



SALA STAMPA DELLA SANTA SEDE **BOLLETTINO**

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RATIFICA E ADESIONE DELLA SANTA SEDE A CONVENZIONI DELLE NAZIONI UNITE CONTRO LA CRIMINALITÀ INTERNAZIONALE

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CRIMINALITÀ INTERNAZIONALE

- RATIFICA DELLA CONVENZIONE DELLE NAZIONI UNITE CONTRO IL TRAFFICO ILLECITO DI
NARCOTICI E SOSTANZE PSICOTROPE, DEL 20 DICEMBRE 1988
- ADESIONE ALLA CONVENZIONE INTERNAZIONALE PER LA REPRESSIONE DEL FINANZIAMENTO DEL
TERRORISMO, DEL 9 DICEMBRE 1999
- ADESIONE ALLA CONVENZIONE DELLE NAZIONI UNITE CONTRO IL CRIMINE ORGANIZZATO
TRANSNAZIONALE, DEL 15 NOVEMBRE 2000
- TESTO DI PRESENTAZIONE DEL SEGRETARIO PER I RAPPORTI DELLA SANTA SEDE CON GLI STATI,
S.E. MONS. DOMINIQUE MAMBERTI

La Santa Sede, agendo anche a nome e per conto dello Stato della Città del Vaticano, ha ratificato la *Convenzione delle Nazioni Unite contro il traffico illecito di narcotici e sostanze psicotrope*, del 20 dicembre 1988, firmata dalla Santa Sede. Inoltre, ha aderito alla *Convenzione Internazionale per la repressione del finanziamento del terrorismo*, del 9 dicembre 1999, e alla *Convenzione delle Nazioni Unite contro il crimine organizzato transnazionale*, del 15 novembre 2000.

Mercoledì 25 gennaio 2012, nella sede dell'Organizzazione delle Nazioni Unite a New York, S.E. Mons. Francis Assisi Chullikat, Osservatore Permanente della Santa Sede presso l'O.N.U., ha depositato presso il Segretario Generale dell'O.N.U. lo strumento di ratifica della prima Convenzione e quelli di adesione alle altre due.

Attraverso la ratifica e le due adesioni, la Santa Sede intende contribuire con il proprio supporto morale alle dette Convenzioni. In pari tempo, la Santa Sede desidera ribadire il proprio impegno nella promozione dei valori della solidarietà, della giustizia e della pace tra le persone e i popoli, per proteggere e rafforzare i quali si richiede il primato dello stato di diritto ed il rispetto dei diritti umani. A tal fine, la Santa Sede riafferma che gli

strumenti della cooperazione penale e giudiziale, come quelli previsti dalle dette Convenzioni, svolgono un ruolo importante nel realizzare una tutela efficace contro le attività criminali che mettono a repentaglio la dignità umana e la pace.

Ai suddetti strumenti, che vengono riportati qui di seguito, sono allegate alcune Riserve e Dichiarazioni interpretative.

• RATIFICA DELLA CONVENZIONE DELLE NAZIONI UNITE CONTRO IL TRAFFICO ILLECITO DI NARCOTICI E SOSTANZE PSICOTROPE, DEL 20 DICEMBRE 1988

SEGRETERIA DI STATO

Prot. No. 307/12/RS

The undersigned Cardinal Secretary of State has the honour to certify hereby that the Holy See, acting also in the name and on behalf of Vatican City State, ratifies the **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, adopted in Vienna on 20 December 1988 and signed by the Holy See on the same date.

By ratifying this Convention, the Holy See intends to contribute and to give its moral support to the global prevention, repression and prosecution of drug abuse and the related problem of illicit trafficking in narcotics and psychotropic substances. The ratification of this Convention is done in furtherance of the Declaration made on 15 December 1988, on the occasion of the signature of the Convention by the Holy See, which is hereby confirmed. Enclosed are the texts of one reservation and of one further declaration, which are an integral part of this Instrument of Ratification.

In witness whereof the undersigned Cardinal Secretary of State has signed this document and has affixed thereto his seal.

From the Vatican, 24 January 2012

Tarcisio Card. Bertone
Secretary of State

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Prot. No. 307/12/RS

**Reservation and Declaration
annexed to the Instrument of Ratification**

By ratifying the **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of drug abuse and the related problem of illicit trafficking in narcotics and psychotropic substances. The ratification of this Convention is done in furtherance of the Declaration made on 15 December 1988, on the occasion of the signature of the Convention by the Holy See, which is hereby confirmed.

Reservation

Pursuant to article 32.4 of this Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by either article 32.1 or article 32.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.

Declaration

The Holy See declares that articles 6.6 and 7.15 of the Convention shall be interpreted in light of its legal

doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008).

+ T.B.

[00112-02.01] [Original text: English]

• ADESIONE ALLA CONVENZIONE INTERNAZIONALE PER LA REPRESSIONE DEL FINANZIAMENTO DEL TERRORISMO, DEL 9 DICEMBRE 1999

SEGRETERIA DI STATO

Prot. No. 308/12/RS

The undersigned Cardinal Secretary of State has the honour to certify hereby that the Holy See, acting also in the name and on behalf of Vatican City State, accedes to the **International Convention for the Suppression of the Financing of Terrorism**, which was adopted in New York on 9 December 1999 and came into force on 10 April 2002.

By acceding to this Convention, the Holy See intends to contribute and to give its moral support to the global prevention, repression and prosecution of terrorism and to the protection of victims of such crimes. In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Enclosed are the texts of two reservations and three declarations, which are an integral part of this Instrument of Accession.

In witness whereof the undersigned Cardinal Secretary of State has signed this document and has affixed thereto his seal.

From the Vatican, 24 January 2012

Tarcisio Card. Bertone
Secretary of State

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Prot. No. 308/12/RS

**Reservations and Declarations
annexed to the Instrument of Accession**

By acceding to the **International Convention for the Suppression of the Financing of Terrorism**, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of terrorism and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Reservations

The Holy See, acting also in the name and on behalf of Vatican City State, declares that its accession to the

Convention does not constitute consent to be bound by or to become a party to any of the treaties listed in the Annex to the Convention. Considering that, at the date of its accession to the Convention, the Holy See is not a party to any of the treaties listed in the Annex, for the purposes of article 2.2(a) of the Convention, none of them should be deemed to be included within the scope of the Convention pursuant to its article 2.1(a). In the future, should the Holy See ratify or accede to any of those treaties, once it has come into force for the Holy See, the treaty in question shall be deemed to be included within the scope of the Convention pursuant to its article 2.1(a).

Pursuant to article 24.2 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 24.1 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.

Declarations

In respect to article 5 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

Pursuant to article 11.2 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.

With regard to article 15 of the Convention, the Holy See declares that the terms «prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion» and «prejudice to that person's position» shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, 1 October 2008).

+ T.B.

[00113-02.01] [Original text: English]

• ADESIONE ALLA CONVENZIONE DELLE NAZIONI UNITE CONTRO IL CRIMINE ORGANIZZATO TRANSNAZIONALE, DEL 15 NOVEMBRE 2000

SEGRETERIA DI STATO

Prot. No. 309/12/RS

The undersigned Cardinal Secretary of State has the honour to certify hereby that the Holy See, acting also in the name and on behalf of Vatican City State, accedes to the **United Nations Convention against Transnational Organized Crime**, which was adopted in New York on 15 November 2000 and came into force on 23 September 2003.

By acceding to this Convention, the Holy See intends to contribute and to give its moral support to the global prevention, repression and prosecution of transnational organized crime and to the protection of victims of such crimes. In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Enclosed are the texts of one reservation and of three declarations, which are an integral part of this Instrument of Accession.

In witness whereof the undersigned Cardinal Secretary of State has signed this document and has affixed

thereto his seal.

From the Vatican, 24 January 2012

Tarcisio Card. Bertone
Secretary of State

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Prot. No. 309/12/RS

Reservation and Declarations annexed to the Instrument of Accession

By acceding to the **United Nations Convention against Transnational Organized Crime**, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of transnational organized crime and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

Reservation

Pursuant to article 35.3 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 35.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.

Declarations

In respect to article 10 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

Pursuant to article 16.5 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.

The Holy See declares that articles 16.14 and 18.21 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008).

+ *T.B.*

[00114-02.01] [Original text: English]

• **TESTO DI PRESENTAZIONE DEL SEGRETARIO PER I RAPPORTI DELLA SANTA SEDE CON GLI STATI, S.E. MONS. DOMINIQUE MAMBERTI** Testo in lingua italiana Testo in lingua inglese

Testo in lingua italiana

**La Santa Sede partecipa all'impegno della Comunità internazionale
contro la criminalità transnazionale**

Mercoledì, 25 gennaio 2012, la Santa Sede ha aderito, anche a nome e per conto dello Stato della Città del Vaticano, alla *Convenzione internazionale per la repressione del finanziamento al terrorismo* (New York 1999) e alla *Convenzione delle Nazioni Unite contro il crimine organizzato transnazionale* (Palermo 2000). Nella stessa data, la Santa Sede ha ratificato, anche in questo caso a nome e per conto dello Stato della Città del Vaticano, la *Convenzione delle Nazioni Unite contro il traffico illecito dei narcotici e delle sostanze psicotrope* (Vienna 1988), che aveva già firmato nello stesso anno in cui venne adottata.

Il passo compiuto vuole essere un ulteriore riconoscimento da parte della Santa Sede del fattivo impegno con cui la comunità degli Stati previene e combatte gravissime attività criminali transnazionali, di tragica attualità, attraverso appropriati strumenti di cooperazione internazionale. Come ricordava Papa Benedetto XVI nella Lettera Apostolica in forma di "Motu Proprio" per la prevenzione ed il contrasto delle attività illegali in campo finanziario e monetario: *"Molto opportunamente la comunità internazionale si sta sempre più dotando di principi e strumenti giuridici che permettano di prevenire e contrastare il fenomeno del riciclaggio e del finanziamento del terrorismo. La Santa Sede approva questo impegno ed intende far proprie queste regole nell'utilizzo delle risorse materiali che servono allo svolgimento della propria missione e dei compiti dello Stato della Città del Vaticano"*.

Le parole del Santo Padre ci ricordano che il terrorismo e la criminalità organizzata attentano alla dignità della persona umana e al bene comune in tutti i Paesi del mondo. È per tale motivo che, con il deposito degli anzidetti strumenti di adesione e di ratifica dei tre trattati sotto esame, la Santa Sede conferma la sua volontà ed il proprio impegno concreto ed efficace di collaborare con la Comunità internazionale in maniera coerente con la sua natura e missione, al fine di garantire la pace e la giustizia internazionale.

L'adozione degli strumenti in parola comporta un ulteriore adeguamento della normativa dello Stato della Città del Vaticano, già sviluppatasi con l'adozione di diverse leggi vaticane, tra le quali la Legge n. CXXVII del 2010 (modificata ed integrata il 25 gennaio 2012), concernente la prevenzione ed il contrasto del riciclaggio dei proventi di attività criminose e del finanziamento del terrorismo, e della Legge n. CXXVIII, dello stesso anno, circa la contraffazione delle banconote e delle monete in euro.

In questa linea, l'atto odierno, insieme con le modifiche alla Legge n. CXXVII, riflette la determinazione di adeguare l'ordinamento interno ai più rigorosi parametri normativi concordati a livello internazionale, ed in particolare alle Raccomandazioni GAFI/FATF, quali criteri internazionali in materia di finanziamento del terrorismo e di antiriciclaggio. Questi cambiamenti rendono la Legge n. CXXVII, già rigorosa, ancora più dettagliata, prevedendo, tra l'altro, strumenti di cooperazione internazionale più trasparenti e sanzioni più elevate per la violazione della legge. Queste innovazioni, insieme con i nuovi strumenti giuridici offerti dalle tre Convenzioni, che mirano a favorire un elevato livello di collaborazione tra i Tribunali dello Stato della Città del Vaticano e quelli di altri Stati, rendono la lotta contro il terrorismo, il riciclaggio, il narcotraffico nonché la criminalità organizzata transnazionale ancora più determinata.

Tutto ciò, naturalmente, non pregiudicherà il diritto sovrano di ciascuno Stato di astenersi dalla propria collaborazione rispetto a procedimenti pendenti in altri ordinamenti, quando essi possano risolversi in forme di persecuzione individuale per ragioni politiche, religiose, etniche e simili.

Nell'odierno contesto internazionale, marcato da gravissime e ripetute violenze per motivi religiosi, troppo spesso ai danni dei Cristiani, ritengo doveroso sottolineare che tali tipi di cooperazione internazionale in futuro potranno anche giovare a prevenire e contrastare dette gravi offese alla vita e alla libertà religiosa di ogni essere umano.

Infine, il passo odierno aiuta ancora una volta l'incontro fra la giustizia e la pace, menzionato nel Salmo 84, e la Santa Sede è lieta che ciò confermi la verità del suo impegno per il rispetto della dignità umana e la concordia fra le persone ed i popoli.

[00115-01.01]

Testo in lingua ingleseThe Holy See takes part in the International Community's efforts to combat transnational crime

On Wednesday, 25 January 2012, the Holy See, acting also in the name and on behalf of Vatican City State, adhered to the *International Convention for the Suppression of the Financing of Terrorism* (New York, 1999) and to the *United Nations Convention Against Transnational Organized Crime* (Palermo, 2000). On the same date, the Holy See ratified, in this case too in the name and on behalf of Vatican City State, the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (Vienna, 1988), which it had already signed in the year when it was adopted.

This step represents a further recognition by the Holy See of the efforts of the community of states to prevent and combat the most serious forms of transnational criminal activity, of dramatic actuality, through appropriate instruments of international cooperation.

As His Holiness Pope Benedict XVI noted in his Apostolic Letter in the form of "Motu Proprio" for the prevention and combating of illegal activities regarding financial and monetary systems: "Most appropriately the international community is increasingly equipping itself with the juridical principles and instruments that enable it to prevent and to counter the phenomena of laundering of money and the financing of terrorism. The Holy See approves this commitment and intends to adopt these laws as its own in the utilization of the material resources that serve to carry out the mission and duties of Vatican City State."

The words of the Holy Father remind us that terrorism and organized crime threaten the dignity of human beings and the common good in every Country in the world. For this reason, with the deposit of the abovementioned instruments of adhesion and ratification of the three treaties in question, the Holy See confirms its intention as well as its effective and practical commitment to collaborate with the International Community in a manner consistent with its nature and mission, with a view to guaranteeing international peace and justice.

The adoption of the instruments in question constitutes a further refinement of the legal structure of Vatican City State, which had already developed in this direction through the adoption of various Vatican laws, including Law no. CXXVII of 2010 (modified and updated on 25 January 2012), concerning the prevention and combating of the laundering of money derived from criminal activity and the financing of terrorism; and Law no. CXXVIII, of the same year, concerning the counterfeiting of Euro banknotes and coins.

Along these same lines, today's actions, together with the modifications to Law no. CXXVII, reflect the determination to bring the Vatican internal legal order into compliance with the most rigorous internationally agreed rules, and in particular with the GAFI/FATF Recommendations, which state the international criteria with respect to the financing of terrorism and money laundering. These amendments render Law no. CXXVII, which was already rigorous, even more detailed, furnishing, among other things, more transparent instruments of international cooperation and heavier sanctions for violation of the law. These changes, together with the new legal instruments offered by the three Conventions, which aim to raise the level of collaboration between the Tribunals of Vatican City State and those of other states, render the fight against terrorism, money laundering and drug trafficking, as well as organized transnational crime, even more determined.

Naturally, these international commitments do not prejudice the sovereign right of each state to abstain from collaborating with respect to pending legal proceedings in other contexts when those proceedings could give rise to forms of persecution of an individual for political, religious, ethnic or similar reasons.

In the current international context, marked by serious and repeated acts of violence for religious motives, all too

frequently against Christians, I consider it necessary to underline that this kind of international cooperation may help, in the future, to prevent and combat such grave attacks on the life and religious freedom of every human being.

Finally, these steps facilitate further the coming together of justice and peace, mentioned in Psalm 84, and the Holy See is pleased that these steps confirm the truth of its commitment to the respect of human dignity and concord between persons and peoples.

+ Dominique Mamberti

Titular Archbishop of Sagona

Secretary for Relations with States

[00115-02.01]

[B0051-XX.01]
