraphe 5 n'empêchent pas le premier État d'imposer, conformément à son droit interne, un montant effectivement déterminé par référence à la plus-value en capital des parts dans une société pour la période de résidence de la personne physique dans ce premier État. Dans ce cas, la plus-value en capital qui a servi de référence pour le montant imposé dans le premier État n'est pas reprise par l'autre État dans la détermination de la plus-value ultérieure.

Article 14. Revenus d'emplois

1) Sous réserve des dispositions des articles 15, 17, 18 et 19, les salaires, traitements et autres rémunérations similaires qu'un résident de l'un des États contractants reçoit au titre d'un emploi salarié ne sont imposables que dans cet État contractant, à moins que l'emploi ne soit exercé dans l'autre État contractant. Dans ce cas, la rémunération perçue à ce titre est imposable dans cet autre État.

2) Nonobstant les dispositions du paragraphe 1, les rémunérations qu'un résident d'un État contractant perçoit au titre d'un emploi salarié exercé dans l'autre État contractant ne sont imposables que dans le premier État si :

a) le bénéficiaire séjourne dans l'autre État pendant une période ou des périodes n'excédant pas au total 183 jours durant toute période de douze mois commençant ou se terminant durant l'année fiscale considérée,

b) les rémunérations sont payées par un employeur ou au nom d'un employeur qui n'est pas un résident de cet autre État, et

c) la charge des rémunérations n'est pas supportée par un établissement stable que l'employeur possède dans l'autre État.

3) Nonobstant les dispositions précédentes du présent article, les rémunérations reçues au titre d'un emploi salarié exercé à bord d'un navire ou d'un aéronef exploité en trafic international, ou à bord d'un bateau servant à la navigation intérieure, sont imposables dans l'État contractant où le siège de direction effective de l'entreprise est situé.

Article 15. Tantièmes

Les tantièmes, jetons de présence et autres rétributions similaires qu'un résident d'un État contractant reçoit en sa qualité de membre du conseil d'administration d'une société qui est un résident de l'autre État contractant sont imposables dans cet autre État.

Article 16. Artistes et sportifs

1) Nonobstant les dispositions des articles 7 et 14, les revenus qu'un résident d'un État contractant tire de ses activités personnelles exercées dans l'autre État contractant en tant qu'artiste de spectacle (artiste de théâtre, de cinéma, de radio ou de télévision, ou musicien) ou en tant que sportif, sont imposables dans cet autre État.

2) Lorsque les revenus d'activités qu'un artiste de spectacle ou un sportif exerce personnellement et en cette qualité sont attribués non pas à l'artiste ou au sportif lui-même, mais à une autre personne, ces revenus sont imposables, nonobstant les dispositions des articles 7 et 14, dans l'État contractant où les activités de l'artiste ou du sportif sont exercées.

3) Les dispositions des paragraphes 1 et 2 ne s'appliquent pas aux revenus provenant d'activités exercées au cours d'une visite dans un État contractant par un artiste de spectacle ou un sportif si cette visite est, entièrement ou en grande partie, organisée à l'aide de fonds publics de l'autre État contractant, d'un « Land », ou de l'une de leurs subdivisions politiques ou collectivités locales, ou par une entité reconnue comme une association caritative dans cet autre État. Dans ce cas, les revenus ne sont imposables que dans l'État contractant dont l'artiste de spectacle ou le sportif est un résident.

Article 17. Pensions et rentes

1) Sous réserve des dispositions du paragraphe 2 de l'article 18, les pensions, les rentes et autres rémunérations similaires provenant d'un État contractant et payées à un résident de l'autre État contractant ne sont imposables que dans cet autre État.

2) Nonobstant les dispositions du paragraphe 1, les paiements effectués au titre de la législation en matière de sécurité sociale d'un État contractant ne sont imposables que dans cet État.

3) Nonobstant les dispositions du paragraphe 1, ces pensions, rentes et autres rémunérations similaires provenant d'un État contractant correspondant, entièrement ou en partie, à des contributions qui, pendant plus de 12 ans dans cet État,

a) ne faisaient pas partie des revenus d'emploi imposables,

b) étaient admises en déduction, ou

c) étaient exonérées d'impôt, de quelque façon que ce soit

ne sont imposables que dans cet État. Le présent paragraphe ne s'applique pas si cet État n'impose pas la pension, la rente ou toute autre rémunération similaire, ou si la condition des 12 ans est remplie dans les deux États contractants.

4) Nonobstant les dispositions du paragraphe 1, les paiements périodiques ou exceptionnels effectués par un État contractant ou l'une de ses subdivisions politiques à un résident de l'autre État contractant comme compensation pour avoir subi des persécutions politiques, ou des blessures ou dommages du fait d'une guerre (y compris les dédommagements), d'un service militaire ou civil alternatif, d'un crime, d'une vaccination ou d'un évènement semblable ne sont imposables que dans le premier État.

5) Le terme « rente » désigne une somme payable périodiquement à échéances fixes, à titre viager ou pendant une période déterminée ou déterminable, en vertu d'une obligation de versement en échange d'une contrepartie pleine et suffisante en argent ou son équivalent.

Article 18. Fonction publique

1) Les salaires, traitements et autres rémunérations similaires versés par un État contractant, un « Land », ou l'une de leurs subdivisions politiques ou collectivités locales au titre de services rendus à l'un d'entre eux ne sont imposables que dans cet État. Toutefois, ces salaires, traitements et autres rémunérations similaires ne sont imposables que dans l'autre État contractant si les services sont rendus dans cet État et si la personne physique est un résident de cet État qui :

a) possède la nationalité de cet État; ou

b) n'est pas devenu un résident de cet État à seule fin de rendre les services.

2) Nonobstant les dispositions du paragraphe 1, les pensions et autres rémunérations similaires versées à une personne physique par un État contractant, un « Land », ou l'une de leurs subdivisions politiques ou collectivités locales, soit directement soit par prélèvement sur des fonds qu'ils ont constitués, au titre de services rendus à l'un d'entre eux ne sont imposables que dans cet État. Toutefois, ces pensions et autres rémunérations similaires ne sont imposables que dans l'autre État contractant si la personne physique est un résident de cet autre État et en possède la nationalité.

3) Les dispositions des articles 14, 15, 16 et 17 s'appliquent aux salaires, traitements, pensions, et autres rémunérations similaires payés au titre de services rendus dans le cadre d'une activité exercée par un État contractant, un « Land », ou l'une de leurs subdivisions politiques ou collectivités locales.

4) Les dispositions des paragraphes 1 et 2 s'appliquent aussi aux rémunérations payées par ou pour le compte du « Goethe Institut » ou du « Deutscher Akademischer Austauschdienst » (Service d'échanges universitaires). Les autorités compétentes des États contractants peuvent, d'un

commun accord, appliquer le même traitement aux rémunérations versées par d'autres institutions comparables.

Article 19. Professeurs invités, enseignants et étudiants

1) Une personne physique qui se rend dans un État contractant à l'invitation de cet État ou d'une université, d'un collège universitaire, d'une école, d'un musée ou d'une autre institution culturelle de cet État ou dans le cadre d'un programme officiel d'échanges culturels, pour une période de deux ans au maximum, uniquement aux fins d'enseigner, de donner des conférences ou d'effectuer des recherches dans cette institution et qui est, ou était immédiatement avant cette visite, un résident de l'autre État contractant est exonérée d'impôts dans le premier État pour sa rémunération au titre de cette activité, sous réserve que cette rémunération provienne de l'autre État contractant.

2) Les sommes qu'un étudiant ou un stagiaire qui est, ou qui était immédiatement avant de se rendre dans un État contractant, un résident de l'autre État contractant et qui séjourne dans le premier État à seule fin d'y poursuivre ses études ou sa formation, reçoit pour couvrir ses frais d'entretien, d'études ou de formation ne sont pas imposables dans cet État, à condition qu'elles proviennent de sources situées en dehors de cet État.

Article 20. Autres revenus

1) Les éléments de revenu d'un résident d'un État contractant, d'où qu'ils proviennent, qui ne sont pas traités dans les articles précédents du présent Accord ne sont imposables que dans cet État.

2) Les dispositions du paragraphe 1 ne s'appliquent pas aux revenus autres que ceux provenant des biens immobiliers au sens du paragraphe 2 de l'article 6, lorsque le bénéficiaire effectif desdits revenus, résident d'un État contractant, exerce dans l'autre État contractant, une activité par l'intermédiaire d'un établissement stable qui y est situé, et que le droit ou le bien générateur des revenus s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 sont applicables.

3) Lorsque, en raison d'une relation spéciale existant entre la personne visée au paragraphe 1 et une autre personne, ou entre elles et une tierce personne, le montant du revenu visé audit paragraphe excède le montant (le cas échéant) qui aurait été convenu entre elles en l'absence d'une pareille relation, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. Dans ce cas, la partie excédentaire du revenu reste imposable selon le droit de chaque État contractant et compte tenu des autres dispositions du présent Accord.

Article 21. Fortune

1) La fortune constituée par des biens immobiliers visés à l'article 6, que possède un résident d'un État contractant et qui sont situés dans l'autre État contractant, est imposable dans cet autre État.

2) La fortune constituée par des biens mobiliers qui font partie de l'actif d'un établissement stable qu'une entreprise d'un État contractant possède dans l'autre État contractant est imposable dans cet autre État.

3) La fortune représentée par les navires et les aéronefs exploités en trafic international, par les bateaux servant à la navigation intérieure, et par les biens mobiliers affectés à l'exploitation de ces navires, aéronefs et bateaux n'est imposable que dans l'État contractant où le siège de direction effective de l'entreprise est situé.

4) Tous les autres éléments de la fortune d'un résident d'un État contractant ne sont imposables que dans cet État.

Article 22. Règles diverses applicables à certaines activités au large des côtes

1) Les dispositions du présent article s'appliquent nonobstant toute autre disposition du présent Accord quand les activités (dénommée dans le présent article, les « activités concernées ») sont menées au large des côtes dans le cadre de la prospection ou de l'exploitation du fond et du sous-sol marins, ainsi que de leurs ressources naturelles, situés dans un État contractant.

2) Une entreprise d'un État contractant qui mène les activités concernées dans l'autre État contractant est réputée, sous réserve du paragraphe 3 du présent article, y poursuivre ses opérations par l'intermédiaire d'un établissement stable qui est situé.

3) Les dispositions du paragraphe 2 ne s'appliquent pas quand les activités visées au paragraphe 1 sont menées dans les zones précisées dans ce paragraphe pour une période n'excédant pas, au total :

a) pour les activités liées à la prospection, 90 jours par période de douze mois commençant ou finissant pendant l'année fiscale concernée; et

b) pour les activités liées à l'exploitation, 30 jours par période de douze mois commençant ou finissant pendant l'année fiscale concernée.

4) Les salaires, traitements et autres rémunérations similaires qu'un résident d'un État contractant reçoit au titre d'un emploi lié aux activités concernées dans l'autre État contractant peuvent, dans la mesure où ces fonctions sont exécutées au large de celui-ci, être imposés dans cet autre État.

5) Les gains qu'un résident d'un État contractant tire de l'aliénation de :

a) droits de prospection ou d'exploitation; ou

b) parts (ou instruments comparables) qui tirent, directement ou indirectement, leur valeur ou la majeure partie de leur valeur desdits droits,

peuvent être imposés dans cet autre État.

Dans le présent paragraphe, l'expression « droits de prospection ou d'exploitation » désigne des droits sur les actifs générés par la prospection ou l'exploitation du fond et du sous-sol marins, ainsi que de leurs ressources naturelles, situés dans l'autre État contractant, y compris les droits sur ces actifs ou sur leurs produits.

Article 23. Élimination de la double imposition

1) Sous réserve des dispositions du droit irlandais en matière de déduction pour impôts payés à l'étranger (sans affecter le principe général du présent Accord) :

a) l'impôt allemand sur les bénéfices, les revenus et les gains en capital provenant de sources situées en Allemagne (sauf dans le cas d'un impôt sur les dividendes dû au titre des bénéfices à partir desquels ils sont distribués) qui doit être acquitté, directement ou par voie de retenue, en vertu du droit allemand et conformément au présent Accord, est admis en déduction de l'impôt irlandais calculé par référence aux mêmes bénéfices, revenus et gains en capital qui servent à calculer l'impôt allemand;

b) dans le cas de dividendes distribués par une société qui est un résident de l'Allemagne à une société qui est un résident de l'Irlande et qui contrôle, directement ou indirectement, au moins 5 % des voix dans la société distributrice des dividendes, l'imputation tient compte (en plus, éventuellement, du crédit d'impôt allemand visé à l'alinéa a) de l'impôt allemand que la société doit payer sur les bénéfices à partir desquels les dividendes sont distribués;

c) aux fins des alinéas a) et b), les bénéfices, revenus et gains en capital dont le bénéficiaire est un résident irlandais et qui peuvent être imposés en Allemagne conformément au présent Accord sont réputés provenir de sources allemandes;

d) lorsque, conformément à une disposition quelconque du présent Accord, les revenus qu'un résident irlandais reçoit sont exempts d'impôt en Irlande, celle-ci peut néanmoins tenir compte des revenus exonérés pour calculer le montant de l'impôt sur le reste des revenus de ce résident.

2) Pour un résident allemand, l'impôt est déterminé de la façon suivante :

a) Sont exclus de la base d'imposition de l'impôt allemand et ne sont pas traités à l'alinéa b) tout élément de revenu provenant d'Irlande et tout élément de fortune y étant situé qui, en vertu du présent Accord, sont effectivement imposables en Irlande.

Pour ce qui est des éléments de revenus provenant de dividendes, les dispositions qui précèdent ne s'appliquent qu'aux dividendes distribués à une société (sauf une société de personnes) qui est un résident de l'Allemagne par une société qui est un résident de l'Irlande et dont au moins 10 % du capital sont détenus directement par la société allemande, sous réserve que ces dividendes n'aient pas été déduits lors du calcul des bénéfices de la société qui les distribue.

Sont exclues de la base d'imposition de l'impôt sur la fortune les participations ouvrant droit à des dividendes qui seraient exonérés, s'ils étaient distribués, en application des dispositions précédentes.

b) Sous réserve des dispositions de la législation fiscale allemande en matière de déduction pour impôts payés à l'étranger, est admis en déduction de l'impôt allemand le montant de l'impôt payé en Irlande, en application du droit irlandais et du présent Accord, sur les éléments de revenu suivants :

aa) les dividendes non traités à l'alinéa a);

bb) les éléments de revenu imposables en Irlande en application du paragraphe 4 de l'article 13 (Gains en capital);

cc) les tantièmes;

dd) les éléments de revenu imposables en Irlande en application de l'article 16 (Artistes et sportifs).

c) Les dispositions de l'alinéa b) s'appliquent, au lieu de celles de l'alinéa a), aux éléments de revenu définis aux articles 7 et 10 ainsi qu'aux actifs dont est tiré ledit revenu si le résident allemand ne fournit pas la preuve que le revenu brut généré par l'établissement stable pendant l'exercice au cours duquel les bénéfices ont été réalisés, ou généré par la société qui est un résident de l'Irlande pendant l'exercice pour lequel les dividendes ont été distribués provient exclusivement ou presque exclusivement d'activités au sens du paragraphe 1 de l'article 8 de la loi allemande relative aux relations fiscales avec des pays étrangers (« Außensteuergesetz »); ces dispositions s'appliquent également aux biens immobiliers utilisés par un établissement stable, aux revenus provenant de ses biens immobiliers (paragraphe 4 de l'article 6) ainsi qu'aux bénéfices provenant de aliénation desdits biens immobiliers (paragraphe 1 de l'article 13) et des biens mobiliers faisant partie du patrimoine de l'établissement stable (paragraphe 2 de l'article 13).

d) Toutefois, l'Allemagne se réserve le droit de tenir compte dans le calcul de son taux d'imposition des éléments de revenu et de fortune qui sont exonérés d'impôt allemand en vertu des dispositions du présent Accord.

e) Nonobstant les dispositions de l'alinéa a), la double imposition est éliminée en accordant un crédit d'impôt comme en dispose l'alinéa b) dans les cas suivants :

aa) si, dans les États contractants, les éléments de revenu ou de fortune font l'objet de dispositions différentes de celles du présent Accord ou sont attribués à des personnes différentes (sauf en application de l'article 9), et que ce différend ne peut être réglé en vertu d'une procédure conforme au paragraphe 3 de l'article 26, et si, du fait de ces dispositions ou de cette attribution différentes, le revenu ou la fortune considéré n'était pas imposé ou, sans ce différend, l'aurait été à un taux moindre, ou

bb) si, après consultation avec l'autorité compétente irlandaise, l'Allemagne notifie à l'Irlande, par la voie diplomatique, son intention d'appliquer les dispositions de l'alinéa b) à d'autres éléments de revenu. La double imposition concernant lesdits revenus est alors éliminée en accordant un crédit d'impôt à partir du premier jour de l'année civile qui suit celle au cours de laquelle la notification a été faite.

Article 24. Non-discrimination

1) Les nationaux d'un État contractant ne sont soumis dans l'autre État contractant à aucune imposition ou obligation y relative autre ou plus lourde que celle à laquelle sont ou peuvent être assujettis les nationaux de cet autre État qui se trouvent dans la même situation, notamment au regard de la résidence. La présente disposition s'applique aussi, nonobstant les dispositions de l'article 1, aux personnes qui ne sont pas des résidents de l'un des États contractants ou des deux.

2) Les apatrides qui sont des résidents d'un État contractant ne sont pas soumis, dans l'un ou l'autre État contractant, à une imposition, ou à des obligations y relatives, différentes ou plus importantes que celles auxquelles les nationaux de l'État concernés sont ou peuvent être assujettis dans les mêmes circonstances.

3) L'imposition d'un établissement stable qu'une entreprise d'un État contractant possède dans l'autre État contractant n'est pas établie dans cet autre État d'une façon moins favorable que

l'imposition des entreprises de cet autre État qui exercent les mêmes activités. La présente disposition ne peut être interprétée comme obligeant un État contractant à accorder aux résidents de l'autre État contractant les déductions fiscales, abattements et réductions d'impôt qu'il accorde à ses propres résidents en fonction de l'état civil ou des charges de famille.

4) À moins que les dispositions du paragraphe 1 de l'article 9, du paragraphe 4 de l'article 11 ou du paragraphe 5 de l'article 12 ne soient applicables, les intérêts, redevances et autres dépenses payés par une entreprise d'un État contractant à un résident de l'autre État contractant sont déductibles, pour la détermination des bénéfices imposables de cette entreprise, dans les mêmes conditions que s'ils avaient été payés à un résident du premier État. De même, les dettes d'une entreprise d'un État contractant envers un résident de l'autre État contractant sont déductibles, pour la détermination de la fortune imposable de cette entreprise, dans les mêmes conditions que si elles avaient été contractées envers un résident du premier État.

5) Les entreprises d'un État contractant, dont tout ou partie du capital est détenu ou contrôlé, directement ou indirectement, par un ou plusieurs résidents de l'autre État contractant, ne sont soumises dans le premier État à aucune imposition ou obligation y relative autre ou plus lourde que celle à laquelle sont ou peuvent être assujetties les autres entreprises similaires du premier État.

6) Les dispositions du présent article s'appliquent, nonobstant les dispositions de l'article 2, aux impôts de toute nature ou dénomination.

Article 25. Procédure amiable

1) Lorsqu'une personne estime que les mesures prises par un État contractant ou par les deux États contractants entraînent ou vont entraîner son imposition d'une manière non conforme aux dispositions du présent Accord, elle peut, indépendamment des recours prévus par le droit interne de ces États, soumettre son cas à l'autorité compétente de l'État contractant dont elle est un résident ou, si son cas relève du paragraphe 1 de l'article 24, à celle de l'État contractant dont elle possède la nationalité. L'autorité compétente doit être saisie dans un délai de trois ans à compter de la première notification des mesures à l'origine d'une imposition non conforme aux dispositions du présent Accord.

2) L'autorité compétente s'efforce, si la réclamation lui paraît fondée et si elle ne parvient pas elle-même à une solution satisfaisante, de résoudre le cas d'un commun accord avec l'autorité compétente de l'autre État contractant dans le but d'éviter une imposition non conforme à l'Accord. L'accord amiable ainsi conclu est appliqué quels que soient les délais prévus par le droit interne des États contractants.

3) Les autorités compétentes des États contractants s'efforcent, par voie d'accord amiable, de résoudre les difficultés ou de dissiper les doutes auxquels peuvent donner lieu l'interprétation ou l'application de l'Accord. Elles peuvent aussi se concerter en vue d'éliminer la double imposition dans les cas non prévus par l'Accord.

4) Les autorités compétentes des États contractants peuvent communiquer directement entre elles en vue de parvenir à un accord comme il est indiqué aux paragraphes précédents.

Article 26. Échange de renseignements

1) Les autorités compétentes des États contractants échangent les renseignements vraisemblablement pertinents pour appliquer les dispositions du présent Accord ou pour administrer ou appliquer le droit interne relatif aux impôts de toute nature ou dénomination perçus pour le compte d'un État contractant, d'un « Land », ou de leurs subdivisions politiques ou de leurs collectivités locales, dans la mesure où l'imposition qu'ils prévoient n'est pas contraire à l'Accord. L'échange de renseignements n'est pas restreint par les articles 1 et 2.

2) Les renseignements reçus par un État contractant en vertu du paragraphe 1 sont tenus secrets de la même manière que les renseignements obtenus en application du droit interne de cet État et ne sont communiqués qu'aux personnes ou autorités (y compris les tribunaux et organes administratifs) concernées par l'établissement ou le recouvrement des impôts mentionnés au paragraphe 1, par les procédures ou poursuites concernant ces impôts, par les décisions sur les recours relatifs à ces impôts, ou par le contrôle de ce qui précède. Ces personnes ou autorités n'utilisent ces renseignements qu'à ces fins. Elles peuvent révéler ces renseignements au cours de procédures judiciaires publiques ou lors de décisions de justice. Nonobstant les dispositions précédentes, les renseignements peuvent être utilisés à d'autres fins lorsqu'ils peuvent l'être conformément au droit des deux États et que l'autorité compétente de l'État qui les a fournis autorise une telle utilisation.

3) Les dispositions des paragraphes 1 et 2 ne peuvent en aucun cas être interprétées comme imposant à un État contractant l'obligation :

a) de prendre des mesures administratives dérogeant à son droit et à sa pratique administrative ou à ceux de l'autre État contractant;

b) de fournir des renseignements qui ne pourraient être obtenus en vertu de son droit ou dans le cadre de sa pratique administrative normale, ou de ceux de l'autre État contractant;

c) de fournir des renseignements qui révéleraient un secret de fabrique, commercial, industriel ou professionnel, un procédé commercial ou des renseignements dont la communication serait contraire à l'ordre public.

4) Si des renseignements sont demandés par un État contractant conformément au présent article, l'autre État contractant utilise les pouvoirs dont il dispose pour les obtenir, même s'il n'en a pas besoin à ses propres fins fiscales. L'obligation qui figure dans la phrase précédente est soumise aux limitations prévues au paragraphe 3, sauf si ces limitations sont susceptibles d'empêcher un État contractant de communiquer des renseignements uniquement parce que ceux-ci ne présentent pas d'intérêt pour lui dans le cadre national.

5) Les dispositions du paragraphe 3 ne peuvent en aucun cas être interprétées comme permettant à un État contractant de refuser de fournir des renseignements uniquement parce que ceux-ci sont détenus par une banque, une autre institution financière, un mandataire ou une personne agissant en qualité d'agent ou de fiduciaire, ou parce que ces renseignements se rapportent aux droits de propriété d'une personne.

Article 27. Assistance en matière de recouvrement des impôts

1) Les États contractants se prêtent mutuellement assistance pour le recouvrement de leurs créances fiscales. Cette assistance n'est pas limitée par les articles 1 et 2. Les autorités compétentes des États peuvent régler d'un commun accord les modalités d'application du présent article.

2) Le terme « créance fiscale » tel qu'il est utilisé dans le présent article désigne une somme due au titre d'impôts de toute nature ou dénomination perçus pour le compte des États contractants, d'un « Land », ou de leurs subdivisions politiques ou collectivités locales, dans la mesure où l'imposition qu'ils prévoient n'est pas contraire au présent Accord ou à tout autre instrument auquel ces États contractants sont parties, ainsi que les intérêts, pénalités administratives et coûts de recouvrement ou de conservation afférents à ces impôts.

3) Lorsqu'une créance fiscale d'un État contractant est recouvrable en vertu des lois de cet État et est due par une personne qui, à cette date, ne peut, en vertu de ces lois, empêcher son recouvrement, cette créance fiscale est, à la demande des autorités compétentes de cet État, acceptée en vue de son recouvrement par les autorités compétentes de l'autre État contractant. Cette créance fiscale est recouvrée par cet autre État conformément aux dispositions de sa législation applicable en matière de recouvrement de ses propres impôts comme si la créance en question était sa créance fiscale.

4) Lorsque le recouvrement d'une créance fiscale d'un État contractant peut faire l'objet de mesures conservatoires en vertu du droit de cet État, cette créance doit, à la demande de ses autorités compétentes, être acceptée aux fins de l'adoption de mesures conservatoires par les autorités compétentes de l'autre État contractant. Ce dernier prend des mesures conservatoires à l'égard de cette créance fiscale conformément aux dispositions de son droit comme s'il s'agissait d'une de ses propres créances même si, au moment où ces mesures sont appliquées, la créance fiscale n'est pas recouvrable dans le premier État ou est due par une personne qui a le droit d'empêcher son recouvrement.

5) Nonobstant les dispositions des paragraphes 3 et 4, les délais de prescription et la priorité applicables, en vertu du droit d'un État contractant, à une créance fiscale en raison de sa nature ne s'appliquent pas à une créance fiscale acceptée par cet État aux fins du paragraphe 3 ou 4. En outre, une créance fiscale acceptée par un État contractant aux fins du paragraphe 3 ou 4 ne peut se voir appliquer aucune priorité dans cet État en vertu du droit de l'autre État contractant.

6) Les procédures concernant l'existence, la validité ou le montant d'une créance fiscale d'un État contractant ne sont pas soumises aux tribunaux ou organes administratifs de l'autre État contractant.

7) Quand, à tout moment après la formulation d'une demande par un État contractant en vertu du paragraphe 3 ou 4 et avant le recouvrement et la transmission par l'autre État de cette créance fiscale au premier État, celle-ci cesse d'être :

a) dans le cas d'une demande présentée en vertu du paragraphe 3, une créance fiscale du premier État qui est recouvrable en vertu de son droit et est due par une personne qui, à ce moment-là, ne peut, en vertu de ce même droit, empêcher son recouvrement, ou

b) dans le cas d'une demande présentée en vertu du paragraphe 4, une créance fiscale du premier État, pour le recouvrement de laquelle cet État peut, en vertu de son droit, prendre des mesures conservatoires

les autorités compétentes du premier État notifient promptement ce fait aux autorités compétentes de l'autre État et le premier État, au choix de l'autre État, suspend ou retire sa demande.

8) Les dispositions du présent article ne peuvent en aucun cas être interprétées comme imposant à un État contractant l'obligation :

a) de prendre des mesures administratives dérogeant à son droit et à sa pratique administrative ou à ceux de l'autre État contractant;

b) de prendre des mesures qui seraient contraires à l'ordre public;

c) de prêter assistance à l'autre État contractant s'il n'a pas pris toutes les mesures raisonnables de recouvrement ou de conservation, suivant le cas, qui sont disponibles en vertu de son droit ou de sa pratique administrative;

d) de prêter assistance à l'autre État contractant dans les cas où la charge administrative qui en résulte pour cet État est nettement disproportionnée par rapport aux avantages qu'il peut en retirer;

e) de prêter assistance à l'autre État contractant s'il considère que les impôts concernés par la demande d'assistance sont contraires aux principes d'imposition généralement admis.

Article 28. Règles de procédure pour l'imposition à la source

1) Si les impôts sont perçus dans l'un des États contractants par retenue sur les dividendes, les intérêts, les redevances ou d'autres éléments de revenu provenant d'une personne qui est un résident de l'autre État contractant, les dispositions du présent Accord ne modifient en rien le droit de retenue à la source du premier État, au taux prévu par son droit interne. L'impôt perçu par retenue à la source est remboursé sur demande du contribuable dans la mesure où il est minoré par le présent Accord ou cesse de s'appliquer.

2) Toute demande de remboursement est présentée à la fin de la quatrième année suivant l'année civile pour laquelle la retenue à la source a été appliquée aux dividendes, intérêts, redevances ou autres éléments de revenu.

3) Nonobstant les dispositions du paragraphe 1, chaque État contractant prévoit des procédures pour que les paiements de revenus qui, en vertu du présent Accord, ne sont pas imposables ou seulement à un taux réduit dans l'état d'où proviennent ces revenus puissent être effectués sans retenue ou avec une retenue uniquement au taux visé à l'article pertinent du présent Accord.

4) L'État contractant d'où proviennent les éléments de revenu peut demander à l'autorité compétente d'émettre un certificat de résidence dans l'autre État contractant.

5) Les autorités compétentes peuvent appliquer d'un commun accord les dispositions du présent article et, si nécessaire, convenir d'autres procédures pour appliquer les réductions ou les exonérations d'impôt prévues par le présent Accord.

Article 29. Limitation de l'exonération

Lorsque, selon n'importe quelle disposition du présent Accord, des revenus ou des gains en capital bénéficient d'une exonération, totale ou partielle, d'impôt dans un État contractant et que,

conformément au droit en vigueur dans l'autre État contractant, une personne physique est assujettie à l'impôt au titre du montant desdits revenus et gains en capital qui bénéficient d'une remise ou qui est perçu et non pas au titre de leur montant total, l'exonération qui est alors consentie en vertu du présent Accord dans le premier État ne peut porter que sur la fraction des revenus ou des gains en capital qui bénéficie d'une remise ou qui est perçue dans l'autre État.

Article 30. Membres des missions diplomatiques et postes consulaires

Aucune disposition du présent Accord ne porte atteinte aux privilèges fiscaux dont bénéficient les membres d'une mission diplomatique ou d'un poste consulaire en vertu des règles générales du droit international ou des dispositions d'accords particuliers.

Article 31. Protocole

Le Protocole ci-joint fait partie intégrante du présent Accord.

Article 32. Entrée en vigueur

1) Le présent Accord sera ratifié et les instruments de ratification seront échangés aussitôt que possible.

2) Le présent Accord entrera en vigueur dès l'échange des instruments de ratification et ses dispositions seront applicables :

a) en Irlande :

i) en ce qui concerne l'impôt sur le revenu, le prélèvement sur le revenu et l'impôt sur les gains en capital, pour toute année d'imposition commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle de l'entrée en vigueur du présent Accord;

ii) en ce qui concerne l'impôt sur les sociétés, pour tout exercice commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle de l'entrée en vigueur du présent Accord;

b) en Allemagne :

i) en ce qui concerne les impôts retenus à la source, aux montants versés à partir du 1er janvier de l'année civile qui suit immédiatement celle de l'entrée en vigueur du présent Accord;

ii) en ce qui concerne les autres impôts, aux impôts perçus pour les périodes commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle de l'entrée en vigueur du présent Accord;

3) Lors de l'entrée en vigueur du présent Accord, la Convention entre l'Irlande et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu, d'impôts sur la fortune et de contribution des patentes (« Gewerbesteuer »), signée à Dublin le 17 octobre 1962, telle que modifiée par le Protocole signé à Berlin le 25 mai 2010 (ci-après dénommée la Convention de 1962) cessera de s'appliquer à partir des dates où le présent Accord entre en vigueur pour les impôts visés au paragraphe 2 précédent.

4) Nonobstant les paragraphes 2 et 3, quand les dispositions de l'article XXII de la Convention de 1962 auraient accordé une exonération d'impôt plus importante que celle qui est prévue par le présent Accord, ces dispositions continuent de produire leurs effets pendant 12 mois à compter de la date d'entrée en vigueur du présent Accord conformément aux dispositions du paragraphe 2.

5) Nonobstant les dispositions des paragraphes 2 et 3 du présent article et celles de l'article 17, quand, immédiatement avant l'entrée en vigueur du présent Accord, une personne physique était le bénéficiaire de versements tombant sous le coup des articles XIII et XV de la Convention de 1962, cette personne peut choisir que les dispositions desdits articles continuent de s'appliquer à ces versements au lieu de celles de l'article 17.

Article 33. Dénonciation

Le présent Accord restera en vigueur jusqu'à ce qu'un État contractant le dénonce. Chaque État contractant peut, après une période de cinq ans à compter de la date de son entrée en vigueur, dénoncer le présent Accord par la voie diplomatique en respectant un préavis d'au moins six mois avant la fin de toute année civile. Dans ce cas, l'Accord cesse de s'appliquer :

a) en Irlande :

i) en ce qui concerne l'impôt sur le revenu, le prélèvement sur le revenu et l'impôt sur les gains en capital, pour toute année d'imposition commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle où la dénonciation du présent Accord a été notifiée;

ii) en ce qui concerne l'impôt sur les sociétés, pour tout exercice commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle où la dénonciation du présent Accord a été notifiée;

b) en Allemagne :

i) en ce qui concerne les impôts retenus à la source, aux revenus générés à partir du 1er janvier de l'année civile qui suit immédiatement celle où la dénonciation du présent Accord a été notifiée;

ii) en ce qui concerne les autres impôts, aux impôts perçus pour les périodes commençant à partir du 1er janvier de l'année civile qui suit immédiatement celle où la dénonciation du présent Accord a été notifiée;

Un État contractant est réputé avoir notifié la dénonciation du présent Accord à la date où l'autre État contractant en reçoit la notification.

Article 34. Enregistrement

L'État contractant sur le territoire duquel le présent Accord a été signé fait le nécessaire pour qu'il soit enregistré, immédiatement après son entrée en vigueur, auprès du Secrétariat de l'Organisation des Nations Unies conformément aux dispositions de l'Article 102 de la Charte des Nations Unies. L'autre État contractant est avisé de l'enregistrement, ainsi que du numéro d'enregistrement des Nations Unies, dès qu'il a été confirmé par le Secrétariat de l'Organisation des Nations Unies.

EN FOI DE QUOI, les soussignés, à ce dûment autorisés, ont signé le présent Accord.

FAIT à Dublin, le 30 mars 2011, en deux exemplaires originaux en langues anglaise et allemande, les deux textes faisant également foi.

Pour l'Irlande :
MICHAEL NOONAN

Pour la République fédérale d'Allemagne
BUSSO VON ALVENSLEBEN

PROTOCOLE À L'ACCORD ENTRE L'IRLANDE ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU ET SUR LA FORTUNE, SIGNÉ LE _____

L'Irlande et la République fédérale d'Allemagne, en plus de l'Accord tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune de _____, sont convenues des dispositions suivantes, qui font partie intégrante dudit Accord :

I. En ce qui concerne le présent Accord, pris dans son ensemble :

a) Régimes de retraite en Irlande

Il est entendu que, en tenant compte de

aa) l'exonération d'impôt accordée pour les cotisations ou les primes payées dans le cadre de régimes de retraite, de contrats de rente de retraite ou de tout autre produit de pension conformément à la Partie 30 du Taxes Consolidation Act 1997 de l'Irlande, et

bb) l'exonération d'impôt sur le revenu et les gains acquis grâce à un fonds (dénommé, dans le présent paragraphe, un « fonds de pension ») créé par lesdites cotisations et primes,

les rémunérations (aux fins de l'article 784A du Taxes Consolidation Act 1997) effectuées à partir d'un fonds de retraite approuvé (au sens de ce terme dans ledit article) qui a été créé par le transfert de droits ou d'actifs acquis à partir d'un fonds de pension ne sont imposables qu'en vertu des dispositions de cet article, nonobstant toute disposition du présent Accord.

b) Organismes de placement collectif

aa) Nonobstant les dispositions du présent Accord, mais sans préjudice de tout autre avantage auquel un organisme de placement collectif en valeurs mobilières (« OPCVM ») pourrait bénéficier en vertu de celui-ci, un OPCVM qui est établi dans un État contractant et qui reçoit des revenus provenant de l'autre État contractant est traité, aux fins de l'application de l'Accord auxdits revenus, comme une personne physique qui est un résident de l'État contractant dans lequel il est établi et comme le bénéficiaire effectif des revenus qu'il reçoit, mais uniquement dans la mesure où des bénéficiaires équivalents détiennent les intérêts bénéficiaires dans l'OPCVM.

bb) Cependant, si des bénéficiaires équivalents détiennent au moins 95 % des intérêts bénéficiaires dans l'OPCVM, celui-ci est considéré comme un résident de l'État contractant dans lequel il est établi ainsi que comme le bénéficiaire effectif du revenu qu'il reçoit.

cc) Aux fins du présent paragraphe,

i) le terme « OPCVM » désigne un organisme de placement collectif en valeurs mobilières au sens du Règlement des communautés européennes sur les Organismes de placement collectif en valeurs mobilières de 1989, dans sa

version en vigueur, et de tout autre règlement qui peut être interprété comment faisant partie de ce Règlement, ainsi que tout fonds, accord ou organisme d'investissement établi dans l'un des États contractants que les autorités compétentes des États contractants conviennent de considérer comme un OPCVM aux fins du présent paragraphe;

ii) le terme « bénéficiaire équivalent » désigne un résident de l'État contractant dans lequel l'OPCVM est établi, et un résident de tout autre État avec lequel l'État contractant d'où le revenu provient a conclu une convention fiscale prévoyant un échange de renseignements efficace et complet qui, s'il recevait l'élément de revenu pour lequel sont réclamés des avantages en vertu du présent Accord, peut bénéficier, en vertu de ladite convention ou du droit interne de l'État contractant d'où le revenu provient, d'un taux d'imposition pour cet élément de revenu au moins aussi faible que celui dont l'OPCVM souhaite bénéficier à cet égard en vertu du présent Accord.

c) Fonds commun contractuel en Irlande

Un Fonds commun contractuel établi en Irlande n'est pas considéré comme un résident de l'Irlande et est traité comme fiscalement transparent quand il s'agit de lui accorder les avantages d'une convention fiscale.

2) En ce qui concerne l'article 10 (Dividendes) :

Il est entendu que le terme « dividendes » comprend aussi les revenus provenant de la rémunération des porteurs de titres d'un « Investmentvermögen » allemand.

3) En ce qui concerne les articles 10 (Dividendes) et 11 (Intérêts) :

Nonobstant les dispositions des articles 10 et 11 du présent Accord, les dividendes et les intérêts sont imposables dans l'État contractant d'où ils proviennent et conformément au droit de cet État,

a) s'ils découlent de droits ou de créances donnant droit à une participation aux bénéfices, y compris les revenus perçus par un associé passif (« stiller Gesellschafter ») au titre de sa participation en cette qualité ou d'un prêt dont le taux d'intérêt est lié aux bénéfices de l'emprunteur (« partiarisches Darlehen ») ou de bénéfices tirés d'obligations participantes (« Gewinnobligationen ») au sens de la législation fiscale allemande, et

b) à condition qu'ils soient déductibles aux fins du calcul des bénéfices du débiteur de ce revenu.

4) En ce qui concerne l'article 12 (Redevances) :

Il est entendu que si, à la suite de la signature du présent Accord, le droit irlandais permettait qu'un montant de redevances plus élevé que celui autorisé par les dispositions de l’article 234(3 A)(a) du Taxes Consolidation Act 1997 à la date de signature du présent Accord ne soit pas pris en compte aux fins des Income Tax Acts, l'Irlande notifie l'Allemagne de cette modification et, à la demande de cette dernière, renégocie l'article de façon à ce que les redevances provenant d'Allemagne soient imposées dans ce pays.

5) En ce qui concerne le paragraphe 3 de l'article 17 (Pensions et rentes), l'alinéa a) du paragraphe 2 de l'article 23 (Élimination de la double imposition) et le paragraphe 6 du présent Protocole :

Il est entendu qu'un revenu est effectivement imposé quand il est effectivement compris dans la base d'imposition qui sert de référence pour le calcul de l'impôt. Un revenu n'est pas effectivement imposé quand, en vertu du traitement fiscal qui lui est normalement applicable, il n'est pas imposable ou exonéré d'impôt.

6) En ce qui concerne le paragraphe 2 de l'article 20 (Autres revenus) :

Quand le bénéficiaire et le payeur d'un dividende sont des résidents de l'Allemagne et que ce dividende est distribué à un établissement fixe que le bénéficiaire possède en Irlande, sans être effectivement imposé dans ce pays, l'Allemagne peut imposer ce dividende au taux prévu au paragraphe 2 de l'article 10. L'Irlande accorde une créance pour ledit impôt conformément aux dispositions de l'article 23.

7) En ce qui concerne l'article 23 (Élimination de la double imposition) :

Il est entendu que les références du point aa) de l'alinéa e) du paragraphe 2 aux éléments de revenus ou de fortune qui font l'objet de dispositions différentes de celles du présent Accord ou qui sont attribués à des personnes différentes renvoient à des revenus ou une fortune et à des différences qui s'appuient non pas sur des interprétations divergentes des faits ou des dispositions du présent Accord, mais plutôt sur des dispositions différentes du droit interne de chaque État contractant, conformément à la distinction qui est faite dans les paragraphes 32.5 et 32.6 de la version de 2008 du Commentaire sur les articles 23A et 23B du Modèle de convention fiscale concernant le revenu et la fortune de l'OCDE.

8) En ce qui concerne l'article 26 (Échange de renseignements) :

Si, conformément au droit interne, des données à caractère personnel sont échangées en vertu du présent Accord, les dispositions supplémentaires suivantes sont applicables sous réserve des dispositions légales en vigueur dans chaque État contractant :

a) L'organisme destinataire des données ne peut les utiliser qu'aux fins annoncées et sous réserve des conditions fixées par l'organisme fournisseur des données.

b) L'organisme destinataire informe, sur demande écrite, l'organisme fournisseur de l'utilisation des données fournies et des résultats obtenus.

c) Les données à caractère personnel ne sont fournies qu'aux organismes compétents. Ces données ne peuvent être fournies par la suite à d'autres organismes qu'avec l'accord préalable de l'organisme fournisseur.

d) L'organisme fournisseur est tenu de s'assurer que les données à fournir sont exactes, nécessaires et conformes aux fins pour lesquelles elles sont fournies. Les dispositions d'un droit interne applicable qui limitent ou interdisent la communication de données sont respectées. S'il apparaît que les données fournies sont inexactes ou qu'elles n'auraient pas dû être fournies, l'organisme destinataire doit en être informé dans les meilleurs délais. Cet organisme doit immédiatement corriger ou effacer les données concernées.

e) À la présentation de la demande, la personne concernée est informée des données communiquées à son sujet et de l'utilisation qui est prévue d'en faire. Il n'est pas impératif d'informer cette personne s'il apparaît que l'intérêt général à ce faire l'emporte sur l'intérêt de la personne concernée si elle était informée. À tout autre égard, le droit de la personne concernée à être tenue au courant des données qui la concernent est régi par le droit interne de l'État contractant sur le territoire souverain duquel la demande de renseignements est présentée.

f) L’organisme destinataire assume, conformément à son droit interne, l'entière responsabilité de tout préjudice subi par une personne du fait de la communication des données échangées en application des dispositions du présent Accord. L’organisme destinataire ne peut se soustraire à sa responsabilité en opposant à la personne qui a subi le préjudice que celui-ci a été causé par l’organisme fournisseur.

g) Si le droit interne de l’organisme fournisseur prévoit des dispositions particulières pour la destruction des données à caractère personnel qui ont été fournies, il doit en informer l’organisme destinataire. Indépendamment de ces dispositions, les données à caractère personnel doivent être détruites dès qu'elles ne sont plus nécessaires aux fins pour lesquelles elles ont été fournies.

h) L'organisme fournisseur et l'organisme destinataire tiennent un registre officiel de leurs échanges de données à caractère personnel.

i) Les organismes fournisseur et destinataire prennent des mesures efficaces pour protéger les données à caractère personnel fournies contre tout accès, toute modification et toute divulgation non autorisés.

DÉCLARATION COMMUNE RELATIVE À L'ACCORD ENTRE L'IRLANDE ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU ET SUR LA FORTUNE

L'Irlande et la République fédérale d'Allemagne, à l'occasion de la signature le 30 mars 2011 à Dublin du nouvel Accord entre l'Irlande et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune et eu égard à l'utilisation abusive de l'Accord en question,

Sont convenus de ce qui suit :

Utilisation abusive de l'Accord

Compte tenu des paragraphes 7 à 12 de la version de juillet 2008 du commentaire de l'article 1 du modèle de convention fiscale de l'OCDE, il est entendu que le présent Accord ne saurait être interprété comme empêchant un État contractant d'appliquer sa législation nationale relative à la prévention de la fraude et de l'évasion fiscales lorsque celle-ci est employée aux fins de récuser des arrangements qui constituent une utilisation abusive de l'Accord.

Il est en outre entendu qu'il y a utilisation abusive de l'Accord lorsque certains arrangements ou transactions ont pour but principal de s'assurer une situation fiscale plus favorable et que le fait de bénéficier d'un traitement plus favorable dans ces conditions serait contraire à l'objet et au but des dispositions pertinentes de l'Accord.

La présente déclaration commune est signée en double exemplaire à Dublin, en langues anglaise et allemande, le 30 mars 2011.

Pour l'Irlande :
[MICHAEL NOONAN]

Pour la République fédérale d'Allemagne :
[BUSSO VON ALVENSLEBEN]

Botschaft
der Bundesrepublik Deutschland
Dublin

Fichier no (réf. à rappeler) : RK 551.20
Note nº : 09/2011

NOTE VERBALE

L'Ambassade de la République fédérale d'Allemagne présente ses compliments au Ministère irlandais des affaires étrangères et, à l'occasion de la signature de l'Accord entre l'Irlande et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et sur la fortune, a l'honneur de confirmer l'accord trouvé par les délégations des deux États contractants à propos de l'application de l'article 4 dudit Accord :

Le siège de direction effective d'une société, non cotée en bourse, n'est pas considéré comme étant situé dans un État contractant, en ce qui concerne le personnel d'un cabinet d'avocats, une société de gestion ou un autre tiers, quand, compte tenu de l'ensemble des faits et circonstances applicables, les décisions commerciales et gestionnaires clés qui sont nécessaires à la conduite des affaires de la société dans son ensemble sont prises, pour l'essentiel, dans l'autre État contractant.

L'Ambassade serait reconnaissante au Ministère des affaires étrangères de bien vouloir confirmer à nouveau que l'Irlande convient de l'interprétation précédente.

L'Ambassade de la République fédérale d'Allemagne saisit cette occasion pour renouveler au Ministère des affaires étrangères l'assurance de sa plus haute considération.

Dublin, le 28 mars 2011
[SIGNÉ]

Le Ministère irlandais des affaires étrangères
Dublin

ISBN 978-92-1-900892-2

17-05079

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Volume
2927

2013

I. Nos.
50935-50945

RECUEIL

DES

TRAITÉS

NATIONS

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Treaty Series

Treaties and international agreements
registered
or filed and recorded
with the Secretariat of the United Nations

VOLUME 2930 **2013** **Annexes A, C**

Recueil des Traités

Traités et accords internationaux
enregistrés
ou classés et inscrits au répertoire
au Secrétariat de l'Organisation des Nations Unies

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United Nations • Nations Unies
New York, 2019

Print ISBN: 978-92-1-900895-3
e-ISBN: 978-92-1-060596-0
ISSN: 0379-8267
e-ISSN: 2412-1495

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NOTE BY THE SECRETARIAT

Under Article 102 of the Charter of the United Nations, every treaty and every international agreement entered into by any Member of the United Nations after the coming into force of the Charter shall, as soon as possible, be registered with the Secretariat and published by it. Furthermore, no party to a treaty or international agreement subject to registration which has not been registered may invoke that treaty or agreement before any organ of the United Nations. The General Assembly, by resolution 97 (I), established regulations to give effect to Article 102 of the Charter (see text of the regulations, vol. 859, p. VIII; https://treaties.un.org/doc/source/publications/practice/registration_and_publication.pdf).

The terms "treaty" and "international agreement" have not been defined either in the Charter or in the regulations, and the Secretariat follows the principle that it acts in accordance with the position of the Member State submitting an instrument for registration that, so far as that party is concerned, the instrument is a treaty or an international agreement within the meaning of Article 102. Registration of an instrument submitted by a Member State, therefore, does not imply a judgement by the Secretariat on the nature of the instrument, the status of a party or any similar question. It is the understanding of the Secretariat that its acceptance for registration of an instrument does not confer on the instrument the status of a treaty or an international agreement if it does not already have that status, and does not confer upon a party a status which it would not otherwise have.

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Disclaimer: All authentic texts in the present Series are published as submitted for registration by a party to the instrument. Unless otherwise indicated, the translations of these texts have been made by the Secretariat of the United Nations, for information.

NOTE DU SECRÉTARIAT

Aux termes de l'Article 102 de la Charte des Nations Unies, tout traité ou accord international conclu par un Membre des Nations Unies après l'entrée en vigueur de la Charte sera, le plus tôt possible, enregistré au Secrétariat et publié par lui. De plus, aucune partie à un traité ou accord international qui aurait dû être enregistré mais ne l'a pas été ne pourra invoquer ledit traité ou accord devant un organe de l'Organisation des Nations Unies. Par sa résolution 97 (I), l'Assemblée générale a adopté un règlement destiné à mettre en application l'Article 102 de la Charte (voir texte du règlement, vol. 859, p. IX; https://treaties.un.org/doc/source/publications/practice/registration_and_publication-fr.pdf).

Les termes « traité » et « accord international » n'ont été définis ni dans la Charte ni dans le règlement, et le Secrétariat a pris comme principe de s'en tenir à la position adoptée à cet égard par l'État Membre qui a présenté l'instrument à l'enregistrement, à savoir que, en ce qui concerne cette partie, l'instrument constitue un traité ou un accord international au sens de l'Article 102. Il s'ensuit que l'enregistrement d'un instrument présenté par un État Membre n'implique, de la part du Secrétariat, aucun jugement sur la nature de l'instrument, le statut d'une partie ou toute autre question similaire. Le Secrétariat considère donc que son acceptation pour enregistrement d'un instrument ne confère pas audit instrument la qualité de traité ou d'accord international si ce dernier ne l'a pas déjà, et qu'il ne confère pas à une partie un statut que, par ailleurs, elle ne posséderait pas.

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Déni de responsabilité : Tous les textes authentiques du présent Recueil sont publiés tels qu'ils ont été soumis pour enregistrement par l'une des parties à l'instrument. Sauf indication contraire, les traductions de ces textes ont été établies par le Secrétariat de l'Organisation des Nations Unies, à titre d'information.

ANNEX A

Ratifications, accessions, subsequent agreements, etc., concerning treaties and international agreements registered in June 2013 with the Secretariat of the United Nations

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ANNEXE A

Ratifications, adhésions, accords ultérieurs, etc., concernant des traités et accords internationaux enregistrés en juin 2013 au Secrétariat de l'Organisation des Nations Unies

No. 28. United States of America and Portugal

AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL. LISBON, 6 DECEMBER 1945 [*United Nations, Treaty Series, vol. 3, I-28.*]

Termination in accordance with:

50901. Air Transport Agreement between the United States of America and the Portuguese Republic (with annexes). Lisbon, 30 May 2000 [*United Nations, Treaty Series, vol. 2924, I-50901.*]

Entry into force: provisionally on 30 May 2000

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 28. États-Unis d'Amérique et Portugal

ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE PORTUGAL RELATIF AUX SERVICES DE TRANSPORTS AÉRIENS. LISBONNE, 6 DÉCEMBRE 1945 [*Nations Unies, Recueil des Traités, vol. 3, I-28.*]

Abrogation conformément à :

50901. Accord relatif au transport aérien entre les États-Unis d'Amérique et la République portugaise (avec annexes). Lisbonne, 30 mai 2000 [*Nations Unies, Recueil des Traités, vol. 2924, I-50901.*]

Entrée en vigueur : provisoirement le 30 mai 2000

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 2426. United States of America and Hungary

NOTE BY WHICH THE GOVERNMENT OF THE UNITED STATES OF AMERICA, IN PURSUANCE OF ARTICLE 10 OF THE TREATY OF PEACE WITH HUNGARY, SIGNED AT PARIS ON 10 FEBRUARY 1947, NOTIFIED THE HUNGARIAN GOVERNMENT OF THOSE PRE-WAR BILATERAL TREATIES BETWEEN THE TWO COUNTRIES WHICH THE UNITED STATES OF AMERICA DESIRES TO KEEP IN FORCE OR REVIVE. BUDAPEST, 9 MARCH 1948 [*United Nations, Treaty Series, vol. 183, I-2426.*]

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE AUSTRO-HUNGARIAN MONARCHY RELATING TO EXTRADITION FOR THE MUTUAL DELIVERY OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES. WASHINGTON, 3 JULY 1856 [*United Nations, Treaty Series, vol. 183, A-2426.*]

Termination in accordance with:

50933. Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition. Budapest, 1 December 1994 [*United Nations, Treaty Series, vol. 2926, I-50933.*]

Entry into force: 18 March 1997

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 2426. États-Unis d'Amérique et Hongrie

NOTE PAR LAQUELLE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE A NOTIFIÉ AU GOUVERNEMENT HONGROIS, EN APPLICATION DE L'ARTICLE 10 DU TRAITÉ DE PAIX AVEC LA HONGRIE, SIGNÉ À PARIS LE 10 FÉVRIER 1947, LES TRAITÉS BILATÉRAUX CONCLUS ENTRE LES DEUX PAYS AVANT LA GUERRE QUE LES ÉTATS-UNIS D'AMÉRIQUE DÉSIRENT MAINTENIR OU REMETTRE EN VIGUEUR. BUDAPEST, 9 MARS 1948 [*Nations Unies, Recueil des Traités, vol. 183, I-2426.*]

CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE ROYAUME D'AUTRICHE-HONGRIE RELATIVE À L'EXTRADITION DANS CERTAINS CAS DE CRIMINELS EN ÉTAT DE FUITE. WASHINGTON, 3 JUILLET 1856 [*Nations Unies, Recueil des Traités, vol. 183, A-2426.*]

Abrogation conformément à :

50933. Traité entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Hongrie sur l'extradition. Budapest, 1er décembre 1994 [*Nations Unies, Recueil des Traités, vol. 2926, I-50933.*]

Entrée en vigueur : 18 mars 1997

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 5742. Multilateral

CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR). GENEVA, 19 MAY 1956 [*United Nations, Treaty Series, vol. 399, I-5742.*]

ADDITIONAL PROTOCOL TO THE CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL CARRIAGE OF GOODS BY ROAD (CMR) CONCERNING THE ELECTRONIC CONSIGNMENT NOTE. GENEVA, 20 FEBRUARY 2008 [*United Nations, Treaty Series, vol. 2762, A-5742.*]

ACCESSION (WITH TERRITORIAL EXCLUSION)

Denmark (exclusion: Faroe Islands and Greenland)

Deposit of instrument with the Secretary-General of the United Nations: 28 June 2013

Date of effect: 26 September 2013

Registration with the Secretariat of the United Nations: ex officio, 28 June 2013

Nº 5742. Multilatéral

CONVENTION RELATIVE AU CONTRAT DE TRANSPORT INTERNATIONAL DE MARCHANDISES PAR ROUTE (CMR). GENÈVE, 19 MAI 1956 [*Nations Unies, Recueil des Traités, vol. 399, I-5742.*]

PROTOCOLE ADDITIONNEL À LA CONVENTION RELATIVE AU CONTRAT DE TRANSPORT INTERNATIONAL DE MARCHANDISES PAR ROUTE (CMR) CONCERNANT LA LETTRE DE VOITURE ÉLECTRONIQUE. GENÈVE, 20 FÉVRIER 2008 [*Nations Unies, Recueil des Traités, vol. 2762, A-5742.*]

ADHÉSION (AVEC EXCLUSION TERRITORIALE)

Danemark (exclusion : îles Féroé et Groenland)

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 28 juin 2013

Date de prise d'effet : 26 septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 28 juin 2013

No. 5786. United States of America and Mexico

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES. MEXICO CITY, 15 AUGUST 1960 [*United Nations, Treaty Series, vol. 402, I-5786.*]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES AMENDING THE AIR TRANSPORT AGREEMENT OF AUGUST 15, 1960, AS AMENDED AND EXTENDED. MÉRIDA, 15 FEBRUARY 1999

Entry into force: 19 January 2000 by notification, in accordance with article II

Authentic texts: English and Spanish

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 5786. États-Unis d'Amérique et Mexique

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DES ÉTATS-UNIS DU MEXIQUE RELATIF AUX TRANSPORTS AÉRIENS. MEXICO, 15 AOÛT 1960 [*Nations Unies, Recueil des Traités, vol. 402, I-5786.*]

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DES ÉTATS-UNIS DU MEXIQUE MODIFIANT L'ACCORD RELATIF AUX TRANSPORTS AÉRIENS DU 15 AOÛT 1960, TEL QUE MODIFIÉ ET PROROGÉ. MÉRIDA, 15 FÉVRIER 1999

Entrée en vigueur : 19 janvier 2000 par notification, conformément à l'article II

Textes authentiques : anglais et espagnol

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES AMENDING THE AIR TRANSPORT AGREEMENT OF AUGUST 15, 1960, AS AMENDED AND EXTENDED

The Government of the United States of America and the Government of the United Mexican States (hereinafter "the Parties"),

RECALLING the Air Transport Agreement between the Parties of August 15, 1960, as amended and extended (hereinafter "the Agreement"),

DESIRING to expand the Agreement to provide for cooperative marketing arrangements, and

RECOGNIZING the benefits of amending the Agreement to provide a simplified procedure for carriers operating programs of charter flights,

Have agreed as follows:

ARTICLE I

1. Point c of paragraph 1 of Annex II of the Agreement shall be replaced by the following:

> c. In the case of individual charter flights and charter flight programs or series of flights, each Party's airlines that are in possession of the appropriate permits issued by the Government of Mexico and the Government of the United States, that have all of their documents in order, and that have complied with all of the established requirements, may perform charter flights of passengers or of cargo between both territories, presenting a flight notification form: (1) at least 24 hours in advance of an individual charter or in advance of the first flight in a charter flight program or series of flights involving fewer than ten flights; or

(2) at least five working days in advance of the first flight in a charter flight program or series of flights involving ten or more flights. Notifications may be submitted within a shorter period of time at the discretion of the receiving Party. Each Party shall make its best efforts to facilitate the authorization of a charter flight program or series of flights for which notice was not timely filed.

2. Points f and g of paragraph 1 of Annex II shall be deleted.

3. An Annex III shall be added to the Agreement to read as follows:

Annex III

COOPERATIVE MARKETING ARRANGEMENTS

1. In operating or holding out the authorized services on the agreed routes, any designated airline of one Party may enter into cooperative marketing arrangements with an airline or airlines of either Party, provided that all airlines in such arrangements: 1) hold the appropriate authority, and 2) meet the requirements normally applied to such arrangements.

2. In addition to designations provided for in paragraph 4, Section B, of Annex I of the Agreement, either Party shall have the right to authorize its airlines to exercise the rights in paragraph 1, above, to hold out scheduled services on any or all segments of the routes in Section A (Route Schedule: Combination Service) or Section C (Route Schedule: All-Cargo Service) of Annex I of the Agreement, as applicable, by placing the airline's code on services of an airline or airlines of either Party having authority to operate on the relevant segment. With respect to services on each non-stop gateway city pair segment between the territories of the Parties, each Party shall have the right to grant such authorization to no more than four of its airlines for each non-stop gateway city pair segment. Each authorizing Party shall notify the other Party in writing of its airlines so authorized and the non-stop gateway city pair segments for which code-share authority has been given.

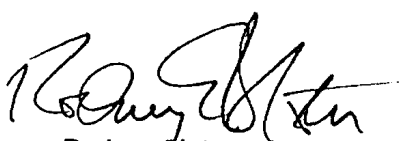
ARTICLE II

This Agreement shall enter into force on the date on which the Parties notify one another, through diplomatic channels, of the completion of the requirements of their national legislation.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Mérida, Yucatán, in duplicate, this 15th day of February, 1999, in the English and Spanish languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA



Rodney Slater
Secretary of Transportation

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES

Carlos Ruiz Sacristán
Secretary of Communications and Transportation

[SPANISH TEXT – TEXTE ESPAGNOL]

ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LOS ESTADOS UNIDOS MEXICANOS QUE ENMIENDA EL CONVENIO SOBRE TRANSPORTES AEREOS DEL 15 DE AGOSTO DE 1960, ENMENDADO Y PRORROGADO

El Gobierno de los Estados Unidos de América y el Gobierno de los Estados Unidos Mexicanos (en lo sucesivo "las Partes"),

TENIENDO presente el Convenio sobre Transportes Aéreos concertado entre las Partes el 15 de agosto de 1960, enmendado y prorrogado (en lo sucesivo, "el Convenio"),

DESEANDO ampliar el Convenio para establecer los arreglos cooperativos de comercialización, y

RECONOCIENDO los beneficios que representa enmendar el Convenio a fin de establecer un procedimiento simplificado para los transportistas que ofrezcan programas de vuelos de fletamento,

Han convenido en lo siguiente:

ARTICULO I

1. El inciso c del párrafo 1, Anexo II del Convenio, será reemplazado por lo siguiente:

> c. En el caso de vuelos de fletamento individuales y programas de vuelos de fletamento o una serie de vuelos, las líneas aéreas de cada Parte que se encuentren en posesión de los permisos correspondientes emitidos por el Gobierno de los Estados Unidos de América y el de los Estados Unidos Mexicanos, tengan todos sus documentos en orden y hayan cumplido con todos los requisitos establecidos, pueden llevar a cabo vuelos de fletamento de pasajeros o de carga entre ambos territorios, presentando un formulario de notificación de vuelos: 1) por lo menos 24 horas antes de un fletamento individual o antes del

primer vuelo de un programa de fletamento o serie de vuelos que involucre menos de diez vuelos; o 2) por lo menos cinco días hábiles antes del primer vuelo de un programa de vuelos de fletamento o serie de vuelos que involucre diez o más vuelos. Las notificaciones podrán presentarse en plazos más breves, a criterio de la Parte que las reciba. Cada Parte hará sus mejores esfuerzos para facilitar la autorización de un programa de fletamento o una serie de vuelos para los cuales no se haya dado aviso oportuno.

2. Los incisos f y g del párrafo 1 del Anexo II serán eliminados.

3. Se agregará un Anexo III al Convenio en los siguientes términos:

ANEXO III

ARREGLOS COOPERATIVOS DE COMERCIALIZACIÓN

1. Al explotar u ofrecer los servicios autorizados en las rutas acordadas, cualquier línea aérea designada de una Parte podrá concertar arreglos cooperativos de comercialización con una o más líneas aéreas de cualquiera de las Partes, a condición de que todas las líneas aéreas que lleguen a dichos arreglos 1) tengan la debida autorización y 2) cumplan con los requisitos que se apliquen normalmente a dichos arreglos.

2. Además de las designaciones establecidas en el párrafo 4, sección B del Anexo I del Convenio, cualquiera de las Partes tendrá el derecho a autorizar a sus líneas aéreas a ejercer los derechos del párrafo 1, anterior, a ofrecer servicios regulares en cualquiera de los segmentos o en todos los segmentos de las rutas de la sección A (Cuadro de Rutas: Servicios Mixtos) o sección C (Cuadro de Rutas: Vuelos Exclusivos de Carga) del Anexo I del Convenio, según sea el caso, poniendo el código de la línea aérea en los servicios de una o más líneas aéreas de cualquiera de las Partes que estén autorizadas a prestar servicio en el segmento pertinente. Con respecto a los servicios en cada segmento sin escala entre ciudades pares puente entre los territorios de las Partes, cada una de las Partes tendrá el derecho a autorizar a no más de cuatro de sus líneas aéreas por cada segmento sin escala entre ciudades

pares puente. La Parte que autorice deberá notificar a la otra Parte, por escrito, las líneas aéreas que haya autorizado, así como los segmentos sin escala entre ciudades pares puente para las cuales se ha autorizado código compartido.

ARTICULO II

El presente Acuerdo entrará en vigor en la fecha en que las Partes se notifiquen mutuamente, por vía diplomática, que se han cumplido los requisitos de su legislación nacional.

En fe de lo cual, los infraescritos, debidamente autorizados por sus Gobiernos respectivos, han firmado el presente Acuerdo.

Hecho en Mérida, Yucatán el 15 de febrero de 1999, en dos ejemplares, en español e inglés, ambos igualmente auténticos.

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA

Rodney Slater
Secretario de Transportes

POR EL GOBIERNO DE LOS ESTADOS UNIDOS MEXICANOS

Carlos Ruiz Sacristán
Secretario de Comunicaciones y Transportes

[TRANSLATION – TRADUCTION]

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DES ÉTATS-UNIS DU MEXIQUE MODIFIANT L'ACCORD RELATIF AUX TRANSPORTS AÉRIENS DU 15 AOÛT 1960, TEL QUE MODIFIÉ ET PROROGÉ

Le Gouvernement des États-Unis d'Amérique et le Gouvernement des États-Unis du Mexique (ci-après dénommés « les Parties »),

Rappelant l'Accord entre les Parties relatif aux transports aériens du 15 août 1960, tel que modifié et prorogé (ci-après dénommé « l'Accord »),

Désireux d'élargir l'Accord afin d'y inclure des accords de coopération commerciale, et

Reconnaissant les avantages de la modification de l'Accord afin d'instituer une procédure simplifiée concernant les transporteurs assurant des programmes de vols affrétés,

Sont convenus de ce qui suit :

Article premier

1. Le point c du paragraphe 1 de l'annexe II de l'Accord est remplacé par ce qui suit :

c. Dans le cas de vols affrétés individuels et des programmes ou séries de vols affrétés, les entreprises de transport aérien de chaque Partie qui détiennent les permis voulus délivrés par le Gouvernement du Mexique et le Gouvernement des États-Unis, dont tous les documents sont en ordre et qui ont satisfait toutes les exigences prévues, peuvent assurer des vols affrétés de passagers ou de marchandises entre les deux territoires en déposant un formulaire de notification de vol : 1) au moins 24 heures à l'avance pour un vol affrété individuel ou pour le premier vol d'un programme ou d'une série de dix vols affrétés au maximum; ou 2) au moins cinq jours ouvrables avant le premier vol d'un programme ou d'une série de dix vols affrétés ou plus. Les notifications peuvent être déposées dans un délai plus court, sous réserve de l'acceptation de la Partie qui les reçoit. Chaque Partie fait tout son possible pour faciliter l'autorisation d'un programme ou d'une série de vols affrétés pour lesquels la notification n'a pas été déposée en temps voulu.

2. Les points f) et g) du paragraphe 1 de l'annexe II sont supprimés.

3. Une annexe III est ajoutée à l'Accord, qui s'énonce ainsi :

ANNEXE III

ACCORDS DE COOPÉRATION COMMERCIALE

1. En assurant ou en offrant les services autorisés sur les routes convenues, toute entreprise de transport aérien désignée par une Partie peut conclure des accords de coopération commerciale avec une ou plusieurs entreprises de transport aérien de l'une ou l'autre Partie, à condition que toutes les entreprises parties à de tels accords : 1) disposent de l'autorisation voulue et 2) répondent aux conditions normalement requises pour ces accords.

2. Outre les désignations prévues au paragraphe 4 de la section B de l'annexe I de l'Accord, l'une ou l'autre Partie peut autoriser ses entreprises de transport aérien à exercer les droits visés au paragraphe 1 ci-dessus, pour offrir des services réguliers sur l'un ou l'ensemble des segments de routes indiqués à la section A (Tableau des routes : Services combinés) ou à la section C (Tableau de routes : Service tout-cargo) de l'annexe I de l'Accord, le cas échéant, en plaçant le code de l'entreprise de transport aérien sur les services d'une ou de plusieurs entreprises de transport aérien de l'une ou l'autre Partie autorisée à exploiter des services sur les segments en question. S'agissant des services exploités sur chaque segment sans escale entre paires de villes portes d'entrée sur les territoires des Parties, chaque Partie peut accorder une telle autorisation à quatre de ses entreprises de transport aérien au maximum pour chacun de ces segments. La Partie qui donne cette autorisation informe l'autre Partie par écrit des noms de ses entreprises de transport aérien autorisées ainsi que des segments sans escale entre paires de villes portes d'entrée pour lesquels le partage des codes est autorisé.

ARTICLE II

Le présent Accord entre en vigueur à la date à laquelle les Parties se notifient, par la voie diplomatique, l'accomplissement des procédures requises par leur législation nationale.

EN FOI DE QUOI, les soussignés, dûment autorisés par leur Gouvernement, ont signé le présent Accord.

FAIT à Mérida, Yucatán, le 15 février 1999, en double exemplaire, en langues anglaise et espagnole, les deux textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

RODNEY SLATER
Secrétaire d'État aux transports

Pour le Gouvernement des États-Unis du Mexique :

CARLOS RUIZ SACRISTÁN
Secrétaire aux communications et aux transports

No. 6382. United States of America and Panama

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND PANAMA RELATING TO GUARANTIES OF PRIVATE INVESTMENTS. WASHINGTON, 23 JANUARY 1961 [*United Nations, Treaty Series, vol. 445, I-6382.*]

Termination in accordance with:

50895. Investment Incentive Agreement between the Government of the United States of America and the Government of the Republic of Panama. Panama City, 19 April 2000 [*United Nations, Treaty Series, vol. 2924, I-50895.*]

Entry into force: 12 July 2000

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 6382. États-Unis d'Amérique et Panama

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE PANAMA RELATIF À LA GARANTIE DES INVESTISSEMENTS PRIVÉS. WASHINGTON, 23 JANVIER 1961 [*Nations Unies, Recueil des Traités, vol. 445, I-6382.*]

Abrogation conformément à :

50895. Accord de promotion des investissements entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Panama. Panama, 19 avril 2000 [*Nations Unies, Recueil des Traités, vol. 2924, I-50895.*]

Entrée en vigueur : 12 juillet 2000

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 8749. Ireland and Federal Republic of Germany

CONVENTION BETWEEN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND CAPITAL AND TO THE GEWERBESTEUER (TRADE TAX). DUBLIN, 17 OCTOBER 1962 [*United Nations, Treaty Series, vol. 604, I-8749.*]

Termination in accordance with:

50945. Agreement between Ireland and the Federal Republic of Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital (with joint declaration, note verbale and protocol). Dublin, 30 March 2011 [*United Nations, Treaty Series, vol. 2927, I-50945.*]

Entry into force: 28 November 2012
Registration with the Secretariat of the United Nations: Ireland, 6 June 2013

Information provided by the Secretariat of the United Nations: 6 June 2013

Nº 8749. Irlande et République fédérale d'Allemagne

CONVENTION ENTRE L'IRLANDE ET LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE TENDANT À ÉVITER LA DOUBLE IMPOSITION ET À PRÉVENIR L'ÉVASION FISCALE EN MATIÈRE D'IMPÔTS SUR LE REVENU, D'IMPÔTS SUR LA FORTUNE ET DE CONTRIBUTION DES PATENTES (GEWERBESTEUER). DUBLIN, 17 OCTOBRE 1962 [*Nations Unies, Recueil des Traités, vol. 604, I-8749.*]

Abrogation conformément à :

50945. Accord entre l'Irlande et la République fédérale d'Allemagne tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu et le capital (avec déclaration commune, note verbale et protocole). Dublin, 30 mars 2011 [*Nations Unies, Recueil des Traités, vol. 2927, I-50945.*]

Entrée en vigueur : 28 novembre 2012
Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Irlande, 6 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 6 juin 2013

No. 9068. Multilateral

TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA. MEXICO CITY, 14 FEBRUARY 1967 [*United Nations, Treaty Series, vol. 634, I-9068.*]

MODIFICATION TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN (RESOLUTION 267 (E-V)). 3 JULY 1990 [*United Nations, Treaty Series, vol. 1894, A-9068.*]

RATIFICATION

Antigua and Barbuda

Deposit of instrument with the Government of Mexico: 13 June 2013

Date of effect: 13 June 2013

Registration with the Secretariat of the United Nations: Mexico, 26 June 2013

MODIFICATION TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN (RESOLUTION 268 (XII)). 10 MAY 1991 [*United Nations, Treaty Series, vol. 1894, A-9068.*]

RATIFICATION

Antigua and Barbuda

Deposit of instrument with the Government of Mexico: 13 June 2013

Date of effect: 13 June 2013

Registration with the Secretariat of the United Nations: Mexico, 26 June 2013

Nº 9068. Multilatéral

TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE. MEXICO, 14 FÉVRIER 1967 [*Nations Unies, Recueil des Traités, vol. 634, I-9068.*]

MODIFICATION DU TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE ET DANS LES CARAÏBES (RÉSOLUTION 267 (E-V)). 3 JUILLET 1990 [*Nations Unies, Recueil des Traités, vol. 1894, A-9068.*]

RATIFICATION

Antigua-et-Barbuda

Dépôt de l'instrument auprès du Gouvernement mexicain : 13 juin 2013

Date de prise d'effet : 13 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Mexique, 26 juin 2013

MODIFICATION DU TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE ET DANS LES CARAÏBES (RÉSOLUTION 268 (XII)). 10 MAI 1991 [*Nations Unies, Recueil des Traités, vol. 1894, A-9068.*]

RATIFICATION

Antigua-et-Barbuda

Dépôt de l'instrument auprès du Gouvernement mexicain : 13 juin 2013

Date de prise d'effet : 13 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Mexique, 26 juin 2013

MODIFICATION TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN (RESOLUTION 290 (VII)). 26 AUGUST 1992 [*United Nations, Treaty Series, vol. 1894, A-9068.*]

RATIFICATION

Antigua and Barbuda

Deposit of instrument with the Government of Mexico: 13 June 2013

Date of effect: 13 June 2013

Registration with the Secretariat of the United Nations: Mexico, 26 June 2013

MODIFICATION DU TRAITÉ VISANT L'INTERDICTION DES ARMES NUCLÉAIRES EN AMÉRIQUE LATINE ET DANS LES CARAÏBES (RÉSOLUTION 290 (VII)). 26 AOÛT 1992 [*Nations Unies, Recueil des Traités, vol. 1894, A-9068.*]

RATIFICATION

Antigua-et-Barbuda

Dépôt de l'instrument auprès du Gouvernement mexicain : 13 juin 2013

Date de prise d'effet : 13 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Mexique, 26 juin 2013

No. 10346. Multilateral

EUROPEAN CONVENTION ON INFORMATION ON FOREIGN LAW. LONDON, 7 JUNE 1968 [*United Nations, Treaty Series, vol. 720, I-10346.*]

RATIFICATION

Bosnia and Herzegovina

Deposit of instrument with the Secretary-General of the Council of Europe: 17 May 2013

Date of effect: 18 August 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON INFORMATION ON FOREIGN LAW. STRASBOURG, 15 MARCH 1978 [*United Nations, Treaty Series, vol. 1160, A-10346.*]

RATIFICATION

Bosnia and Herzegovina

Deposit of instrument with the Secretary-General of the Council of Europe: 17 May 2013

Date of effect: 18 August 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

Nº 10346. Multilatéral

CONVENTION EUROPÉENNE DANS LE DOMAINE DE L'INFORMATION SUR LE DROIT ÉTRANGER. LONDRES, 7 JUIN 1968 [*Nations Unies, Recueil des Traités, vol. 720, I-10346.*]

RATIFICATION

Bosnie-Herzégovine

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 17 mai 2013

Date de prise d'effet : 18 août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

PROTOCOLE ADDITIONNEL À LA CONVENTION EUROPÉENNE DANS LE DOMAINE DE L'INFORMATION SUR LE DROIT ÉTRANGER. STRASBOURG, 15 MARS 1978 [*Nations Unies, Recueil des Traités, vol. 1160, A-10346.*]

RATIFICATION

Bosnie-Herzégovine

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 17 mai 2013

Date de prise d'effet : 18 août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

No. 13625. United States of America and Canada

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON AIR TRANSPORT PRECLEARANCE. OTTAWA, 8 MAY 1974 [*United Nations, Treaty Series, vol. 953, I-13625.*]

Termination in accordance with:

50926. Agreement on air transport preclearance between the Government of the United States of America and the Government of Canada (with annexes and agreed minute). Toronto, 18 January 2001 [*United Nations, Treaty Series, vol. 2926, I-50926.*]

Entry into force: 2 May 2003

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 13625. États-Unis d'Amérique et Canada

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA RELATIF AU PRÉDÉDOUANEMENT DANS LE DOMAINE DU TRANSPORT AÉRIEN. OTTAWA, 8 MAI 1974 [*Nations Unies, Recueil des Traités, vol. 953, I-13625.*]

Abrogation conformément à :

50926. Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Canada relatif à l'autorisation préalable dans le domaine du transport aérien (avec annexes et procès-verbal approuvé). Toronto, 18 janvier 2001 [*Nations Unies, Recueil des Traités, vol. 2926, I-50926.*]

Entrée en vigueur : 2 mai 2003

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 14403. Multilateral

STATUTES OF THE WORLD TOURISM ORGANIZATION (WTO). MEXICO CITY, 27 SEPTEMBER 1970 [*United Nations, Treaty Series, vol. 985, I-14403.*]

AMENDMENT TO ARTICLE 14 OF THE STATUTES OF THE WORLD TOURISM ORGANIZATION (WTO). NEW DELHI, 14 OCTOBER 1983

Entry into force: provisionally on 24 October 1997

Authentic texts: English, French and Spanish

Registration with the Secretariat of the United Nations: Spain, 1 June 2013

Nº 14403. Multilatéral

STATUTS DE L'ORGANISATION MONDIALE DU TOURISME (OMT). MEXICO, 27 SEPTEMBRE 1970 [*Nations Unies, Recueil des Traités, vol. 985, I-14403.*]

AMENDEMENT À L'ARTICLE 14 DES STATUTS DE L'ORGANISATION MONDIALE DU TOURISME (OMT). NEW DELHI, 14 OCTOBRE 1983

Entrée en vigueur : provisoirement le 24 octobre 1997

Textes authentiques : anglais, français et espagnol

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Espagne, 1er juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

ORGANISATION MONDIALE DU TOURISME
WORLD TOURISM ORGANIZATION
ORGANIZACION MUNDIAL DEL TURISMO
ВСЕМИРНАЯ ТУРИСТСКАЯ ОРГАНИЗАЦИЯ

The fifth session of the General Assembly of the World Tourism Organization, meeting in plenary at New Delhi, India, has this day unanimously adopted the following resolution inviting the member States to approve an amendment to Article 14 of the Statutes of the Organization :

"The General Assembly,

Recalling its resolution 114(IV) by which it decided to invite Spain, in its capacity as host State of the Headquarters of the Organization, to sit on the Council as a privileged Member and requested the Secretary-General to initiate the procedure for amending the Statutes so as to create a seat on the Council for the host State, without thereby affecting the principle of just and equitable regional representation,

Having examined the draft amendment to Article 14 of the Statutes, as approved by the Executive Council in decision 8(XVIII) in pursuance of the afore mentioned resolution, together with the modification made in this draft amendment during the discussions,

Observing that the Secretary-General has notified all the Members of the draft amendment to Article 14 of the Statutes proposed by the Executive Council, thereby observing the provisions of Article 33(1) of the Statutes, which reads, "Any suggested amendment to the present Statutes and its Annex shall be transmitted to the Secretary-General who shall circulate it to the Full Members at least six months before being submitted to the consideration of the Assembly",

1. Adopts the said amendment to the Organization's Statutes, the text of which is contained in the Annex to this resolution and which will come into force for all Members when two-thirds of the member States have notified the Depositary Government of their approval, in accordance with Article 33(3) of the Statutes;

2. Requests the President of the fifth session of the General Assembly and the Secretary-General of the Organization to sign two copies of this resolution, one copy to be transmitted to the Spanish Government as Depositary of the Statutes and the other to be retained in the Organization's files".

ANNEX

Article 14

"1 bis - The host State of the Headquarters of the Organization shall have a permanent additional seat on the Executive Council, which shall be unaffected by the procedure laid down in paragraph 1 above concerning the geographical distribution of Council seats".

In witness whereof we hereby append our signatures to two copies each, both equally authentic, of the English, French, Rusian and Spanish texts of the present document, one copy to be kept in the archives of the World Tourism Organization and the other in those of the Spanish Government, the Depositary of the Organization's Statutes.

Done at New Delhi, 14 October 1983.

The President of the fifth session of the General Assembly of the World Tourism Organization

The Secretary-General of the World Tourism Organization

[FRENCH TEXT – TEXTE FRANÇAIS]

ORGANISATION MONDIALE DU TOURISME
WORLD TOURISM ORGANIZATION
ORGANIZACION MUNDIAL DEL TURISMO
ВСЕМИРНАЯ ТУРИСТСКАЯ ОРГАНИЗАЦИЯ

La cinquième session de l'Assemblée générale de l'Organisation mondiale du tourisme, réunie en séance plénière à New Delhi (Inde), a adopté ce jour à l'unanimité la résolution suivante par laquelle est proposé à l'approbation des Etats Membres un amendement à l'article 14 des Statuts de l'Organisation :

"L'Assemblée générale,

Rappelant sa résolution 114(IV) par laquelle elle a décidé d'inviter l'Espagne, en sa qualité d'Etat hôte du siège de l'Organisation, à siéger au Conseil comme Membre privilégié et a demandé au Secrétaire général d'engager la procédure d'amendement aux Statuts en vue de créer un poste au Conseil pour l'Etat hôte, sans affecter en cela le principe de la représentation régionale juste et équitable,

Ayant examiné le projet d'amendement à l'article 14 des Statuts, tel qu'approuvé par le Conseil exécutif par sa décision 8(XVIII) pour donner suite à la résolution précitée, ainsi que la modification apportée à ce projet d'amendement au cours du débat,

Constatant que le Secrétaire général a notifié à tous les Membres le projet d'amendement proposé par le Conseil exécutif à l'article 14 des Statuts et que, de fait, les dispositions de l'article 33.1 des Statuts, qui prévoient que "tout projet d'amendement aux Statuts et à son annexe est transmis au Secrétaire général qui le communique aux Membres effectifs six mois au moins avant qu'il ne soit soumis à l'examen de l'Assemblée générale", ont été observées,

1. Adopte l'amendement en question aux Statuts de l'Organisation, dont le texte est annexé à la présente résolution, qui entrera en vigueur pour tous les Etats Membres lorsque les deux-tiers des Etats Membres auront notifié leur approbation au Gouvernement dépositaire, conformément à l'article 33.3 des Statuts, et

2. Prie le Président de la cinquième session de l'Assemblée générale et le Secrétaire général de l'Organisation de signer deux exemplaires de la présente résolution, dont l'un sera transmis au Gouvernement espagnol en sa qualité de dépositaire des Statuts et l'autre devra être classé dans les archives de l'Organisation".

ANNEXE

Article 14

"1 bis - L'Etat hôte du siège de l'Organisation dispose de façon permanente d'un siège supplémentaire au Conseil exécutif qui n'est pas affecté par la procédure prévue au paragraphe 1 précédent en ce qui concerne la répartition géographique des sièges du Conseil".

En foi de quoi nous apposons notre signature sur le présent document en deux exemplaires, l'un et l'autre également authentiques, de chacun des textes français, anglais, espagnol et russe, qui seront conservés dans les archives de l'Organisation mondiale du tourisme et celles du Gouvernement espagnol, dépositaire des Statuts de l'Organisation.

Fait à New Delhi, le 14 octobre 1983.

Le Président de la cinquième session de l'Assemblée générale de l'Organisation mondiale du tourisme

Le Secrétaire général de l'Organisation mondiale du tourisme

[SPANISH TEXT – TEXTE ESPAGNOL]

ORGANISATION MONDIALE DU TOURISME
WORLD TOURISM ORGANIZATION
ORGANIZACION MUNDIAL DEL TURISMO
ВСЕМИРНАЯ ТУРИСТСКАЯ ОРГАНИЗАЦИЯ

La Asamblea General de la Organización Mundial del Turismo ha adoptado por unanimidad en el día de hoy, en sesión plenaria, en el curso de su quinta reunión, celebrada en Nueva Delhi (India), la siguiente resolución, por la cual se propone a los Estados Miembros para aprobación una modificación al artículo 14 de los Estatutos de la Organización:

"La Asamblea General,

Recordando su resolución 114(IV), por la cual decidió invitar a España, en su calidad de Estado huésped de la Sede de la Organización, a ocupar un puesto en el Consejo como Miembro privilegiado y pidió al Secretario General que iniciara el procedimiento de modificación de los Estatutos con miras a crear un puesto en el Consejo para el Estado huésped, sin perjuicio del principio de la representación regional justa y equitativa,

Habiendo examinado el proyecto de modificación del artículo 14 de los Estatutos, tal como fue aprobado por el Consejo Ejecutivo en su decisión 8(XVIII), para dar curso a la resolución precitada, así como la modificación aportada a este proyecto de modificación en el curso de la discusión, y

Constatando que el Secretario General ha notificado a todos los Miembros el proyecto de modificación del artículo 14 de los Estatutos propuesto por el Consejo Ejecutivo y que, en consecuencia, se han observado las disposiciones del artículo 33.1 de los Estatutos, que prevén que "cualquier modificación sugerida a los presentes Estatutos y su Anexo será transmitida al Secretario General, quien la comunicará a los Miembros Efectivos, por lo menos seis meses antes de que sea sometida a la consideración de la Asamblea",

1. Adopta la modificación a los Estatutos de la Organización cuyo texto figura en anexo a la presente resolución, que entrará en vigor para todos los Miembros cuando los dos tercios de los Estados Miembros hayan notificado su aprobación al Gobierno depositario, de conformidad con el artículo 33.3 de los Estatutos, y

2. Ruega al Presidente de la quinta reunión de la Asamblea General y al Secretario General de la Organización que firmen dos ejemplares de la presente resolución, uno de los cuales será transmitido al Gobierno español, en su calidad de depositario de los Estatutos, y el otro se conservará en los archivos de la Organización".

ANEXO

Artículo 14

"1 bis - El Estado huésped de la Sede de la Organización dispone de manera permanente de un puesto suplementario en el Consejo Ejecutivo, al que no se aplica el procedimiento previsto en el párrafo 1 anterior en lo que se refiere a la distribución geográfica de los puestos del Consejo".

Para dar fe de lo anterior, firmamos el presente documento en dos ejemplares, los dos igualmente auténticos, de cada uno de los textos francés, inglés, español y ruso, para su conservación en los archivos de la Organización Mundial del Turismo y del Gobierno español, depositario de los Estatutos de la Organización.

Hecho en Nueva Delhi, el 14 de octubre de 1983.

El Presidente de la quinta reunión de la Asamblea General de la Organización Mundial del Turismo

El Secretario General de la Organización Mundial del Turismo

AMENDMENT TO PARAGRAPH 4 OF THE FINANCING RULES ANNEXED TO THE STATUTES OF THE WORLD TOURISM ORGANIZATION (WTO). OSAKA, 29 SEPTEMBER 2001

MODIFICATION AU PARAGRAPHE 4 DES RÈGLES DE FINANCEMENT ANNEXÉES AUX STATUTS DE L'ORGANISATION MONDIALE DU TOURISME (OMT). OSAKA, 29 SEPTEMBRE 2001

Entry into force: provisionally on 29 September 2001

Entrée en vigueur : provisoirement le 29 septembre 2001

Authentic texts: English, French and Spanish

Textes authentiques : anglais, français et espagnol

Registration with the Secretariat of the United Nations: Spain, 1 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Espagne, 1er juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

Resolution A/RES/422(XIV) adopted by the General Assembly of the World Tourism Organization at its fourteenth session

Seoul, Republic of Korea / Osaka, Japan, 24-29 September 2001

A/RES/422(XIV)

Report of the Executive Council to the General Assembly

Agenda item 7
(document A/14/7 rev.)

The General Assembly,

Having considered the report of the Executive Council, submitted by its current Chairman pursuant to Articles 19(a) and 20 of the Statutes,

1. Takes note with interest of the information presented concerning the Council's activities, and in particular the results of its 62nd, 63rd, 64th, 65th and 66th ordinary sessions, as well as its 1st extraordinary session held in January 2000;

2. Thanks the Council for the work it has diligently carried out since the last Assembly session;

3. Subscribes to the idea of the Chairman of the Executive Council to institute WTO awards;

4. Pays tribute to the energy, dedication and wisdom displayed by its Chairman H.E. the late Dharmasiri Senanayake, Minister of Tourism and Civil Aviation of Sri Lanka, in 2000, and by his successors H.E. Mr Lakshman Kiriella, Minister of Tourism and Sport of Sri Lanka, and Mr Caio Luiz de Carvalho, President of EMBRATUR (Brazil) in 2001;

5. Decides to adopt as a solemn tribute to its deceased Chairman, the text of the funeral oration delivered by the Secretary-General on 29 July 2000 and which is attached to this resolution;

Considering the proposal to amend paragraph 4 of the Financing Rules attached to the Statutes and Financial Regulations 4(2) and 14(3) in order to establish the euro as the Organization's accounting and budgetary currency, as well as for the payment of Members' contributions, which the Council approved in decision 10(LXIII-LXIV),

Considering that as from 2002 the bulk of WTO's expenditure may be incurred in euros in satisfactory conditions,

Having regard to the advantages for both the Members and the Secretariat of adopting the euro as the Organization's sole currency of account and payment,

6. Decides to adopt by the required majority, that is to say, two-thirds of the Full Members present and voting, the following texts for paragraph 4 of the Financing Rules and Financial Regulations 4(2) and 14(3):

Financing Rules attached to the Statutes

"4. The budget shall be formulated in euros. The currency used for the payment of contributions shall be the euro or any other currency or combination of currencies stipulated by the Assembly. This shall not preclude acceptance by the Secretary-General, to the extent authorized by the Assembly, of other currencies in payment of Members' contributions."

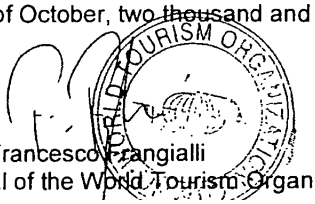
Financial Regulations

"4.2. The programme budget shall be expressed in euros."

"14.3. The accounts of the Organization shall be drawn up in euros. The composition of the liquid assets shall be indicated by the currencies in which they are held. The account books shall show liquid assets held in currencies other than the euro. The Secretary-General shall include in the statements of accounts the information on currency collection and utilization and the parity of currencies with the euro. Accounts and accounting records may, however, be kept in other currencies when deemed necessary by the Secretary-General, provided that this entails no extra cost to the Organization's Members."

7. Also decides, exceptionally, that the new paragraph 4 of the Financing Rules shall apply immediately, on a provisional basis, pending its entry into force in accordance with paragraph 3 of Article 33 of the Statutes.

Done at Madrid, on the third day of October, two thousand and seven.



Francesco Frangialli
Secretary-General of the World Tourism Organization

[FRENCH TEXT – TEXTE FRANÇAIS]

Résolution A/RES/422(XIV) adoptée par l'Assemblée générale de l'Organisation mondiale du tourisme à sa quatorzième session

Séoul (République de Corée) / Osaka (Japon), 24-29 septembre 2001

A/RES/422(XIV)

Rapport du Conseil exécutif à l'Assemblée générale

Point 7 de l'ordre du jour
(document A/14/7 rev.)

L'Assemblée générale,

Ayant examiné le rapport du Conseil exécutif soumis par son Président en exercice, conformément aux articles 19 a) et 20 des Statuts,

1. Prend note avec intérêt des informations présentées concernant les activités du Conseil et, en particulier, les résultats de ses soixante-deuxième, soixante-troisième, soixante-quatrième, soixante-cinquième et soixante-sixième sessions ordinaires, ainsi que de sa première session extraordinaire tenue en janvier 2000 ;

2. Remercie le Conseil pour son travail assidu depuis la dernière session de l'Assemblée ;

3. Souscrit à l'idée du Président du Conseil d'instituer des prix de l'OMT ;

4. Rend hommage à l'énergie, au dévouement et à la sagesse dont ont fait preuve son Président, S.E. feu M. Dharmasiri Senanayake, Ministre du tourisme et de l'aviation civile de Sri Lanka, en 2000 et ses successeurs, S.E. M. Lakshman Kiriella, Ministre du tourisme et des sports de Sri Lanka, et M. Caio Luiz de Carvalho, Président d'EMBRATUR (Brésil), en 2001 ;

5. Décide d'adopter, en guise d'hommage solennel à feu son Président, le texte, annexé à la présente résolution, du discours que le Secrétaire général a prononcé le 29 juillet 2000 à l'occasion de ses obsèques ;

Vu la proposition de modification du paragraphe 4 des Règles de financement annexées aux Statuts et des articles 4.2 et 14.3 du Règlement financier pour faire de l'euro la monnaie de compte, la devise budgétaire et la monnaie de règlement des contributions des Membres de l'Organisation, adoptée par le Conseil exécutif dans sa décision 10(LXIII-LXIV),

Considérant qu'à partir de l'année 2002, l'essentiel des dépenses de l'OMT pourront être effectuées en euros dans des conditions satisfaisantes,

Considérant la série d'avantages que représenterait, tant pour les Membres que pour le Secrétariat, l'adoption de l'euro comme monnaie unique de compte et de paiment de l'Organisation,

6. Décide d'adopter à la majorité requise, c'est-à-dire à la majorité des deux tiers des Membres effectifs présents et votants, les textes suivants pour le paragraphe 4 des Règles de financement annexées aux Statuts et pour les articles 4.2 et 14.3 du Règlement financier :

Règles de financement annexées aux Statuts

« 4. Le budget est formulé en euros. La monnaie de paiement des contributions des Membres est l'euro ou toute autre monnaie ou combinaison de monnaies stipulée par l'Assemblée. Toutefois, le Secrétaire général peut accepter d'autres monnaies pour le paiement des contributions des Membres jusqu'à concurrence du montant autorisé par l'Assemblée. »

Règlement financier

« 4.2. Le budget-programme est établi en euros. »

« 14.3. Les comptes de l'Organisation sont établis en euros. La composition des liquidités est indiquée selon les devises en comptes. Les écritures aux livres comptables indiquent les avoirs liquides libellés en une monnaie autre que l'euro. Le Secrétaire général porte aux relevés de comptes des précisions sur l'obtention et l'utilisation des devises et sur leur parité par rapport à l'euro. Toutefois, lorsque le Secrétaire général le juge nécessaire, il peut être tenu des comptes et des registres de comptabilité dans d'autres monnaies, à condition qu'il n'en résulte pas une charge supplémentaire pour les Membres de l'Organisation. »

7. Décide en outre, exceptionnellement, que les dispositions du nouveau paragraphe 4 des Règles de financement s'appliquent immédiatement, à titre provisoire, jusqu'à leur entrée en vigueur conformément à l'article 33, paragraphe 3, des Statuts.

Fait à Madrid, le trois octobre deux mille sept.

ORGANISATION MONDIALE DU TOURISME

Francesco Frangialli
Secrétaire général de l'Organisation mondiale du tourisme

[SPANISH TEXT – TEXTE ESPAGNOL]

Resolución A/RES/422(XIV) adoptada por la Asamblea General de la Organización Mundial del Turismo en su decimocuarta reunión

Seúl (República de Corea) / Osaka (Japón), 24-29 de septiembre de 2001

A/RES/422(XIV)

Informe del Consejo Ejecutivo a la Asamblea General

Punto 7 del orden del día
(Documento A/14/7 rev.)

La Asamblea General,

Visto el informe del Consejo Ejecutivo, presentado por su actual Presidente de conformidad con los artículos 19 a) y 20 de los Estatutos,

1. Toma nota con interés de la información facilitada sobre las actividades del Consejo y, en particular, sobre las conclusiones de sus 62ª, 63ª, 64ª, 65ª y 66ª reuniones ordinarias, así como de su primera reunión extraordinaria, celebrada en enero de 2000,

2. Da las gracias al Consejo por el diligente trabajo efectuado desde la última reunión de la Asamblea,

3. Hace suya la propuesta del Presidente del Consejo Ejecutivo de crear unos premios de la OMT,

4. Rinde homenaje a la energía, a la dedicación y a la sabiduría demostradas a lo largo del año 2000 por su difunto Presidente, el Excmo. Sr. Dharmasiri Senanayake, Ministro de Turismo y Aviación Civil de Sri Lanka y por sus sucesores, el Excmo. Sr. Lakshman Kiriella, Ministro de Turismo y Deporte de Sri Lanka, y el Sr. Caio Luiz de Carvalho, Presidente de Embratur (Brasil), en el año 2001, y

5. Decide adoptar como solemne homenaje a su Presidente fallecido el texto de la oración fúnebre que pronunció el Secretario General el 29 de julio de 2000 y que se adjunta a la presente resolución;

Vista la propuesta de modificación del párrafo 4 de las Reglas de Financiación anexas a los Estatutos y de los artículos 4.2 y 14.3 del Reglamento Financiero, encaminada a establecer el euro como moneda contable, presupuestaria y de pago de las contribuciones de los Miembros de la Organización, que adoptó el Consejo Ejecutivo en su decisión 10 (LXIII-LXIV),

Considerando que, a partir del año 2002, la mayor parte de los gastos de la OMT podrá efectuarse en euros en condiciones satisfactorias,

Considerando la serie de ventajas que presentaría, tanto para los Miembros como para la Secretaría, la adopción del euro como moneda única de cuenta y de pago de la Organización,

6. Decide adoptar, por la mayoría requerida de dos tercios de los Miembros Efectivos presentes y votantes, los siguientes textos para el párrafo 4 de las Reglas de Financiación anexas a los Estatutos y para los artículos 4.2 y 14.3 del Reglamento Financiero:

Reglas de Financiación anexas a los Estatutos

"4. El presupuesto se formulará en euros. La moneda de pago de las contribuciones de los Miembros será el euro, o cualquier otra moneda o combinación de monedas que estipule la Asamblea. Sin embargo, el Secretario General podrá aceptar otras monedas para el pago de las contribuciones de los Miembros hasta el total que autorice la Asamblea."

Reglamento Financiero

"4.2. El presupuesto-programa se establecerá en euros."

"14.3. Las cuentas de la Organización se establecerán en euros. La composición de las disponibilidades se indicará según las divisas en que se tengan en las cuentas. Los asientos contables indicarán los haberes líquidos en divisas distintas al euro. El Secretario General incluirá en los estados de cuentas precisiones sobre la obtención y utilización de las divisas y sobre su paridad con el euro. Sin embargo, cuando el Secretario General lo considere necesario, se podrán llevar cuentas y registros contables en otras monedas, a condición de que no supongan ningún coste adicional para los Miembros de la Organización.", y

7. Decide asimismo, con carácter excepcional, que las disposiciones del nuevo párrafo 4 de las Reglas de Financiación se apliquen de inmediato, con carácter provisional hasta su entrada en vigor conforme al artículo 33.3, de los Estatutos.

Hecho en Madrid, a tres de octubre de dos mil siete.

Francesco Frangialli
Secretario General de la Organización Mundial del Turismo

No. 14583. Multilateral

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT. RAMSAR, 2 FEBRUARY 1971 [*United Nations, Treaty Series, vol. 996, I-14583.*]

ACCESSION TO THE ABOVE-MENTIONED CONVENTION, AS AMENDED ON 3 DECEMBER 1982 AND ON 28 MAY 1987

South Sudan

Deposit of instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization: 10 June 2013

Date of effect: 10 October 2013

Registration with the Secretariat of the United Nations: United Nations Educational, Scientific and Cultural Organization, 26 June 2013

Nº 14583. Multilatéral

CONVENTION RELATIVE AUX ZONES HUMIDES D'IMPORTANCE INTERNATIONALE PARTICULIÈREMENT COMME HABITATS DES OISEAUX D'EAU. RAMSAR, 2 FÉVRIER 1971 [*Nations Unies, Recueil des Traités, vol. 996, I-14583.*]

ADHÉSION À LA CONVENTION SUSMENTIONNÉE, TELLE QUE MODIFIÉE LE 3 DÉCEMBRE 1982 ET LE 28 MAI 1987

Soudan du Sud

Dépôt de l'instrument auprès du Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture : 10 juin 2013

Date de prise d'effet : 10 octobre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Organisation des Nations Unies pour l'éducation, la science et la culture, 26 juin 2013

No. 15811. United Kingdom of Great Britain and Northern Ireland and United States of America

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA. LONDON, 8 JUNE 1972 [*United Nations, Treaty Series, vol. 1049, I-15811.*]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT EXTENDING TO CERTAIN TERRITORIES THE ABOVE-MENTIONED EXTRADITION TREATY. WASHINGTON, 21 OCTOBER 1976 (WITH ANNEX). WASHINGTON, 21 OCTOBER 1976 [*United Nations, Treaty Series, vol. 1049, A-15811.*]

Termination in the relations between the United States and Belize in accordance with:

50893. Extradition Treaty between the Government of the United States of America and the Government of Belize (with schedule). Belize City, 30 March 2000 [*United Nations, Treaty Series, vol. 2924, I-50893.*]

Entry into force: 27 March 2001

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 15811. Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et États-Unis d'Amérique

TRAITÉ D'EXTRADITION ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE. LONDRES, 8 JUIN 1972 [*Nations Unies, Recueil des Traités, vol. 1049, I-15811.*]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD ÉTENDANT LA PORTÉE TERRITORIALE DU TRAITÉ D'EXTRADITION SUSMENTIONNÉ. WASHINGTON, 21 OCTOBRE 1976 (AVEC ANNEXE). WASHINGTON, 21 OCTOBRE 1976 [*Nations Unies, Recueil des Traités, vol. 1049, A-15811.*]

Abrogation dans les rapports entre les États-Unis d'Amérique et Belize conformément à :

50893. Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Belize (avec liste). Belize, 30 mars 2000 [*Nations Unies, Recueil des Traités, vol. 2924, I-50893.*]

Entrée en vigueur : 27 mars 2001

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 16561. United States of America and Mexico

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES REGARDING MUTUAL ASSISTANCE BETWEEN THEIR CUSTOMS SERVICES. MEXICO CITY, 30 SEPTEMBER 1976 [*United Nations, Treaty Series, vol. 1082, I-16561.*]

Termination in accordance with:

50903. Agreement between the Government of the United States of America and the Government of the United Mexican States regarding mutual assistance between their customs administrations. Washington, 20 June 2000 [*United Nations, Treaty Series, vol. 2924, I-50903.*]

Entry into force: 20 June 2000

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 16561. États-Unis d'Amérique et Mexique

ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LES ÉTATS-UNIS DU MEXIQUE RELATIF À L'ASSISTANCE MUTUELLE ENTRE LEURS SERVICES DOUANIERS. MEXICO, 30 SEPTEMBRE 1976 [*Nations Unies, Recueil des Traités, vol. 1082, I-16561.*]

Abrogation conformément à :

50903. Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement des États-Unis du Mexique concernant l'assistance mutuelle entre leurs administrations douanières. Washington, 20 juin 2000 [*Nations Unies, Recueil des Traités, vol. 2924, I-50903.*]

Entrée en vigueur : 20 juin 2000

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 20696. Sweden and Turkey

CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE REPUBLIC OF TURKEY. STOCKHOLM, 30 JUNE 1978 [*United Nations, Treaty Series, vol. 1260, I-20696.*]

SUPPLEMENTARY CONVENTION TO AMEND THE CONVENTION ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF TURKEY AND THE KINGDOM OF SWEDEN. STOCKHOLM, 26 AUGUST 2004

Entry into force: 1 August 2012, in accordance with article 12

Authentic texts: English, Swedish and Turkish

Registration with the Secretariat of the United Nations: Turkey, 1 June 2013

Nº 20696. Suède et Turquie

CONVENTION ENTRE LA RÉPUBLIQUE TURQUE ET LE ROYAUME DE SUÈDE EN MATIÈRE DE SÉCURITÉ SOCIALE. STOCKHOLM, 30 JUIN 1978 [*Nations Unies, Recueil des Traités, vol. 1260, I-20696.*]

CONVENTION SUPPLÉMENTAIRE MODIFIANT LA CONVENTION ENTRE LA RÉPUBLIQUE TURQUE ET LE ROYAUME DE SUÈDE EN MATIÈRE DE SÉCURITÉ SOCIALE SIGNÉE LE 30 JUIN 1978. STOCKHOLM, 26 AOÛT 2004

Entrée en vigueur : 1er août 2012, conformément à l'article 12

Textes authentiques : anglais, suédois et turc

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Turquie, 1er juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

SUPPLEMENTARY CONVENTION TO AMEND THE CONVENTION ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF TURKEY AND THE KINGDOM OF SWEDEN SIGNED ON 30 JUNE 1978

The Government of the Republic of Turkey and the Government of the Kingdom of Sweden,

having established reciprocity in the field of social security by means of the Convention on Social Security which was signed on their behalf in Stockholm on 30 June 1978, amended by the Supplementary Agreement of 3 June 1997, hereinafter referred to as the "Convention";

taking into account changes in their respective social security legislation;

have agreed on the following amendments to the Convention:

Article 1

In Article 1, paragraph 1.9 of the Convention, the words "or pensions rights" shall be added immediately after "pension points" and the words "supplementary pension" shall be replaced with "income-based old-age pension".

Article 2

Article 2, paragraph 1 of the Convention shall be revised to read as follows:

"This Convention shall apply

A. In relation to Turkey to;

1) the Social Insurance Act covering the contract workers and Social Insurance Act for the Contract Agricultural Workers (invalidity, old age, survivors', industrial injuries and occupational diseases, sickness and maternity);

2) the Act on the Pension Fund of the Republic of Turkey covering the pension rights of civil servants (invalidity, old age and survivors');

3) the Social Insurance Institution Act for Tradesmen, Artisans and Other Self-Employed and the Act on Social Insurance for Persons Working on Their Own Behalf in the Field of Agriculture (invalidity, old age and survivors');

4) the legislation relating to pension funds as stipulated in the provisional Article 20 of Social Insurance Act No. 506 (invalidity, old age, survivors', industrial injuries, and occupational diseases, sickness and maternity);

5) the Unemployment Insurance Act applied in respect of insured employees working under the contract of service.

B. in relation to Sweden, to the legislation on

(a) health insurance and parental insurance;

(b) guaranteed pensions and income-based old-age pensions;

(c) sickness compensation and activity compensation;

(d) survivor's pensions and surviving children's allowance;

(e) general children's allowances;

(f) industrial injury insurance;

(g) unemployment insurance."

Article 3

Article 13, paragraph 2 of the Convention shall be revised to read as follows:

"2. Providing health care in Turkey for the said family members residing in Turkey, is subject to the payment of contribution to the Turkish Insurance Scheme."

Article 4

Article 14, paragraph 2 of the Convention shall be revised to read as follows:

"2. Providing health care for the persons residing in Turkey and receiving Swedish pension only is subject to the payment of contribution to the Turkish Insurance Scheme."

Article 5

Article 15 of the Convention shall be amended as follows:

a. In paragraph 1, the words "a supplementary pension and a basic pension based on periods of gainful activity" shall be replaced with "income-based old-age pension in form of supplementary pension".

b. In paragraph 2, the phrase "for which pension points under the supplementary pension scheme has been calculated, or as a year before 1960 for which the insured person has had a taxable income payable to the state" shall be replaced with "according to the Swedish legislation".

c. Paragraph 3 shall be revised to read as follows:

"3. When calculating the amount of the income-based old-age pension in the form of supplementary pension to be paid, only periods of insurance completed under the Swedish legislation, shall be taken into account."

d. Paragraph 4 shall be revised to read as follows:

"4. When determining the right to sickness or activity compensation, coverage under Turkish legislation shall be considered the same as coverage under Swedish legislation.

When calculating the amount of income-related sickness compensation and activity compensation, only income earned during periods when Swedish legislation was applicable shall be taken into account."

Article 6

Article 16 of the Convention shall be revised to read as follows:

"Article 5 shall not apply to the following benefits: guaranteed pensions, sickness or activity compensation in the form of guaranteed compensation and surviving children's allowance."

Article 7

Article 20 of the Convention shall be revised to read as follows:

"1. Where a person has had periods of insurance in accordance with the legislation of both the Contracting Parties, the periods shall be added together for the acquisition of the right to benefits under Turkish legislation, insofar as they do not coincide.

2. Where the contribution period under Turkish legislation is less than 360 days or 12 months, the provisions of paragraph 1 shall not apply."

Article 8

Article 22, paragraph 2 of the Convention shall be revised to read as follows:

"Periods of insurance under the Swedish insurance scheme for benefits according to Article 2 1. B. b) in this Convention are to be regarded as periods of insurance completed in accordance with the Swedish legislation."

Article 9

Article 23 of the Convention shall read as follows:

"If according to Turkish legislation right to benefits exists without any regard being had to article 20, the competent Turkish insurance institution shall calculate the amount of the benefit to be paid with reference only to the insurance periods completed under its own legislation."

Article 10

Article 24 of the Convention shall be deleted.

Article 11

The Final Protocol to the Convention between the Republic of Turkey and the Kingdom of Sweden on Social Security signed 30 June 1978 at Stockholm shall be abolished.

Article 12

a. This Supplementary Convention shall enter into force on the first day of the third month following the month in which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Supplementary Convention.

b. The application of this Supplementary Convention shall not result in any reduction in the amount of a benefit to which entitlement was established prior to its entry into force.

c. The Convention and the Supplementary Agreement as in force prior to the entry into force of this Supplementary Convention shall continue to apply in regard to rights to benefits which can be established through the application of the Convention and the Supplementary Agreement as in force prior to the entry into force of this Supplementary Convention.

d. This Supplementary Convention shall remain in force for the same period as the Convention and the Supplementary Agreement.

IN WITNESS WHEREOF, the undersigned have signed this Supplementary Convention.

Done at Stockholm on 26 August 2004 in duplicate, each in the Turkish, Swedish, and English languages, each version being equally authentic. In case of differences of interpretation, the English version shall prevail.

For the Government
of the Republic of Turkey

Enis YETER
Governor
Undersecretary of the Ministry of
Labour and Social Security

For the Government
of the Kingdom of Sweden

Berit ANDNOR
Minister for Children
and Families

[SWEDISH TEXT – TEXTE SUÉDOIS]

TILLÄGGSKONVENTION SOM ÄNDRAR KONVENTIONEN OM SOCIAL TRYGGHET MELLAN REPUBLIKEN TURKIET OCH KONUNGARIKET SVERIGE AV DEN 30 JUNI 1978

Republiken Turkiets regering och Konungariket Sveriges regering,

som har infört ömsesidighet på den sociala trygghetens område genom den konvention (nedan kallad "konventionen") som undertecknades för dem i Stockholm den 30 juni 1978 och ändrades genom tilläggsöverenskommelsen av den 3 juni 1997,

som beaktar de förändringar som gjorts i ländernas respektive lagstiftning om social trygghet,

har kommit överens om följande ändringar i konventionen.

Artikel 1

I artikel 1 punkt 1.9 i konventionen skall omedelbart efter ordet "pensionspoäng" insättas orden "eller pensionsrätt", och ordet "tilläggspension" skall ersättas med orden "inkomstgrundad ålderspension".

Artikel 2

Artikel 2.1 i konventionen skall ha följande ändrade lydelse:

"1. Bestämmelserna i denna konvention skall tillämpas på

A. I Turkiet

1) Socialförsäkringslagen som omfattar arbetare med kontrakt, och socialförsäkringslagen för jordbruksarbetare med kontrakt (invaliditet, ålderdom, dödsfall arbetsskador, arbetssjukdomar sjukdom och moderskap).

2) Lagen om Republiken Turkiets pensionsfonder, som omfattar de offentliganställdas pensionsrätt (invaliditet, ålderdom och dödsfall).

3) Lagen om socialförsäkring för affärsidkare, hantverkare och andra egenföretagare och lagen om socialförsäkring för egenföretagare inom jordbruket (invaliditet, ålderdom och dödsfall).

4) Lagstiftningen om pensionsfonder enligt den provisoriska artikel 20 i socialförsäkringslagen nr 506 (invaliditet, ålderdom, dödsfall, arbetsskador och arbetssjukdomar, sjukdom och moderskap).

5) Lagen om arbetslöshetsförsäkring tillämpad på försäkrade arbetstagare som arbetar enligt tjänstekontrakt.

B. I Sverige

lagstiftningen om

a) sjukförsäkring och föräldraförsäkring,

b) garantipensioner och inkomstgrundade ålderspensioner,

c) sjukersättning och aktivitetsersättning,

d) efterlevandepensioner och efterlevandestöd till barn,

e) allmänna barnbidrag,

f) arbetsskadeförsäkring,

g) arbetslöshetsförsäkring."

Artikel 3

Artikel 13.2 i konventionen skall ha följande ändrade lydelse:

"2. För att nämnda familjemedlemmar som är bosatta i Turkiet skall få åtnjuta sjukvård i Turkiet fordras att avgifter betalas till det turkiska försäkringssystemet."

Artikel 4

Artikel 14.2 i konventionen skall ha följande ändrade lydelse:

"2. För att personer som är bosatta i Turkiet och endast uppbär svensk pension skall få åtnjuta sjukvård fordras att avgifter betalas till det turkiska försäkringssystemet."

Artikel 5

Artikel 15 i konventionen skall ändras på följande sätt:

a) I punkt 1 skall orden "tilläggspension och sådan folkpension som beräknas på grundval av perioder av förvärvsverksamhet" ersättas med orden "inkomstgrundad ålderspension i form av tilläggspension".

b) I punkt 2 skall orden "för vilket pensionspoäng tillgodoräknats enligt försäkringen för tilläggspension eller med ett år före år 1960 för vilket till statlig inkomstskatt taxerad inkomst beräknats" ersättas med orden "enligt den svenska lagstiftningen".

c) Punkt 3 skall ha följande ändrade lydelse:

"3. Vid beräkning av inkomstgrundad ålderspension i form av tilläggspension skall endast försäkringsperioder enligt svensk lagstiftning beaktas."

d) Punkt 4 skall ha följande ändrade lydelse:

"Vid fastställande av rätten till sjukersättning eller aktivitetsersättning skall försäkring enligt den turkiska lagstiftningen anses vara densamma som försäkring enligt den svenska lagstiftningen.

Vid beräkningen av inkomstrelaterad sjukersättning och aktivitetsersättning skall endast inkomst som intjänats under perioder då svensk lagstiftning var tillämplig beaktas."

Artikel 6

Artikel 16 i konventionen skall ha följande ändrade lydelse:

"Artikel 5 skall inte gälla för följande förmåner: garantipensioner, sjukersättning eller aktivitetsersättning i form av garantiersättning och efterlevandestöd till barn."

Artikel 7

Artikel 20 i konventionen skall ha följande ändrade lydelse:

"1. Har någon haft försäkringsperioder enligt båda de fördragsslutande parternas lagstiftningar, skall perioderna för förvärv av rätt till förmåner enligt den turkiska lagstiftningen sammanräknas i den mån de inte sammanfaller.

2. Om avgiftsperioden enligt den turkiska lagstiftningen är kortare än 360 dagar eller tolv månader, skall bestämmelserna i punkt 1 inte gälla."

Artikel 8

Artikel 22.2 i konventionen skall ha följande ändrade lydelse:

"Försäkringsperioder enligt det svenska försäkringssystemet för förmåner enligt artikel 2.1 B b i denna konvention skall betraktas som försäkringsperioder som har fullgjorts i enlighet med den svenska lagstiftningen."

Artikel 9

Artikel 23 i konventionen skall ha följande lydelse:

"Föreligger det enligt den turkiska lagstiftningen rätt till förmåner utan beaktande av artikel 20, skall det behöriga turkiska försäkringsorganet beräkna den förmån som skall utbetalas med hänsyn endast till de försäkringsperioder som har fullgjorts enligt dess egen lagstiftning."

Artikel 10

Artikel 24 i konventionen skall upphöra att gälla.

Artikel 11

Konventionens slutprotokoll utgår.

Artikel 12

a) Denna tilläggskonvention träder i kraft den första dagen i den tredje månaden efter den månad då regeringarna från varandra har mottagit skriftligt meddelande om att alla de konstitutionella formaliteterna för denna tilläggskonventions ikraftträdande har uppfyllts.

b) Tillämpningen av denna tilläggskonvention skall inte föranleda minskning av förmånsbelopp som en person har beviljats före ikraftträdandet.

c) Konventionen och tilläggsöverenskommelsen enligt deras lydelser före denna tilläggskonventions ikraftträdande skall fortsätta att gälla med avseende på rätt till förmåner som kan fastställas genom tillämpning av konventionen och tilläggsöverenskommelsen i deras lydelser före denna tilläggskonventions ikraftträdande.

d) Denna tilläggskonvention skall förbli i kraft under samma tid som konventionen och tilläggsöverenskommelsen.

Till bekräftelse härav har de undertecknade undertecknat denna tilläggskonvention.

Upprättad i Stockholm den 26 augusti 2004 i två exemplar på turkiska, svenska och engelska språken, vilka alla tre texter är lika giltiga. I händelse av skiljaktigheter i fråga om tolkningen, skall den engelska texten ha företräde.

För Republiken Turkiets regering:

Enis YETER
Guvernör
Statssekreterare för departementet för arbetsmarknad och social trygghet

FörKonungariket Sveriges regering:

Berit ANDNOR
Barn- och familjeminister

[TURKISH TEXT – TEXTE TURC]

TÜRKİYE CUMHURİYETİ
İLE
İSVEÇ KRALLIĞI
ARASINDA 30 HAZİRAN 1978
TARİHİNDE İMZALANAN SOSYAL GÜVENLİK
SÖZLEŞMESİNİ DEĞİŞTİREN
EK SÖZLEŞME

Türkiye Cumhuriyeti Hükümeti ve İsveç Krallığı Hükümeti, 30 Haziran 1978 tarihinde Stokholm'de imzalanmış olup, 3 Haziran 1997 tarihli Ek Anlaşma ile değiştirilen Sosyal Güvenlik Sözleşmesi ile; ki bundan böyle "Sözleşme" olarak anılacaktır, sosyal güvenlik alanında karşılıklı ilişki kurmak suretiyle;

İlgili sosyal güvenlik mevzuatlarındaki değişiklikleri dikkate alarak;

Sözleşme'de aşağıdaki değişikliklerin yapılması konusunda anlaşmaya varmışlardır:

Madde 1

Sözleşme'nin 1inci maddesinin 9 uncu fıkrasında "aylık puanlarının" kelimelerinden hemen sonra gelmek üzere, "veya aylık haklarının" kelimeleri eklenmiş ve "munzam aylık" kelimeleri çıkartılmış, yerine "kazanca bağlı yaşlılık aylığı" ibaresi konmuştur.

Madde 2

Sözleşme'nin 2nci maddesinin 1inci fıkrası aşağıdaki şekilde yeniden düzenlenmiştir:

"1. Bu Sözleşme,

A. Türkiye bakımından;

1) İşçileri kapsayan Sosyal Sigortalar Kanunu ile Tarım İşçileri Sosyal Sigortalar Kanunu'na (malullük, yaşlılık, ölüm, işkazaları ile meslek hastalıkları, hastalık ve analık),

2) Devlet memurlarının emeklilik haklarını düzenleyen Türkiye Cumhuriyeti Emekli Sandığı Kanunu'na (malullük, yaşlılık ve ölüm),

3) Esnaf ve Sanatkarlar ve Diğer Bağımsız Çalışanlar Sosyal Sigortalar Kurumu Kanunu ile Tarımda Kendi Adına ve Hesabına Çalışanlar Sosyal Sigortalar Kanunu'na (malullük, yaşlılık ve ölüm),

4) 506 sayılı Sosyal Sigortalar Kanunu'nun Geçici 20 nci maddesine tabi olan sandıklarla ilgili mevzuata (malullük, yaşlılık, ölüm, işkazaları ve meslek hastalıkları, hastalık ve analık),

5) Hizmet akdine tabi olarak çalışan sigortalılar açısından uygulanan İşsizlik Sigortası Kanunu'na,

B. İsveç bakımından ;

(a) Sağlık sigortası ve ana-baba sigortası,

(b) Garanti edilmiş aylık ve kazanca bağlı yaşlılık aylığı,

(c) Hastalık tazminatı ve faaliyet tazminatı,

(d) Ölüm (geride kalanlar) aylıkları ve yetim (geride kalan çocuk) ödeneği,

(e) Genel çocuk ödenekleri,

(f) İşkazaları sigortası,

(g) İşsizlik sigortası,

konularını kapsayan mevzuata,

uygulanır."

Madde 3

Sözleşme'nin 13 üncü maddesinin 2 nci fıkrası aşağıdaki şekilde değiştirilmiştir.

"2. Türkiye'de ikamet eden söz konusu aile fertlerine Türkiye'de sağlık yardımlarının sağlanması, Türk sigorta planına prim ödenmesine bağlıdır."

Madde 4

Sözleşme'nin 14 üncü maddesinin 2 nci fıkrası aşağıdaki şekilde değiştirilmiştir.

"2. Türkiye'de ikamet eden ve sadece İsveç'ten aylık alan kimselere sağlık yardımlarının sağlanması Türk sigorta planına prim ödenmesine bağlıdır."

Madde 5

Sözleşme'nin 15 inci maddesi aşağıdaki şekilde değiştirilmiştir.

a. 1 inci fıkrada, "Kazanç karşılığı çalışma sürelerine dayanan munzam aylığa" ibaresi çıkartılmış ve yerine "Ek aylık şeklindeki kazanca bağlı yaşlılık aylığına" ibaresi konmuştur.

b. 2 nci fıkrada, "ek aylık sistemine göre aylık puanlarının hesaplandığı bir yıl olarak veya 1960 yılından önce sigortalı kişinin devlete ödenebilir bir vergilendirilebilir kazancı olduğu" ibaresi çıkartılmış ve yerine "İsveç mevzuatına göre" ibaresi konmuştur.

c. 3 üncü fıkra aşağıdaki gibi yeniden düzenlenmiştir.

"3. Ek aylık şeklindeki kazanca bağlı yaşlılık aylığının tutarı hesaplanırken, yalnızca İsveç aylık mevzuatı uyarınca tamamlanmış sigorta süreleri dikkate alınır.

d. 4 üncü fıkra aşağıdaki şekilde yeniden düzenlenmiştir.

"4. Hastalık ve faaliyet tazminatı hakkı tespit edilirken, Türk mevzuatı kapsamına girenler, İsveç mevzuatına göre kapsama girmiş olarak hesaba katılır.

Kazanca bağlı hastalık tazminatının ve faaliyet tazminatının tutarı hesaplanırken, sadece İsveç mevzuatının uygulanabilir olduğu sürelerde elde edilen kazanç dikkate alınır."

Madde 6

Sözleşme'nin 16 ncı maddesi aşağıdaki şekilde değiştirilmiştir.

"Madde 5 aşağıdaki yardımlar için uygulanmaz.

Garanti edilmiş aylıklar, garanti edilmiş tazminat şeklindeki hastalık veya faaliyet tazminatı, yetim ödeneği."

Madde 7

Sözleşme'nin 20 nci maddesi aşağıdaki şekilde değiştirilmiştir.

"1. Sigorta sürelerinin her iki Akit Taraf mevzuatına göre geçirilmiş olması halinde, Türk mevzuatına göre yardım hakkının kazanılması bakımından, sigortalılık süreleri aynı zamana rastlamamak kaydı ile birleştirilir.

2. Türk mevzuatına tabi olarak geçen prim ödeme süresi 360 gün veya 12 aydan az olduğu takdirde birinci fıkra hükmü uygulanmaz"

Madde 8

Sözleşme'nin 22 nci maddesinin 2 nci fıkrası aşağıdaki şekilde yeniden düzenlenmiştir.

"2. İsveç sigorta planına göre, bu Sözleşme'nin 2 1/B-b maddesinde belirtilen yardımlar için geçen sigortalılık süresi, İsveç mevzuatına göre tamamlanmış sigortalılık süresi olarak hesaba katılır."

Madde 9

Sözleşme'nin 23 üncü maddesi aşağıdaki şekilde değiştirilmiştir.

"Şayet Türk mevzuatına göre, yardımlardan yararlanma hakkı 20nci madde hükmü uygulanmaksızın kazanılıyorsa, yetkili Türk sigorta kurumu ödemesi gereken yardım miktarını yalnız kendi mevzuatına göre geçen sigortalılık sürelerini dikkate alarak belirler."

Madde 10

Sözleşme'nin 24 üncü maddesi kaldırılmıştır.

Madde 11

Türkiye Cumhuriyeti ile İsveç Krallığı arasında akdolunan Sosyal Güvenlik Sözleşmesi'ne ilişkin olup, 30.06.1978 tarihinde imzalanan Protokol yürürlükten kaldırılmıştır.

Madde 12

a. Bu Ek Sözleşme, her bir Hükümet'in, bu Ek Sözleşme'nin yürürlüğe girmesi için bütün yasal ve Anayasal gerekliliklerin yerine getirildiğini belirten yazılı bildirimi diğer Hükümet'ten aldığı ayı izleyen üçüncü ayın birinci günü yürürlüğe girer.

b. Bu Ek Sözleşme'nin uygulanması, yürürlüğe girmesinden önce hak kazanılmış olan bir yardımın tutarında herhangi bir indirim yapılması sonucunu doğurmaz.

c. Bu Ek Sözleşme'nin yürürlüğe girmesinden önce yürürlükte olan Sözleşme ve Ek Anlaşma, bu Ek Sözleşme'nin yürürlüğe girmesinden önce yürürlükte olan Sözleşme nin ve Ek Anlaşma'nın uygulanması ile kazanılması mümkün olabilen yardım hakları yönünden uygulanmaya devam olunur.

d. Bu Ek Sözleşme, Sözleşme ve Ek Anlaşma ile aynı sürece yürürlükte kalır.

Bu Ek Sözleşme, Türkçe, İsveççe ve İngilizce olarak ve her üç dil aynı ölçüde geçerli olmak üzere iki nüsha olarak hazırlanmış ve 26 Ağustos 2004 tarihinde Stokholm'de aşağıda belirtilenlerce imzalanmıştır. Her iki dilde yorum farklılığı olması durumunda İngilizce metin esas alınacaktır.

Türkiye Cumhuriyeti
Hükümeti Adına

Enis YETER
Vali
Çalışma ve Sosyal Güvenlik
Bakanlığı Müsteşarı

İsveç Krallığı
Hükümeti Adına

Berit ANDNOR
Çocuk ve Aile
Bakanı

[TRANSLATION – TRADUCTION]

CONVENTION SUPPLÉMENTAIRE MODIFIANT LA CONVENTION ENTRE LA RÉPUBLIQUE TURQUE ET LE ROYAUME DE SUÈDE EN MATIÈRE DE SÉCURITÉ SOCIALE SIGNÉE LE 30 JUIN 1978

Le Gouvernement de la République turque et le Gouvernement du Royaume de Suède,

Ayant instauré des relations de réciprocité dans le domaine de la sécurité sociale aux termes de la Convention en matière de sécurité sociale, signée en leur nom à Stockholm le 30 juin 1978 et modifiée par l'Accord supplémentaire du 3 juin 1997, ci-après dénommée la « Convention »,

Tenant compte des changements apportés à leurs législations respectives en matière de sécurité sociale,

Sont convenus d'apporter les modifications suivantes à la Convention :

Article premier

Au paragraphe 9 de l'article premier de la Convention, les mots « ou droits à pension » sont ajoutés immédiatement après « points de pension » et les mots « pension de retraite complémentaire » sont remplacés par les mots « pension de vieillesse sous condition de ressources ».

Article 2

Le paragraphe 1 de l'article 2 de la Convention est remplacé par le texte suivant :

« La présente Convention s'applique :

A. En ce qui concerne la Turquie :

1) À la loi relative à l'assurance sociale, qui couvre les travailleurs contractuels, et la loi relative à l'assurance sociale des travailleurs contractuels du secteur agricole (invalidité, vieillesse, survivants, accidents du travail et maladies professionnelles, maladie et maternité);

2) À la loi relative aux fonds de pension de la République turque, qui régit les droits à pension des fonctionnaires (invalidité, vieillesse et survivants);

3) À la loi relative à l'institution de l'assurance sociale des commerçants, artisans et autres professionnels indépendants et la loi relative à l'assurance sociale des exploitants agricoles indépendants (invalidité, vieillesse et survivants);

4) À la législation relative aux fonds de pension, telle que visée à l'article 20 provisoire de la loi n° 506 relative à l'assurance sociale (invalidité, vieillesse, survivants, accidents du travail et maladies professionnelles, maladie et maternité);

5) À la loi relative à l'assurance chômage applicable aux employés assurés dans le cadre d'un contrat de service.

B. En ce qui concerne la Suède, à la législation concernant :

a) L'assurance maladie et l'assurance parentale;

b) Les pensions garanties et pensions de vieillesse sous condition de ressources;

c) L'indemnisation en cas de maladie et d'interruption d'activité;

d) Les pensions de survivants et les prestations d'enfant survivant;

e) Les allocations générales pour enfants;

f) L'assurance accidents du travail;

g) L'assurance chômage. »

Article 3

Le paragraphe 2 de l'article 13 de la Convention est remplacé par le texte suivant :

« 2. Les soins médicaux dispensés en Turquie auxdits membres de la famille résidant dans ce pays sont assujettis au versement de cotisations au régime d'assurance turc. »

Article 4

Le paragraphe 2 de l'article 14 de la Convention est remplacé par le texte suivant :

« 2. La prestation de soins médicaux aux personnes résidant en Turquie et recevant uniquement une pension suédoise est assujettie au versement de cotisations au régime d'assurance turc. »

Article 5

L'article 15 de la Convention est modifié comme suit :

a. Au paragraphe 1, le membre de phrase « une pension de retraite complémentaire et une pension de base calculée sur des périodes d'activité rémunérée » est remplacé par « une pension de vieillesse sous condition de ressources sous forme de pension de retraite complémentaire ».

b. Au paragraphe 2, le membre de phrase « de calcul de points de pension de retraite complémentaire, ou pour une année avant 1960 au titre de laquelle la personne assurée a disposé d'un revenu imposable pouvant être versé à l'État » est remplacé par « conformément à la législation suédoise ».

c. Le paragraphe 3 est remplacé par le texte suivant :

« 3. Pour le calcul du montant de la pension de vieillesse sous condition de ressources sous forme de pension complémentaire, seules les périodes d'assurances accomplies en vertu de la législation suédoise sont prises en compte. »

d. Le paragraphe 4 est remplacé par le texte suivant :

« 4. Pour déterminer le droit à indemnisation en cas de maladie ou d'interruption d'activité, la couverture en vertu de la législation turque est considérée comme identique à celle prévue dans la législation suédoise.

Pour déterminer le montant de l'indemnisation maladie sous condition de ressources et de l'indemnisation en cas d'interruption d'activité, il est uniquement tenu compte des revenus gagnés durant les périodes au cours desquelles la législation de la Suède était applicable. »

Article 6

L'article 16 de la Convention est remplacé par le texte suivant :

« L'article 5 ne s'applique pas aux prestations suivantes : pensions garanties, indemnisation en cas de maladie ou d'interruption d'activité sous la forme d'un versement garanti et prestations d'enfant survivant. »

Article 7

L'article 20 de la Convention est remplacé par le texte suivant :

« 1. Lorsqu'une personne a cotisé à l'assurance pendant certaines périodes conformément à la législation des deux Parties, ces périodes sont cumulées pour déterminer les droits à prestations au titre de la législation turque, pour autant qu'elles ne coïncident pas.

2. Lorsque la période de cotisation au titre de la législation turque est inférieure à 360 jours ou à 12 mois, les dispositions du paragraphe 1 ne s'appliquent pas. »

Article 8

Le paragraphe 2 de l'article 22 de la Convention est remplacé par le texte suivant :

« Dans le régime d'assurance suédois, les périodes de cotisation prises en compte pour bénéficier des prestations prévues à l'article 21.B.b) de la présente Convention doivent être des périodes de cotisation accomplies conformément à la législation suédoise. »

Article 9

L'article 23 de la Convention est remplacé par le texte suivant :

« Si, d'après la législation turque, il existe un droit à prestations nonobstant les dispositions de l'article 20, l'institution d'assurance compétente turque calcule le montant des prestations à verser en prenant en compte uniquement les périodes de cotisation accomplies conformément à sa propre législation. »

Article 10

L'article 24 de la Convention est supprimé.

Article 11

Le Protocole final à la Convention entre la République turque et le Royaume de Suède en matière de sécurité sociale, signée à Stockholm le 30 juin 1978, est aboli.

Article 12

a. La présente Convention supplémentaire entrera en vigueur le premier jour du troisième mois suivant celui au cours duquel chaque Gouvernement aura reçu de l'autre une notification écrite l'informant qu'il a accompli toutes les formalités réglementaires et constitutionnelles nécessaires à son entrée en vigueur.

b. L'application de la présente Convention supplémentaire n'entraînera aucune réduction du montant d'une prestation pour laquelle le droit a été établi préalablement à son entrée en vigueur.

c. La Convention et l'Accord supplémentaire tels qu'en vigueur avant l'entrée en vigueur de la présente Convention supplémentaire continueront de s'appliquer pour ce qui est des droits à prestations découlant de leurs dispositions.

d. La présente Convention supplémentaire demeurera en vigueur durant la même période que la Convention et l'Accord supplémentaire.

EN FOI DE QUOI, les soussignés ont signé la présente Convention supplémentaire.

FAIT à Stockholm, le 26 août 2004, en double exemplaire, en langues turque, suédoise et anglaise, chaque version faisant également foi. En cas de différence d'interprétation, la version anglaise prévaut.

Pour le Gouvernement de la République turque :

ENIS YETER
Gouverneur
Sous-Secrétaire auprès du Ministre du travail et de la sécurité sociale

Pour le Gouvernement du Royaume de Suède :

BERIT ANDNOR
Ministre de l'enfance et de la famille

SUPPLEMENTARY AGREEMENT TO AMEND THE CONVENTION ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF TURKEY AND THE KINGDOM OF SWEDEN. STOCKHOLM, 3 JUNE 1997

ACCORD SUPPLÉMENTAIRE MODIFIANT LA CONVENTION ENTRE LA RÉPUBLIQUE TURQUE ET LE ROYAUME DE SUÈDE EN MATIÈRE DE SÉCURITÉ SOCIALE, SIGNÉE LE 30 JUIN 1978. STOCKHOLM, 3 JUIN 1997

Entry into force: 1 February 2002, in accordance with article 3

Entrée en vigueur : 1er février 2002, conformément à l'article 3

Authentic texts: English, Swedish and Turkish

Textes authentiques : anglais, suédois et turc

Registration with the Secretariat of the United Nations: Turkey, 25 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Turquie, 25 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

Supplementary agreement to the Convention on Social Security between the Republic of Turkey and the Kingdom of Sweden, signed 30 June 1978.

The Government of the Republic of Turkey and the Government of the Kingdom of Sweden having established reciprocity in the field of social security by means of the Convention which was signed on their behalf at Stockholm on 30 June 1978;
Desiring to extend and modify the scope of that reciprocity and to take account of changes in their legislation;
Have agreed as follows:

Article 1.

1. Article 1.1.3 shall be amended as follows:

The words "Ministry of Social Security and other Ministries concerned" shall be replaced by the words "Ministry of Labour and Social Security and other competent Ministries"

2. Article 2.1.B shall be amended as to include the following:

"f) unemployment insurance and cash labour market assistance"

3. Article 7 shall be replaced by the following:

"Article 7

1. Save as otherwise provided in Articles 8 and 9, a person being gainfully occupied shall be insured according to the legislation of the Contracting Party in whose territory he is so occupied, regardless of his place of residence or that of his employer.
2. Persons who are not gainfully occupied are subject to the legislation of the country in which they reside."

4. Article 8.1 shall be replaced by the following:

"1. Where a person, who is insured under the legislation of one Contracting Party and is employed by an employer in the territory of that Party, is sent by that employer to work in the territory of the other Contracting Party, the legislation of the former Party shall continue to apply to him as if he were employed in the territory of that Contracting Party provided that the employment in the territory of the latter Party is not expected to last for more than twelve months. Where, for unforeseen reasons, his employment in the territory of the latter Contracting Party continues after such a period of twelve months, the legislation of the former Party shall continue to apply to him for a further period of not more than twelve months, provided that the competent authority of the latter Contracting Party agrees thereto before the end of the first period of twelve months."

5. Article 8.4 shall be replaced by the following:

"4. An employee and members of his family accompanying him without being themselves qainfully occupied, shall under the provisions of this Article, be considered resident in the territory of the Contracting Party according to whose legislation they are to be insured."

6. To Article 13 shall be added a third paragraph:

"3. Medical benefits provided under the legislation of one Contracting Party, shall on behalf and expense of that Contracting Party, continue to be given to persons who are granted permission to go to the territory of the other Contracting Party in order to receive medical treatment."

7. Article 15 shall be replaced by the following:

"Article 15

1. For the acquisition of a right to a upplementary pension and a basic pension based or periods of gainful activity, periods of insurance completed under the Turkish pension legislation, shall when necessary be added together with periods completed under the Swedish pension legislation, in so far as they do not coincide.
2. If, under the provisions of paragraph 1, Turkish periods of insurance are taken into account, 360 days completed under that legislation, shall be treated as a year for which pension points under the supplementary pension scheme has been calculated, or as a year before 1960 for which the insured person has had a taxable income payable to the state.
3. When calculating the amount to be paid, only periods of insurance completed under the Swedish pension legislation, shall be taken into account.

4. The transitional provisions of Swedish legislation concerning the computation of supplementary pensions for persons born before 1924 are not affected by this convention."

8. Article 16 shall be replaced by the following:

"Article 16

Only basic pensions calculated on the basis of actual or fictitious periods of gainful activity are paid outside Sweden according to the provisions of Article 5.
Article 5 shall not apply to the following benefits: pension supplement, child care allowance, handicap allowance which is not paid as a supplement to a pension, and income-tested benefits."

9. Article 17 shall be replaced by the following:

"Article 17

1. The Competent Insurance Institution of a Contracting Party shall, when determining the extent to which a person's ability to work is lost, apply the legislation to which the Institution itself is subject.

2. Medical examinations deemed necessary, shall at the request and expense of the Competent Insurance Institution, be carried out by the Insurance Institution of the place of residence."

10. Article 18 shall be deleted.

11. Article 19 shall be deleted.

12. The sub-heading preceding Article 26 shall read as follows:

"Chapter 3. Industrial Injuries and Occupational Diseases"

13. Article 27 shall be followed by an Article 27 a as follows:

"Article 27a

A person having sustained an industrial injury or an occupational disease according to the legislation of one Contracting Party, shall receive the necessary medical care due to that injury or disease while staying or residing in the territory of the other contracting Party as provided for by the legislation of the latter Party on behalf and expense of the

Competent Institution of the former Contracting Party.

14. Article 28 shall be deleted

15. To Article 35 shall be added a third paragraph:

"3. Costs incurred by an Insurance Institution of one Contracting Party in accordance with Article 17 and Title III, Chapter 3 of the Convention will be paid by the Competent Insurance Institution of the other Contracting Party through the principles and procedures to be determined in the Administrative Agreement."

Article 2

The provisions of Article 39 in the Convention shall apply mutatis mutandis to rights established by this agreement.

Article 3

This Supplementary Agreement shall be ratified. The instruments of ratification shall be exchanged at Ankara. This Supplementary Agreement shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Supplementary Agreement.

Done in triplicate at Stockholm , June 3, 1997 in the Turkish, Swedish and English languages, each version being equally authoritative.

For the Republic of Turkey

For the Kingdom of Sweden

[SWEDISH TEXT – TEXTE SUÉDOIS]

Tilläggsöverenskommelse till konventionen den 30 juni 1978 mellan Republiken Turkiet och Konungariket Sverige rörande social trygghet.

Regeringen i Republiken Turkiet och Regeringen i Konungariket Sverige,
som infört ömsesidighet på den sociala trygghetens område genom den konvention som för deras räkning undertecknades i Stockholm den 30 juni 1978, och
som önskar utvidga och ändra omfattningen av denna ömsesidighet och beakta ändringar i staternas lagstiftning, har kommit överens om följande bestämmelser:

Artikel 1

1. *Artikel 1.1.3 skall ändras enligt följande:*

Orden "Ministeriet för social trygghet och andra berörda ministerier" skall bytas ut mot orden "Ministeriet för arbete och social trygghet och andra behöriga ministerier".

2. Artikel 2.1.B skall ändras och omfatta även följande:

"f) arbetslöshetsförsäkring och kontant arbetsmarknadsstöd"

3. Artikel 7 skall ersättas med följande:

"Artikel 7

1. I den mån annat inte föreskrivs i artiklarna 8 och 9 skall den som förvärvsarbetar i en av de fördragsslutande staterna omfattas av lagstiftningen i den staten oavsett i vilken stat han eller hans arbetsgivare är bosatt.

2. Den som inte förvärvsarbetar skall omfattas av lagstiftningen i bosättningstaten."

4. Artikel 8.1 skall ersättas med följande:

"1. Har en person som är försäkrad enligt lagstiftningen i en av de fördragsslutande staterna och anställd av en arbetsgivare i den staten sänts ut av arbetsgivaren för att arbeta inom den andra fördragsslutande statens territorium, skall lagstiftningen i den förstnämnda staten fortsätta att gälla för honom som om han var anställd i den staten under förutsättning att arbetet inte väntas vara längre än tolv månader. Om arbetet i den andra staten på grund av oförutsebara omständigheter kommer att överstiga tolv månader skall lagstiftningen i den förstnämnda staten fortsätta att gälla för honom under längst tolv månader under förutsättning att den behöriga myndigheten i den sistnämnda staten samtycker till detta före den första tolvmånadersperiodens utgång."

5. Artikel 8.4 skall ersättas med följande:

"4. En anställd och hans medföljande familjemedlemmar skall anses som bosatta inom den fördragsslutande stats territorium, enligt vars lagstiftning de enligt bestämmelserna i denna artikel skall vara försäkrade."

6. Till artikel 13 skall fogas ett tredje stycke av följande lydelse:

"3. Den som har rätt till vårdförmåner enligt lagstiftningen i en fördragsslutande stat skall fortsätta att få sådana förmåner på den statens bekostnad när han efter tillstånd reser till den andra fördragsslutande staten för att få vård där."

7. Artikel 15 skall ersättas med följande:

"Artikel 15

1. Vid fastställande av rätten till tilläggspension och sådan folkpension som beräknas på grundval av perioder av förvärvsverksamhet skall försäkringsperioder som fullgjorts enligt lagstiftningen i Turkiet sammanräknas med svenska försäkringsperioder i den mån de inte sammanfaller.

2. När turkiska försäkringsperioder beaktas med stöd av första stycket likställs 360 inom turkisk pensionsförsäkring fullgjorda dagar med ett år för vilket pensionspoäng tillgodoräknats enligt försäkringen för tilläggspension eller med ett år före år 1960 för vilket till statlig inkomstskatt taxerad inkomst beräknats.
3. För beräkning av storleken av tilläggspension beaktas endast försäkringsperioder enligt den svenska lagstiftningen.
4. Den svenska lagstiftningens bestämmelser om beräkning av tilläggspension för personer som är födda före år 1924 berörs inte av denna konvention."

8. Artikel 16 skall ersättas med följande:

"Artikel 16

Endast sådan folkpension som beräknats på grundval av faktiska eller antagna perioder av förvärvsverksamhet skall vid bosättning utanför Sverige betalas ut enligt bestämmelserna i artikel 5.
Artikel 5 gäller inte för följande förmåner: pensionstillskott, vårdbidrag, handikappersättning som självständig förmån och inkomstprövade förmåner."

9. Artikel 17 skall ersättas med följande:

"Artikel 17

1. Behörigt försäkringsorgan i en fördragsslutande stat skall, när försäkringsorganet fastställer i vilken omfattning en persons arbetsförmåga är nedsatt, tillämpa den lagstiftning som gäller för försäkringsorganet.
2. Läkarundersökningar som bedöms nödvändiga skall på begäran av det behöriga försäkringsorganet och på dess bekostnad utföras av försäkringsorganet på bosättningsorten."

10. Artikel 18 skall upphöra att gälla.

11. Artikel 19 skall upphöra att gälla.

12. Den underrubrik som föregår artikel 26 ändras enligt följande:

"Kapitel 3. Arbetsskador och arbetssjukdomar"

13. Artikel 27 skall följas av en ny artikel 27 a av följande lydelse:

"Artikel 27 a

Den som drabbats av arbetsskada eller ådragit sig arbetssjukdom enligt lagstiftningen i en fördragsslutande stat har vid bosättning eller tillfällig vistelse i den andra fördragsslutande staten rätt att för skadan eller sjukdomen få erforderlig läkarvård på den förstnämnda statens bekostnad enligt lagstiftningen i den sistnämnda staten."

14. Artikel 28 skall upphöra att gälla.

15. Till artikel 35 skall fogas ett tredje stycke av följande lydelse:

"3. Kostnader som uppkommit för ett försäkringsorgan i en fördragsslutande stat enligt bestämmelserna i artikel 17 och Avdelning III, kapitel 3 skall återbetalas av det behöriga försäkringsorganet i den andra fördragsslutande staten enligt regler som skall anges i den administrativa överenskommelsen."

Artikel 2

Bestämmelserna i konventionens artikel 39 äger motsvarande tillämpning ifråga om rättigheter enligt denna överenskommelse.

Artikel 3

Tilläggsöverenskommelsen skall ratificeras. Ratifikationsinstrumenten skall utväxlas i Ankara. Överenskommelsen skall träda i kraft första dagen i tredje månaden efter den månad under vilken ratifikationsinstrumenten utväxlas.

Till bevis härom har de båda regeringarnas befullmäktigade ombud undertecknat denna överenskommelse.

Som skedde i Stockholm den 3 juni 1997 i tre exemplar på turkiska, svenska och engelska språken vilka texter äger lika vitsord.

För regeringen i
Republiken Turkiet

För regeringen i
Konungariket Sverige

[TURKISH TEXT – TEXTE TURC]

TÜRKİYE CUMHURİYETİ VE İSVEÇ KRALLIĞI ARASINDA 30 HAZİRAN 1978 TARİHİNDE İMZALANAN SOSYAL GÜVENLİK SÖZLEŞMESİNE EK ANLAŞMA

Türkiye Cumhuriyeti Hükümeti ve İsveç Krallığı Hükümeti, 30 Haziran 1978 tarihinde Stokholm'de imzalanmış Sözleşme ile sosyal güvenlik alanında karşılıklı ilişki kurmak suretiyle;

Bu karşılıklı ilişkilerin kapsamını genişletmeyi ve değişiklikler yapmayı ve mevzuatlarındaki değişiklikleri dikkate almayı arzu ederek;

Aşağıdaki hususlarda anlaşmaya varmışlardır:

Madde 1

1.Madde 1.1.3 aşağıdaki şekilde değiştirilecektir:

"Sosyal Güvenlik Bakanlığı ve diğer ilgili Bakanlıklar" sözcükleri, "Çalışma ve Sosyal Güvenlik Bakanlığı ve diğer yetkili Bakanlıklar" sözcükleri ile değiştirilecektir.

2.Madde 2.1.B aşağıda belirtilen ifadeyi de dahil edecek şekilde değiştirilecektir:

"f)işsizlik sigortası ve iş piyasası parasal desteği"

3.Madde 7 aşağıdaki şekilde değiştirilecektir:

"Madde 7

1-8 ve 9. maddelerde aksine hüküm bulunmayan hallerde, kazanç karşılığı istihdam edilen bir kişi, kendisinin veya işvereninin ikamet yerine bakılmaksızın, ülkesinde istihdam edildiği Akit Tarafın mevzuatına göre sigortalı olur.

2-Kazanç karşılığı istihdam edilmeyen kişiler, ikamet ettikleri ülkenin mevzuatına tabi olurlar."

4-Madde 8.1 aşağıdaki şekilde değiştirilecektir:

"1-Bir Akit Tarafın mevzuatı uyarınca sigortalı olan ve bu Tarafın ülkesindeki bir işveren tarafından istihdam edilen bir kişi, bu işveren tarafından diğer Akit Tarafın ülkesinde çalışmaya gönderilirse, ilk Tarafın mevzuatı, ilgili, bu Akit Tarafın ülkesinde çalışıyormuş gibi kendisine uygulanmaya devam edilir. Şu şartla ki ikinci olarak anılan Tarafın ülkesindeki çalışmanın on iki aydan fazla sürmesi beklenmemelidir

Beklenmedik nedenlerle, ikinci olarak anılan Akit Taraf ülkesindeki çalışmasının on iki aylık bu süreden sonra da devam etmesi halinde, İlk Tarafın mevzuatı on iki aydan fazla olmayan bir süre daha ikinci olarak anılan Akit Tarafın yetkili merciinin, birinci on iki aylık sürenin bitiminden önce bunu kabul etmesi şartı ile kendisine uygulanmaya devam edilir."

5.Madde 8.4 aşagıdaki sekilde değiştirilecektir:

"4-Bir işçi ve kendisine eşlik eden ve kendileri bizzat kazanç karşılığı bir işte çalışmayan aile fertleri, mevzuatına göre sigortalı olacakları Akit Tarafın ülkesinde ikamet ediyor kabul edilerek, bu Madde hükümleri kapsamına girecektir."

6.Madde 13 e üçüncü bir paragraf eklenecektir:

"3-Bir Akit Taraf mevzuatı uyarınca temin edilen tıbbi yardımlar, bu akit Taraf nam ve hesabına, tıbbi tedavi görmek üzere diğer Akit Tarafın ülkesine gitmelerine izin verilen kişilere verilmeye devam eder."

7.Madde 15 aşağıdaki şekilde değiştirilecektir:

"Madde 15

1-Kazanç karşılığı çalışma sürelerine dayanan bir munzam aylığa veya bir esas aylığa hak kazanmak için Türk aylık mevzuatı uyarınca tamamlanmış sigorta süreleri, gerektiği hallerde, İsveç aylık mevzuatı uyarınca tamamlanmış sürelerle, bu süreler çakışmadığı sürece, birleştirilir.

2-Eğer, Paragraf ı hükümleri uyarınca, Türk sigorta süreleri dikkate alınırsa, bu mevzuat uyarınca tamamlanmış 360 gün, ek aylık sistemine göre aylık puanlarının hesaplandığı bir yıl olarak veya 1960 yılından önce sigortalı kişinin devlete ödenebilir bir vergilendirilebilir kazancı olduğu bir yıl olarak kabul edilir.

3-Ödenecek meblağ hesaplanırken, sadece İsveç aylık mevzuatı uyarınca tamamlanmış sigorta süreleri dikkate alınır.

4-1924 yılından önce doğan kişiler için ek aylıkların hesaplanması ile ilgili İsveç mevzuatının geçici hükümleri, bu Sözleşmeden etkilenmez.

8.Madde 16 aşağıdaki şekilde değiştirilecektir:

"Madde 16

Kazançlı bir işin gerçek veya nazari sürelerini esas alarak hesaplanan sadece esas ayliklar, Madde 5 hükümlerine göre İsvec dışında ödenirler.

Madde 5 aşağıdaki yardımlar için uygulanmaz:

Aylık zammı, çocuk bakım tahsisatı, aylığa bir ek olarak ödenmeyen sakatlık tahsisatı ve gelir kontrollü yardımlar."

9.Madde 17 aşağıdaki şekilde değiştirilecektir:

"Madde 17

1-Bir Akit Tarafın yetkili Sigorta Kurumu, kişinin çalışma yeteneğini kaybetme oranını tespit ederken, hangi kurumun bizzat sözkonusu olduğuna göre mevzuatı uygular.

2-Gerekli görülen tıbbi muayeneler, yetkili Sigorta Kurumunun talebi üzerine ve o kurum hesabına ikamet yerindeki Sigorta Kurumu tarafından yaptırılır."

10.Madde 18 çıkartılacaktır.

11.Madde 19 çıkartılacaktır.

12.Madde 26'dan önceki alt başlık aşağıdaki şekilde olacaktır:

"Bölüm 3 İş Kazaları ve Meslek Hastalıkları"

13.Aşağıdaki şekilde bir Madde 27 a, Madde 27'yi takip edecektir:

"Madde 27 a

Bir Akit Tarafın mevzuatına göre bir iş kazasına veya meslek hastalığına maruz kalmış bir kimse, diğer Akit Tarafın ülkesinde kalırken veya ikamet ederken, bu kaza veya hastalık nedeniyle, birinci Akit Tarafın yetkili kurumunun nam ve hesabına, ikinci Tarafın mevzuatında sağlandığı şekilde, gerekli tıbbi bakımı alır."

14.Madde 28 çıkartılacaktır.

15.Madde 35'e 3 üncü bir paragraf eklenecektir.

3-Madde 17 ve Sözleşme Başlık III, Bölüm 3 uyarınca, "bir Akit Tarafın sigorta kurumu tarafından yapılan masraflar, idari Anlaşmada belirlenecek esaslar ve yöntemlere göre diğer Akit Tarafın Yetkili Sigorta Kurumu tarafından ödenir."

Madde 2

Sözleşmenin 39. Maddesi hükümleri, bu Anlaşma ile sağlanan haklara gerekli değişiklikler yapılmış olarak uygulanır.

Madde 3

Bu Ek Anlaşma onaylanacaktır. Onay belgeleri Ankara'da karşılıklı olarak değiştirilecektir. Bu Ek Anlaşma, onay belgelerinin karşılıklı olarak değiştirildiği ayı takip eden üçüncü ayın birinci günü yürürlüğe girer.

Hükümetleri tarafından usulüne uygun olarak yetkili kılınmış, aşağıda imzası bulunan kişiler, bu Ek Anlaşmayı imzalamışlardır.

Bu Anlaşma, Stokholm'de, 1997 yılının Haziran ayının üçüncü günü Türk, İsveç ve İngiliz dillerinde ve her metin eşit şekilde geçerli olmak üzere üç nüsha olarak hazırlanmıştır.

Türkiye Cumhuriyeti Adına

İsveç Krallığı Adına

[TRANSLATION – TRADUCTION]

ACCORD SUPPLÉMENTAIRE MODIFIANT LA CONVENTION ENTRE LA RÉPUBLIQUE TURQUE ET LE ROYAUME DE SUÈDE EN MATIÈRE DE SÉCURITÉ SOCIALE, SIGNÉE LE 30 JUIN 1978

Le Gouvernement de la République turque et le Gouvernement du Royaume de Suède ayant instauré la réciprocité en matière de sécurité sociale au moyen de la Convention signée en leur nom à Stockholm le 30 juin 1978,

Désireux d'élargir et de modifier la portée de ladite réciprocité et de tenir compte des modifications apportées à leur législation,

Sont convenus de ce qui suit :

Article premier

1. L'article 1.1.3 est modifié comme suit :

L'expression « le Ministère de la sécurité sociale et d'autres Ministères intéressés » est remplacée par l'expression « le Ministère du travail et de la sécurité sociale et d'autres Ministères compétents ».

2. L'article 2.1.B est modifié afin d'intégrer ce qui suit :

« f) L'assurance chômage et les prestations d'assistance en espèces du marché de l'emploi »

3. L'article 7 est remplacé par ce qui suit :

« Article 7

1. Sous réserve des dispositions des articles 8 et 9, une personne exerçant une activité rémunérée est assurée conformément à la législation de la Partie contractante sur le territoire de laquelle elle exerce son activité, indépendamment de son lieu de résidence ou de celui de son employeur.

2. Les personnes qui n'exercent aucune activité rémunérée sont soumises à la législation du pays dans lequel elles résident. »

4. L'article 8.1 est remplacé par ce qui suit :

« 1. Si une personne, assurée en vertu de la législation de l'une des Parties contractantes et employée par un employeur sur le territoire de cette Partie, est envoyée par son employeur sur le territoire de l'autre Partie contractante pour y exercer des fonctions, la législation de la première Partie continue de lui être appliquée comme si elle était employée sur le territoire de cette Partie, pour autant que son emploi sur le territoire de l'autre Partie ne doive pas durer plus de 12 mois. Si, pour des raisons imprévues, son emploi sur le territoire de l'autre Partie contractante se poursuit au-delà d'une durée de 12 mois, la législation de la première Partie continue de s'appliquer à elle pour une nouvelle durée ne pouvant excéder 12 mois, sous réserve que l'autorité compétente de l'autre Partie contractante y consente avant la fin de la période initiale de 12 mois. »

5. L'article 8.4 est remplacé par ce qui suit :

« 4. Un employé et les membres de sa famille qui l'accompagnent sans exercer eux-mêmes d'activité rémunérée sont considérés, en vertu des dispositions du présent article, comme résidents sur le territoire de la Partie contractante sous la législation de laquelle ils doivent être assurés. »

6. L'article 13 est complété d'un troisième paragraphe qui se lit comme suit :

« 3. Les prestations médicales fournies en vertu de la législation de l'une des Parties contractantes doivent, pour le compte et aux frais de cette Partie contractante, continuer d'être fournies aux personnes qui sont autorisées à entrer sur le territoire de l'autre Partie contractante afin d'y recevoir un traitement médical. »

7. L'article 15 est remplacé par ce qui suit :

« Article 15.

1. Pour l'acquisition du droit à une pension de retraite complémentaire et à une pension de base calculée sur des périodes d'activité rémunérée, les périodes d'assurance accomplies en vertu de la législation turque sur les pensions doivent, lorsque cela est nécessaire, être ajoutées aux périodes accomplies en vertu de la législation suédoise sur les pensions, pour autant qu'elles ne coïncident pas.

2. Si, en vertu des dispositions du paragraphe 1, les périodes d'assurance turque sont prises en compte, 360 jours accomplis au titre de la législation turque valent pour une année de calcul de points de pension de retraite complémentaire, ou pour une année avant 1960 au titre de laquelle la personne assurée a disposé d'un revenu imposable pouvant être versé à l'État.

3. Lors du calcul du montant à verser, seules les périodes d'assurance accomplies en vertu de la législation suédoise sur les pensions sont prises en compte.

4. Les dispositions transitoires de la législation suédoise concernant le calcul des pensions de retraite complémentaires à verser aux personnes nées avant 1924 ne sont pas affectées par la présente Convention. »

8. L'article 16 est remplacé par ce qui suit :

« Article 16

Seules les pensions de base calculées au titre de périodes réelles ou fictives d'activité rémunérée sont versées hors de Suède en vertu des dispositions de l'article 5.

L'article 5 ne saurait s'appliquer aux prestations suivantes : pension complémentaire, allocation de garde d'enfant, allocation d'invalidité non versée en tant que supplément de pension et prestations soumises à conditions de ressources. »

9. L'article 17 est remplacé par ce qui suit :

« Article 17

1. L'institution d'assurance compétente d'une Partie contractante applique, pour établir le degré d'incapacité au travail d'une personne, la législation à laquelle l'institution est elle-même assujettie.

2. Les examens médicaux jugés nécessaires sont menés, à la demande et aux frais de l'institution d'assurance compétente, par l'institution d'assurance du lieu de résidence. »

10. L'article 18 est supprimé.

11. L'article 19 est supprimé.

12. Le sous-titre précédant l'article 26 est modifié comme suit :

« Chapitre 3. Accidents du travail et maladies professionnelles »

13. L'article 27 est suivi d'un article 27 a, qui se lit comme suit :

« Article 27 a

Une personne ayant subi un accident du travail ou souffrant d'une maladie professionnelle tels que définis par la législation d'une Partie contractante reçoit les soins médicaux nécessaires à la prise en charge de l'accident ou de la maladie pendant qu'elle séjourne ou réside sur le territoire de l'autre Partie contractante, en vertu des dispositions prévues par la législation de cette dernière Partie contractante, pour le compte et aux frais de l'organisme d'assurance de la Partie contractante initiale. »

14. L'article 18 est supprimé.

15. L'article 35 est complété d'un troisième paragraphe qui se lit comme suit :

« 3. Les frais engagés par l'institution d'assurance d'une Partie contractante en vertu de l'article 17 et du chapitre 3 du titre III de la Convention sont payés par l'institution d'assurance compétente de l'autre Partie contractante par application de principes et de procédures à déterminer dans l'Accord administratif. »

Article 2

Les dispositions de l'article 39 de la Convention s'appliquent mutatis mutandis aux droits établis par le présent Accord.

Article 3

Le présent Accord supplémentaire doit être ratifié. Les instruments de ratification seront échangés à Ankara. Le présent Accord supplémentaire entrera en vigueur le premier jour du troisième mois suivant celui au cours duquel les instruments de ratification auront été échangés.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Accord supplémentaire.

FAIT à Stockholm, le 3 juin 1997, en langues turque, suédoise et anglaise, les trois textes faisant également foi.

Pour la République turque :

OKTAY AKSOY

Pour le Royaume de Suède :

MAJ-INGER KLINGVALL

No. 24404. Multilateral

CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT. VIENNA, 26 SEPTEMBER 1986 [*United Nations, Treaty Series, vol. 1439, I-24404.*]

ACCESSION

Lao People's Democratic Republic

Deposit of instrument with the Director-General of the International Atomic Energy Agency: 10 May 2013

Date of effect: 9 June 2013

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 4 June 2013

Nº 24404. Multilatéral

CONVENTION SUR LA NOTIFICATION RAPIDE D'UN ACCIDENT NUCLÉAIRE. VIENNE, 26 SEPTEMBRE 1986 [*Nations Unies, Recueil des Traités, vol. 1439, I-24404.*]

ADHÉSION

République démocratique populaire lao

Dépôt de l'instrument auprès du Directeur général de l'Agence internationale de l'énergie atomique : 10 mai 2013

Date de prise d'effet : 9 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Agence internationale de l'énergie atomique, 4 juin 2013

No. 24643. Multilateral

CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY. VIENNA, 26 SEPTEMBER 1986 [*United Nations, Treaty Series, vol. 1457, I-24643.*]

ACCESSION

Lao People's Democratic Republic

Deposit of instrument with the Director-General of the International Atomic Energy Agency: 10 May 2013

Date of effect: 9 June 2013

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 4 June 2013

Nº 24643. Multilatéral

CONVENTION SUR L'ASSISTANCE EN CAS D'ACCIDENT NUCLÉAIRE OU DE SITUATION D'URGENCE RADIOLOGIQUE. VIENNE, 26 SEPTEMBRE 1986 [*Nations Unies, Recueil des Traités, vol. 1457, I-24643.*]

ADHÉSION

République démocratique populaire lao

Dépôt de l'instrument auprès du Directeur général de l'Agence internationale de l'énergie atomique : 10 mai 2013

Date de prise d'effet : 9 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Agence internationale de l'énergie atomique, 4 juin 2013

No. 24841. Multilateral

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. NEW YORK, 10 DECEMBER 1984 [*United Nations, Treaty Series, vol. 1465, I-24841*.]

OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. NEW YORK, 18 DECEMBER 2002 [*United Nations, Treaty Series, vol. 2375, A-24841*.]

RATIFICATION

Norway

Deposit of instrument with the Secretary-General of the United Nations: 27 June 2013

Date of effect: 27 July 2013

Registration with the Secretariat of the United Nations: ex officio, 27 June 2013

Nº 24841. Multilatéral

CONVENTION CONTRE LA TORTURE ET AUTRES PEINES OU TRAITEMENTS CRUELS, INHUMAINS OU DÉGRADANTS. NEW YORK, 10 DÉCEMBRE 1984 [*Nations Unies, Recueil des Traités, vol. 1465, I-24841*.]

PROTOCOLE FACULTATIF SE RAPPORTANT À LA CONVENTION CONTRE LA TORTURE ET AUTRES PEINES OU TRAITEMENTS CRUELS, INHUMAINS OU DÉGRADANTS. NEW YORK, 18 DÉCEMBRE 2002 [*Nations Unies, Recueil des Traités, vol. 2375, A-24841*.]

RATIFICATION

Norvège

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 27 juin 2013

Date de prise d'effet : 27 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 27 juin 2013

No. 24913. Canada and United States of America

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONCERNING PACIFIC SALMON. OTTAWA, 28 JANUARY 1985 [*United Nations, Treaty Series, vol. 1469, I-24913.*]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT EXTENDING AND AMENDING ANNEX IV OF THE TREATY OF JANUARY 28, 1985 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONCERNING PACIFIC SALMON (WITH ATTACHMENT, VANCOUVER, 9 JULY 1998). WASHINGTON, 24 JULY 1998 AND 12 AUGUST 1998

Entry into force: 12 August 1998 by the exchange of the said notes, in accordance with their provisions

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 24913. Canada et États-Unis d'Amérique

TRAITÉ ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA CONCERNANT LE SAUMON DU PACIFIQUE. OTTAWA, 28 JANVIER 1985 [*Nations Unies, Recueil des Traités, vol. 1469, I-24913.*]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD PROROGEANT ET MODIFIANT L'ANNEXE IV DU TRAITÉ DU 28 JANVIER 1985 ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU CANADA CONCERNANT LE SAUMON DU PACIFIQUE (AVEC PIÈCE JOINTE, VANCOUVER, 9 JUILLET 1998). WASHINGTON, 24 JUILLET 1998 ET 12 AOÛT 1998

Entrée en vigueur : 12 août 1998 par l'échange desdites notes, conformément à leurs dispositions

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

DEPARTMENT OF STATE
WASHINGTON

July 24, 1998

Excellency:

I have the honor to refer to the Treaty between the United Stated and Canada concerning Pacific Salmon, signed at Ottawa on January 28, 1985, and to the recommendations made by the Pacific Salmon Commission (PSC) in their letter of July 9, 1998, in accordance with Article XIII, paragraphs 2 and 3 of the Treaty.

In accordance with Article XIII, paragraph 3 of the Treaty, I have the further honor to propose that Annex IV, Chapter Six of the Treaty be extended for the 1998 fishing season, and that Annex IV, Chapter 4 be amended as set forth in the attachment to the Note, consistent with the recommendations contained in the Pacific Salmon Commission letter of July 9, 1998.

His Excellency,

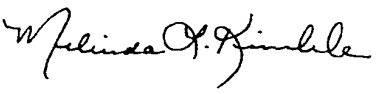
Raymond A. J. Chretien,

Ambassador of Canada.

I have the further honor to propose that if this proposal is acceptable to the Government of Canada, this note, with its attachment, and Your Excellency's reply shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:



ATTACHMENT

PACIFIC SALMON COMMISSION

ESTABLISHED BY TREATY BETWEEN CANADA
AND THE UNITED STATES OF AMERICA
MARCH 18, 1985

600 - 1155 ROBSON STREET
VANCOUVER, B.C. V6E 1B5
TELEPHONE: (604) 684-8081
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Our File: 71002

Your File:

July 9, 1998

The Honorable Madeleine Albright
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Madam:

I have the honor to report to you understandings reached by representatives of the Governments of Canada and the United States regarding certain of the fishery regimes in Annex IV of the Pacific Salmon Treaty, and agreed to by the Chair and Vice-Chair of the Pacific Salmon Commission.

This interim agreement is for 1998 only, and reflects the Parties' interest in conservation and orderly fisheries while they continue negotiations to achieve their long-term objectives. The agreement set forth herein was reached without prejudice to any position to be taken by either Party on any fishery in the future, and shall not be construed as an indication of an acceptable long-term approach to either Parties' objectives.

With respect to Annex IV, Chapter 6 (southern chum), and without prejudice to any future agreements, Canada and the United States shall manage their respective fisheries in a manner that comports with the most-recently expired Annex arrangements.

With respect to Annex IV, Chapter 4 (Fraser sockeye and pink salmon) Canada and the U.S. have agreed for 1998:

1. The Fraser Panel shall manage U.S. commercial net fisheries in panel waters as follows:

   a) U.S. gill net and purse seine fisheries in Areas 6, 7 and 7A will be open Monday through Friday of each week during the period July 27 through August 21, and will remain closed at all other times during the Panel control period;

   b) U.S. reef net fishery in Areas 7 and 7A will be open Saturdays and Sundays July 25 through August 23, and will remain closed at all other times during the Panel control period;

c) The treaty Indian fishery in Areas 4B, 5 and 6C will be open noon Sundays through noon Fridays July 26 through August 21, and will remain closed at all other times during the Panel control period;

d) Notwithstanding the above schedule, the U.S. catch in Panel waters shall not exceed 24.9% of the TAC (Total Allowable Catch);

e) In implementing the above schedule, the Fraser Panel shall operate according to its usual policies and practices. This schedule may be modified by agreement of the panel if necessary to achieve spawning escapement objectives and Aboriginal food, social and ceremonial requirements, taking into account in-season information. In addition, the panel may modify the above schedule, if necessary, to ensure the 24.9% catch limit is not exceeded, and to avoid taking an excessive portion of the U.S. harvest in any weekly time period, the intent being to distribute the U.S. catch over the period during which the U.S. fishery is open.

2. The Fraser Panel shall manage Canadian net fisheries in panel waters and Canada shall manage Canadian fisheries outside panel waters in a manner that anticipates and accommodates catches in the U.S. fisheries described in the above schedule, i.e., does not result in harvest of the available TAC to the extent that those U.S. fisheries would need to be shortened for conservation reasons.

3. For the purpose of this Chapter, total allowable catch (TAC) shall be defined as the remaining portion of the annual aggregate Fraser River sockeye and pink runs after the spawning escapements, the agreed Fraser River Aboriginal Exemption, and the catch in Panel authorized test fisheries have been deducted. The following definitions apply to TAC calculation:

(a) For the purposes of in-season management by the Fraser Panel, the spawning escapement objective is the target set by Canada including any extra requirements that may be determined by Canada and agreed to by the Fraser Panel, for natural, environmental, or stock assessment factors, to ensure the fish reach the spawning grounds at target levels. Any additional escapement amounts believed necessary by Canada for reasons other than the foregoing will not affect the U.S. catch;

(b) The agreed Fraser River Aboriginal Fishery Exemption is that number of sockeye which is subtracted from the total run size in determining the TAC. Any Canadian harvests in excess of these amounts count against the TAC, and do not affect the U.S. share. The agreed Fraser River Aboriginal Fishery Exemption is 400,000 sockeye for 1998.

(c) For computing TAC by stock management groupings, the Fraser River Aboriginal Fishery Exemption shall be allocated to management groups using the average proportional distribution of this harvest for the three cycles prior to 1985, unless otherwise agreed.

4. Canada and the U.S. agree that the dispute referred to in Canada's note 189 of November 24, 1992 and the U.S. Department of State's note of December 8, 1992, will be addressed in negotiations on arrangements for future years.

5. The Fraser Panel will develop fishing plans and in-season decision rules as may be necessary to implement the intent of this agreement.

The Pacific Salmon Commission expects that the relevant management agencies in Canada and the United States will manage fisheries under their responsibility consistent with these understandings.

The Commission respectfully requests your early approval of these recommendations.

Sincerely,

PACIFIC SALMON COMMISSION

J Pipkin
Chair

II

Canadian Embassy — Ambassade du Canada

August 12, 1998

Note No. 0317

Madam Secretary,

I have the honour to refer to your Note of July 24, 1998, concerning the Treaty between the Government of Canada and the Government of the United States of America concerning Pacific Salmon, signed in Ottawa on January 28, 1985, and to the recommendations made by the Pacific Salmon Commission in their identical letters of July 9, 1998, to the Minister of Foreign Affairs, The Honourable Lloyd Axworthy and the Secretary of State, The Honourable Madeleine Albright, in accordance with Article XIII of the Treaty. (A copy of the letter to Secretary Albright is attached to the Note.)

I have the further honour to agree that, in accordance with Article XIII, paragraph 3, of the Treaty, Annex IV, Chapter 6, be extended for the 1998 fishing season and Annex IV, Chapter 4, be amended as set forth in the Pacific Salmon Commission's letter of July 9, 1998.

I have the further honour to confirm that your Note, together with the Pacific Salmon Commission's letter of July 9, 1998, and this reply, shall constitute an Agreement between our two Governments, which shall enter into force on the date of this Note.

Please accept, Madam Secretary, the renewed assurances of my highest consideration.

Raymond Chrétien
Ambassador

The Honourable Madeleine Korbel Albright
Secretary of State
Washington, D.C.

[TRANSLATION – TRADUCTION]

I

DÉPARTEMENT D'ÉTAT

WASHINGTON

Le 24 juillet 1998

Excellence,

J'ai l'honneur de me référer au Traité entre les États-Unis et le Canada concernant le saumon du Pacifique, signé à Ottawa le 28 janvier 1985, et aux recommandations faites par la Commission du saumon du Pacifique dans sa lettre du 9 juillet 1998, conformément aux paragraphes 2 et 3 de l'article XIII du Traité.

Conformément au paragraphe 3 de l'article XIII du Traité, j'ai en outre l'honneur de proposer que le chapitre 6 de l'Annexe IV du Traité soit prorogé pour la saison de pêche 1998 et que le chapitre 4 de l'Annexe IV soit modifié de la manière indiquée dans la pièce jointe à la note, selon les recommandations contenues dans la lettre du 9 juillet 1998 de la Commission du saumon du Pacifique.

J'ai également l'honneur de proposer que, si la présente proposition est acceptable pour le Gouvernement du Canada, la présente note, avec sa pièce jointe, et la réponse de votre Excellence, constituent un accord entre nos deux Gouvernements, lequel entrera en vigueur à la date de votre note en réponse.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma très haute considération.

Pour la Secrétaire d'État :
MELINDA L. KIMBLE

Son Excellence,
Raymond A. J. Chrétien
Ambassadeur du Canada

PIÈCE JOINTE

COMMISSION DU SAUMON DU PACIFIQUE, ÉTABLIE PAR LE TRAITÉ ENTRE LE CANADA ET LES ÉTATS-UNIS D'AMÉRIQUE DU 19 MARS 1985

Notre dossier : 71002
Votre dossier :

Le 9 juillet 1998

Madame Madeleine Albright
Secrétaire d'État
Département d'État des États-Unis
2201 C Street NW
Washington, DC, 20520

Madame la Secrétaire d'État,

J'ai l'honneur de porter à votre connaissance les accords conclus par les représentants des Gouvernements du Canada et des États-Unis au sujet de certains des régimes de pêche prévus à l'Annexe IV du Traité sur le saumon du Pacifique et convenues par le président et le vice-président de la Commission du saumon du Pacifique.

Cet accord intérimaire ne porte que sur l'année 1988, et reflète l'intérêt des Parties pour la conservation et la saine gestion des pêches pendant qu'elles poursuivent les négociations visant à atteindre leurs objectifs à long terme. L'accord énoncé dans la présente a été conclu sans préjudice de toute position à prendre par l'une ou l'autre des Parties à l'égard de toute pêche future et ne doit pas être interprété comme une indication d'une approche acceptable à long terme par l'une ou l'autre des Parties pour la réalisation de leurs objectifs.

En ce qui concerne le chapitre 6 (Saumon kéta du sud) de l'Annexe IV, et sans préjudice de tous accords futurs, le Canada et les États-Unis géreront leurs pêches respectives d'une manière conforme aux arrangements concernant l'Annexe dont l'expiration est la plus récente.

En ce qui concerne le chapitre 4 (Saumon sockeye et saumon rose du Fraser) de l'Annexe IV, le Canada et les États-Unis sont convenus, pour l'année 1998, de ce qui suit :

1. Le Conseil du fleuve Fraser gérera les pêches commerciales au filet des États-Unis dans les eaux relevant de sa compétence comme suit :

a) La pêche des États-Unis au filet maillant et à la senne coulissante dans les zones 6, 7 et 7A sera ouverte du lundi au vendredi de chaque semaine, de la période allant du 27 juillet au 21 août, et resteront fermées en tout autre temps pendant la période de contrôle du Conseil;

b) Les pêches américaines au filet de haut fond dans les zones 7 et 7A seront ouvertes les samedis et dimanches du 25 juillet au 23 août et resteront fermées en tout autre temps pendant la période de contrôle du Conseil;

c) La pêche pratiquée par les Indiens au titre de traités dans les zones 4B, 5 et 6C sera ouverte de dimanche midi à vendredi midi du 26 juillet au 21 août, et resteront fermées en tout autre temps pendant la période de contrôle du Conseil;

d) Nonobstant le calendrier ci-dessus, la capture des États-Unis dans les eaux relevant du Conseil ne doit pas dépasser 24,9 % du total autorisé des captures (TAC);

e) En appliquant le calendrier ci-dessus, le Conseil du fleuve Fraser fonctionnera conformément à ses politiques et pratiques habituelles. Cet horaire peut être modifié par accord du Conseil, si nécessaire, afin d'atteindre les objectifs d'échappée de géniteurs et de répondre aux besoins alimentaires, sociaux et cérémoniels des autochtones, en tenant compte des informations obtenues en cours de saison. En outre, le Conseil peut modifier l'horaire ci-dessus, si nécessaire, pour veiller à ce que la limite de 24,9 % ne soit pas dépassée, et éviter de prendre une part excessive des prises des États-Unis sur une base hebdomadaire, avec pour objectif d'assurer l'étalement des captures des États-Unis pendant la période d'ouverture de la pêche des États-Unis.

2. Le Conseil du fleuve Fraser gérera la pêche au filet canadienne dans les eaux relevant de sa compétence et le Canada gérera la pêche canadienne en dehors des eaux relevant du Conseil afin d'anticiper et de faciliter les captures des États-Unis de la manière décrite dans le calendrier ci-dessus, c'est-à-dire qu'elles n'entraînent pas la capture du TAC disponible dans la mesure où les pêches américaines devraient être raccourcies pour des raisons de conservation.

3. Aux fins du présent chapitre, le TAC s'entend de la part résiduelle de l'ensemble des montaisons annuelles globales de saumons sockeye et roses du fleuve Fraser après déduction des échappées de géniteurs, de l'exemption autochtone convenue pour le fleuve Fraser et des prises autorisées par le Conseil. Les définitions suivantes s'appliquent au calcul du TAC :

a) Aux fins de la gestion en cours de saison effectuée par le Conseil du fleuve Fraser, l'objectif en ce qui concerne l'échappée de géniteurs est celui fixé par le Canada, y compris les besoins additionnels pouvant être déterminées par le Canada et agréés par le Conseil du fleuve Fraser, eu égard aux facteurs naturels, environnementaux ou relatifs à l'évaluation des stocks, pour faire en sorte que les poissons parviennent aux zones de reproduction au niveau cible. Toute échappée additionnelle jugée nécessaire par le Canada pour des raisons autres que celles qui précèdent n'aura pas d'incidence sur les prises des États-Unis.

b) L'exemption convenue pour les autochtones du fleuve Fraser est le nombre des saumons sockeye qui est soustrait du montant total des montées pour déterminer le TAC. Toutes récolte canadienne dépassant ces montants est imputée sur le TAC et n'affecte pas la part des États-Unis. L'exemption convenue pour les autochtones du fleuve Fraser pour 1998 est de 400 000 saumons sockeye.

c) Pour le calcul du TAC par groupe de gestion des stocks, l'exemption convenue pour les autochtones du fleuve Fraser est attribuée aux groupes de gestion selon la répartition proportionnelle moyenne de cette récolte pour les trois cycles antérieurs à 1985, sauf entente contraire.

4. Le Canada et les États-Unis conviennent que le différend visé dans la note 189 du Canada du 24 novembre 1992 et la note du Département d'État des États-Unis du 8 décembre 1992 fera l'objet de négociations ou d'arrangements dans les années à venir.

5. Le Conseil du fleuve Fraser mettra au point des plans de pêche et des règles relatives aux décisions en cours de saison, le cas échéant, pour mettre en œuvre l'objet du présent accord.

La Commission du saumon du Pacifique s'attend à ce que les organismes de gestion compétents du Canada et des États-Unis gèrent les pêches dont ils sont responsables conformément à ces arrangements.

La Commission sollicite respectueusement votre prompte approbation de ces recommandations.

Veuillez agréer, Madame la Secrétaire d'État, les assurances de ma très haute considération.

Commission du saumon du Pacifique
J. PIPKIN
Président

Madame Madeleine Albright
Département d'État des États-Unis

II

AMBASSADE DU CANADA

Le 12 août 1998

Note nº 0317

Madame la Secrétaire d'État,

J'ai l'honneur de me référer à votre note du 24 juillet 1998 portant sur le Traité entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique concernant le saumon du Pacifique, signé à Ottawa le 28 janvier 1985, et aux recommandations faites par Commission du saumon du Pacifique dans ses lettres identiques du 9 juillet 1998 adressées au Ministre des affaires étrangères, l'Honorable Lloyd Axworthy, et au Secrétaire d'État, l'Honorable Madeleine Albright, conformément à l'article XIII du Traité. (Une copie de la lettre à la Secrétaire Albright est jointe à la note.)

J'ai en outre l'honneur d'accepter que, conformément au paragraphe 3 de l'article XIII du Traité, le chapitre 6 de l'Annexe IV soit prorogé pour la saison de pêche 1998 et que le chapitre 4 de l'Annexe IV soit modifié de la manière indiquée dans la lettre du 9 juillet 1998 de la Commission du saumon du Pacifique.

J'ai également l'honneur de confirmer que votre note, de même la lettre de la Commission du saumon du Pacifique du 9 juillet 1998, et la présente réponse, constituent un accord entre nos deux Gouvernements, lequel entrera en vigueur à la date de la présente note.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma très haute considération.

Raymond Chrétien
Ambassadeur

Madame Madeleine Korbel Albright
Secrétaire d'État
Washington, DC

No. 25702. Multilateral

CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA. STRASBOURG, 28 JANUARY 1981 [*United Nations, Treaty Series, vol. 1496, I-25702.*]

RATIFICATION (WITH DECLARATIONS)

Russian Federation

Deposit of instrument with the Secretary-General of the Council of Europe: 15 May 2013

Date of effect: 1 September 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

Declarations:

[ENGLISH TEXT – TEXTE ANGLAIS]

The Russian Federation ratifies the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data with the amendments approved by the Committee of Ministers of the Council of Europe on 15 June 1999, with the following declarations:

The Russian Federation declares that in accordance with subparagraph "a" of paragraph 2 of Article 3 of the Convention, it will not apply the Convention to personal data:

a) processed by individuals exclusively for personal and family purposes;
b) falling under State secrecy in accordance with the legislation of the Russian Federation on State secrecy.

The Russian Federation declares that in accordance with subparagraph "c" of paragraph 2 of Article 3 of the Convention, it will apply the Convention to personal data which is not processed automatically, if the application of the Convention corresponds to the nature of the actions performed with the personal data without using automatic means.

The Russian Federation declares that in accordance with subparagraph "a" of paragraph 2 of Article 9 of the Convention, it retains the right to limit the right of the data subject to access personal data on himself for the purposes of protecting State security and public order.

Nº 25702. Multilatéral

CONVENTION POUR LA PROTECTION DES PERSONNES À L'ÉGARD DU TRAITEMENT AUTOMATISÉ DES DONNÉES À CARACTÈRE PERSONNEL. STRASBOURG, 28 JANVIER 1981 [*Nations Unies, Recueil des Traités, vol. 1496, I-25702.*]

RATIFICATION (AVEC DÉCLARATIONS)

Fédération de Russie

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 15 mai 2013

Date de prise d'effet : 1er septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

Déclarations :

[FRENCH TEXT – TEXTE FRANÇAIS]

La Fédération de Russie ratifie la Convention pour la protection des personnes à l'égard du traitement automatisé des données à caractère personnel avec les amendements approuvés par le Comité des Ministres du Conseil de l'Europe le 15 juin 1999, avec les déclarations suivantes :

La Fédération de Russie déclare que, conformément à l'article 3, paragraphe 2.a, de la Convention, elle n'appliquera pas la Convention aux données personnelles:

a) traitées par des particuliers à des fins exclusivement personnelles et familiales;
b) relevant du secret d'État en conformité avec la législation de la Fédération de Russie sur le secret d'Etat.

La Fédération de Russie déclare que, conformément à l'article 3, paragraphe 2.c, de la Convention, elle appliquera la Convention aux données personnelles qui ne sont pas traitées automatiquement, si l'application de la Convention correspond à la nature des actions effectuées avec les données à caractère personnel sans l'aide de moyens automatiques.

La Fédération de Russie déclare que, conformément à l'article 9, paragraphe 2.a, de la Convention, elle se réserve le droit de limiter l'accès d'une personne à ses propres données personnelles dans le but de protéger la sécurité de l'Etat et l'ordre publique.

ACCESSION

Uruguay

Deposit of instrument with the Secretary-General of the Council of Europe: 10 April 2013

Date of effect: 1 August 2013

Registration with the Secretariat of the United Nations: Council of Europe, 19 June 2013

ADHÉSION

Uruguay

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 10 avril 2013

Date de prise d'effet : 1er août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 19 juin 2013

ADDITIONAL PROTOCOL TO THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA, REGARDING SUPERVISORY AUTHORITIES AND TRANSBORDER DATA FLOWS. STRASBOURG, 8 NOVEMBER 2001 [*United Nations, Treaty Series, vol. 2297, A-25702.*]

PROTOCOLE ADDITIONNEL À LA CONVENTION POUR LA PROTECTION DES PERSONNES À L'ÉGARD DU TRAITEMENT AUTOMATISÉ DES DONNÉES À CARACTÈRE PERSONNEL, CONCERNANT LES AUTORITÉS DE CONTRÔLE ET LES FLUX TRANSFRONTIÈRES DE DONNÉES. STRASBOURG, 8 NOVEMBRE 2001 [*Nations Unies, Recueil des Traités, vol. 2297, A-25702.*]

ACCESSION

Uruguay

Deposit of instrument with the Secretary-General of the Council of Europe: 10 April 2013

Date of effect: 1 August 2013

Registration with the Secretariat of the United Nations: Council of Europe, 19 June 2013

ADHÉSION

Uruguay

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 10 avril 2013

Date de prise d'effet : 1er août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 19 juin 2013

No. 26457. Multilateral

EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT. STRASBOURG, 15 OCTOBER 1985 [*United Nations, Treaty Series, vol. 1525, I-26457.*]

ADDITIONAL PROTOCOL TO THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT ON THE RIGHT TO PARTICIPATE IN THE AFFAIRS OF A LOCAL AUTHORITY. UTRECHT, 16 NOVEMBER 2009 [*United Nations, Treaty Series, vol. 2838, A-26457.*]

RATIFICATION

Armenia

Deposit of instrument with the Secretary-General of the Council of Europe: 13 May 2013

Date of effect: 1 September 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

Nº 26457. Multilatéral

CHARTE EUROPÉENNE DE L'AUTONOMIE LOCALE. STRASBOURG, 15 OCTOBRE 1985 [*Nations Unies, Recueil des Traités, vol. 1525, I-26457.*]

PROTOCOLE ADDITIONNEL À LA CHARTE EUROPÉENNE DE L'AUTONOMIE LOCALE SUR LE DROIT DE PARTICIPER AUX AFFAIRES DES COLLECTIVITÉS LOCALES. UTRECHT, 16 NOVEMBRE 2009 [*Nations Unies, Recueil des Traités, vol. 2838, A-26457.*]

RATIFICATION

Arménie

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 13 mai 2013

Date de prise d'effet : 1er septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

No. 27531. Multilateral

CONVENTION ON THE RIGHTS OF THE CHILD. NEW YORK, 20 NOVEMBER 1989 [*United Nations, Treaty Series, vol. 1577, I-27531.*]

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT. NEW YORK, 25 MAY 2000 [*United Nations, Treaty Series, vol. 2173, A-27531.*]

MODIFICATION OF THE DECLARATION MADE UPON RATIFICATION (WITH DECLARATION)

Poland

Deposit of instrument with the Secretary-General of the United Nations: 28 June 2013

Date of effect: 28 June 2013

Registration with the Secretariat of the United Nations: ex officio, 28 June 2013

Declaration:

[ENGLISH TEXT – TEXTE ANGLAIS]

"1. Under the Polish law the minimum age in the case of obligatory recruitment of the Polish citizens into the national Armed Forces is eighteen (18) years.

2. Under the Polish law the minimum age for the voluntary recruitment of the Polish citizens into the national Armed Forces is eighteen (18) years. The candidate is obliged to show a special document certifying the date of his/her birth."

Nº 27531. Multilatéral

CONVENTION RELATIVE AUX DROITS DE L'ENFANT. NEW YORK, 20 NOVEMBRE 1989 [*Nations Unies, Recueil des Traités, vol. 1577, I-27531.*]

PROTOCOLE FACULTATIF À LA CONVENTION RELATIVE AUX DROITS DE L'ENFANT, CONCERNANT L'IMPLICATION D'ENFANTS DANS LES CONFLITS ARMÉS. NEW YORK, 25 MAI 2000 [*Nations Unies, Recueil des Traités, vol. 2173, A-27531.*]

MODIFICATION DE LA DÉCLARATION FORMULÉE LORS DE LA RATIFICATION (AVEC DÉCLARATION)

Pologne

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 28 juin 2013

Date de prise d'effet : 28 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 28 juin 2013

Déclaration :

[ENGLISH TEXT – TEXTE ANGLAIS]

"1. Under the Polish law the minimum age in the case of obligatory recruitment of the Polish citizens into the national Armed Forces is eighteen (18) years.

2. Under the Polish law the minimum age for the voluntary recruitment of the Polish citizens into the national Armed Forces is eighteen (18) years. The candidate is obliged to show a special document certifying the date of his/her birth."

[TRANSLATION – TRADUCTION]

1. Selon la loi polonaise, l'âge minimum requis pour le recrutement obligatoire des citoyens polonais dans les forces armées nationales est de dix-huit (18) ans.

2. Selon la loi polonaise, l'âge minimum requis pour le recrutement volontaire des citoyens polonais dans les forces armées nationales est de dix-huit (18) ans. Le candidat doit soumettre un document officiel qui certifie sa date de naissance.

No. 28967. Finland and United States of America

EXCHANGE OF NOTES CONSTITUTING A GENERAL SECURITY OF MILITARY INFORMATION AGREEMENT BETWEEN THE GOVERNMENT OF FINLAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA. HELSINKI, 11 OCTOBER 1991 [*United Nations, Treaty Series, vol. 1676, I-28967.*]

Termination in accordance with:

50948. Agreement between the Government of the Republic of Finland and the Government of the United States of America concerning security measures for the protection of classified information (with appendix). Helsinki, 27 June 2012 [*United Nations, Treaty Series, vol. 2928, I-50948.*]

Entry into force: 1 May 2013

Registration with the Secretariat of the United Nations: Finland, 3 June 2013

Information provided by the Secretariat of the United Nations: 3 June 2013

Nº 28967. Finlande et États-Unis d'Amérique

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD ENTRE LE GOUVERNEMENT DE FINLANDE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF À LA SÉCURITÉ GÉNÉRALE DES RENSEIGNEMENTS MILITAIRES. HELSINKI, 11 OCTOBRE 1991 [*Nations Unies, Recueil des Traités, vol. 1676, I-28967.*]

Abrogation conformément à :

50948. Accord entre le Gouvernement de la République de Finlande et le Gouvernement des États-Unis d'Amérique concernant les mesures de sécurité pour la protection des informations classifiées (avec appendice). Helsinki, 27 juin 2012 [*Nations Unies, Recueil des Traités, vol. 2928, I-50948.*]

Entrée en vigueur : 1er mai 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Finlande, 3 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 3 juin 2013

No. 29467. Multilateral

INTERNATIONAL SUGAR AGREEMENT, 1992. GENEVA, 20 MARCH 1992 [*United Nations, Treaty Series, vol. 1703, I-29467.*]

EXTENSION OF THE AGREEMENT UNTIL 31 DECEMBER 2013

Notification deposited with the Secretary-General of the United Nations: 12 June 2013

Registration with the Secretariat of the United Nations: ex officio, 12 June 2013

EXTENSION OF THE AGREEMENT UNTIL 31 DECEMBER 2015

Notification deposited with the Secretary-General of the United Nations: 11 June 2013

Registration with the Secretariat of the United Nations: ex officio, 11 June 2013

Nº 29467. Multilatéral

ACCORD INTERNATIONAL DE 1992 SUR LE SUCRE. GENÈVE, 20 MARS 1992 [*Nations Unies, Recueil des Traités, vol. 1703, I-29467.*]

PROROGATION DE L'ACCORD JUSQU'AU 31 DÉCEMBRE 2013

Dépôt de la notification auprès du Secrétaire général de l'Organisation des Nations Unies : 12 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 12 juin 2013

PROROGATION DE L'ACCORD JUSQU'AU 31 DÉCEMBRE 2015

Dépôt de la notification auprès du Secrétaire général de l'Organisation des Nations Unies : 11 juin 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 11 juin 2013

No. 30299. United States of America and Iceland

MEMORANDUM OF UNDERSTANDING BETWEEN THE GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND NATIONAL RESEARCH COUNCIL (RANNSOKNARAD RIKISINS) OF ICELAND (ISLAND) UNDER THE MINISTRY OF EDUCATION (MENNTAMALARADUNEYTID) FOR SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES. REYKJAVIK, 28 JANUARY 1982, AND RESTON, 9 APRIL 1982 [*United Nations, Treaty Series, vol. 1735, I-30299.*]

AGREEMENT TO AMEND AND EXTEND THE MEMORANDUM OF UNDERSTANDING OF JANUARY 28 AND APRIL 9, 1982 CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES, AS AMENDED AND EXTENDED. RESTON, 9 JUNE 1999, AND REYKJAVIK, 8 JULY 1999

Entry into force: 8 July 1999 by signature

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 30299. États-Unis d'Amérique et Islande

MÉMORANDUM D'ACCORD ENTRE LE SERVICE DE PROSPECTION GÉOLOGIQUE DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET LE CONSEIL NATIONAL DE LA RECHERCHE (ÎLES RANNSOKNARAD) DE L'ISLANDE RELEVANT DU MINISTÈRE DE L'ÉDUCATION (MENNTAMALARADUNEYTID) RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE. REYKJAVIK, 28 JANVIER 1982, ET RESTON, 9 AVRIL 1982 [*Nations Unies, Recueil des Traités, vol. 1735, I-30299.*]

ACCORD MODIFIANT ET PROROGEANT LE MÉMORANDUM D'ACCORD DES 28 JANVIER ET 9 AVRIL 1982 RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE, TEL QUE MODIFIÉ ET PROROGÉ. RESTON, 9 JUIN 1999, ET REYKJAVIK, 8 JUILLET 1999

Entrée en vigueur : 8 juillet 1999 par signature

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

[AGREEMENT] TO AMEND AND EXTEND THE MEMORANDUM OF UNDERSTANDING, OF JANUARY 28 AND APRIL 9, 1982, AS AMENDED AND EXTENDED MEMORANDUM OF UNDERSTANDING CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES

The Memorandum of Understanding (MOU) for scientific and technical cooperation in earth sciences between the United States Geological Survey (USGS) of the Department of the Interior of the United States of America and the National Research Council (Rannsoknarad Rikisins "RR") of Iceland (The Parties), was signed by the Rannsoknarad Rikisins January 28, 1982, and by the USGS April 9, 1982. The MOU was extended for another 8-year period, effective April 9, 1990, under the purview of the Icelandic Council of Science (ICS). During that time, the Parties have cooperated in the exchange of technical knowledge and augmentation of technical capabilities in the areas of earth resources and geological, geophysical, and hydrological phenomena. The current MOU will include biology and biological technical developments. The cooperation includes exchange of information and expertise, and joint studies of mutual interest in such areas.

The Parties agree that this cooperation has been beneficial to both organizations, and that the MOU should be amended as follows:

1. Extend the MOU for another 8-year period, effective April 9, 1998;

2. Amend the title of the MOU to read:

   MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE ICELANDIC RESEARCH COUNCIL (RANNSOKNARAD ISLANDS) UNDER THE MINISTRY OF EDUCATION (MENNTAMALARADUNEYTID) OF THE REPUBLIC OF ICELAND FOR SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES; and

3. Amend the MOU by replacing the Icelandic Council of Science (ICS) with The Icelandic Research Council (RANNIS).

Done at Reston and Reykjavik in the English language.

FOR THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA:

Signature

Charles G. Groat
Name

Director
Title

JUNE 9, 1999
Date

FOR THE ICELANDIC RESEARCH COUNCIL (RANNSOKNARAD ISLANDS) UNDER THE MINISTRY OF EDUCATION (MENNTAMALARADUNEYTID OF THE REPUBLIC OF ICELAND:

Signature

Vilhjálmur Lúðvíksson
Name

Director
Title

July 8, 1999
Date

[TRANSLATION – TRADUCTION]

ACCORD MODIFIANT ET PROROGEANT LE MÉMORANDUM D'ACCORD DES 28 JANVIER ET 9 AVRIL 1982, TEL QU'AMENDÉ ET PROROGÉ MÉMORANDUM D'ACCORD RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE

Le Mémorandum d'accord entre le Service de prospection géologique du Département de l'intérieur des États-Unis d'Amérique et le Conseil national de la recherche (Rannsoknarad Rikisins) de l'Islande (les Parties) a été signé par le Rannsoknarad Rikisins le 28 janvier 1982 et par le Service de prospection géologique le 9 avril 1982. Le Mémorandum d'accord a été prorogé pour une nouvelle période de huit ans avec effet le 9 avril 1990, sous la compétence du Conseil national des sciences. Pendant ce temps, les Parties ont coopéré par l'échange de connaissances techniques et l'accroissement des capacités techniques dans les domaines des ressources de la terre et des phénomènes géologiques, géophysiques et hydrologiques. Le présent Mémorandum d'accord comprendra la biologie et les développements techniques en matière de biologie. La coopération comprend l'échange d'informations et de données d'expérience, ainsi que des études conjointes d'intérêt mutuel dans ces domaines.

Les Parties conviennent que cette coopération a été bénéfique aux deux organisations, et de modifier le Mémorandum d'accord comme suit :

1. Le Mémorandum d'accord est prorogé pour une nouvelle période de huit ans, avec effet le 9 avril 1998;

2. Le titre du Mémorandum d'accord est modifié comme suit :

Mémorandum d'accord entre le Service de prospection géologique du Département de l'intérieur des États-Unis d'Amérique et le Conseil national de la recherche (Îles Rannsoknarad) sous l'autorité du Ministère de l'éducation (Menntamalaraduneytid) de la République d'Islande relatif à la coopération scientifique et technique dans le domaine des sciences de la terre; et

3) Le Mémorandum d'accord est modifié en remplaçant l'appellation Conseil national des sciences par l'appellation Conseil national de la recherche (Rannis).

FAIT à Reston et Reykjavik, en langue anglaise.

Pour le Service de prospection géologique du Département de l'intérieur des États-Unis d'Amérique :

CHARLES G. GROAT
Directeur
Le 9 juin 1999

Pour le Conseil national de la recherche (Îles Rannsoknarad) sous l'autorité du Ministère de l'éducation (Menntamalaraduneytid) de la République d'Islande :

VILHJÁLMUR LÚÐVÍKSSON
Directeur
Le 8 juillet 199

AGREEMENT TO AMEND AND EXTEND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE ICELANDIC RESEARCH COUNCIL (RANNSOKNARAD ISLANDS) UNDER THE MINISTRY OF EDUCATION, SCIENCE AND CULTURE (MENNTAMALARADUNEYTID) OF THE REPUBLIC OF ICELAND FOR SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES, AS AMENDED AND EXTENDED. REYKJAVIK, 25 MARCH 2007, AND RESTON, 12 APRIL 2007

ACCORD MODIFIANT ET PROROGEANT LE MÉMORANDUM D'ACCORD ENTRE L'INSTITUT DES ÉTUDES GÉOLOGIQUES DES ÉTATS-UNIS DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET LE CONSEIL ISLANDAIS DE LA RECHERCHE (ÎLES RANNSOKNARAD) RELEVANT DU MINISTÈRE DE L'ÉDUCATION, LA SCIENCE ET LA CULTURE (MENNTAMALARADUNEYTID) DE LA RÉPUBLIQUE D'ISLANDE RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES TERRESTRES, TEL QUE MODIFIÉ ET PROROGÉ. REYKJAVIK, 25 MARS 2007, ET RESTON, 12 AVRIL 2007

Entry into force: 12 April 2007 by signature

Entrée en vigueur : 12 avril 2007 par signature

Authentic text: English

Texte authentique : anglais

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT TO AMEND AND EXTEND THE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE ICELANDIC RESEARCH COUNCIL (RANNSOKNARAD ISLANDS) UNDER THE MINISTRY OF EDUCATION, SCIENCE AND CULTURE (MENNTAMALARADUNEYTID) OF THE REPUBLIC OF ICELAND FOR SCIENTIFIC AND TECHNICAL COOPERATION IN EARTH SCIENCES, AS AMENDED AND EXTENDED

The Memorandum of Understanding (MOU) for Scientific and Technical Cooperation in Earth Sciences between the United States Geological Survey (USGS) of the Department of the Interior of the United States of America and the Icelandic Centre for Research (ICR) (Rannsoknamidstod Islands) of the Republic of Iceland, (the Parties) was originally signed by the Rannsoknarad Rikisins, January 28, 1982, and by the USGS April 9, 1982. The MOU was amended and extended for 8 years, effective April 9, 1990, and again, effective April 9, 1998. During this time, the Parties have cooperated in the exchange of technical knowledge and augmentation of technical capabilities in the areas of Earth resources and geological, geophysical, and hydrological phenomena. The cooperation includes exchange of information and expertise, and joint studies of mutual interest in such areas.

The Parties agree that this cooperation has been beneficial to both organizations, and that the MOU be amended as follows:

1. Extend the MOU for another 8-year period, effective April 9, 2006;

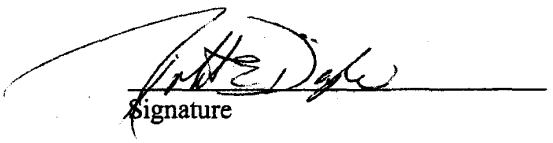
2. Replace the Icelandic Research Council (RANNSOKNARAD ISLANDS) with the Icelandic Centre for Research (RANNSOKNAMIDSTOD ISLANDS, also known as RANNIS), including in the title of the agreement; and

3. All other terms and conditions of the MOU, as amended and extended remain unchanged.

This Agreement shall enter into force upon signature.

Done at Reston and Reykjavik, in duplicate, in the English language.

FOR THE
GEOLOGICAL SURVEY
OF THE DEPARTMENT OF
THE INTERIOR OF
THE UNITED STATES OF AMERICA:



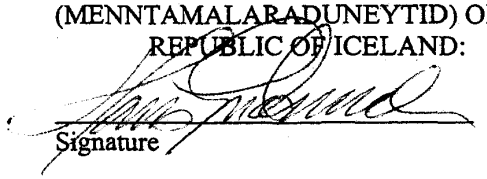
Signature

Mark D. Meyers

Director
Title

4/12/07
Date

FOR THE
ICELANDIC CENTRE FOR RESEARCH
(RANNSOKNAMIDSTÖD ISLANDS)
UNDER THE MINISTRY OF
EDUCATION, SCIENCE AND CULTURE
(MENNTAMALARADUNEYTID) OF THE
REPUBLIC OF ICELAND:



Signature

Hans Kristjan Gudmundsson

Director
Title

March 23, 2007
Date

[TRANSLATION – TRADUCTION]

ACCORD MODIFIANT ET PROROGEANT LE MÉMORANDUM D'ACCORD ENTRE LE SERVICE DE PROSPECTION GÉOLOGIQUE DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET LE CONSEIL NATIONAL DE LA RECHERCHE (ÎLES RANNSOKNARAD) DE L'ISLANDE RELEVANT DU MINISTÈRE DE L'ÉDUCATION (MENNTAMALARADUNEYTID) RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE, TEL QUE MODIFIÉ ET PROROGÉ

Le Mémorandum d'accord relatif à la coopération scientifique et technique dans le domaine des sciences de la terre entre le Service de prospection géologique du Département de l'intérieur des États-Unis d'Amérique et le Centre national de la recherche (Îles Rannsoknamidstod) de la République d'Islande (les Parties) a été initialement signé par le Rannsoknarad Rikisins le 28 janvier 1982, et par le Service de prospection géologique le 9 avril 1982. Le Mémorandum d'accord a été modifié et prorogé pour huit ans avec effet le 9 avril 1990, et de nouveau avec effet le 9 avril 1998. Pendant ce temps, les Parties ont coopéré par l'échange de connaissances techniques et l'accroissement des capacités techniques dans les domaines des ressources de la terre et des phénomènes géologiques, géophysiques et hydrologiques. La coopération comprend l'échange d'informations et de données d'expérience, ainsi que des études conjointes d'intérêt mutuel dans ces domaines.

Les Parties conviennent que cette coopération a été bénéfique aux deux organisations, et de modifier le Mémorandum d'accord comme suit :

1. Le Mémorandum d'accord est prorogé pour une nouvelle période de huit ans, avec effet le 9 avril 2006;

2. Le Conseil national de la recherche (Îles Rannsoknarad) est remplacé par le Centre national de recherche (Îles Rannsoknamidstod, également connu sous le nom de Rannis), y compris dans le titre de l'Accord; et

3. Tous autres termes et conditions du Mémorandum d'accord, tels que modifiés et prorogés, demeurent inchangés.

Le présent Accord entre en vigueur à sa signature.

FAIT à Reston et Reykjavik, en double exemplaire, en langue anglaise.

Pour le Service de prospection géologique du Département de l'intérieur
des États-Unis d'Amérique :

MARK D. MEYERS
Directeur
Le 12 avril 2007

Pour le Centre national de la recherche (Îles Rannsoknamidstod) relevant du Ministère
de l'éducation, de la science et de la culture (Menntamalaraduneytid) de la République d'Islande :

HANS KRISTJAN GUDMUNDSSON
Directeur
Le 25 mars 2007

No. 33207. Multilateral

CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES. HELSINKI, 17 MARCH 1992 [*United Nations, Treaty Series, vol. 1936, I-33207*.]

AMENDMENTS TO ARTICLES 25 AND 26 OF THE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES. MADRID, 28 NOVEMBER 2003 [*United Nations, Treaty Series, vol. 2897, A-33207*.]

ACCEPTANCE

Greece

Deposit of instrument with the Secretary-General of the United Nations: 5 June 2013

Date of effect: 3 September 2013

Registration with the Secretariat of the United Nations: ex officio, 5 June 2013

Nº 33207. Multilatéral

CONVENTION SUR LA PROTECTION ET L'UTILISATION DES COURS D'EAU TRANSFRONTIÈRES ET DES LACS INTERNATIONAUX. HELSINKI, 17 MARS 1992 [*Nations Unies, Recueil des Traités, vol. 1936, I-33207*.]

AMENDEMENTS DES ARTICLES 25 ET 26 DE LA CONVENTION SUR LA PROTECTION ET L'UTILISATION DES COURS D'EAU TRANSFRONTIÈRES ET DES LACS INTERNATIONAUX. MADRID, 28 NOVEMBRE 2003 [*Nations Unies, Recueil des Traités, vol. 2897, A-33207*.]

ACCEPTATION

Grèce

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 5 juin 2013

Date de prise d'effet : 3 septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 5 juin 2013

No. 33545. Multilateral

CONVENTION ON NUCLEAR SAFETY. VIENNA, 20 SEPTEMBER 1994 [*United Nations, Treaty Series, vol. 1963, I-33545.*]

ACCESSION

Oman

Deposit of instrument with the Director-General of the International Atomic Energy Agency: 28 May 2013

Date of effect: 26 August 2013

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 24 June 2013

Nº 33545. Multilatéral

CONVENTION SUR LA SÛRETÉ NUCLÉAIRE. VIENNE, 20 SEPTEMBRE 1994 [*Nations Unies, Recueil des Traités, vol. 1963, I-33545.*]

ADHÉSION

Oman

Dépôt de l'instrument auprès du Directeur général de l'Agence internationale de l'énergie atomique : 28 mai 2013

Date de prise d'effet : 26 août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Agence internationale de l'énergie atomique, 24 juin 2013

No. 33610. Multilateral

CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS. STRASBOURG, 25 JANUARY 1988 [*United Nations, Treaty Series, vol. 1966, I-33610.*]

PROTOCOL AMENDING THE CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS. PARIS, 27 MAY 2010 [*United Nations, Treaty Series, vol. 2763, A-33610.*]

RATIFICATION

Ukraine

Deposit of instrument with the Secretary-General of the Council of Europe: 22 May 2013

Date of effect: 1 September 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

Nº 33610. Multilatéral

CONVENTION CONCERNANT L'ASSISTANCE ADMINISTRATIVE MUTUELLE EN MATIÈRE FISCALE. STRASBOURG, 25 JANVIER 1988 [*Nations Unies, Recueil des Traités, vol. 1966, I-33610.*]

PROTOCOLE D'AMENDEMENT À LA CONVENTION CONCERNANT L'ASSISTANCE ADMINISTRATIVE MUTUELLE EN MATIÈRE FISCALE. PARIS, 27 MAI 2010 [*Nations Unies, Recueil des Traités, vol. 2763, A-33610.*]

RATIFICATION

Ukraine

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 22 mai 2013

Date de prise d'effet : 1er septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

No. 34598. United States of America and Norway

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF NORWAY ON SOCIAL SECURITY. WASHINGTON, 13 JANUARY 1983 [*United Nations, Treaty Series, vol. 2014, I-34598.*]

Termination in accordance with:

50929. Agreement between the Government of the United States of America and the Kingdom of Norway on social security. Oslo, 30 November 2001 [*United Nations, Treaty Series, vol. 2926, I-50929.*]

Entry into force: 1 September 2003

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 34598. États-Unis d'Amérique et Norvège

ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE ROYAUME DE NORVÈGE RELATIF À LA SÉCURITÉ SOCIALE. WASHINGTON, 13 JANVIER 1983 [*Nations Unies, Recueil des Traités, vol. 2014, I-34598.*]

Abrogation conformément à :

50929. Accord entre le Gouvernement des États-Unis d'Amérique et le Royaume de Norvège sur la sécurité sociale. Oslo, 30 novembre 2001 [*Nations Unies, Recueil des Traités, vol. 2926, I-50929.*]

Entrée en vigueur : 1er septembre 2003

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 35457. Multilateral

CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL. NEW YORK, 9 DECEMBER 1994 [*United Nations, Treaty Series, vol. 2051, I-35457.*]

ACCESSION (WITH DECLARATIONS)

El Salvador

Deposit of instrument with the Secretary-General of the United Nations: 25 June 2013

Date of effect: 25 July 2013

Registration with the Secretariat of the United Nations: ex officio, 25 June 2013

Declarations:

[SPANISH TEXT – TEXTE ESPAGNOL]

"Con relación a lo establecido en el Artículo 15 de la Convención, la República de El Salvador no considera la Convención antes relacionada como la base jurídica de cooperación en materia de extradición";

"Con relación a lo establecido en el Artículo 22 de este instrumento, el Gobierno de la República de El Salvador no se considera vinculado con lo establecido en el párrafo 1 de este Artículo, por no reconocer la jurisdicción obligatoria de la Corte Internacional de Justicia".

[TRANSLATION – TRADUCTION]

With respect to the provisions of article 15 of the Convention, the Republic of El Salvador does not regard the above-mentioned Convention as the legal basis for cooperation in connection with extradition.

With respect to article 22 of the Convention, the Government of the Republic of El Salvador, does not consider itself bound with the provisions of paragraph 1 of this article, since it doesn't recognize the compulsory jurisdiction of the International Court of Justice.

Nº 35457. Multilatéral

CONVENTION SUR LA SÉCURITÉ DU PERSONNEL DES NATIONS UNIES ET DU PERSONNEL ASSOCIÉ. NEW YORK, 9 DÉCEMBRE 1994 [*Nations Unies, Recueil des Traités, vol. 2051, I-35457.*]

ADHÉSION (AVEC DÉCLARATIONS)

El Salvador

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 25 juin 2013

Date de prise d'effet : 25 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 25 juin 2013

Déclarations :

[TRANSLATION – TRADUCTION]

En ce qui concerne les dispositions de l'article 15 de la Convention, la République d'El Salvador ne considère pas la Convention comme base légale de coopération en matière d'extradition.

En ce qui concerne les dispositions de l'article 22 de cet instrument, le Gouvernement de la République d'El Salvador ne se considère pas lié par les dispositions du paragraphe 1 dudit article parce qu'il ne reconnaît pas la compétence obligatoire de la Cour internationale de Justice.

No. 36876. United States of America and Botswana

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA RELATING TO THE EMPLOYMENT OF DEPENDENTS OF OFFICIAL GOVERNMENT EMPLOYEES. GABORONE, 15 JUNE 1984

[*United Nations, Treaty Series, vol. 2120, I-36876.*]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT AMENDING THE AGREEMENT OF JUNE 15, 1984 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA RELATING TO THE EMPLOYMENT OF DEPENDENTS OF OFFICIAL GOVERNMENT EMPLOYEES. GABORONE, 16 AUGUST 1999 AND 1 DECEMBER 2000

Entry into force: 1 December 2000 by the exchange of the said notes, in accordance with their provisions

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Not published in print, in accordance with article 12(2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended.

Nº 36876. États-Unis d'Amérique et Botswana

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU BOTSWANA CONCERNANT L'EMPLOI DES PERSONNES À CHARGE DES EMPLOYÉS OFFICIELS GOUVERNEMENTAUX. GABORONE, 15 JUIN 1984

[*Nations Unies, Recueil des Traités, vol. 2120, I-36876.*]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD MODIFIANT L'ACCORD DU 15 JUIN 1984 ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU BOTSWANA CONCERNANT L'EMPLOI DES PERSONNES À CHARGE DES EMPLOYÉS GOUVERNEMENTAUX OFFICIELS. GABORONE, 16 AOÛT 1999 ET 1ER DÉCEMBRE 2000

Entrée en vigueur : 1er décembre 2000 par l'échange desdites notes, conformément à leurs dispositions

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Non disponible en version imprimée, conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé.

No. 37348. Hungary and United States of America

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND GOVERNMENT OF THE REPUBLIC OF HUNGARY FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION. WASHINGTON, 15 MARCH 2000 [*United Nations, Treaty Series, vol. 2140, I-37348.*]

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE HUNGARIAN GEOLOGICAL SURVEY OF THE GOVERNMENT OF THE REPUBLIC OF HUNGARY CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN THE EARTH SCIENCES. BUDAPEST, 22 NOVEMBER 2000

Entry into force: 22 November 2000 by signature, in accordance with article IX

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 37348. Hongrie et États-Unis d'Amérique

ACCORD DE COOPÉRATION SCIENTIFIQUE ET TECHNOLOGIQUE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE HONGRIE. WASHINGTON, 15 MARS 2000 [*Nations Unies, Recueil des Traités, vol. 2140, I-37348.*]

MÉMORANDUM D'ACCORD ENTRE LE SERVICE DE PROSPECTION GÉOLOGIQUE DES ÉTATS-UNIS DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET LE SERVICE DE PROSPECTION GÉOLOGIQUE HONGROIS DU GOUVERNEMENT DE LA RÉPUBLIQUE DE HONGRIE RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE. BUDAPEST, 22 NOVEMBRE 2000

Entrée en vigueur : 22 novembre 2000 par signature, conformément à l'article IX

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND THE HUNGARIAN GEOLOGICAL SURVEY OF THE GOVERNMENT OF THE REPUBLIC OF HUNGARY CONCERNING SCIENTIFIC AND TECHNICAL COOPERATION IN THE EARTH SCIENCES

ARTICLE I. SCOPE AND OBJECTIVES

1. The U.S. Geological Survey of the Department of the Interior of the United States of America (hereinafter referred to as "USGS") and the Hungarian Geological Survey of the Government of the Republic of Hungary (hereinafter referred to as "MGS") hereby agree to pursue scientific and technical cooperation in the earth sciences in accordance with this Memorandum of Understanding (hereinafter referred to as the "Memorandum").

2. The purpose of this Memorandum is to provide a framework for the exchange of scientific and technical knowledge and the augmentation of scientific and technical capabilities of the USGS and MGS (hereinafter referred to as the "Parties") with respect to the earth sciences.

3. This Memorandum is subject to the Agreement between the Government of the United States of America and the Government of the Republic of Hungary for Scientific and Technological Cooperation (hereinafter referred to as the "Agreement), signed March 15, 2000, with an option for automatic extension for consecutive periods of (5) years. This Agreement will supersede the 1989 Agreement.

4. Each Party may, with the consent of the other Party and to the extent permitted by the laws and policies of each Government, invite other government agencies of the United States and Hungary to participate in activities undertaken pursuant to this Memorandum.

ARTICLE II. COOPERATIVE ACTIVITIES

1. Forms of cooperation under this Memorandum may consist of exchanges of technical information, visits, training, and cooperative research consistent with ongoing programs of the Parties. Specific areas of cooperation may include, but are not limited to, such areas of mutual interest as:

A. Earth-science investigations, including hazards, resources and environment;

B. Biology and biological investigations and technical developments;

C. Geospatial data applications;

D. Water resources and other hydrologic investigations; and

E. Information systems.

2. Activities under this Memorandum shall be undertaken in accordance with the laws, regulations, and procedures of each country.

ARTICLE III. AVAILABILITY OF RESOURCES

Cooperative activities under this Memorandum shall be subject to the availability of personnel, resources, and funds. This Memorandum shall not be construed to obligate any particular expenditure or commitment of resources or personnel. The Parties shall agree in accordance with Article VIII below, upon specific project annexes in writing before the commencement of each activity hereunder.

ARTICLE IV. FEE AND TAX EXEMPTION

The Parties shall obtain from their respective Governments the exoneration of all fees and taxes, including taxes on services rendered, levied on the following items related to or used in furtherance of activities under this Memorandum:

A. Personal effects being used by and belonging to the Parties' personnel.

B. Imported scientific and technical material and equipment that belong to the Parties' Governments and that would remain the property of the Governments.

C. All contracts for construction of facilities and for goods or services in support of these activities necessary to implement this Memorandum.

ARTICLE V. INTELLECTUAL PROPERTY AND SECURITY OBLIGATIONS

Provisions for the protection and distribution of intellectual property created or furnished in the course of cooperative activities under the Memorandum, and provisions for the protection of classified information and unclassified export-controlled information and equipment, shall be governed by the provisions of the Agreement Relating to Scientific and Technological Cooperation between the Government of the United States of America and the Government of the Republic of Hungary.

ARTICLE VI. DISCLAIMER

Information transmitted by one Party to the other Party under this Memorandum shall be accurate to the best knowledge and belief of the transmitting Party, but the transmitting Party does not warrant the suitability of the information transmitted for any particular use or application by the receiving Party or by any third Party.

ARTICLE VII. PLANNING AND REVIEW OF ACTIVITIES

Each Party shall designate a principal representative who, at such times as are mutually agreed upon by the Parties, shall meet with the other representatives to review the activities under this Memorandum and develop proposals for future activities, as appropriate.

ARTICLE VIII. PROJECT ANNEXES

Any activity carried out under this Memorandum shall be agreed upon in advance by the Parties in writing. Whenever more than the exchange of technical information or visits of individuals is contemplated, such activity shall be described in an agreed Project Annex to this Memorandum, which shall set forth in terms appropriate to the activity, a work plan, staffing requirements, cost estimates, funding sources, and other undertakings, obligations, or conditions not included in this Memorandum. In case of any inconsistency between the terms of this Memorandum and the terms of a Project Annex, the terms of this Memorandum shall be controlling.

ARTICLE IX. ENTRY INTO FORCE AND TERMINATION

This Memorandum shall enter into force upon signature by both Parties and remains in force for the duration of the Agreement. It may be amended by mutual written agreement and may be terminated at any time by either Party upon ninety (90) days prior written notice to the other Party. Unless otherwise agreed, the termination of this Memorandum shall not affect the validity or duration of projects under this Memorandum that have been initiated prior to such termination.

Done at Reston and Budapest, in the English language.

FOR THE U.S. GEOLOGICAL SURVEY OF THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES OF AMERICA:	FOR THE HUNGARIAN GEOLOGICAL SURVEY OF THE GOVERNMENT OF HUNGARY:
Signature	Signature
Thomas B. Robertson Name	Dr. Istvan G. Farkas Name
Chargé d'Affaires a.i. American Embassy Budapest Title	Director General Title
November 22, 2000 Date	November 22, 2000 Date

[TRANSLATION – TRADUCTION]

MÉMORANDUM D'ACCORD ENTRE LE SERVICE DE PROSPECTION GÉOLOGIQUE DES ÉTATS-UNIS DU DÉPARTEMENT DE L'INTÉRIEUR DES ÉTATS-UNIS D'AMÉRIQUE ET LE SERVICE DE PROSPECTION GÉOLOGIQUE HONGROIS DU GOUVERNEMENT DE LA RÉPUBLIQUE DE HONGRIE RELATIF À LA COOPÉRATION SCIENTIFIQUE ET TECHNIQUE DANS LE DOMAINE DES SCIENCES DE LA TERRE

Article premier. Portée et objectifs

1. Le Service de prospection géologique des États-Unis du Département de l'intérieur des États-Unis d'Amérique (ci-après dénommé « USGS »), et le Service de prospection géologique hongrois du Gouvernement de la République de Hongrie (ci-après dénommé « MGS ») conviennent de poursuivre la coopération scientifique et technique dans le domaine des sciences de la terre, conformément au présent Mémorandum d'accord (ci-après dénommé le « Mémorandum »).

2. L'objectif du présent Mémorandum est de fournir un cadre pour l'échange de connaissances scientifiques et techniques ainsi que le renforcement des capacités scientifiques et techniques de l'USGS et du MGS (ci-après dénommés les « Parties »), en ce qui concerne les sciences de la terre.

3. Le présent Mémorandum est subordonné à l'Accord de coopération scientifique et technologique entre le Gouvernement de la République de Hongrie et le Gouvernement des États-Unis d'Amérique du 15 mars 2000 (ci-après dénommé « l'Accord »), avec possibilité de prorogation automatique pour des périodes consécutives de cinq ans. Cet Accord remplacera l'Accord de 1989.

4. Chacune des Parties peut, avec le consentement de l'autre et dans la mesure où le permettent la législation et les politiques de chaque Gouvernement, inviter d'autres organismes gouvernementaux des États-Unis et de Hongrie à participer aux activités entreprises dans le cadre du présent Mémorandum.

Article II. Activités de coopération

1. Les formes de coopération au titre du présent Mémorandum peuvent inclure l'échange d'informations techniques, des visites et des recherches coopératives conformes aux programmes en cours des Parties. Les domaines spécifiques de la coopération peuvent comprendre, sans s'y limiter, des domaines d'intérêt commun tels que :

A. Les recherches dans le domaine des sciences de la terre, y compris les risques, les ressources et l'environnement;

B. La biologie, les recherches biologiques et les développements techniques;

C. Les applications de données géospatiales;

D. Les ressources hydriques et autres recherches hydrologiques;

E. Les systèmes d'information.

2. Les activités entreprises dans le cadre du présent Mémorandum seront exercées conformément aux lois, règlements et procédures respectives de chacun des pays.

Article III. Disponibilité des ressources

Les activités coopératives entreprises dans le cadre du présent Mémorandum sont sujettes à la disponibilité du personnel, des ressources et des fonds. Le présent Mémorandum ne doit pas être interprété comme impliquant une dépense ou une obligation particulière en termes de ressources ou de personnel. Conformément à l'article VIII, les Parties conviennent par écrit d'annexes de projets avant d'entreprendre toute activité au titre du présent Mémorandum.

Article IV. Exemption de droits et d'impôts

Les Parties obtiennent de leur Gouvernement l'exonération de tous droits et impôts, y compris les taxes perçues pour services rendus, prélevés sur les articles suivants ou utilisés aux fins de l'exécution des activités au titre du présent Mémorandum :

A. Les effets personnels utilisés par le personnel des Parties et lui appartenant.

B. Le matériel et l'équipement scientifique et technique importés appartenant aux Gouvernements des Parties et qui continuent de leur appartenir.

C. Tous les contrats relatifs à la construction d'installations et aux biens ou services à l'appui des activités nécessaires pour l'exécution du présent Mémorandum.

Article V. Droits de propriété intellectuelle et obligations sécuritaires correspondantes

Les dispositions relatives à la protection et à la distribution de la propriété intellectuelle créée ou fournie dans le cadre d'activités de coopération menées en vertu du présent Mémorandum, ainsi que celles concernant la protection d'informations classifiées et d'informations et d'équipements non classifiés dont l'exportation est soumise à contrôle, sont celles contenues dans l'Accord de coopération scientifique et technologique entre le Gouvernement de la République de Hongrie et le Gouvernement des États-Unis d'Amérique.

Article VI. Déni de responsabilité

L'information transmise par l'une des Parties à l'autre aux termes du présent Mémorandum est exacte au meilleur de la connaissance et de la conviction de la Partie expéditrice; toutefois, cette dernière ne garantit pas la pertinence de l'information transmise aux fins d'un usage ou d'une application spécifique par la Partie réceptrice ou un tiers.

Article VII. Planification et révision des activités

Chaque Partie désignera un représentant principal qui, aux dates convenues par les Parties, rencontrera les autres représentants pour examiner les activités menées dans le cadre du présent Mémorandum et mettre au point des propositions en vue d'activités futures, selon qu'il convient.

Article VIII. Annexes de projet

Toute activité menée dans le cadre du présent Mémorandum sera convenue à l'avance par écrit par les Parties. Lorsqu'une activité allant au-delà de l'échange d'informations techniques ou de visites est envisagée, elle est décrite dans une annexe de projet convenue jointe au présent Mémorandum et établissant, en des termes correspondant à l'activité en question, un plan de travail, les besoins en effectifs, des estimations des coûts, les sources de financement et autres engagements, obligations ou conditions non compris dans le présent Mémorandum. En cas de divergence entre les dispositions du présent Mémorandum et celles d'une annexe de projet, les dispositions du Mémorandum prévaudront.

Article IX. Entrée en vigueur et dénonciation

Le présent Mémorandum entre en vigueur à sa signature et reste en vigueur pendant la durée l'Accord. Il peut être modifié par accord mutuel écrit entre les Parties et être dénoncé par l'une ou l'autre des Parties moyennant une notification écrite transmise au moins 90 jours à l'avance. À moins qu'il n'en soit convenu autrement, la dénonciation du présent Mémorandum est sans incidence sur la validité ou la durée des projets entrepris au titre du Mémorandum avant son expiration.

FAIT à Reston et à Budapest, en langue anglaise.

Pour le Service de prospection géologique des États-Unis
du Département de l'intérieur des États-Unis d'Amérique :

THOMAS B. ROBERTSON
Chargé d'affaires par intérim de l'ambassade des États-Unis à Budapest
Le 22 novembre 2000

Pour le Service de prospection géologique hongrois du Gouvernement de Hongrie :

ISTVAN G. FARKAS
Directeur général
Le 22 novembre 2000

No. 37605. Multilateral

JOINT CONVENTION ON THE SAFETY OF SPENT FUEL MANAGEMENT AND ON THE SAFETY OF RADIOACTIVE WASTE MANAGEMENT. VIENNA, 5 SEPTEMBER 1997 [*United Nations, Treaty Series, vol. 2153, I-37605.*]

ACCESSION

Armenia

Deposit of instrument with the Director-General of the International Atomic Energy Agency: 22 May 2013

Date of effect: 20 August 2013

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 24 June 2013

ACCESSION

Oman

Deposit of instrument with the Director-General of the International Atomic Energy Agency: 28 May 2013

Date of effect: 26 August 2013

Registration with the Secretariat of the United Nations: International Atomic Energy Agency, 24 June 2013

Nº 37605. Multilatéral

CONVENTION COMMUNE SUR LA SÛRETÉ DE LA GESTION DU COMBUSTIBLE USÉ ET SUR LA SÛRETÉ DE LA GESTION DES DÉCHETS RADIOACTIFS. VIENNE, 5 SEPTEMBRE 1997 [*Nations Unies, Recueil des Traités, vol. 2153, I-37605.*]

ADHÉSION

Arménie

Dépôt de l'instrument auprès du Directeur général de l'Agence internationale de l'énergie atomique : 22 mai 2013

Date de prise d'effet : 20 août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Agence internationale de l'énergie atomique, 24 juin 2013

ADHÉSION

Oman

Dépôt de l'instrument auprès du Directeur général de l'Agence internationale de l'énergie atomique : 28 mai 2013

Date de prise d'effet : 26 août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Agence internationale de l'énergie atomique, 24 juin 2013

No. 38213. United States of America and Senegal

AIR TRANSPORT SERVICES AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SENEGAL. DAKAR, 28 MARCH 1979 [*United Nations, Treaty Series, vol. 2175, I-38213.*]

Termination in accordance with:

50924. Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Senegal (with annexes). Washington, 11 January 2001 [*United Nations, Treaty Series, vol. 2925, I-50924.*]

Entry into force: 11 August 2003

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 38213. États-Unis d'Amérique et Sénégal

ACCORD RELATIF AUX SERVICES DE TRANSPORT AÉRIEN ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE DU SÉNÉGAL. DAKAR, 28 MARS 1979 [*Nations Unies, Recueil des Traités, vol. 2175, I-38213.*]

Abrogation conformément à :

50924. Accord de transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Sénégal (avec annexes). Washington, 11 janvier 2001 [*Nations Unies, Recueil des Traités, vol. 2925, I-50924.*]

Entrée en vigueur : 11 août 2003

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 38544. Multilateral

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. ROME, 17 JULY 1998 [*United Nations, Treaty Series, vol. 2187, I-38544.*]

AMENDMENT TO ARTICLE 8 OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. KAMPALA, 10 JUNE 2010 [*United Nations, Treaty Series, vol. 2868, A-38544.*]

RATIFICATION

Botswana

Deposit of instrument with the Secretary-General of the United Nations: 4 June 2013

Date of effect: 4 June 2014

Registration with the Secretariat of the United Nations: ex officio, 4 June 2013

ACCEPTANCE

Germany

Deposit of instrument with the Secretary-General of the United Nations: 3 June 2013

Date of effect: 3 June 2014

Registration with the Secretariat of the United Nations: ex officio, 3 June 2013

RATIFICATION

Norway

Deposit of instrument with the Secretary-General of the United Nations: 10 June 2013

Date of effect: 10 June 2014

Registration with the Secretariat of the United Nations: ex officio, 10 June 2013

Nº 38544. Multilatéral

STATUT DE ROME DE LA COUR PÉNALE INTERNATIONALE. ROME, 17 JUILLET 1998 [*Nations Unies, Recueil des Traités, vol. 2187, I-38544.*]

AMENDEMENT À L'ARTICLE 8 DU STATUT DE ROME DE LA COUR PÉNALE INTERNATIONALE. KAMPALA, 10 JUIN 2010 [*Nations Unies, Recueil des Traités, vol. 2868, A-38544.*]

RATIFICATION

Botswana

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 4 juin 2013

Date de prise d'effet : 4 juin 2014

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 4 juin 2013

ACCEPTATION

Allemagne

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 3 juin 2013

Date de prise d'effet : 3 juin 2014

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 3 juin 2013

RATIFICATION

Norvège

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 10 juin 2013

Date de prise d'effet : 10 juin 2014

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 10 juin 2013

AMENDMENTS ON THE CRIME OF AGGRESSION TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. KAMPALA, 11 JUNE 2010 [*United Nations, Treaty Series, vol. 2922, A-38544.*]

RATIFICATION

Botswana

Deposit of instrument with the Secretary-General of the United Nations: 4 June 2013

Date of effect: 4 June 2014

Registration with the Secretariat of the United Nations: ex officio, 4 June 2013

ACCEPTANCE

Germany

Deposit of instrument with the Secretary-General of the United Nations: 3 June 2013

Date of effect: 3 June 2014

Registration with the Secretariat of the United Nations: ex officio, 3 June 2013

AMENDEMENTS SUR LE CRIME D'AGRESSION DU STATUT DE ROME DE LA COUR PÉNALE INTERNATIONALE. KAMPALA, 11 JUIN 2010 [*Nations Unies, Recueil des Traités, vol. 2922, A-38544.*]

RATIFICATION

Botswana

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 4 juin 2013

Date de prise d'effet : 4 juin 2014

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 4 juin 2013

ACCEPTATION

Allemagne

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 3 juin 2013

Date de prise d'effet : 3 juin 2014

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 3 juin 2013

No. 39391. Multilateral

CRIMINAL LAW CONVENTION ON CORRUPTION. STRASBOURG, 27 JANUARY 1999 [*United Nations, Treaty Series, vol. 2216, I-39391.*]

ADDITIONAL PROTOCOL TO THE CRIMINAL LAW CONVENTION ON CORRUPTION. STRASBOURG, 15 MAY 2003 [*United Nations, Treaty Series, vol. 2466, A-39391.*]

RATIFICATION (WITH DECLARATION)

Azerbaijan

Deposit of instrument with the Secretary-General of the Council of Europe: 3 April 2013

Date of effect: 1 August 2013

Registration with the Secretariat of the United Nations: Council of Europe, 19 June 2013

Declaration:

[ENGLISH TEXT – TEXTE ANGLAIS]

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Additional Protocol in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of those territories from occupation and the complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is appended).

[FRENCH TEXT – TEXTE FRANÇAIS]

La République d'Azerbaïdjan déclare qu'elle n'est pas en mesure de garantir l'application des dispositions du Protocole additionnel dans ses territoires occupés par la République d'Arménie (la région Nagorno Karabakh de la République d'Azerbaïdjan et les sept districts qui entourent cette région), jusqu'à la libération de ces territoires de l'occupation et l'élimination complète des conséquences de cette occupation (la carte schématisée des territoires occupés de la République d'Azerbaïdjan est annexée).

Nº 39391. Multilatéral

CONVENTION PÉNALE SUR LA CORRUPTION. STRASBOURG, 27 JANVIER 1999 [*Nations Unies, Recueil des Traités, vol. 2216, I-39391.*]

PROTOCOLE ADDITIONNEL À LA CONVENTION PÉNALE SUR LA CORRUPTION. STRASBOURG, 15 MAI 2003 [*Nations Unies, Recueil des Traités, vol. 2466, A-39391.*]

RATIFICATION (AVEC DÉCLARATION)

Azerbaïdjan

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 3 avril 2013

Date de prise d'effet : 1er août 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 19 juin 2013

Déclaration :

[ENGLISH TEXT – TEXTE ANGLAIS]

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Additional Protocol in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of those territories from occupation and the complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is appended).

[FRENCH TEXT – TEXTE FRANÇAIS]

La République d'Azerbaïdjan déclare qu'elle n'est pas en mesure de garantir l'application des dispositions du Protocole additionnel dans ses territoires occupés par la République d'Arménie (la région Nagorno Karabakh de la République d'Azerbaïdjan et les sept districts qui entourent cette région), jusqu'à la libération de ces territoires de l'occupation et l'élimination complète des conséquences de cette occupation (la carte schématisée des territoires occupés de la République d'Azerbaïdjan est annexée).

No. 39574. Multilateral

UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. NEW YORK, 15 NOVEMBER 2000 [*United Nations, Treaty Series, vol. 2225, I-39574.*]

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. NEW YORK, 15 NOVEMBER 2000 [*United Nations, Treaty Series, vol. 2237, A-39574.*]

ACCESSION (WITH DECLARATION)

Cuba

Deposit of instrument with the Secretary-General of the United Nations: 20 June 2013

Date of effect: 20 July 2013

Registration with the Secretariat of the United Nations: ex officio, 20 June 2013

Declaration:

[SPANISH TEXT – TEXTE ESPAGNOL]

"La República de Cuba de conformidad con lo estipulado en el párrafo 3 del Artículo 15 del Protocolo, declara que no se considera vinculada con el párrafo 2 de dicho Artículo".

[TRANSLATION – TRADUCTION]

The Republic of Cuba declares that, in accordance with the provisions of Article 15, paragraph 3 of the Protocol, it does not consider itself bound by the provisions of paragraph 2 of that Article.

Nº 39574. Multilatéral

CONVENTION DES NATIONS UNIES CONTRE LA CRIMINALITÉ TRANSNATIONALE ORGANISÉE. NEW YORK, 15 NOVEMBRE 2000 [*Nations Unies, Recueil des Traités, vol. 2225, I-39574.*]

PROTOCOLE ADDITIONNEL À LA CONVENTION DES NATIONS UNIES CONTRE LA CRIMINALITÉ TRANSNATIONALE ORGANISÉE VISANT À PRÉVENIR, RÉPRIMER ET PUNIR LA TRAITE DES PERSONNES, EN PARTICULIER DES FEMMES ET DES ENFANTS. NEW YORK, 15 NOVEMBRE 2000 [*Nations Unies, Recueil des Traités, vol. 2237, A-39574.*]

ADHÉSION (AVEC DÉCLARATION)

Cuba

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 20 juin 2013

Date de prise d'effet : 20 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 20 juin 2013

Déclaration :

[TRANSLATION – TRADUCTION]

La République de Cuba déclare que conformément aux dispositions du paragraphe 3 de l'article 15 du Protocole, elle ne se considère pas liée par le paragraphe 2 de cet article.

PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. NEW YORK, 15 NOVEMBER 2000 [*United Nations, Treaty Series, vol. 2241, A-39574.*]

PROTOCOLE CONTRE LE TRAFIC ILLICITE DE MIGRANTS PAR TERRE, AIR ET MER, ADDITIONNEL À LA CONVENTION DES NATIONS UNIES CONTRE LA CRIMINALITÉ TRANSNATIONALE ORGANISÉE. NEW YORK, 15 NOVEMBRE 2000 [*Nations Unies, Recueil des Traités, vol. 2241, A-39574.*]

ACCESSION (WITH DECLARATION)

Cuba

Deposit of instrument with the Secretary-General of the United Nations: 20 June 2013

Date of effect: 20 July 2013

Registration with the Secretariat of the United Nations: ex officio, 20 June 2013

ADHÉSION (AVEC DÉCLARATION)

Cuba

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 20 juin 2013

Date de prise d'effet : 20 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 20 juin 2013

Declaration:

Déclaration :

[SPANISH TEXT – TEXTE ESPAGNOL]

"La República de Cuba de conformidad con lo estipulado en el párrafo 3 del Artículo 20 del Protocolo, declara que no se considera vinculada con el párrafo 2 de dicho Artículo".

[TRANSLATION – TRADUCTION]

The Republic of Cuba declares that, in accordance with the provisions of Article 20, paragraph 3 of the Protocol, it does not consider itself bound by the provisions of paragraph 2 of that Article.

[TRANSLATION – TRADUCTION]

La République de Cuba déclare que conformément aux dispositions du paragraphe 3 de l'article 20 du Protocole, elle ne se considère pas liée par le paragraphe 2 de cet article.

PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. NEW YORK, 31 MAY 2001 [*United Nations, Treaty Series, vol. 2326, A-39574.*]

ACCESSION

Ukraine

Deposit of instrument with the Secretary-General of the United Nations: 4 June 2013

Date of effect: 4 July 2013

Registration with the Secretariat of the United Nations: ex officio, 4 June 2013

ACCESSION (WITH RESERVATION)

Venezuela (Bolivarian Republic of)

Deposit of instrument with the Secretary-General of the United Nations: 10 June 2013

Date of effect: 10 July 2013

Registration with the Secretariat of the United Nations: ex officio, 10 June 2013

PROTOCOLE CONTRE LA FABRICATION ET LE TRAFIC ILLICITES D'ARMES À FEU, DE LEURS PIÈCES, ÉLÉMENTS ET MUNITIONS, ADDITIONNEL À LA CONVENTION DES NATIONS UNIES CONTRE LA CRIMINALITÉ TRANSNATIONALE ORGANISÉE. NEW YORK, 31 MAI 2001 [*Nations Unies, Recueil des Traités, vol. 2326, A-39574.*]

ADHÉSION

Ukraine

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 4 juin 2013

Date de prise d'effet : 4 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 4 juin 2013

ADHÉSION (AVEC RÉSERVE)

Venezuela (République bolivarienne du)

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 10 juin 2013

Date de prise d'effet : 10 juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 10 juin 2013

Reservation: *Réserve :*

[SPANISH TEXT – TEXTE ESPAGNOL]

"La República Bolivariana de Venezuela, de conformidad con lo previsto en el párrafo 3 del artículo 16 del 'Protocolo Contra la Fabricación y el Tráfico Ilícitos de Armas de Fuego, sus Piezas y Componentes y Municiones, que Complementa la Convención de las Naciones Unidas Contra la Delincuencia Organizada Transnacional', formula expresa reserva con respecto a lo establecido en el párrafo 2 del artículo 16. En consecuencia, no se considera obligada a acudir al arbitraje como medio de solución de controversias, ni reconoce la jurisdicción obligatoria de la Corte Internacional de Justicia".

[TRANSLATION – TRADUCTION]

The Bolivarian Republic of Venezuela, in accordance with the provisions of article 16 (3) of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, formulates an express reservation with respect to the provisions of article 16 (2). Consequently, it does not consider itself bound by the referral of a dispute to arbitration as a means of settlement of disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

[TRANSLATION – TRADUCTION]

La République bolivarienne du Venezuela, conformément aux dispositions du paragraphe 3 de l'article 16 du Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée, formule une réserve expresse à l'égard des dispositions prévues au paragraphe 2 de l'article 16. Par conséquent, elle ne se considère pas obligée d'avoir recours à l'arbitrage comme moyen de règlement des différends, ni ne reconnaît la juridiction obligatoire de la Cour internationale de Justice.

No. 39684. United States of America and Gambia

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GAMBIA ON AVIATION SECURITY. BANJUL, 14 SEPTEMBER 1992 AND 15 SEPTEMBER 1992 [*United Nations, Treaty Series, vol. 2231, I-39684.*]

Termination in accordance with:

50906. Air Transport Agreement between the Government of the United States of America and the Government of the Republic of the Gambia (with annexes). Washington, 2 May 2000 [*United Nations, Treaty Series, vol. 2925, I-50906.*]

Entry into force: 18 January 2001

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 39684. États-Unis d'Amérique et Gambie

ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA GAMBIE RELATIF À LA SÉCURITÉ DE L'AVIATION. BANJUL, 14 SEPTEMBRE 1992 ET 15 SEPTEMBRE 1992 [*Nations Unies, Recueil des Traités, vol. 2231, I-39684.*]

Abrogation conformément à :

50906. Accord de transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Gambie (avec annexes). Washington, 2 mai 2000 [*Nations Unies, Recueil des Traités, vol. 2925, I-50906.*]

Entrée en vigueur : 18 janvier 2001

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 39989. Multilateral

EUROPEAN CONVENTION ON THE LEGAL PROTECTION OF SERVICES BASED ON, OR CONSISTING OF, CONDITIONAL ACCESS. STRASBOURG, 24 JANUARY 2001 [*United Nations, Treaty Series, vol. 2246, I-39989.*]

ACCEPTANCE

Finland

Deposit of instrument with the Secretary-General of the Council of Europe: 30 May 2013

Date of effect: 1 September 2013

Registration with the Secretariat of the United Nations: Council of Europe, 21 June 2013

Nº 39989. Multilatéral

CONVENTION EUROPÉENNE SUR LA PROTECTION JURIDIQUE DES SERVICES À L'ACCÈS CONDITIONNEL ET DES SERVICES D'ACCÈS CONDITIONNEL. STRASBOURG, 24 JANVIER 2001 [*Nations Unies, Recueil des Traités, vol. 2246, I-39989.*]

ACCEPTATION

Finlande

Dépôt de l'instrument auprès du Secrétaire général du Conseil de l'Europe : 30 mai 2013

Date de prise d'effet : 1er septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Conseil de l'Europe, 21 juin 2013

No. 40078. United States of America and Hungary

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION. BUDAPEST, 4 OCTOBER 1989 [*United Nations, Treaty Series, vol. 2249, I-40078.*]

Termination in accordance with:

37348. Agreement between the Government of the United States of America and the Government of the Republic of Hungary for scientific and technological cooperation (with annexes). Washington, 15 March 2000 [*United Nations, Treaty Series, vol. 2140, I-37348.*]

Entry into force: 11 May 2000

Registration with the Secretariat of the United Nations: Hungary, 22 March 2001

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 40078. États-Unis d'Amérique et Hongrie

ACCORD DE COOPÉRATION SCIENTIFIQUE ET TECHNOLOGIQUE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE POPULAIRE HONGROISE. BUDAPEST, 4 OCTOBRE 1989 [*Nations Unies, Recueil des Traités, vol. 2249, I-40078.*]

Abrogation conformément à :

37348. Accord de coopération scientifique et technologique entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Hongrie (avec annexes). Washington, 15 mars 2000 [*Nations Unies, Recueil des Traités, vol. 2140, I-37348.*]

Entrée en vigueur : 11 mai 2000

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Hongrie, 22 mars 2001

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 40102. United States of America and Japan

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY. TORONTO, 20 JUNE 1988 [*United Nations, Treaty Series, vol. 2250, I-40102.*]

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY. WASHINGTON, 20 JUNE 1998

Entry into force: 20 June 1998, in accordance with article II

Authentic texts: English and Japanese

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 40102. États-Unis d'Amérique et Japon

ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE. TORONTO, 20 JUIN 1988 [*Nations Unies, Recueil des Traités, vol. 2250, I-40102.*]

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE. WASHINGTON, 20 JUIN 1998

Entrée en vigueur : 20 juin 1998, conformément à l'article II

Textes authentiques : anglais et japonais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATON IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY

The Government of the United States of America and the Government of Japan;

Recognizing that the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto on June 20, 1988, and extended by the Protocol done at Washington on June 16, 1993 (hereinafter referred to as "the Agreement") will terminate on June 20, 1998;

Acting pursuant to paragraph 2 of Article IX of the Agreement;

Have agreed as follows:

Article I

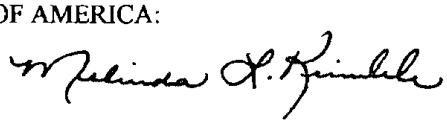
The Agreement will be extended for nine months, effective from June 20, 1998.

Article II

This Protocol will enter into force on June 20, 1998.

DONE at Washington, this sixteenth day of June, 1998, in duplicate, in the English and Japanese languages, each text being equally authentic.

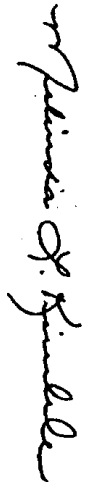
FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:



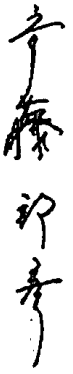
FOR THE GOVERNMENT OF JAPAN:

千九百九十八年六月十六日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために



日本国政府のために



[JAPANESE TEXT – TEXTE JAPONAIS]

科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間を延長する議定書

アメリカ合衆国政府及び日本国政府は、

千九百八十八年六月二十日にトロントで署名され、千九百九十三年六月十六日にワシントンで作成された議定書により延長された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）の有効期間が千九百九十八年六月二十日に終了することを認識し、

協定第九条2の規定に従って行動して、

次のとおり協定した。

第一条

協定は、千九百九十八年六月二十日より九箇月間延長する。

第二条

この議定書は、千九百九十八年六月二十日に効力を生ずる。

[TRANSLATION – TRADUCTION]

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon,

Reconnaissant que l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé à Toronto le 20 juin 1988, et prorogé par le Protocole fait à Washington le 16 juin 1993 (ci-après désigné comme « l'Accord «), expirera le 20 juin 1998,

Agissant conformément aux dispositions du paragraphe 2 de l'article IX de l'Accord,

Sont convenus de ce qui suit :

Article premier

L'Accord sera prorogé de neuf mois, à compter du 20 juin 1998.

Article II

Le présent Protocole entrera en vigueur le 20 juin 1998.

FAIT à Washington, le 16 juin 1998, en deux exemplaires, en langues anglaise et japonaise, chacun des textes faisant foi.

Pour le Gouvernement des États-Unis d'Amérique :
MELINDA L. KIMBLE

Pour le Gouvernement du Japon :
KUNIHIKO SAITO

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY. WASHINGTON, 19 MARCH 1999

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE. WASHINGTON, 19 MARS 1999

Entry into force: 20 March 1999, in accordance with article II

Entrée en vigueur : 20 mars 1999, conformément à l'article II

Authentic texts: English and Japanese

Textes authentiques : anglais et japonais

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY

The Government of the United States of America and the Government of Japan;

Recognizing that the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto on June 20, 1988, and extended by the Protocols done at Washington on June 16, 1993 and on June 16, 1998 (hereinafter referred to as "the Agreement") will terminate on March 20, 1999;

Acting pursuant to paragraph 2 of Article IX of the Agreement;

Have agreed as follows:

Article I

The Agreement will be extended for two months, effective from March 20, 1999.

Article II

This Protocol will enter into force on March 20, 1999.

DONE at Washington, this nineteenth day of March, 1999, in duplicate, in the English and Japanese languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF JAPAN:

第二条

この議定書は、千九百九十九年三月二十日に効力を生ずる。

千九百九十九年三月十九日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために

日本国政府のために

小林秀明

[JAPANESE TEXT – TEXTE JAPONAIS]

科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間を延長する議定書

アメリカ合衆国政府及び日本国政府は、

千九百八十八年六月二十日にトロントで署名され、千九百九十三年六月十六日にワシントンで作成された議定書及び千九百九十八年六月十六日にワシントンで作成された議定書により延長された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）の有効期間が千九百九十九年三月二十日に終了することを認識し、

協定第九条2の規定に従って行動して、

次のとおり協定した。

第一条

協定は、千九百九十九年三月二十日より二箇月間延長する。

[TRANSLATION – TRADUCTION]

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon,

Reconnaissant que l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé à Toronto le 20 juin 1988 et prorogé par les Protocoles conclus à Washington les 16 juin 1993 et 16 juin 1998 (ci-après dénommé « l'Accord »), expirera le 20 mars 1999,

Agissant conformément aux dispositions du paragraphe 2 de l'article IX de l'Accord,

Sont convenus de ce qui suit :

Article premier

L'Accord sera prorogé de deux mois, à compter du 20 mars 1999.

Article II

Le présent Protocole entrera en vigueur le 20 mars 1999.

FAIT à Washington, le 19 mars 1999, en deux exemplaires, en langues anglaise et japonaise, tous les textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :
MELINDA L. KIMBLE

Pour le Gouvernement du Japon :
KUNIHIKO SAITO

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY. WASHINGTON, 19 MAY 1999

Entry into force: 20 May 1999, in accordance with article II

Authentic texts: English and Japanese

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE. WASHINGTON, 19 MAI 1999

Entrée en vigueur : 20 mai 1999, conformément à l'article II

Textes authentiques : anglais et japonais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY

The Government of the United States of America and the Government of Japan;

Recognizing that the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto on June 20, 1988, and extended by the Protocols done at Washington on June 16, 1993, on June 16, 1998 and on March 19, 1999 (hereinafter referred to as "the Agreement") will terminate on May 20, 1999;

Acting pursuant to paragraph 2 of Article IX of the Agreement;

Have agreed as follows:

Article I

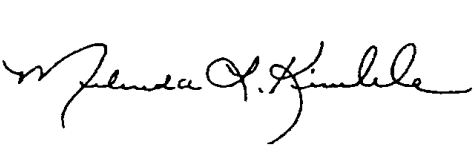
The Agreement will be extended for two months, effective from May 20, 1999.

Article II

This Protocol will enter into force on May 20, 1999.

DONE at Washington, this nineteenth day of May, 1999, in duplicate, in the English and Japanese languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF JAPAN:

協定は、千九百九十九年五月二十日より二箇月間延長する。

第二条

この議定書は、千九百九十九年五月二十日に効力を生ずる。

千九百九十九年五月十九日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために

日本国政府のために

[JAPANESE TEXT – TEXTE JAPONAIS]

科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間を延長する議定書

アメリカ合衆国政府及び日本国政府は、

千九百八十八年六月二十日にトロントで署名され、千九百九十三年六月十六日にワシントンで作成された議定書、千九百九十八年六月十六日にワシントンで作成された議定書及び千九百九十九年三月十九日にワシントンで作成された議定書により延長された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）の有効期間が千九百九十九年五月二十日に終了することを認識し、

協定第九条2の規定に従って行動して、

次のとおり協定した。

第一条

[TRANSLATION – TRADUCTION]

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon,

Reconnaissant que l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé à Toronto le 20 juin 1988 et prorogé par les Protocoles conclus à Washington les 16 juin 1993, 16 juin 1998 et 19 mars 1999 (ci-après dénommé « l'Accord »), expirera le 20 mai 1999,

Agissant conformément aux dispositions du paragraphe 2 de l'article IX de l'Accord,

Sont convenus de ce qui suit :

Article premier

L'Accord sera prorogé de deux mois, à compter du 20 mai 1999.

Article II

Le présent Protocole entrera en vigueur le 20 mai 1999.

FAIT à Washington, le 19 mai 1999, en deux exemplaires, en langues anglaise et japonaise, tous les textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :
MELINDA L. KIMBLE

Pour le Gouvernement du Japon :
KUNIHIKO SAITO

PROTOCOL EXTENDING AND AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY (WITH AGREED MINUTES). WASHINGTON, 16 JULY 1999

PROTOCOLE PROROGEANT ET MODIFIANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE (AVEC PROCÈS-VERBAL AGRÉÉ). WASHINGTON, 16 JUILLET 1999

Entry into force: 20 July 1999, in accordance with article XV

Entrée en vigueur : 20 juillet 1999, conformément à l'article XV

Authentic texts: English and Japanese

Textes authentiques : anglais et japonais

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL EXTENDING AND AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY

The Government of the United States of America and the Government of Japan;

Desiring to extend and amend the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto on June 20, 1988, and extended by the Protocols done at Washington on June 16, 1993, on June 16, 1998, on March 19, 1999 and on May 19, 1999 (hereinafter referred to as "the Agreement"),

Acting pursuant to paragraph 2 of Article IX of the Agreement,

Have agreed as follows:

Article I

The Agreement, as amended by the provisions of Articles II to XIV of this Protocol, shall be extended for a period of five years from July 20, 1999.

Article II

The existing text of the preamble of the Agreement shall be amended by inserting the following paragraph after "Believing that the future prosperity and well-being of mankind depend upon the world's ability to generate new scientific knowledge and translate new discoveries into operational and applied technologies;":

"Recognizing that science and technology play more important roles in social and economic issues, including industrial and commercial issues, in this era of rapid innovation;"

Article III

Paragraph 1 of ARTICLE V of the Agreement shall be amended by deleting "the Science Advisor to the President" and substituting in lieu thereof "the Assistant to the President for Science and Technology or his designee".

Article IV

Paragraph 2 of ARTICLE V of the Agreement shall be amended by deleting "annual" and substituting in lieu thereof "regular".

Article V

Paragraph 3 of ARTICLE V of the Agreement shall be amended by deleting "an annual" and "next year" and substituting in lieu thereof "a" and "following year" respectively.

Article VI

Paragraph 4 of ARTICLE V of the Agreement shall be amended by deleting "annual".

Article VII

Paragraph 6 of ARTICLE V of the Agreement shall be amended by deleting "at least" and substituting in lieu thereof "in principle".

Article VIII

Paragraph 9 of ARTICLE V of the Agreement shall be amended by deleting "an annual" and substituting in lieu thereof "a regular".

Article IX

Subparagraph D of paragraph 2 of ANNEX III of the Agreement shall be amended by inserting "or the following years" after "the next year".

Article X

Subparagraph E of paragraph 2 of ANNEX III of the Agreement shall be amended by deleting "an annual" and substituting in lieu thereof "a".

Article XI

Subparagraph B.(ii) of paragraph 3 of ANNEX IV of the Agreement shall be deleted and replaced by a new subparagraph B.(ii) of paragraph 3 of ANNEX IV of the Agreement as follows:

"(ii)(a) If the Invention is made by an Inventor of a party ("the Assigning Party") while assigned to another party ("the Receiving Party") in the course of programs of a cooperative activity that involve only the visit or exchange of scientists and engineers, the Inventor of the Assigning Party shall receive the rights to the said Invention and any available benefits therefrom including awards, bonuses or royalties, in accordance with terms and conditions of a standard arrangement between the Receiving Party and the Inventor except if otherwise provided in another arrangement between them.

(b) Upon request of the Assigning Party, the Receiving Party will promptly provide to the Assigning Party information on the terms and conditions of a standard arrangement of the Receiving Party."

Article XII

Subparagraph B.(iii) of paragraph 3 of ANNEX IV of the Agreement shall be deleted and replaced by a new subparagraph B.(iii) of paragraph 3 of ANNEX IV of the Agreement as follows:

"(iii)(a) Rights to an Invention made as a result of joint research and allocation of benefits derived therefrom shall be agreed between the parties prior to the commencement of the joint research and shall be contained in the arrangements setting forth the terms and conditions of the joint research. These rights shall be allocated taking into account the relative contributions of the parties to the creation of the Invention, the benefits of licensing by territory or for fields of use, requirements imposed by the parties' domestic laws and other factors deemed appropriate.

(b) If the parties cannot reach an agreement on rights to the Invention and allocation of benefits derived therefrom within nine months from the time they started negotiation, the matter may be referred to the Joint Working Level Committee(JWLC). If the JWLC does not make recommendations, or the parties do not accept the recommendations, the joint research will not be initiated."

Article XIII

Paragraph 4 of ANNEX IV of the Agreement shall be deleted and replaced by a new paragraph 4 of ANNEX IV of the Agreement as follows:

"4. Copyrights

A. Disposition of rights to copyrighted works created in the course of the cooperative activities under this Agreement will be determined in the relevant implementing arrangements.

B. Each party to the cooperative activities under this Agreement will use its best efforts to obtain for the other party a non-exclusive, irrevocable, royalty-free license in all countries where copyright protection is available, to translate, reproduce, and publicly distribute scientific and technical journal articles, reports and books not containing any proprietary information, created in the course of such cooperative activities. All publicly distributed copies of a copyrighted work prepared under the cooperative activities under this Agreement will indicate the name of the author of the work unless the author explicitly declines to be named. When scientific and technical journal articles, reports and books not containing any proprietary information, created in the course of such cooperative activities are translated and publicly distributed, the parties concerned shall be given the opportunity to review the translation prior to its public distribution."

Article XIV

Paragraph 6 of ANNEX IV of the Agreement shall be deleted and replaced by a new paragraph 6 of ANNEX IV of the Agreement as follows:

"6. Other Forms of Intellectual Property

A. In the event that other forms of intellectual property are created in the course of cooperative activities under this Agreement and they are not protected by the laws of one Party's country, disposition of rights in that intellectual property will be determined, on an equitable basis, as described in subparagraph B below and in accordance with the laws and regulations of the respective countries.

B. The parties to the cooperative activities will, at the request of either party, promptly consult with each other on the disposition of rights in the intellectual property referred to in subparagraph A above. The cooperative activity in question will be suspended during the consultation unless otherwise agreed by the parties. If no agreement on the disposition of said rights can be reached within a three-month period from the date of the request for consultation, the cooperative activity in question may be terminated by either party with notice to the other party. In this case, each party shall also notify its respective authority of such termination. The matter may be referred to the Joint Working Level Committee."

Article XV

This Protocol will enter into force on July 20, 1999.

DONE at Washington, this sixteenth day of July, 1999, in duplicate, in the English and Japanese languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Melinda A. Kimble

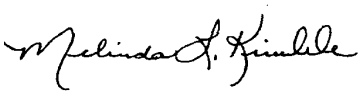
FOR THE GOVERNMENT OF JAPAN:

AGREED MINUTES

In connection with the Protocol extending and amending the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed today (hereinafter referred to as "the Protocol"), the undersigned hereby recorded the following understandings:

Unless otherwise agreed between the parties, ANNEX IV of the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology (hereinafter referred to as "the Agreement"), as amended by the Protocol shall only apply to the cooperative activities which commence after the Agreement is amended by the Protocol.

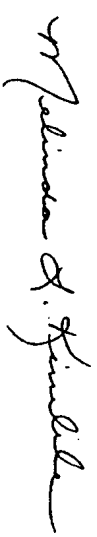
FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA:



FOR THE GOVERNMENT
OF JAPAN:

千九百九十九年七月十六日ワシントンで

アメリカ合衆国政府のために



日本国政府のために

合意された議事録

本日署名された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間の延長及び一部改正に関する議定書（以下「議定書」という。）に関し、下名は、次の了解をここに記録する。

当事者間において別段合意される場合を除くほか、議定書によって改正された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）の附属書Ⅳは、協定が議定書によって改正された後に開始される協力活動についてのみ適用される。

第十五条

この議定書は、千九百九十九年七月二十日に効力を生ずる。

千九百九十九年七月十六日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために

日本国政府のために

つて一方の締約国の法律で保護されていないものに係る権利の配分は、次のBの規定及びそれぞれ自国の法令に従い、衡平の原則に基づいて決定される。

B

この協定に基づく協力活動の当事者は、一方の当事者の要請に基づき、Aに規定する知的財産に係る権利の配分について速やかに協議を行う。関係する協力活動は、両当事者が別段の合意をする場合を除き、当該協議の開始の日から三箇月以内に両当事者の間で停止される。当該協議に係る要請が行われてから三箇月以内に両当事者が当該権利の配分について合意に達しない場合には、関係する協力活動は、一方の当事者が他方の当事者に通告することによつて終了させることができる。この場合において、各当事者はそれぞれの当局に対して関係する協力活動の終了を通告する。

当該問題は合同実務級委員会に提起することができる。

能のかつ無償の許諾を、他方の当事者のために得るため努力する。この協定に基づく協力活動の過程で創作される著作物であつて著作権による保護の対象とされるものが公衆に配布される場合には、そのすべての写しは、著作者が明示的に拒否しない限り、著作者の氏名を表示する。この協定に基づく協力活動の過程で創作される科学技術に関する雑誌の記事、報告書及び書籍であつて所有権的情報を含まないものを翻訳し公衆に配布する場合には、公衆に配布する前に、関係する当事者に対して翻訳について検討する機会が与えられる。

第十四条

協定附属書Ⅳ6を次のように改める。

6 その他の形態の知的財産

A この協定に基づく協力活動の過程で生ずるその他の形態の知的財産であ

が勧告を行わない場合又は当事者が合同実務級委員会の勧告を受諾しない場合、共同研究は、開始されない。

第十三条

協定附属書Ⅳ4を次のように改める。

4　著作権

A　この協定に基づく協力活動の過程で創作される著作物であつて著作権による保護の対象とされるものに係る権利の配分は、関係実施取極において決定される。

B　この協定に基づく協力活動の当事者は、著作権が保護されるすべての国において、この協定に基づく協力活動の過程で創作される科学技術に関する雑誌の記事、報告書及び書籍であつて所有権的情報を含まないものを翻訳し、複製し及び公衆に配布するための非排他的な、取消し不可

供する。

第十二条

協定附属書Ⅳ3B(iii)を次のように改める。

(iii) (a) 共同研究の結果行われる発明に係る権利及びこれから生ずる利益の配分については、共同研究の開始に先立ち当事者間で合意するものとし、当該共同研究の条件を定める取極において規定する。当該権利は、発明を行うに当たっての当事者の相対的な貢献度、領域又は使用分野により許諾を行うことの利益、当事者の国の法律上の要請その他適当と認められる事項を考慮して配分する。

(b) 当事者が発明に係る権利及びこれから生ずる利益の配分について協議を開始した後九箇月以内に合意することができない場合、当該問題は、合同実務級委員会に提起することができる。合同実務級委員会

協定附属書Ⅲ2E中「年次」を削る。

第十一条

協定附属書Ⅳ3B(ii)を次のように改める。

(ii) (a) 科学者及び技術者の訪問又は交換のみを伴う協力活動の計画の過程で、一方の当事者（派遣側当事者）の科学者及び技術者が他方の当事者（受入側当事者）に派遣されている間に発明を行う場合、当該科学者及び技術者は、受入側当事者と当該科学者及び技術者との間の別段の取決めによる場合を除くほか、両者の間の標準的取決めの条件に従つて、当該発明に係る権利及び当該発明について得ることのできる特典（賞与、使用料配当を含む。）を得る。

(b) 受入側当事者は、派遣側当事者の要請に基づき、派遣側当事者に対して、受入側当事者の標準的取決めの条件に関する情報を速やかに提

協定第五条2中「年次」を「定期」に改める。

第五条　協定第五条3中「年次」を削り、「その翌年」を「その後数年間」に改める。

第六条　協定第五条4中「年次」を削る。

第七条　協定第五条6中「少なくとも」を「原則として」に改める。

第八条　協定第五条9中「毎年」を「定期的に」に改める。

第九条　協定附属書Ⅲ2D中「翌年」の次に「又はその後数年間」を加える。

第十条

この議定書の第二条から第十四条までの規定によって改正された協定は、千九百九十九年七月二十日から五年間延長する。

第二条

協定前文中「人類の将来の繁栄及び福祉が、新しい科学的知識を生み出し、かつ、新たな発見を実用的及び応用的技術に転化する世界の能力に依存することを信じ、」の次に次の段落を加える。

この急速な技術革新の時代において、科学技術が社会及び経済の問題（産業及び商業の問題を含む。）に一層重要な役割を果たすことを認識し、

第三条

協定第五条1中「大統領科学顧問」を「大統領科学技術補佐官又はその選定する者」に改める。

第四条

[JAPANESE TEXT – TEXTE JAPONAIS]

科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間の延長及び一部改正に関する議定書

アメリカ合衆国政府及び日本国政府は、

千九百八十八年六月二十日にトロントで署名され、千九百九十三年六月十六日にワシントンで作成された議定書（千九百九十八年六月十六日にワシントンで作成された議定書、千九百九十九年三月十九日にワシントンで作成された議定書及び千九百九十九年五月十九日にワシントンで作成された議定書によって延長された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）を改正し及び延長することを希望し、

協定第九条2の規定に従って行動し、

次のとおり協定した。

第一条

[TRANSLATION – TRADUCTION]

PROTOCOLE PROROGEANT ET MODIFIANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon,

Souhaitant proroger et modifier l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé à Toronto le 20 juin 1988 et prorogé par les Protocoles conclus à Washington les 16 juin 1993, 16 juin 1998, 19 mars 1999 et 19 mai 1999 (ci-après dénommé « l'Accord »),

Agissant conformément aux dispositions du paragraphe 2 de l'article IX de l'Accord,

Sont convenus de ce qui suit :

Article premier

L'Accord, tel que modifié par les dispositions des articles II à XIV du présent Protocole, sera prorogé de cinq ans à compter du 20 juillet 1999.

Article II

Le texte actuel du préambule de l'Accord est modifié par l'insertion du paragraphe suivant après la proposition « Convaincus que la prospérité et le bien-être futurs de l'humanité dépendent de la faculté qu'a le monde d'acquérir de nouvelles connaissances scientifiques et de traduire les découvertes en technologies opérationnelles et appliquées; » :

« Reconnaissant que la science et la technologie jouent des rôles plus importants dans les questions sociales et économiques, et notamment dans les questions industrielles et commerciales, dans notre ère d'innovation rapide; »

Article III

Le paragraphe 1 de l'article V de l'Accord est modifié comme suit : le membre de phrase « le Conseiller scientifique du Président » est supprimé et remplacé par « l'Assistant du Président pour la science et la technologie ou son représentant désigné ».

Article IV

Le paragraphe 2 de l'article V de l'Accord est modifié comme suit : l'adjectif « annuelle » est supprimé et remplacé par l'adjectif « régulière ».

Article V

Le paragraphe 3 de l'article V de l'Accord est modifié comme suit : l'adjectif « annuel » est supprimé. Dans le texte anglais, l'expression « next year » est remplacée par « following year ».

Article VI

Le paragraphe 4 de l'article V de l'Accord est modifié comme suit : l'adjectif « annuel » est supprimé.

Article VII

Le paragraphe 6 de l'article V de l'Accord est modifié comme suit : l'expression « au moins » est supprimée et remplacée par « en principe ».

Article VIII

Le paragraphe 9 de l'article V de l'Accord est modifié comme suit : le membre de phrase « tous les ans » est supprimé et remplacé par « régulièrement ».

Article IX

L'alinéa D du paragraphe 2 de l'annexe III de l'Accord est modifié comme suit : il est inséré « ou les années suivantes » après « l'année suivante ».

Article X

L'alinéa E du paragraphe 2 de l'annexe III de l'Accord est modifié comme suit : l'adjectif « annuel » est supprimé.

Article XI

L'alinéa B. (ii) du paragraphe 3 de l'annexe IV de l'Accord est supprimé et remplacé par un nouvel alinéa B. (ii) du paragraphe 3 de l'annexe IV de l'Accord, comme suit :

« (ii) (a) Si l'invention est faite par un inventeur d'une Partie (« la Partie mandataire ») cependant qu'il est affecté à une autre Partie (« la Partie hôte ») au cours de programmes d'une activité de coopération qui n'implique que la visite ou l'échange de scientifiques et de techniciens, l'inventeur de la Partie mandataire obtient les droits sur ladite invention et tous les avantages disponibles qui en découlent, y compris les récompenses, les primes ou les redevances, conformément aux dispositions d'un accord standard conclu entre la Partie hôte et l'inventeur, sauf stipulation contraire dans un autre accord conclu entre eux.

(b) Sur demande de la Partie mandataire, la Partie hôte fournit rapidement à celle-ci des informations sur les conditions stipulées dans son accord standard. »

Article XII

L'alinéa B. (iii) du paragraphe 3 de l'annexe IV de l'Accord est supprimé et remplacé par un nouvel alinéa B. (iii) du paragraphe 3 de l'annexe IV de l'Accord, comme suit :

« (iii) (a) Les droits d'une invention découlant d'un projet de recherche conjoint et la répartition des avantages qui en découlent sont convenus entre les Parties avant le lancement du projet de recherche conjoint et sont précisés dans les arrangements qui définissent les modalités du projet. Pour la répartition de ces droits, il est tenu compte des contributions relatives des Parties à la création de l'invention, des avantages de l'octroi de licences par territoire ou par domaine d'utilisation, des normes imposées par les législations nationales des Parties et des autres facteurs jugés utiles.

(b) Si les Parties ne parviennent pas à trouver un accord sur les droits relatifs à l'invention et sur la répartition des avantages qui en découlent dans les neuf mois suivant le début des négociations, le Comité de travail conjoint peut être saisi de la question. Si le Comité de travail conjoint ne fait pas de recommandation, ou si les Parties n'acceptent pas les recommandations, le projet de recherche conjoint ne sera pas lancé. »

Article XIII

Le paragraphe 4 de l'annexe IV de l'Accord est supprimé et remplacé par un nouveau paragraphe 4 de l'annexe IV de l'Accord, comme suit :

« 4. Droits d'auteur

A. La répartition des droits sur les œuvres protégées par le droit d'auteur créées au cours des activités de coopération ressortant du présent Accord sera déterminée par les arrangements de mise en œuvre pertinents.

B. Chaque Partie aux activités de coopération ressortant du présent Accord s'efforcera d'obtenir pour l'autre Partie une licence non exclusive, irrévocable et gratuite dans tous les pays où la protection des droits d'auteur est disponible et de traduire, reproduire et publier les articles de revues scientifiques et techniques, les rapports et les ouvrages ne contenant pas d'informations faisant l'objet de droits de propriété créés au cours desdites activités de coopération. Tous les exemplaires publiés d'une œuvre protégée par le droit d'auteur et établis dans le cadre d'activités de coopération ressortant du présent Accord mentionneront le nom de l'auteur de l'œuvre, à moins que celui-ci ne renonce expressément à être cité. Lorsque des articles de revues scientifiques et techniques, des rapports et des ouvrages ne contenant pas d'informations faisant l'objet de droits de propriété créés au cours desdites activités de coopération sont traduits et publiés, les Parties concernées ont l'occasion de relire la traduction avant publication. »

Article XIV

Le paragraphe 6 de l'annexe IV de l'Accord est supprimé et remplacé par un nouveau paragraphe 6 de l'annexe IV de l'Accord, comme suit :

« 6. Autres formes de propriété intellectuelle

A. Si d'autres formes de propriété intellectuelle sont créées au cours des activités de coopération ressortant du présent Accord et si elles ne sont pas protégées par la législation du pays

d'une Partie, la répartition des droits sur cette propriété intellectuelle sera déterminée, de façon équitable, comme indiqué à l'alinéa B ci-dessous et conformément à la législation et à la réglementation des pays concernés.

B. À la demande de l'une d'elles, les Parties aux activités de coopération se consulteront rapidement à propos de la répartition des droits sur la propriété intellectuelle visée à l'alinéa A ci-dessus. À moins que les Parties n'en conviennent autrement, l'activité de coopération en question sera suspendue pendant les consultations. Si aucun accord n'est trouvé sur la répartition desdits droits dans un délai de trois mois à compter de la date de la demande de consultation, l'une ou l'autre des Parties peut dénoncer l'activité de coopération en question en informant l'autre Partie par notification. Dans ce cas, les Parties informent également leurs autorités respectives de la dénonciation. Le Comité de travail conjoint peut être saisi de la question. »

Article XV

Le présent Protocole entrera en vigueur le 20 juillet 1999.

FAIT à Washington, le 16 juillet 1999, en deux exemplaires, en langues anglaise et japonaise, tous les textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

MELINDA L. KIMBLE

Pour le Gouvernement du Japon :

KUNIHIKO SAITO

PROCÈS-VERBAL D'ACCORD

Concernant le Protocole prorogeant et modifiant l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie, signé ce jour (ci-après dénommé « le Protocole »), les soussignés ont consigné par les présentes les arrangements ci-après :

À moins que les Parties n'en conviennent autrement, l'annexe IV de l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie (ci-après dénommé « l'Accord »), telle qu'modifiée par le Protocole, ne s'appliquera qu'aux activités de coopération qui commenceront après la date de la modification de l'Accord par le Protocole.

Pour le Gouvernement des États-Unis d'Amérique :

MELINDA L. KIMBLE

Pour le Gouvernement du Japon :

KUNIHIKO SAITO

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY. WASHINGTON, 19 JULY 2004

Entry into force: 20 July 2004, in accordance with article II

Authentic texts: English and Japanese

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE. WASHINGTON, 19 JUILLET 2004

Entrée en vigueur : 20 juillet 2004, conformément à l'article II

Textes authentiques : anglais et japonais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL EXTENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN SCIENCE AND TECHNOLOGY

The Government of the United States of America and the Government of Japan;

Recognizing that the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto on June 20, 1988, extended by the Protocols done at Washington on June 16, 1993, on June 16, 1998, on March 19, 1999 and on May 19, 1999, and extended and amended by the Protocol done at Washington on July 16, 1999 (hereinafter referred to as "the Agreement") will terminate on July 20, 2004; and,

Acting pursuant to paragraph 2 of Article IX of the Agreement;

Have agreed as follows:

Article I

The Agreement will be extended for ten years, effective from July 20, 2004.

Article II

This Protocol will enter into force on July 20, 2004.

DONE at Washington, this nineteenth day of July, 2004, in duplicate, in the English and Japanese languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF JAPAN:

協定は、二千四年七月二十日より十年間延長する。

第二条

この議定書は、二千四年七月二十日に効力を生ずる。

二千四年七月十九日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために

日本国政府のために

[JAPANESE TEXT – TEXTE JAPONAIS]

科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定の有効期間を延長する議定書

アメリカ合衆国政府及び日本国政府は、

千九百八十八年六月二十日にトロントで署名され、千九百九十三年六月十六日にワシントンで作成された議定書、千九百九十八年六月十六日にワシントンで作成された議定書、千九百九十九年三月十九日にワシントンで作成された議定書及び千九百九十九年五月十九日にワシントンで作成された議定書により延長され、並びに千九百九十九年七月十六日にワシントンで作成された議定書により延長及び改正された科学技術における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定（以下「協定」という。）の有効期間が二千四年七月二十日に終了することを認識し、

協定第九条2の規定に従って行動して、

次のとおり協定した。

第一条

[TRANSLATION – TRADUCTION]

PROTOCOLE PROROGEANT L'ACCORD DE COOPÉRATION ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU JAPON RELATIF À LA RECHERCHE ET AU DÉVELOPPEMENT DANS LES DOMAINES DE LA SCIENCE ET DE LA TECHNOLOGIE

Le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon,

Reconnaissant que l'Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon relatif à la recherche et au développement dans les domaines de la science et de la technologie technologie, signé à Toronto le 20 juin 1988, prorogé par les Protocoles conclus à Washington les 16 juin 1993, 16 juin 1998, 19 mars 1999 et 19 mai 1999, et prorogé et modifié par le protocole conclu à Washington le 16 juillet 1999 (ci-après dénommé « l'Accord »), expirera le 20 juillet 2004, et

Agissant conformément aux dispositions du paragraphe 2 de l'article IX de l'Accord,

Sont convenus de ce qui suit :

Article premier

L'Accord sera prorogé de dix ans, à compter du 20 juillet 2004.

Article II

Le présent Protocole entrera en vigueur le 20 juillet 2004.

FAIT à Washington, le 19 juillet 2004, en deux exemplaires, en langues anglaise et japonaise, tous les textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

MELINDA L. KIMBLE

Pour le Gouvernement du Japon :

KUNIHIKO SAITO

No. 40321. United States of America and Russian Federation

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION CONCERNING OPERATIONAL SAFETY ENHANCEMENTS, RISK REDUCTION MEASURES AND NUCLEAR SAFETY REGULATION FOR CIVIL NUCLEAR FACILITIES IN THE RUSSIAN FEDERATION. MOSCOW, 16 DECEMBER 1993 [*United Nations, Treaty Series, vol. 2263, I-40321.*]

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF THE RUSSIAN FEDERATION FOR ATOMIC ENERGY CONCERNING COOPERATION REGARDING PLUTONIUM PRODUCTION REACTORS. MOSCOW, 23 SEPTEMBER 1997

Entry into force: with retroactive effect from 16 December 1993, in accordance with its provisions

Authentic texts: English and Russian

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 40321. États-Unis d'Amérique et Fédération de Russie

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À L'AMÉLIORATION DE LA SÉCURITÉ OPÉRATIONNELLE, AUX MESURES DE RÉDUCTION DU RISQUE ET AUX NORMES DE SÛRETÉ NUCLÉAIRE POUR LES INSTALLATIONS NUCLÉAIRES CIVILES DANS LA FÉDÉRATION DE RUSSIE. MOSCOU, 16 DÉCEMBRE 1993 [*Nations Unies, Recueil des Traités, vol. 2263, I-40321.*]

MÉMORANDUM D'ACCORD ENTRE LE DÉPARTEMENT DE L'ÉNERGIE DES ÉTATS-UNIS D'AMÉRIQUE ET LE MINISTÈRE DE L'ÉNERGIE ATOMIQUE DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION CONCERNANT LES RÉACTEURS DE PRODUCTION DE PLUTONIUM. MOSCOU, 23 SEPTEMBRE 1997

Entrée en vigueur : avec effet rétroactif à compter du 16 décembre 1993, conformément à ses dispositions

Textes authentiques : anglais et russe

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF THE RUSSIAN FEDERATION FOR ATOMIC ENERGY
CONCERNING
COOPERATION REGARDING PLUTONIUM PRODUCTION REACTORS

The Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy;

Reaffirming the desire to cooperate with each other in modifying plutonium production reactors by means of core conversion, which will make it possible to cease production of non-reactor grade plutonium and to significantly increase safety of these reactors, as set forth in the Agreement between the Government of the United States of America and the Government of the Russian Federation Concerning Cooperation Regarding Plutonium Production Reactors, signed this 23rd day of September, 1997 (hereinafter referred to as the "Agreement on Plutonium Production Reactors");

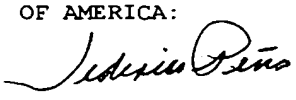
Have agreed as follows:

All issues regarding liability resulting from activities under the Agreement on Plutonium Production Reactors but not under the framework of the Agreement between the Department of Defense of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning the Modification of the Operating Seversk (Tomsk Region) and Zheleznogorsk (Krasnoyarsk Region) Plutonium Production Reactors shall be governed by the provisions of Article IV of the Agreement between the Government of the United States of America and the Government of the Russian Federation Concerning Operational Safety Regulation for Civil Nuclear Facilities in the Russian Federation, signed on December 16, 1993.

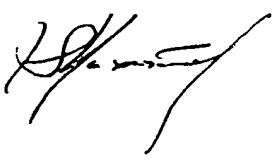
This Memorandum shall enter into force on the same date as the Agreement on Plutonium Production Reactors.

Done at Moscow, in duplicate, this twenty-third day of September, 1997, in the English and Russian languages, both texts being equally authentic.

FOR THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA:



FOR THE MINISTRY OF THE RUSSIAN FEDERATION FOR ATOMIC ENERGY:



[RUSSIAN TEXT – TEXTE RUSSE]

МЕМОРАНДУМ О ВЗАИМОПОНИМАНИИ МЕЖДУ МИНИСТЕРСТВОМ ЭНЕРГЕТИКИ СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ И МИНИСТЕРСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ ПО АТОМНОЙ ЭНЕРГИИ О СОТРУДНИЧЕСТВЕ В ОТНОШЕНИИ РЕАКТОРОВ, ПРОИЗВОДЯЩИХ ПЛУТОНИЙ

Министерство энергетики Соединенных Штатов Америки и Министерство Российской Федерации по атомной энергии;

Вновь подтверждая желание осуществлять взаимное сотрудничество по модификации реакторов, производящих плутоний, путем конверсии их активных зон, что позволит прекратить производство неэнергетического плутония и существенно повысить безопасность этих реакторов, как это определено Соглашением между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в отношении реакторов, производящих плутоний, подписанным 23 сентября 1997 года (далее именуемое "Соглашение о реакторах, производящих плутоний");

Договорились о нижеследующем:

Все вопросы, касающиеся ответственности, возникающей при осуществлении деятельности в рамках Соглашения о реакторах, производящих плутоний, но вне рамок Соглашения между Министерством обороны Соединенных Штатов Америки и Министерством Российской Федерации по атомной энергии о модификации действующих реакторов, производящих плутоний, в г. Северске Томской области и г. Железногорске Красноярского края, разрешаются в соответствии с положениями Статьи 4 Соглашения между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о повышении эксплуатационной безопасности, мерах по снижению риска и нормах ядерной безопасности в отношении гражданских ядерных установок в Российской Федерации, подписанного 16 декабря 1993 года.

Настоящий Меморандум вступает в силу одновременно с Соглашением о реакторах, производящих плутоний.

Совершено в г. Москве в двух экземплярах 23 сентября 1997 г., каждый на английском и русском языках, причем оба текста имеют одинаковую силу.

ЗА МИНИСТЕРСТВО ЭНЕРГЕТИКИ СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ

ЗА МИНИСТЕРСТВО РОССИЙСКОЙ ФЕДЕРАЦИИ ПО АТОМНОЙ ЭНЕРГИИ

[TRANSLATION – TRADUCTION]

MÉMORANDUM D'ACCORD ENTRE LE DÉPARTEMENT DE L'ÉNERGIE DES ÉTATS-UNIS D'AMÉRIQUE ET LE MINISTÈRE DE L'ÉNERGIE ATOMIQUE DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION CONCERNANT LES RÉACTEURS DE PRODUCTION DE PLUTONIUM

Le Département de l'énergie des États-Unis d'Amérique et le Ministère de l'énergie atomique de la Fédération de Russie,

Réaffirmant leur désir de coopérer entre eux pour la modification des réacteurs de production de plutonium au moyen de la conversion du cœur du réacteur, ce qui permettra de cesser la production de plutonium qui n'est pas de qualité réacteur et d'accroître considérablement la sûreté de ces réacteurs, tel qu'énoncé dans l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération concernant les réacteurs de production de plutonium, signé le 23 septembre 1997 (ci-après dénommé « l'Accord sur les réacteurs de production de plutonium »),

Sont convenus de ce qui suit :

Toutes les questions concernant la responsabilité découlant des activités menées au titre de l'Accord sur les réacteurs de production de plutonium en dehors du cadre de l'Accord entre le Département de la défense des États-Unis d'Amérique et le Ministère de la Fédération de Russie pour l'énergie atomique relatif à la modification des réacteurs de production de plutonium en fonctionnement de Seversk (région de Tomsk) et de Zheleznogorsk (région de Krasnoyarsk) sont régies par les dispositions de l'article IV de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie concernant les normes de sécurité opérationnelle pour les installations nucléaires civiles dans la Fédération de Russie, signé le 16 décembre 1993.

Le présent Mémorandum d'accord entrera en vigueur à la même date que l'Accord sur les réacteurs de production de plutonium.

FAIT à Moscou, le 23 septembre 1997, en double exemplaire, en langues anglaise et russe, les deux textes faisant également foi.

Pour le Département de l'énergie des États-Unis d'Amérique :

[SIGNÉ]

Pour le Ministère de l'énergie atomique de la Fédération de Russie :

[SIGNÉ]

AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF THE RUSSIAN FEDERATION FOR ATOMIC ENERGY CONCERNING COOPERATION REGARDING PLUTONIUM PRODUCTION REACTORS OF SEPTEMBER 23, 1997. VIENNA, 12 MARCH 2003

MODIFICATION DU MÉMORANDUM D'ACCORD ENTRE LE DÉPARTEMENT DE L'ÉNERGIE DES ÉTATS-UNIS D'AMÉRIQUE ET LE MINISTÈRE DE L'ÉNERGIE ATOMIQUE DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION CONCERNANT LES RÉACTEURS DE PRODUCTION DE PLUTONIUM DU 23 SEPTEMBRE 1997. VIENNE, 12 MARS 2003

Entry into force: 12 March 2003 by signature, in accordance with its provisions

Entrée en vigueur : 12 mars 2003 par signature, conformément à ses dispositions

Authentic texts: English and Russian

Textes authentiques : anglais et russe

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

Amendment to the Memorandum of Understanding Between the Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning Cooperation Regarding Plutonium Production Reactors of September 23, 1997

The Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy;

Noting that the Agreement between the Government of the United States of America and the Government of the Russian Federation of September 23, 1997, Concerning Cooperation Regarding Plutonium Production Reactors (hereinafter referred to as the "Agreement on Plutonium Production Reactors") was amended on March 12, 2003, to add an option of creating fossil fuel energy sources to replace three presently operating reactors that produce plutonium;

Recognizing that the Agreement between the Department of Defense of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning the Modification of the Operating Seversk (Tomsk Region) and Zheleznogorsk (Krasnoyarsk Region) Plutonium Production Reactors dated September 23, 1997, under which Article II of the Agreement on Plutonium Production Reactors was implemented, was replaced by an Agreement between the Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning the Cessation of Plutonium Production at the Operating ADE-4 and ADE-5 Reactors in Seversk (Tomsk Region) and the ADE-2 Reactor in Zheleznogorsk (Krasnoyarsk Region);

Desiring to change the Memorandum of Understanding Between the Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning Cooperation Regarding Plutonium Production Reactors dated September 23, 1997 (hereinafter referred to as the "Memorandum of Understanding"), to reflect the replacement described above;

Have agreed as follows:

The fourth paragraph of the Memorandum of Understanding shall be amended to replace the words "the Agreement between the Department of Defense of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning the Modification of the Operating Seversk (Tomsk Region) and Zheleznogorsk (Krasnoyarsk Region) Plutonium Production Reactors" with the words "the Agreement between the Department of Energy of the United States of America and the Ministry of the Russian Federation for Atomic Energy Concerning the Cessation of Plutonium Production at the Operating ADE-4 and ADE-5 Reactors in Seversk (Tomsk Region) and the ADE-2 Reactor in Zheleznogorsk (Krasnoyarsk Region) of March 12, 2003."

This Amendment shall enter into force upon signature.

Done at Vienna, in duplicate, this 12th day of March, 2003, in the English and Russian languages, both texts being equally authentic.

FOR THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA:

FOR THE MINISTRY OF THE RUSSIAN FEDERATION FOR ATOMIC ENERGY:

[RUSSIAN TEXT – TEXTE RUSSE]

Протокол к Меморандуму о взаимопонимании между Министерством энергетики Соединенных Штатов Америки и Министерством Российской Федерации по атомной энергии о сотрудничестве в отношении реакторов, производящих плутоний от 23 сентября 1997 г.

Министерство энергетики Соединенных Штатов Америки и Министерство Российской Федерации по атомной энергии,

принимая во внимание подписанный 12 марта 2003 г. Протокол о внесении изменений в Соглашение между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в отношении реакторов, производящих плутоний от 23 сентября 1997 г. (далее именуемое "Соглашение о реакторах, производящих плутоний"), в частности его положения, предусматривающие вариант создания источников энергии на органическом топливе взамен трех действующих в настоящее время реакторов, производящих плутоний;

признавая, что подписанное 12 марта 2003 года Соглашение между Министерством энергетики США и Министерством Российской Федерации по атомной энергии о прекращении производства плутония на действующих реакторах АДЭ-4 и АДЭ-5 в г.Северске Томской области и реакторе АДЭ-2 в г.Железногорске Красноярского края заменило Соглашение между Министерством обороны Соединенных Штатов Америки и Министерством Российской Федерации по атомной энергии о модификации действующих реакторов, производящих плутоний, в г.Северске Томской области и г.Железногорске Красноярского края от 23 сентября 1997 г., согласно которому реализовывалась статья 2 соглашения о реакторах, производящих плутоний;

выражая желание внести изменение в Меморандум о взаимопонимании между Министерством энергетики США и

Министерством Российской Федерации по атомной энергии о сотрудничестве в отношении реакторов, производящих плутоний от 23 сентября 1997 г. (далее именуемый "Меморандум о взаимопонимании") с целью отразить замену, описанную выше;

согласились о нижеследующем:

В четвертом абзаце Меморандума о взаимопонимании фразу "Соглашение между Министерством обороны Соединенных Штатов Америки и Министерством Российской Федерации по атомной энергии о модификации действующих реакторов, производящих плутоний, в г.Северске Томской области и г.Железногорске Красноярского края заменить на -"Соглашение между Министерством энергетики Соединенных Штатов Америки и Министерством Российской Федерации по атомной энергии о прекращении производства плутония на действующих реакторах АДЭ-4 и АДЭ-5 в г.Северске Томской области и реакторе АДЭ-2 в г.Железногорске Красноярского края" от 12 марта 2003 г.

Настоящий Протокол вступает в силу с даты подписания.

Совершено в March 12th 2003 года, в двух экземплярах, каждый на русском и английском языках, причем оба текста имеют одинаковую силу.

За Министерство энергетики
Соединенных Штатов Америки

За Министерство
Российской Федерации
по атомной энергии

[TRANSLATION – TRADUCTION]

MODIFICATION DU MÉMORANDUM D'ACCORD ENTRE LE DÉPARTEMENT DE L'ÉNERGIE DES ÉTATS-UNIS D'AMÉRIQUE ET LE MINISTÈRE DE L'ÉNERGIE ATOMIQUE DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION CONCERNANT LES RÉACTEURS DE PRODUCTION DE PLUTONIUM DU 23 SEPTEMBRE 1997

Le Département de l'énergie des États-Unis d'Amérique et le Ministère de l'énergie atomique de la Fédération de Russie,

Notant que l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie du 23 septembre 1997 relatif à la coopération concernant les réacteurs de production de plutonium (ci-après dénommé l'« Accord sur les réacteurs de production de plutonium ») a été modifié le 12 mars 2003 afin d'y ajouter l'option de créer des sources d'énergie fossile en remplacement de trois réacteurs de production de plutonium actuellement en fonctionnement,

Reconnaissant que l'Accord entre le Département de la défense des États-Unis d'Amérique et le Ministère de la Fédération de Russie pour l'énergie atomique relatif à la modification des réacteurs de production de plutonium en fonctionnement de Seversk (région de Tomsk) et de Zheleznogorsk (région de Krasnoyarsk) daté du 23 septembre 1997, en vertu duquel l'article II de l'Accord sur les réacteurs de production de plutonium a été mis en œuvre, a été remplacé par l'Accord entre le Département de l'énergie des États-Unis d'Amérique et le Ministère de la Fédération de Russie pour l'énergie atomique concernant l'arrêt de la production de plutonium aux réacteurs en fonctionnement ADE-4 et ADE-5 de Seversk (région de Tomsk) et au réacteur ADE-2 de Zheleznogorsk (région de Krasnoyarsk),

Désireux de modifier le Mémorandum d'accord entre le Département de l'énergie des États-Unis d'Amérique et le Ministère de l'énergie atomique de la Fédération de Russie relatif à la coopération concernant les réacteurs de production de plutonium du 23 septembre 1997 (ci-après dénommé « le Mémorandum d'accord ») afin de tenir compte du remplacement décrit ci-dessus,

Sont convenus de ce qui suit :

Le quatrième paragraphe du Mémorandum d'accord sera modifié afin de remplacer les mots « l'Accord entre le Département de la défense des États-Unis d'Amérique et le Ministère de la Fédération de Russie pour l'énergie atomique relatif à la modification des réacteurs de production de plutonium en fonctionnement de Seversk (région de Tomsk) et de Zheleznogorsk (région de Krasnoyarsk) » par « l'Accord entre le Département de l'énergie des États-Unis d'Amérique et le Ministère de la Fédération de Russie pour l'énergie atomique concernant l'arrêt de la production de plutonium aux réacteurs en fonctionnement ADE-4 et ADE-5 de Seversk (région de Tomsk) et au réacteur ADE-2 de Zheleznogorsk (région de Krasnoyarsk) du 12 mars 2003) ».

La présente Modification entrera en vigueur dès sa signature.

FAIT à Vienne, le 12 mars 2003, en double exemplaire, en langues anglaise et russe, les deux textes faisant également foi.

Pour le Département de l'énergie des États-Unis d'Amérique :

[SIGNÉ]

Pour le Ministère de l'énergie atomique de la Fédération de Russie :

[SIGNÉ]

No. 40347. United States of America and Russian Federation

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN RESEARCH ON RADIATION EFFECTS FOR THE PURPOSE OF MINIMIZING THE CONSEQUENCES OF RADIOACTIVE CONTAMINATION ON HEALTH AND THE ENVIRONMENT. MOSCOW, 14 JANUARY 1994 [*United Nations, Treaty Series, vol. 2264, I-40347.*]

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION TO EXTEND AND AMEND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN RESEARCH ON RADIATION EFFECTS FOR THE PURPOSE OF MINIMIZING THE CONSEQUENCES OF RADIOACTIVE CONTAMINATION ON HEALTH AND THE ENVIRONMENT SIGNED JANUARY 14, 1994. WASHINGTON, 10 MARCH 2000

Entry into force: 10 March 2000 by signature, in accordance with article III

Authentic texts: English and Russian

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 40347. États-Unis d'Amérique et Fédération de Russie

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT. MOSCOU, 14 JANVIER 1994 [*Nations Unies, Recueil des Traités, vol. 2264, I-40347.*]

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE PROROGEANT ET MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT SIGNÉ LE 14 JANVIER 1994. WASHINGTON, 10 MARS 2000

Entrée en vigueur : 10 mars 2000 par signature, conformément à l'article III

Textes authentiques : anglais et russe

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL

BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION TO EXTEND AND AMEND THE «Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment» signed January 14, 1994

The Government of the United States of America and the Government of the Russian Federation (hereafter referred to as the «Parties»),

Having regard to the Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment signed on January 14, 1994 (hereafter «the Agreement»);

Desiring to continue joint activities within the framework of the Agreement to minimize the consequences of radioactive contamination on human health and the environment; and

Noting that Paragraph 1, Article VIII of the Agreement provides for extension of the Agreement by written agreement of the Parties,

Have agreed as follows:

Article I

The term of the Agreement is extended for five years until January 14, 2004, unless terminated earlier in accordance with Paragraph 4, Article VIII of the Agreement.

Article II

The Agreement shall be amended as follows:

1. Paragraph 7, Article III shall be worded as follows:

«7. The Executive Agents responsible for coordination of activities to implement this Agreement shall be,

for the United States of America

- the United States Department of Energy and

for the Russian Federation

- the Ministry of Health of the Russian Federation (on issues of medical-biological research of the effect of radiation on human organs) and the Ministry of the Russian Federation for Civil Defense Affairs, Emergencies and the Elimination of Consequences of Natural Disasters (on issues of implementing measures for rehabilitation of the population and territories that have been subjected to radiation accidents).»

2. Paragraph 1, Article V shall be worded as follows after «in the Russian Federation»:

«- Ministry of Health of the Russian Federation

- Ministry of the Russian Federation for Civil Defense Affairs, Emergencies and the Elimination of Consequences of Natural Disasters

- Ministry of the Russian Federation for Atomic Energy

- Other interested federal bodies of the executive branch and organizations».

3. Paragraph 2, Article V shall be worded as follows:

«2. Each Party may adjust the list of offices and organizations participating in the implementation of this Agreement, and shall inform the other Party of such adjustments through the Executive Agents responsible for coordination of activities in accordance with Paragraph 7, Article III of the Agreement.»

Article III

The Protocol shall enter into force upon signature.

Done at Washington, this 10th day of March, 2000, in duplicate, in the English and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION

[RUSSIAN TEXT – TEXTE RUSSE]

ПРОТОКОЛ

между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о продлении срока действия и внесении изменений в Соглашение между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 г.

Правительство Соединенных Штатов Америки и Правительство Российской Федерации, далее именуемые Сторонами,

принимая во внимание условия Соглашения между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 г. (далее именуется - Соглашение),

желая продолжить совместную деятельность в рамках Соглашения с целью уменьшения влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду,

отмечая, что в пункте 1 статьи VIII Соглашения предусматривается возможность его продления по письменному согласию Сторон,

согласились о нижеследующем:

Статья I

Продлить действие Соглашения на пять лет, до 14 января 2004 г., если его действие не будет прекращено раньше в соответствии с пунктом 4 статьи VIII Соглашения.

Статья II

Внести в Соглашение следующие изменения:

1. Пункт 7 статьи III изложить в следующей редакции:

«7. Органами, ответственными за координацию деятельности по реализации настоящего Соглашения, являются:

с Американской Стороны - Министерство энергетики Соединенных Штатов Америки;

с Российской Стороны - Министерство здравоохранения Российской Федерации (по вопросам медико-биологических исследований воздействия радиации на организм человека) и Министерство Российской Федерации по делам гражданской обороны, чрезвычайным ситуациям и ликвидации последствий стихийных бедствий (по вопросам осуществления мероприятий по реабилитации населения и территорий, пострадавших в результате радиационных аварий)».

2. Пункт 1 статьи V в части основных учреждений и организаций, осуществляющих сотрудничество с Российской Стороны, изложить в следующей редакции:

«в Российской Федерации:

Министерство здравоохранения Российской Федерации,

Министерство Российской Федерации по делам гражданской обороны, чрезвычайным ситуациям и ликвидации последствий стихийных бедствий,

Министерство Российской Федерации по атомной энергии,

другие заинтересованные федеральные органы исполнительной власти и организации».

3. Пункт 2 статьи V изложить в следующей редакции:

«2. Каждая Сторона может вносить изменения в список основных учреждений и организаций, участвующих в выполнении настоящего Соглашения, и будет информировать другую Сторону о таких изменениях через свои органы, ответственные за координацию деятельности в соответствии с пунктом 7 статьи III Соглашения».

Статья III

Настоящий Протокол вступает в силу со дня его подписания.

Совершено в г. Вашингтоне «10» марта 2000 г. в двух экземплярах, каждый на английском и русском языках, причем оба текста имеют одинаковую силу.

За Правительство
Соединенных Штатов Америки

За Правительство
Российской Федерации

[TRANSLATION – TRADUCTION]

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE PROROGEANT ET MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT SIGNÉ LE 14 JANVIER 1994

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie (ci-après dénommés les « Parties »),

Tenant compte de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération en matière de recherche sur les effets des rayonnements dans le but de réduire les conséquences de la contamination radioactive dans le domaine de la santé et de l'environnement signé le 14 janvier 1994 (ci-après dénommé « l'Accord »),

Désireux de poursuivre les activités conjointes menées dans le cadre de l'Accord en vue de réduire les conséquences de la contamination radioactive dans le domaine de la santé et de l'environnement,

Notant que le paragraphe 1 de l'article VIII de l'Accord prévoit la prorogation de l'Accord par accord écrit entre les Parties,

Sont convenus de ce qui suit :

Article premier

La durée de l'Accord est prorogée de cinq ans, jusqu'au 14 janvier 2004, à moins qu'il n'y soit mis fin plus tôt conformément au paragraphe 4 de l'article VIII de l'Accord.

Article II

L'Accord est modifié de la manière suivante :

1. Le paragraphe 7 de l'article III est libellé comme suit :

« 7. Les agents d'exécution, chargés de la coordination des activités effectuées aux fins de la mise en œuvre du présent Accord, seront :

Pour les États-Unis d'Amérique :

- Le Département de l'énergie des États-Unis; et

Pour la Fédération de Russie :

- Le Ministère de la santé de la Fédération de Russie (pour les questions relatives à la recherche médico-biologique sur l'effet du rayonnement sur les organes humains) et le Ministère

de la Fédération de Russie pour les affaires de défense civile, les situations d'urgence et l'élimination des conséquences des désastres naturels (pour les questions relatives à l'application de mesures pour le relèvement de la population et des territoires ayant subi des accidents de rayonnement). »

2. Après les mots « En Fédération de Russie », le paragraphe 1 de l'article V est libellé comme suit :

« - Ministère de la santé de la Fédération de Russie

- Ministère de la Fédération de Russie pour les affaires de défense civile, les situations d'urgence et l'élimination des conséquences des désastres naturels

- Ministère de l'énergie atomique de la Fédération de Russie

- Autres organismes fédéraux du pouvoir exécutif intéressés et organisations correspondantes. »

3. Le paragraphe 2 de l'article V est libellé comme suit :

« 2. Chacune des Parties peut ajuster la liste des services et des organisations participant à l'exécution du présent Accord, et communique ces ajustements à l'autre Partie par l'intermédiaire des agents d'exécution chargés de la coordination des activités conformément au paragraphe 7 de l'article III de l'Accord. »

Article III

Le présent Protocole entrera en vigueur à sa signature.

FAIT à Washington, le 10 mars 2000, en double exemplaire, en langues anglaise et russe, les deux textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

[SIGNÉ]

Pour le Gouvernement de la Fédération de Russie :

[SIGNÉ]

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION TO EXTEND AND AMEND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN RESEARCH ON RADIATION EFFECTS FOR THE PURPOSE OF MINIMIZING THE CONSEQUENCES OF RADIOACTIVE CONTAMINATION ON HEALTH AND THE ENVIRONMENT OF JANUARY 14, 1994. MOSCOW, 4 MAY 2007

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE POUR PROROGER ET MODIFIER L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT DU 14 JANVIER 1994. MOSCOU, 4 MAI 2007

Entry into force: 4 May 2007 by signature, in accordance with article 3

Entrée en vigueur : 4 mai 2007 par signature, conformément à l'article 3

Authentic texts: English and Russian

Textes authentiques : anglais et russe

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL

between the Government of the United States of America and the Government of the Russian Federation to Extend and Amend the Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment of January 14, 1994

The Government of the United States of America and the Government of the Russian Federation, hereinafter referred to as the Parties,

Noting the terms of the Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment of January 14, 1994 (hereinafter the Agreement), and the Protocol of March 10, 2000, between the Government of the United States of America and the Government of the Russian Federation to Extend and Amend the Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment of January 14, 1994,

Desiring to continue joint activities within the framework of the Agreement to minimize the consequences of radioactive contamination on human health and the environment,

Noting that paragraph 1, Article VIII of the Agreement provides for extension of the Agreement by written agreement of the Parties,

Have agreed as follows:

Article 1

To extend the term of the Agreement for five years, until January 14, 2009, unless terminated earlier in accordance with paragraph 4, Article VIII of the Agreement.

Article 2

To amend the Agreement as follows:

1) The second paragraph under paragraph 7, Article III shall be worded as follows:

"for the Russian Federation – the Federal Medical-Biological Agency (on issues of medical-biological research of the effects of radiation on human health) and the Ministry of the Russian Federation for Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters (on issues of implementing measures for rehabilitation of the population and territories affected by radiation accidents)."

2) Supplement paragraph 7, Article III with the following paragraph:

"The Parties shall immediately notify each other through diplomatic channels of a change in agents responsible for the coordination of activities to implement this Agreement."

3) Paragraph 1, Article V, as it relates to the principal cooperating establishments and organizations of the Russian Federation shall be worded as follows:

"in the Russian Federation:
Federal Medical-Biological Agency,
Ministry of the Russian Federation for Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters,
Federal Atomic Energy Agency,
other interested federal bodies of the executive branch and organizations."

Article 3

This Protocol shall enter into force upon the date of signature.

DONE at Moscow, this 4 day of May, 2007, in duplicate, each in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION

[RUSSIAN TEXT – TEXTE RUSSE]

ПРОТОКОЛ

между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о продлении срока действия и внесении изменений в Соглашение между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 г.

Правительство Соединенных Штатов Америки и Правительство Российской Федерации, далее именуемые Сторонами,

принимая во внимание условия Соглашения между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 г. (далее – Соглашение), Протокола между Правительством Соединенных Штатов Америки и Правительством Российской Федерации от 10 марта 2000 г. о продлении срока действия и внесении изменений в Соглашение между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 г.,

желая продолжить совместную деятельность в рамках Соглашения с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду,

отмечая, что в пункте 1 статьи VIII Соглашения предусматривается возможность его продления по письменному согласию Сторон,

согласились о нижеследующем:

Статья 1

Продлить срок действия Соглашения на 5 лет, до 14 января 2009 г., если его действие не будет прекращено раньше в соответствии с пунктом 4 статьи VIII Соглашения.

Статья 2

Внести в Соглашение следующие изменения:

1) в пункте 7 статьи III абзац второй изложить в следующей редакции:

«с Российской Стороны – Федеральное медико-биологическое агентство (по вопросам медико-биологических исследований воздействий радиации на здоровье человека) и Министерство Российской Федерации по делам гражданской обороны, чрезвычайным ситуациям и ликвидации последствий стихийных бедствий (по вопросам осуществления мероприятий по реабилитации населения и территорий, пострадавших в результате радиационных аварий);»;

2) дополнить пункт 7 статьи III абзацем следующего содержания:

«Об изменении органов, ответственных за координацию деятельности по реализации настоящего Соглашения, Стороны незамедлительно уведомляют друг друга по дипломатическим каналам.»;

3) пункт 1 статьи V в части основных учреждений и организаций, осуществляющих сотрудничество с Российской Стороны, изложить в следующей редакции:

«в Российской Федерации:
Федеральное медико-биологическое агентство,
Министерство Российской Федерации по делам гражданской обороны,
чрезвычайным ситуациям и ликвидации последствий стихийных бедствий,
Федеральное агентство по атомной энергии,
другие заинтересованные федеральные органы исполнительной власти и организации;».

Статья 3

Настоящий Протокол вступает в силу со дня его подписания.

Совершено в городе Москве « 4 » мая 2007 г. в двух экземплярах, каждый на английском и русском языках, причем оба текста имеют одинаковую силу.

За Правительство
Соединенных Штатов Америки

За Правительство
Российской Федерации

[TRANSLATION – TRADUCTION]

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE PROROGEANT ET MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT SIGNÉ LE 14 JANVIER 1994

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie (ci-après dénommés les « Parties »),

Tenant compte des dispositions de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération en matière de recherche sur les effets des rayonnements dans le but de réduire les conséquences de la contamination radioactive dans le domaine de la santé et de l'environnement signé le 14 janvier 1994 (ci-après dénommé « l'Accord »), et du Protocole du 10 mars 2000 entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie prorogeant et modifiant l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération en matière de recherche sur les effets des rayonnements dans le but de réduire les conséquences de la contamination radioactive dans le domaine de la santé et de l'environnement signé le 14 janvier 1994,

Désireux de poursuivre les activités conjointes menées dans le cadre de l'Accord en vue de réduire les conséquences de la contamination radioactive dans le domaine de la santé humaine et de l'environnement,

Notant que le paragraphe 1 de l'article VIII de l'Accord prévoit la prorogation de l'Accord par accord écrit entre les Parties,

Sont convenus de ce qui suit :

Article premier

La durée de l'Accord est prorogée de cinq ans, jusqu'au 14 janvier 2004, à moins qu'il n'y soit mis fin plus tôt conformément au paragraphe 4 de l'article VIII de l'Accord.

Article 2

L'Accord est modifié de la manière suivante :

1) Le second paragraphe du paragraphe 7 de l'article III est libellé comme suit :

« Pour la Fédération de Russie - l'Agence médico-biologique fédérale (pour les questions relatives à la recherche médico-biologique sur l'effet du rayonnement sur les organes humains) et le Ministère de la Fédération de Russie pour les affaires de défense civile, les situations d'urgence

et l'élimination des conséquences des désastres naturels (pour les questions relatives à l'application de mesures pour le relèvement de la population et des territoires ayant subi des accidents de rayonnement). »

2) Le paragraphe suivant est ajouté au paragraphe 7 de l'article III :

« Les Parties se communiquent immédiatement, par la voie diplomatique, tout changement des agents chargés de la coordination des activités menées aux fins de la mise en œuvre du présent Accord. »

3) Le paragraphe 1 de l'article V, concernant les principaux établissements et organisations de coopération de la Fédération de Russie, est libellé comme suit :

« En Fédération de Russie :

Agence médico-biologique fédérale;

Ministère de la Fédération de Russie pour les affaires de défense civile, les situations d'urgence et l'élimination des conséquences des désastres naturels;

Agence fédérale de l'énergie atomique;

Autres organismes fédéraux du pouvoir exécutif intéressés et organisations correspondantes. »

Article 3

Le présent Protocole entrera en vigueur à sa signature.

FAIT à Moscou, le 4 mai 2007, en double exemplaire, en langues anglaise et russe, les deux textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

[SIGNÉ]

Pour le Gouvernement de la Fédération de Russie :

[SIGNÉ]

PROTOCOL BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION TO EXTEND AND AMEND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN RESEARCH ON RADIATION EFFECTS FOR THE PURPOSE OF MINIMIZING THE CONSEQUENCES OF RADIOACTIVE CONTAMINATION ON HEALTH AND THE ENVIRONMENT OF JANUARY 14, 1994. WASHINGTON, 13 JULY 2011

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE PROROGEANT ET MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT SIGNÉ LE 14 JANVIER 1994. WASHINGTON, 13 JUILLET 2011

Entry into force: 13 July 2011 by signature, in accordance with article 3

Entrée en vigueur : 13 juillet 2011 par signature, conformément à l'article 3

Authentic texts: English and Russian

Textes authentiques : anglais et russe

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL

BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION TO EXTEND AND AMEND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON COOPERATION IN RESEARCH ON RADIATION EFFECTS FOR THE PURPOSE OF MINIMIZING THE CONSEQUENCES OF RADIOACTIVE CONTAMINATION ON HEALTH AND THE ENVIRONMENT OF JANUARY 14, 1994

The Government of the United States of America and the Government of the Russian Federation, hereinafter referred to as "the Parties",

Noting the terms of the Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment of January 14, 1994, as extended and amended (hereinafter referred to as the "Agreement");

Desiring to continue joint activities within the framework of the Agreement to minimize the consequences of radioactive contamination on human health and the environment; and

Noting that paragraphs 1 and 3, Article VIII of the Agreement provide for extension and amendment of the Agreement by written agreement of the Parties,

Have agreed as follows:

Article 1

The Agreement shall be amended as follows:

1) Paragraph 7, Article III shall read as follows:

"7. The Executive Agents responsible for coordination of activities for implementation of this Agreement shall be:

for the United States of America - the United States Department of Energy;

for the Russian Federation - the Federal Medical-Biological Agency."

2) Paragraphs 3 and 4, Article IV shall read as follows:

"3. Exchange of technical specialists, researchers and other experts for participation in agreed activities, including organization of visits to protected territories for which special permission for the entry of foreign nationals is required. Detailed procedures to describe the organization of visits to protected territories will be developed by the Russian Party and approved by the responsible U.S. and Russian Executive Agents in accordance with the laws of the United States of America and the laws of the Russian Federation.

4. Exchange of appropriate scientific and technical information, documentation and results of research, including databases and biological materials, which is permitted under the laws of the United States of America and the laws of the Russian Federation. Detailed procedures of the exchange will be developed by the Russian Party and approved by the U.S. and Russian Executive Agents in accordance with the laws of the United States of America and the laws of the Russian Federation."

3) Paragraph 1, Article V, following "in the Russian Federation", shall read as follows:

"- Federal Medical-Biological Agency;
- Ministry of the Russian Federation for Civil Defense, Emergencies and Elimination of the Consequences of Natural Disasters;
- State Corporation for Atomic Energy "Rosatom"; and
- other interested federal bodies of the executive branch and organizations."

Article 2

The term of the Agreement shall be extended for five years, until January 14, 2014, and shall thereafter be automatically extended for additional five-year periods unless terminated earlier by either Party in accordance with paragraph 4, Article VIII of the Agreement.

Article 3

This Protocol shall enter into force upon the date of its signature.

DONE at Washington, this 13th day of July 2011, in duplicate, each in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Hillary Rodham Clinton

FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION

[RUSSIAN TEXT – TEXTE RUSSE]

ПРОТОКОЛ

МЕЖДУ ПРАВИТЕЛЬСТВОМ СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ И ПРАВИТЕЛЬСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ О ПРОДЛЕНИИ СРОКА ДЕЙСТВИЯ И ВНЕСЕНИИ ИЗМЕНЕНИЙ В СОГЛАШЕНИЕ МЕЖДУ ПРАВИТЕЛЬСТВОМ СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ И ПРАВИТЕЛЬСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ О СОТРУДНИЧЕСТВЕ В ОБЛАСТИ ИЗУЧЕНИЯ РАДИАЦИОННЫХ ВОЗДЕЙСТВИЙ С ЦЕЛЬЮ МИНИМИЗАЦИИ ВЛИЯНИЯ ПОСЛЕДСТВИЙ РАДИОАКТИВНОГО ЗАГРЯЗНЕНИЯ НА ЗДОРОВЬЕ ЧЕЛОВЕКА И ОКРУЖАЮЩУЮ СРЕДУ ОТ 14 ЯНВАРЯ 1994 ГОДА

Правительство Соединенных Штатов Америки и Правительство Российской Федерации, далее именуемые Сторонами,

принимая во внимание условия Соглашения между Правительством Соединенных Штатов Америки и Правительством Российской Федерации о сотрудничестве в области изучения радиационных воздействий с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду от 14 января 1994 года с продлениями и изменениями (далее - Соглашение),

желая продолжить совместную деятельность в рамках Соглашения с целью минимизации влияния последствий радиоактивного загрязнения на здоровье человека и окружающую среду,

отмечая, что в пунктах 1 и 3 Статьи VIII Соглашения предусматривается возможность его продления и внесения изменений по письменному согласию Сторон,

согласились о нижеследующем:

Статья 1

Внести в Соглашение следующие изменения:

1) пункт 7 Статьи III изложить в следующей редакции:

«7. Органами, ответственными за координацию деятельности по реализации настоящего Соглашения, являются:

в Соединенных Штатах Америки - Министерство энергетики Соединенных Штатов Америки;

в Российской Федерации - Федеральное медико-биологическое агентство.»

2) пункты 3 и 4 Статьи IV изложить в следующей редакции:

«3. Обмен техническими специалистами, исследователями и другими экспертами для участия в согласованной деятельности, включая организацию визитов на режимные территории, для въезда на которые иностранным гражданам требуется специальное разрешение. Детальные процедуры, описывающие организацию визитов на режимные территории, будут разработаны Российской Стороной и согласованы ответственными американскими и российскими органами в соответствии с законами Соединенных Штатов Америки и законами Российской Федерации.

4. Обмен соответствующей научной и технической информацией, документацией, результатами исследований, в том числе базами данных, биологическими материалами, который допускается в соответствии с законами Соединенных Штатов Америки и законами Российской Федерации. Детальные процедуры обмена будут разработаны Российской Стороной и согласованы ответственными американскими и российскими органами в соответствии с законами Соединенных Штатов Америки и законами Российской Федерации.»

3) пункт 1 Статьи V после слов «в Российской Федерации» изложить в следующей редакции:

«Федеральное медико-биологическое агентство,
Министерство Российской Федерации по делам гражданской обороны, чрезвычайным ситуациям и ликвидации последствий стихийных бедствий,
Государственная корпорация по атомной энергии «Росатом»,
другие заинтересованные федеральные органы исполнительной власти и организации.»

Статья 2

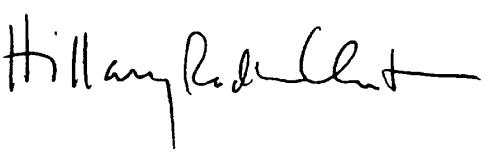
Срок действия Соглашения продлевается на пять лет, до 14 января 2014 года, и в дальнейшем автоматически продлевается на последующие пятилетние периоды, если ни одна из Сторон не прекратит его действие ранее в соответствии с пунктом 4 Статьи VIII Соглашения.

Статья 3

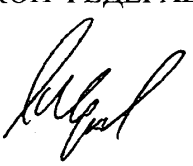
Настоящий Протокол вступает в силу с даты его подписания.

Совершено в г.Вашингтоне 13 июля 2011 года в двух экземплярах, каждый на английском и русском языках, причем оба текста имеют одинаковую силу.

ЗА ПРАВИТЕЛЬСТВО СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ



ЗА ПРАВИТЕЛЬСТВО РОССИЙСКОЙ ФЕДЕРАЦИИ



[TRANSLATION – TRADUCTION]

PROTOCOLE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE PROROGEANT ET MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA FÉDÉRATION DE RUSSIE RELATIF À LA COOPÉRATION EN MATIÈRE DE RECHERCHE SUR LES EFFETS DES RAYONNEMENTS DANS LE BUT DE RÉDUIRE LES CONSÉQUENCES DE LA CONTAMINATION RADIOACTIVE DANS LE DOMAINE DE LA SANTÉ ET DE L'ENVIRONNEMENT SIGNÉ LE 14 JANVIER 1994

Le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie (ci-après dénommés « les Parties »),

Tenant compte de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Fédération de Russie relatif à la coopération en matière de recherche sur les effets des rayonnements dans le but de réduire les conséquences de la contamination radioactive dans le domaine de la santé et de l'environnement signé le 14 janvier 1994 (ci-après dénommé « l'Accord »),

Désireux de poursuivre les activités conjointes menées dans le cadre de l'Accord en vue de réduire les conséquences de la contamination radioactive dans le domaine de la santé humaine et de l'environnement,

Notant que le paragraphe 1 de l'article VIII de l'Accord prévoit la prorogation et la modification de l'Accord par accord écrit entre les Parties,

Sont convenus de ce qui suit :

Article premier

L'Accord est modifié de la manière suivante :

1) Le paragraphe 7 de l'article III est libellé comme suit :

« 7. Les agents d'exécution, chargés de la coordination des activités effectuées conformément au présent Accord, seront :

Pour les États-Unis d'Amérique : Le Département de l'énergie des États-Unis;

Pour la fédération de Russie : L'Agence médico-biologique fédérale. »

2) Les paragraphes 3 et 4 de l'article IV sont libellés comme suit :

« 3. Échange de spécialistes techniques, chercheurs et autres experts en vue de leur participation aux activités convenues, y compris l'organisation de visites de territoires protégés pour lesquels un permis spécial est requis pour l'entrée de ressortissants étrangers. Des procédures détaillées pour régler l'organisation de visites de territoires protégés seront mises au point par la Partie russe et soumises à l'approbation d'agents exécutifs américains et russes, conformément à la législation des États-Unis d'Amérique et de la Fédération de Russie.

4. Échanges d'informations scientifiques et techniques appropriées, ainsi que de la documentation et des résultats des recherches, y compris des bases de données et du matériel biologique, autorisés par la législation des États-Unis d'Amérique et de la Fédération de Russie. Des procédures détaillées pour régler lesdits échanges seront mises au point par la Partie russe et soumises à l'approbation d'agents exécutifs américains et russes, conformément à la législation des États-Unis d'Amérique et de la Fédération de Russie. »

3) Après « En Fédération de Russie », le paragraphe 1 de l'article V est libellé comme suit :

« - Agence médico-biologique fédérale;

- Ministère de la Fédération de Russie pour les affaires de défense civile, les situations d'urgence et l'élimination des conséquences des désastres naturels;

- Entreprise publique de l'énergie atomique « Rosatom »; et

- Autres organismes fédéraux du pouvoir exécutif intéressés et organisations correspondantes. »

Article 2

L'Accord est prorogé pour une période de cinq ans, jusqu'au 14 janvier 2014, et sera ensuite automatiquement reconduit pour des périodes supplémentaires de cinq ans, à moins qu'il ne soit dénoncé plus tôt par l'une des Parties, conformément au paragraphe 4 de l'article VIII de l'Accord.

Article 3

Le présent Protocole entrera en vigueur à sa signature.

FAIT à Washington, le 13 juillet 2011 en double exemplaire, en langues anglaise et russe, les deux textes faisant également foi.

Pour le Gouvernement des États-Unis d'Amérique :

HILLARY RODHAM CLINTON

Pour le Gouvernement de la Fédération de Russie :

SERGEY LAVROV

No. 41032. Multilateral

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL. GENEVA, 21 MAY 2003 [*United Nations, Treaty Series, vol. 2302, I-41032.*]

ACCESSION

Tajikistan

Deposit of instrument with the Secretary-General of the United Nations: 21 June 2013

Date of effect: 19 September 2013

Registration with the Secretariat of the United Nations: ex officio, 21 June 2013

Nº 41032. Multilatéral

CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC. GENÈVE, 21 MAI 2003 [*Nations Unies, Recueil des Traités, vol. 2302, I-41032.*]

ADHÉSION

Tadjikistan

Dépôt de l'instrument auprès du Secrétaire général de l'Organisation des Nations Unies : 21 juin 2013

Date de prise d'effet : 19 septembre 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 21 juin 2013

No. 41353. Canada and United States of America

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE ESTABLISHMENT OF A BINATIONAL EDUCATIONAL EXCHANGE FOUNDATION. OTTAWA, 13 FEBRUARY 1990 [*United Nations, Treaty Series, vol. 2315, I-41353.*]

Termination in accordance with:

50882. Agreement between the Government of Canada and the Government of the United States of America for the establishment of a binational educational exchange foundation. Washington, 15 November 1999 [*United Nations, Treaty Series, vol. 2923, I-50882.*]

Entry into force: 15 November 1999

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 41353. Canada et États-Unis d'Amérique

ACCORD ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE PORTANT CRÉATION D'UNE FONDATION BINATIONALE POUR LES ÉCHANGES DANS LE DOMAINE DE L'ÉDUCATION. OTTAWA, 13 FÉVRIER 1990 [*Nations Unies, Recueil des Traités, vol. 2315, I-41353.*]

Abrogation conformément à :

50882. Accord entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique portant création d'une fondation binationale pour les échanges dans le domaine de l'éducation. Washington, 15 novembre 1999 [*Nations Unies, Recueil des Traités, vol. 2923, I-50882.*]

Entrée en vigueur : 15 novembre 1999

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 42373. United States of America and Turkey

AIR TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY. WASHINGTON, 7 NOVEMBER 1990 [*United Nations, Treaty Series, vol. 2357, I-42373.*]

Termination in accordance with:

50900. Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Turkey (with annexes). New York, 2 May 2000 [*United Nations, Treaty Series, vol. 2924, I-50900.*]

Entry into force: 13 August 2001

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 42373. États-Unis d'Amérique et Turquie

ACCORD RELATIF AU TRANSPORT AÉRIEN ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE TURQUE. WASHINGTON, 7 NOVEMBRE 1990 [*Nations Unies, Recueil des Traités, vol. 2357, I-42373.*]

Abrogation conformément à :

50900. Accord relatif au transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République turque (avec annexes). New York, 2 mai 2000 [*Nations Unies, Recueil des Traités, vol. 2924, I-50900.*]

Entrée en vigueur : 13 août 2001

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 42793. United States of America and Ukraine

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF UKRAINE CONCERNING OPERATIONAL SAFETY ENHANCEMENTS, RISK REDUCTION MEASURES AND NUCLEAR SAFETY REGULATION FOR CIVILIAN NUCLEAR FACILITIES IN UKRAINE. KIEV, 25 OCTOBER 1993 [*United Nations, Treaty Series, vol. 2372, I-42793.*]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT EXTENDING THE AGREEMENT OF OCTOBER 25, 1993 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF UKRAINE CONCERNING OPERATIONAL SAFETY ENHANCEMENTS, RISK REDUCTION MEASURES AND NUCLEAR SAFETY REGULATION FOR CIVILIAN NUCLEAR FACILITIES IN UKRAINE. KIEV, 22 JULY 1998

Entry into force: 22 July 1998 by the exchange of the said notes, in accordance with their provisions

Authentic texts: English and Ukrainian

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 42793. États-Unis d'Amérique et Ukraine

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE L'UKRAINE RELATIF À L'AMÉLIORATION DE LA SÉCURITÉ OPÉRATIONNELLE, AUX MESURES DE RÉDUCTION DU RISQUE ET AUX NORMES DE SÛRETÉ NUCLÉAIRE POUR LES INSTALLATIONS NUCLÉAIRES CIVILES EN UKRAINE. KIEV, 25 OCTOBRE 1993 [*Nations Unies, Recueil des Traités, vol. 2372, I-42793.*]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD PROROGEANT L'ACCORD DU 25 OCTOBRE 1993 ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE L'UKRAINE RELATIF À L'AMÉLIORATION DE LA SÉCURITÉ OPÉRATIONNELLE, AUX MESURES DE RÉDUCTION DU RISQUE ET AUX NORMES DE SÛRETÉ NUCLÉAIRE POUR LES INSTALLATIONS NUCLÉAIRES CIVILES EN UKRAINE. KIEV, 22 JUILLET 1998

Entrée en vigueur : 22 juillet 1998 par l'échange desdites notes, conformément à leurs dispositions

Textes authentiques : anglais et ukrainien

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

EMBASSY OF THE

UNITED STATES OF AMERICA

July 22, 1998

No. 619/98

Excellency:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993, which in accordance with Article VI of the Agreement will expire on October 25, 1998, and to propose that said Agreement be extended until October 25, 2003.

I have the further honor to propose that this note and your reply constitute an Agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

[/s/ Steven K. Pifer]

His Excellency
Borys Ivanovych Tarasyuk
Minister of Foreign Affairs
of Ukraine

II

УКРАЇНА

МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ

Excellency:

I have the honor to refer to your note of this date, which reads as follows:

[See note I]

I have the further honor to confirm that this proposal is acceptable to the Government of Ukraine.

Accept, Excellency, the assurances of my highest consideration.

Kyiv, July 22, 1998

His Excelency
Steven Pifer
Ambassador Extraordinary
and Plenipotentiary

[UKRAINIAN TEXT – TEXTE UKRAINIEN]

II

УКРАЇНА

МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ

Ваша Високоповажність,

Я маю честь послатися на Вашу ноту від сьогоднішньої дати такого змісту:

"Ваша Високоповажність,

Я маю честь послатися на Угоду між Урядом Сполучених Штатів Америки та Урядом України щодо підвищення експлуатаційної безпеки, зниження ступеня ризику експлуатації та зміцнення систем регулювання цивільних атомних об"єктів в Україні від 25 жовтня 1993 року, термін дії якої у відповідності зі статтею VI Угоди закінчується 25 жовтня 1998 року, і запропонувати, щоб термін дії згаданої Угоди був продовжений до 25 жовтня 2003 року.

Я також маю честь запропонувати, щоб ця нота і Ваша відповідь становили Угоду між двома Урядами.

Прийміть, Ваша Високоповажність, запевнення у моїй високій повазі."

Я маю честь підтвердити, що ця пропозиція є прийнятною для Уряду України.

Прийміть, Ваша Високоповажність, запевнення у моїй високій повазі.

Київ, "22" липня 1998 року

Його Високоповажності
Стівену Пайферу
Надзвичайному і
Повноважному Послу

[TRANSLATION – TRADUCTION]

I

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

22 juillet 1998

N° 619/98

Monsieur le Ministre,

J'ai l'honneur de me référer à l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993, lequel, conformément à son article VI, viendra à expiration le 25 octobre 1998, et de proposer que ledit Accord soit prorogé au 25 octobre 2003.

J'ai en outre l'honneur de proposer que la présente note et votre réponse constituent un accord entre les deux Gouvernements.

Veuillez agréer, Monsieur le Ministre, les assurances de ma plus haute considération.

STEVEN K. PIFER

Son Excellence
Monsieur Borys Ivanovych Tarasyuk
Ministre des affaires étrangères de l'Ukraine

II

MINISTÈRE DES AFFAIRES ÉTRANGÈRES DE L'UKRAINE

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer à votre note de ce jour, dont la teneur est la suivante :

[Voir note I]

J'ai en outre l'honneur de confirmer que cette proposition est acceptable pour le Gouvernement de l'Ukraine.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma plus haute considération.

Kiev, le 22 juillet 1998

Son Excellence
Monsieur Steven Pifer
Ambassadeur extraordinaire et plénipotentiaire

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT AMENDING AND RENEWING THE AGREEMENT OF OCTOBER 25, 1993 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF UKRAINE CONCERNING OPERATIONAL SAFETY ENHANCEMENTS, RISK REDUCTION MEASURES AND NUCLEAR SAFETY REGULATION FOR CIVILIAN NUCLEAR FACILITIES IN UKRAINE. KIEV, 5 APRIL 2004 AND 23 APRIL 2004

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD PROROGEANT ET RENOUVELANT L'ACCORD DU 25 OCTOBRE 1993 ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE L'UKRAINE RELATIF À L'AMÉLIORATION DE LA SÉCURITÉ OPÉRATIONNELLE, AUX MESURES DE RÉDUCTION DU RISQUE ET AUX NORMES DE SÛRETÉ NUCLÉAIRE POUR LES INSTALLATIONS NUCLÉAIRES CIVILES EN UKRAINE. KIEV, 5 AVRIL 2004 ET 23 AVRIL 2004

Entry into force: 23 April 2004 by the exchange of the said notes

Entrée en vigueur : 23 avril 2004 par l'échange desdites notes

Authentic text: English

Texte authentique : anglais

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 277

The Embassy of the United States of America to Ukraine presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the pleasure to inform you that, in lieu of calling the continuation of our nuclear safety relationship an "extension", we concur with the Government of Ukraine's request to call it a "renewal". This diplomatic note should therefore substitute for note No. 8, dated January 9, 2004.

The Embassy of the United States of America to Ukraine proposes, on behalf of the Government of the United States of America, to renew the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993 (the 1993 Agreement) until October 25, 2008.

The Embassy also proposes to amend Article II and paragraphs 1 and 2 of Article III of the 1993 Agreement to read as follows:

Article II

1. The Parties shall coordinate and review implementation of this Agreement through a Joint Coordinating Committee for Civilian Nuclear Reactor Safety (the "JCCNRS").

2. Meetings will be convened at least once a year, as mutually agreed by the Parties.

Article III

1. Article I ("Taxes and Other Charges"), II ("Status of Personnel"), III ("Inspection and Audit") and IV ("Use of Assistance") of the Cooperation Agreement, shall apply to any assistance provided by the Government of the United States under this Agreement.

2. The Parties, or government ministries and agencies of the Parties, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement.

If this proposal is acceptable to the Government of Ukraine, it is further proposed that this note, together with the Ministry's affirmative note of reply, shall constitute an agreement amending and renewing the 1993 Agreement, which shall enter into force on the date of the Ministry's reply, with effect from October 25, 2003.

The Embassy has the honor to propose the following text for Ukrainian Reply Note.

The Ministry of Foreign Affairs of Ukraine acknowledges receipt of note No. 277, dated April 5, 2004, from the Embassy of the United States of America regarding the Agreement between the Government of Ukraine and the Government of the United States of America Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993 (the 1993 Agreement). Note 277 reads as follows:

The Embassy of the United States of America to Ukraine presents its compliments to the Ministry of Foreign Affairs of Ukraine and proposes, on behalf of the Government of the United States of America, to renew the Agreement between the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993 (the 1993 Agreement), until October 25, 2008.

The Embassy also proposes to amend Article II and paragraphs 1 and 2 of Article III of the 1993 Agreement to read as follows:

Article II

1. The Parties shall coordinate and review implementation of this Agreement through a Joint

Coordinating Committee for Civilian Nuclear Reactor Safety (the "JCCNRS").

2. Meetings will be convened at least once a year, as mutually agreed by the Parties.

Article III

1. Article I ("Taxes and Other Charges"), II ("Status of Personnel"), III ("Inspection and Audit") and IV ("Use of Assistance") of the Cooperation Agreement, shall apply to any assistance provided by the Government of the United States under this Agreement.

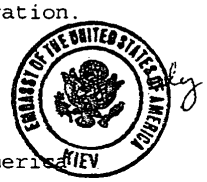
2. The Parties, or government ministries and agencies of the Parties, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement.

If this proposal is acceptable to the Government of Ukraine, it is further proposed that this note, together with the Ministry's affirmative note of reply, shall constitute an agreement amending and renewing the 1993 Agreement, which shall enter into force on the date of the Ministry's reply, with effect from October 25, 2003.

The Ministry is pleased to accept, on behalf of the Government of Ukraine, the agreement proposed in the Embassy's note, which shall enter into force on

the date of this note, with effect from October 25, 2003.

The Embassy of the United States of America to Ukraine would like to take this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its highest consideration.



Embassy of the United States of America

Kyiv, April 5, 2004

II

МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ УКРАЇНИ

№ 51/23-1872

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Embassy of the United States of America to Ukraine and has the honor to acknowledge the receipt of the Embassy's note No. 277, dated April 5, 2004, which reads as follows:

[See note I]

The Ministry is pleased to accept, on behalf of the Government of Ukraine, the proposed agreement and agrees that note No. 277, dated April 5, 2004 of the Embassy of the United States of America to Ukraine together with the Ministry of Foreign Affairs of Ukraine affirmative note of reply shall constitute an agreement between the Government of Ukraine and the Government of the United States of America, which shall enter into force on the date of the Ministry's note of reply, with effect from October 25, 2003.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Embassy of the United States of America to Ukraine the assurances of its highest consideration.

Kyiv, April "23", 2004

THE EMBASSY
OF THE UNITED STATES
OF AMERICA
KYIV

[TRANSLATION – TRADUCTION]

I

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE

N° 277

L'ambassade des États-Unis d'Amérique en Ukraine présente ses compliments au Ministère des affaires étrangères de l'Ukraine et a le plaisir de l'informer du fait qu'elle accepte la demande du Gouvernement de l'Ukraine de qualifier de « renouvellement », et non de « prorogation », la poursuite de notre relation en matière de sûreté nucléaire. La présente note diplomatique doit dès lors remplacer la note n° 8, datée du 9 janvier 2004.

L'ambassade des États-Unis d'Amérique en Ukraine propose, au nom du Gouvernement des États-Unis d'Amérique, de renouveler jusqu'au 25 octobre 2008 l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993 (« l'Accord de 1993 »).

L'ambassade propose en outre de modifier comme suit l'article II et les paragraphes 1 et 2 de l'article III de l'Accord de 1993 :

Article II

1. Les Parties devront coordonner et examiner l'application du présent Accord par l'intermédiaire d'une Commission mixte de coordination pour la sûreté des réacteurs nucléaires à des fins civils (la « JCCNRS »).

2. Les réunions se tiendront au moins une fois par an, comme en conviendront mutuellement les Parties.

Article III

1. Les articles I (« Taxes et autres charges »), II (« Statut du personnel »), III (« Inspection et audit ») et IV (« Utilisation de l'assistance ») de l'Accord de coopération sont applicables à toute assistance fournie par les États-Unis au titre du présent Accord.

2. Les Parties, ou leurs ministères et organismes, peuvent, le cas échéant, conclure des accords de mise en application pour atteindre les objectifs figurant à l'article I du présent Accord.

Si cette proposition rencontre l'agrément du Gouvernement de l'Ukraine, il est par ailleurs proposé que la présente note et la réponse positive du Ministère constituent un accord modifiant et renouvelant l'Accord de 1993, qui entrera en vigueur à la date de la réponse du Ministère, avec effet au 25 octobre 2003.

L'ambassade a l'honneur de proposer le texte ci-après pour la réponse ukrainienne.

Le Ministère des affaires étrangères de l'Ukraine accuse réception de la note n° 277 de l'ambassade des États-Unis d'Amérique, datée du 5 avril 2004, concernant l'Accord entre le Gouvernement de l'Ukraine et le Gouvernement des États-Unis d'Amérique relatif à l'amélioration

de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993 (« l'Accord de 1993 »). La note nº 277 est libellée comme suit :

L'ambassade des États-Unis d'Amérique en Ukraine présente ses compliments au Ministère des affaires étrangères de l'Ukraine et propose, au nom du Gouvernement des États-Unis d'Amérique, de renouveler jusqu'au 25 octobre 2008 l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993 (« l'Accord de 1993 »).

L'ambassade propose en outre de modifier comme suit l'article II et les paragraphes 1 et 2 de l'article III de l'Accord de 1993 :

Article II

1. Les Parties devront coordonner et examiner l'application du présent Accord par l'intermédiaire d'une Commission mixte de coordination pour la sûreté des réacteurs nucléaires à des fins civils (la « JCCNRS »).

2. Les réunions se tiendront au moins une fois par an, comme en conviendront mutuellement les Parties.

Article III

1. Les articles I (« Taxes et autres charges »), II (« Statut du personnel »), III (« Inspection et audit ») et IV (« Utilisation de l'assistance ») de l'Accord de coopération sont applicables à toute assistance fournie par les États-Unis au titre du présent Accord.

2. Les Parties, ou leurs ministères et organismes, peuvent, le cas échéant, conclure des accords de mise en application pour atteindre les objectifs figurant à l'article I du présent Accord.

Si cette proposition rencontre l'agrément du Gouvernement de l'Ukraine, il est par ailleurs proposé que la présente note et la réponse positive du Ministère constituent un accord modifiant et renouvelant l'Accord de 1993, qui entrera en vigueur à la date de la réponse du Ministère, avec effet au 25 octobre 2003.

Le Ministère a le plaisir d'accepter, au nom du Gouvernement de l'Ukraine, l'Accord proposé dans la note de l'ambassade, qui entrera en vigueur à la date de la présente note, avec effet au 25 octobre 2003.

L'ambassade des États-Unis d'Amérique en Ukraine saisit cette occasion pour renouveler au Ministère des affaires étrangères de l'Ukraine les assurances de sa très haute considération.

Ambassade des États-Unis d'Amérique

Kiev, le 5 avril 2004

II

MINISTÈRE DES AFFAIRES ÉTRANGÈRES DE L'UKRAINE

N° 51/23-1872

Le Ministère des affaires étrangères de l'Ukraine présente ses compliments à l'ambassade des États-Unis d'Amérique en Ukraine et a l'honneur d'accuser réception de la note n° 277 de l'ambassade, datée du 5 avril 2004, libellée comme suit :

[Voir note I]

Le Ministère a le plaisir d'accepter, au nom du Gouvernement de l'Ukraine, l'accord proposé et accepte que la note n° 277 de l'ambassade des États-Unis d'Amérique en Ukraine, datée du 5 avril 2004, et la note positive en réponse du Ministère des affaires étrangères de l'Ukraine constituent un accord entre le Gouvernement de l'Ukraine et le Gouvernement des États-Unis d'Amérique, qui entrera en vigueur à la date de la note en réponse du Ministère, avec effet au 25 octobre 2003.

Le Ministère des affaires étrangères de l'Ukraine saisit cette occasion pour renouveler à l'ambassade des États-Unis d'Amérique en Ukraine les assurances de sa très haute considération.

Kiev, le 23 avril 2004
Ambassade des États-Unis d'Amérique
Kie

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT RENEWING THE AGREEMENT OF OCTOBER 25, 1993 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF UKRAINE CONCERNING OPERATIONAL SAFETY ENHANCEMENTS, RISK REDUCTION MEASURES AND NUCLEAR SAFETY REGULATION FOR CIVILIAN NUCLEAR FACILITIES IN UKRAINE. KIEV, 6 FEBRUARY 2009, 6 MAY 2009 AND 8 MAY 2009

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD RENOUVELANT L'ACCORD DU 25 OCTOBRE 1993 ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE L'UKRAINE RELATIF À L'AMÉLIORATION DE LA SÉCURITÉ OPÉRATIONNELLE, AUX MESURES DE RÉDUCTION DU RISQUE ET AUX NORMES DE SÛRETÉ NUCLÉAIRE POUR LES INSTALLATIONS NUCLÉAIRES CIVILES EN UKRAINE. KIEV, 6 FÉVRIER 2009, 6 MAI 2009 ET 8 MAI 2009

Entry into force: 8 May 2009 by the exchange of the said notes

Entrée en vigueur : 8 mai 2009 par l'échange desdites notes

Authentic texts: English and Ukrainian

Textes authentiques : anglais et ukrainien

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

I

No. 60

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Ukraine. The Embassy proposes, on behalf of the Government of the United States of America, to renew the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993, as amended, extended and renewed (the 1993 Agreement), until October 25, 2013, with effect from October 25, 2008.

If this proposal is acceptable to the Government of Ukraine, it is further proposed that this note, together with the Ministry's affirmative note of reply, shall constitute an agreement between the two governments renewing the 1993 Agreement, which shall enter into force on the date of the Ministry's reply, with effect from October 25, 2008.

The Embassy of the United States of America to Ukraine would like to take this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its highest consideration.

Embassy of the United States of America

Kyiv, February 6, 2009

[UKRAINIAN TEXT – TEXTE UKRAINIEN]

II

МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ УКРАЇНИ

№ 54/23-187-1363

Міністерство Закордонних Справ України засвідчує свою повагу Посольству Сполучених Штатів Америки в Україні та має честь підтвердити отримання ноти Посольства від 6 лютого 2009 року № 60 такого змісту:

„Посольство Сполучених Штатів Америки в Україні засвідчує свою повагу Міністерству Закордонних Справ України. Від імені Уряду Сполучених Штатів Америки Посольство пропонує поновити дію Угоди між Урядом Сполучених Штатів Америки і Урядом України щодо підвищення експлуатаційної безпеки, зниження ступеня ризику експлуатації та зміцнення систем регулювання цивільних атомних об'єктів в Україні від 25 жовтня 1993 року із змінами, дію якої було поновлено (Угода 1993 р.), на період з 25 жовтня 2008 року до 25 жовтня 2013 року.

Якщо ця пропозиція є прийнятною для Уряду України, пропонується вважати цю ноту разом із позитивною відповідною нотою Міністерства Закордонних Справ України міжурядовою Угодою про поновлення дії Угоди 1993 року, яка набере чинності з дати отримання відповідної ноти МЗС України, а її дія поширюватиметься на період з 25 жовтня 2008 року.

Посольство Сполучених Штатів Америки в Україні користується цією нагодою, щоб поновити Міністерству

Посольство Сполучених Штатів
Америки в Україні
м. Київ

Закордонних Справ України запевнення у своїй вельми високій повазі.

Посольство Сполучених Штатів Америки

Київ, 6 лютого 2009 року"

Від імені Уряду України Міністерство Закордонних Справ України має честь прийняти зазначену пропозицію та погоджується з тим, щоб ця нота та нота Посольства від 6 лютого 2009 року № 60 становили Угоду між Урядом України та Урядом Сполучених Штатів Америки про поновлення дії Угоди між Урядом України і Урядом Сполучених Штатів Америки щодо підвищення експлуатаційної безпеки, зниження ступеня ризику експлуатації та зміцнення систем регулювання цивільних атомних об'єктів в Україні від 25 жовтня 1993 року, яка охоплюватиме період з 25 жовтня 2008 року до 25 жовтня 2013 року.

Міністерство Закордонних Справ України буде вдячне Посольству за повідомлення про дату отримання цієї ноти, яка вважатиметься датою набрання чинності Угодою між Урядом України та Урядом Сполучених Штатів Америки про поновлення дії Угоди між Урядом України і Урядом Сполучених Штатів Америки щодо підвищення експлуатаційної безпеки, зниження ступеня ризику експлуатації та зміцнення систем регулювання цивільних атомних об'єктів в Україні від 25 жовтня 1993 року.

Міністерство Закордонних Справ України користується нагодою, щоб поновити Посольству Сполучених Штатів Америки в Україні запевнення у своїй високій повазі.

Київ, [illegible] 2009 року

[TRANSLATION – TRADUCTION][1]

II

Ministry of Foreign Affairs of Ukraine

No. 51/23-197-1363

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Embassy of the United States of America and has an honor to confirm the receipt of the Embassy Diplomatic Note No. 60 dated February 6, 2009 with the following content:

[See note I]

On behalf of the Government of Ukraine the Ministry of Foreign Affairs has an honor to accept the proposal and agrees that this Diplomatic Note and Embassy Diplomatic Note No. 60 dated February 6, 2009 constitute an Agreement between the Government of Ukraine and the Government of the United States of America to renew the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993, with effect from October 25, 2008 until October 25, 2013.

The Ministry of Foreign Affairs of Ukraine would appreciate it if the Embassy informs of the date of receipt of this Diplomatic Note which will be considered the date of entrance into force of the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993.

The Ministry of Foreign Affairs of Ukraine would like to take this opportunity to renew to the Embassy of the United States of America to Ukraine the assurances of its highest consideration.

Embassy of the United States of America to Ukraine
Kyiv

Kyiv, May 6, 2009

[1] Translation provided by the Government of the Ukraine – Traduction fournie par the Gouvernement de l'Ukraine.

[ENGLISH TEXT – TEXTE ANGLAIS]

III

No. 246

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Ukraine and informs that the Ministry's note No. 51/23-197-1363 dated 6 May 2009 was received by the Embassy on May 7, 2009.

The Embassy accepts the Ministry's proposal to consider that date of receipt as the date of entry into force of the agreement between the two governments renewing the Agreement between the Government of the United States of America and the Government of Ukraine Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine signed October 25, 1993, as amended, extended and renewed, with effect from October 25, 2008.

The Embassy of the United States of America to Ukraine would like to take this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurances of its highest consideration.

Embassy of the United States of America

Kyiv, May 8, 2009

[TRANSLATION – TRADUCTION]

I

L'ambassade des États-Unis d'Amérique présente ses compliments au Ministère des affaires étrangères de l'Ukraine. L'ambassade propose, au nom du Gouvernement des États-Unis d'Amérique, de renouveler jusqu'au 25 octobre 2013, avec effet au 25 octobre 2008, l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993, tel que modifié, prorogé et renouvelé (l'Accord de 1993).

Si cette proposition rencontre l'agrément du Gouvernement de l'Ukraine, l'ambassade propose par ailleurs que la présente note et la réponse positive du Ministère constituent un accord entre les deux Gouvernements renouvelant l'Accord de 1993, qui entrera en vigueur à la date de la réponse du Ministère, avec effet au 25 octobre 2008.

L'ambassade des États-Unis d'Amérique en Ukraine saisit cette occasion pour renouveler au Ministère des affaires étrangères de l'Ukraine les assurances de sa très haute considération.

[SIGNÉ]

Ambassade des États-Unis d'Amérique
Kiev, le 6 février 2009

II

MINISTÈRE DES AFFAIRES ÉTRANGÈRES DE L'UKRAINE

N° 51/23-197-1363

Le Ministère des affaires étrangères de l'Ukraine présente ses compliments à l'ambassade des États-Unis d'Amérique et a l'honneur d'accuser réception de la note diplomatique n° 60 de l'ambassade, datée du 6 février 2009, dont le contenu est le suivant :

[Voir note I]

Au nom du Gouvernement de l'Ukraine, le Ministère des affaires étrangères a l'honneur d'accepter la proposition et accepte que la présente note diplomatique et la note diplomatique n° 60 de l'ambassade, datée du 6 février 2009, constituent un accord entre le Gouvernement de l'Ukraine et le Gouvernement des États-Unis d'Amérique renouvelant jusqu'au 25 octobre 2013, avec effet au 25 octobre 2008, l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993.

Le Ministère des affaires étrangères de l'Ukraine saurait gré à l'ambassade de bien vouloir l'informer de la date de réception de la présente note diplomatique, qui sera considérée comme la date d'entrée en vigueur de l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993.

Le Ministère des affaires étrangères de l'Ukraine saisit cette occasion pour renouveler à l'ambassade des États-Unis d'Amérique en Ukraine les assurances de sa très haute considération.

Ambassade des États-Unis d'Amérique en Ukraine
Kiev, le 6 mai 2009

III

Nº 246

L'ambassade des États-Unis d'Amérique présente ses compliments au Ministère des affaires étrangères de l'Ukraine et l'informe du fait qu'elle a reçu le 7 mai 2009 la note nº 51/23-197-1363 du Ministère, datée du 6 mai 2009.

L'ambassade accepte la proposition du Ministère, qui est de considérer cette date de réception comme la date d'entrée en vigueur de l'accord entre les deux Gouvernements renouvelant, avec effet au 25 octobre 2008, l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à l'amélioration de la sécurité opérationnelle, aux mesures de réduction du risque et aux normes de sûreté nucléaire pour les installations nucléaires civiles en Ukraine, signé le 25 octobre 1993.

L'ambassade des États-Unis d'Amérique en Ukraine saisit cette occasion pour renouveler au Ministère des affaires étrangères de l'Ukraine les assurances de sa très haute considération.

Ambassade des États-Unis d'Amérique
Kiev, le 8 mai 2009

No. 43014. United States of America and Ghana

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND GHANA MODIFYING THE AGREEMENT OF 11 FEBRUARY 1946 BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM RELATING TO AIR SERVICES. ACCRA, 26 SEPTEMBER 1994 AND 13 OCTOBER 1994 [*United Nations, Treaty Series, vol. 2384, I-43014.*]

Termination in accordance with:

50916. Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Ghana (with annexes). Washington, 11 October 2000 [*United Nations, Treaty Series, vol. 2925, I-50916.*]

Entry into force: provisionally on 11 October 2000

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 43014. États-Unis d'Amérique et Ghana

ACCORD ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE GHANA MODIFIANT L'ACCORD DU 11 FÉVRIER 1946 ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE ROYAUME-UNI RELATIF AUX SERVICES DE TRANSPORTS AÉRIENS. ACCRA, 26 SEPTEMBRE 1994 ET 13 OCTOBRE 1994 [*Nations Unies, Recueil des Traités, vol. 2384, I-43014.*]

Abrogation conformément à :

50916. Accord de transport aérien entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Ghana (avec annexes). Washington, 11 octobre 2000 [*Nations Unies, Recueil des Traités, vol. 2925, I-50916.*]

Entrée en vigueur : provisoirement le 11 octobre 2000

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

No. 43277. Republic of Korea and United States of America

AGREEMENT RELATING TO SCIENTIFIC AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA. WASHINGTON, 2 JULY 1999 [*United Nations, Treaty Series, vol. 2397, I-43277.*]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT EXTENDING THE AGREEMENT RELATING TO SCIENTIFIC AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA. WASHINGTON, 1 JULY 2009 AND 7 JULY 2009

Entry into force: 2 July 2009, in accordance with the provisions of the said notes

Authentic text: English

Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Nº 43277. République de Corée et États-Unis d'Amérique

ACCORD DE COOPÉRATION SCIENTIFIQUE ET TECHNIQUE ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CORÉE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE. WASHINGTON, 2 JUILLET 1999 [*Nations Unies, Recueil des Traités, vol. 2397, I-43277.*]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD PROROGEANT L'ACCORD DE COOPÉRATION SCIENTIFIQUE ET TECHNIQUE ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DE CORÉE ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE. WASHINGTON, 1ER JUILLET 2009 ET 7 JUILLET 2009

Entrée en vigueur : 2 juillet 2009, conformément aux dispositions desdites notes

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

I

DEPARTMENT OF STATE

WASHINGTON

The Department of State refers the Embassy of Korea to the Agreement Relating to Scientific and Technical Cooperation between the Government of the United States of America and the Government of the Republic of Korea signed at Washington July 2, 1999, as extended (hereinafter referred to as "the 1999 Agreement").

On behalf of the Government of the United States of America, the Department of State proposes to extend the 1999 Agreement for an additional period until July 2, 2014.

If the Government of the Republic of Korea considers this proposal acceptable, the Department of State further proposes that this note and the Embassy's note in reply shall constitute an agreement between the Government of the United States of America and the Government of the Republic of Korea to extend the 1999 Agreement, which shall enter into force on July 2, 2009.

Department of State,

Washington, July 1, 2009

II

EMBASSY OF THE REPUBLIC OF KOREA
WASHINGTON, D. C.

KAM-338

The Embassy of Korea refers to the Department of State's Note dated July 1, 2009, which reads as follows:

[See note I]

The Embassy further informs the Department of State that the above proposal is acceptable to the Government of the Republic of Korea and confirms, on behalf of the Government of the Republic of Korea, that the Department of State's Note and this Note in reply shall constitute an agreement between our two Governments in this matter, which shall enter into force on July 2, 2009.

July 7, 2009
Washington

[TRANSLATION – TRADUCTION]

I

DÉPARTEMENT D'ÉTAT
WASHINGTON

Washington, le 1er juillet 2009

Le Département d'État réfère l'ambassade de la République de Corée à l'Accord de coopération scientifique et technique entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Corée, signé à Washington le 2 juillet 1999, tel que prorogé (ci-après dénommé « l'Accord de 1999 »).

Au nom du Gouvernement des États-Unis d'Amérique, le Département d'État propose de proroger l'Accord de 1999 pour une période supplémentaire allant jusqu'au 2 juillet 2014.

Si le Gouvernement de la République de Corée estime cette proposition acceptable, le Département d'État propose en outre que la présente note et la note de l'ambassade en réponse constituent un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Corée prorogeant l'Accord de 1999, qui entrera en vigueur le 2 juillet 2009.

DÉPARTEMENT D'ÉTAT
[SIGNÉ]

II

AMBASSADE DE LA RÉPUBLIQUE DE CORÉE
WASHINGTON, DC

KAM-338

Washington, le 7 juillet 2009

L'ambassade de la République de Corée se réfère à la note du Département d'État du 1er juillet 2009, qui se lit comme suit :

[Voir note I]

L'ambassade informe par ailleurs le Département d'État que la proposition ci-dessus est acceptable pour le Gouvernement de la République de Corée et confirme, au nom du Gouvernement de la République de Corée, que la note du Département d'État et la présente note en réponse constituent un accord entre nos deux Gouvernements à ce sujet, qui entrera en vigueur le 2 juillet 2009.

No. 43649. Multilateral

INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT. PARIS, 19 OCTOBER 2005 [*United Nations, Treaty Series, vol. 2419, I-43649.*]

RATIFICATION

Syrian Arab Republic

Deposit of instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization: 13 May 2013

Date of effect: 1 July 2013

Registration with the Secretariat of the United Nations: United Nations Educational, Scientific and Cultural Organization, 14 June 2013

Nº 43649. Multilatéral

CONVENTION INTERNATIONALE CONTRE LE DOPAGE DANS LE SPORT. PARIS, 19 OCTOBRE 2005 [*Nations Unies, Recueil des Traités, vol. 2419, I-43649.*]

RATIFICATION

République arabe syrienne

Dépôt de l'instrument auprès du Directeur général de l'Organisation des Nations Unies pour l'éducation, la science et la culture : 13 mai 2013

Date de prise d'effet : 1er juillet 2013

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Organisation des Nations Unies pour l'éducation, la science et la culture, 14 juin 2013

ANNEX C

Ratifications, accessions, etc.,
concerning League of Nations treaties
and international agreements
registered in June 2013
with the Secretariat of the United Nations

ANNEXE C

Ratifications, adhésions, etc.,
concernant les traités et accords
internationaux de la Société des Nations
enregistrés en juin 2013
au Secrétariat de l'Organisation des Nations Unies

No. 3761. United States of America and United Kingdom of Great Britain and Northern Ireland

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN AND NORTHERN IRELAND. LONDON, 22 DECEMBER 1931 [*United Nations, Treaty Series, vol. 163, LoN-3761.*]

Termination in the relations between the Government of the United States of America and the Government of the Republic of Cyprus in accordance with:

50940. Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus. Washington, 17 June 1996 [*United Nations, Treaty Series, vol. 2927, I-50940.*]

Entry into force: 14 September 1999
Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Termination in the relations between the United States and Barbados in accordance with:

50942. Extradition Treaty between the Government of the United States of America and the Government of Barbados. Bridgetown, 28 February 1996 [*United Nations, Treaty Series, vol. 2927, I-50942.*]

Entry into force: 3 March 2000
Registration with the Secretariat of the United Nations: United States of America, 18 June 2013

Information provided by the Secretariat of the United Nations: 18 June 2013

Nº 3761. États-Unis d'Amérique et Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

TRAITÉ D'EXTRADITION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD. LONDRES, 22 DÉCEMBRE 1931 [*Nations Unies, Recueil des Traités, vol. 163, LoN-3761.*]

Abrogation dans les rapports entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre conformément à :

50940. Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Chypre. Washington, 17 juin 1996 [*Nations Unies, Recueil des Traités, vol. 2927, I-50940.*]

Entrée en vigueur : 14 septembre 1999
Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

Abrogation dans les rapports entre les États-Unis d'Amérique et la Barbade conformément à :

50942. Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Barbade. Bridgetown, 28 février 1996 [*Nations Unies, Recueil des Traités, vol. 2927, I-50942.*]

Entrée en vigueur : 3 mars 2000
Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 18 juin 2013

Information fournie par le Secrétariat de l'Organisation des Nations Unies : 18 juin 2013

ISBN 978-92-1-900895-3

17-05193

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