

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1997 Nr. 71

A. TITEL

*Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1965, 9.

Het Verdrag is aangevuld bij Protocol van 15 oktober 1975 en bij Protocol van 17 maart 1978.

Voor de ondertekeningen zie ook *Trb.* 1969, 62, *Trb.* 1971, 130, *Trb.* 1982, 6, *Trb.* 1986, 47, *Trb.* 1991, 78, *Trb.* 1993, 110, *Trb.* 1994, 7 en 115, *Trb.* 1995, 45 en 231 en *Trb.* 1996, 140.

Het Verdrag is voorts nog ondertekend voor:

Letland	30 oktober 1996
Rusland ¹⁾	7 november 1996

¹⁾ Onder de volgende voorbehouden en verklaringen:

“Article 1

The Russian Federation reserves the right to refuse extradition:

1. if extradition is requested with a view to bringing to a special court or within simplified proceedings or executing the sentence passed by a special court or within simplified proceedings when there are grounds to believe that during such proceedings a person was not or will not be provided with minimum guarantees stipulated in Article 14 of the International Covenant on Civil and Political Rights. At the same time, the terms ‘special court’ and ‘simplified proceedings’ do not include any international criminal court whose jurisdiction powers and competence are recognized by the Russian Federation;

2. if there are serious grounds to believe that the person whose extradition is requested was or will be subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment or if that person did not or will not receive the minimum guarantees provided for in Article 14 of the International Covenant on Civil and Political Rights;

3. on humanitarian grounds when there are reasons to believe that the extradition may have serious complications for the person to be extradited because of his advanced age or state of health.

Article 2, paragraphs 3 and 4

The Russian Federation reserves the right not to extradite a person whose extradition may damage its sovereignty, security, public order or other interests of major importance. Non-extraditable offences are determined by the federal law of the Russian Federation.

Article 3

The Russian Federation proceeds from the fact that the provisions of Article 3 of the Convention should be applied in such a manner as to ensure that the responsibility for committed crimes covered by the Convention, is inevitable.

As regards 'political offences' such an offence does not exist in the Russian legal system. In any cases the Russian Federation in taking decisions on extradition will not, in particular, consider as 'political offence' or 'offences connected with a political offence', together with the offences stipulated in the 1975 Additional Protocol to the 1957 Convention on Extradition, the following acts or omissions:

1. crimes against humanity stipulated in Articles II and III of the Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and Articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);

2. offences stipulated in Article 85 of the Additional Protocol I to Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts (1977) and in Articles 1 and 4 of the Additional Protocol II, relating to the Protection of Victims of Non-International Armed Conflicts (1977);

3. offences stipulated in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988), supplementary to the above-mentioned 1971 Convention;

4. serious offences stipulated in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (1973);

5. offences stipulated in the International Convention against the Taking of Hostages (1979);

6. offences stipulated in the Convention on the Physical Protection of Nuclear Material (1980);

7. offences stipulated in the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (1988);

as well as other offences stipulated in multilateral international treaties.

Article 6, paragraph 1.a

According to the first paragraph of Article 61 of the Constitution of the Russian Federation, no citizen of the Russian Federation shall be extradited to another State.

Article 16

The Russian Federation shall bear no liability for the claims for compensation of material and moral damages resulting from the execution within the Russian Federation of provisional arrest of a person in accordance with the Article 16.

Article 18, paragraphs 4 and 5

The Russian Federation shall bear no liability for the claims for compensation of material and moral damages resulting from postponement or refusal to surrender persons in relation to whom a decision to extradite was taken.

Article 21

Transit of a person to be extradited through the territory of the Russian Fed-

eration shall be authorized on the same conditions as those on which extradition is granted.

Article 23

It is required that the documents on extradition to be sent to the Russian Federation be accompanied by a certified translation into Russian language or into English or French languages.

With regard to the reservation of Portugal:*

The Russian Federation shares the opinion, expressed in the declarations of the Government of Federal Republic of Germany dated 4 February 1991, Austria dated 4 June 1991 and Switzerland dated 21 August 1991, with respect to the reservation, made by Portugal on 12 February 1990 with regard to Article 1 of the Convention.

The reservation made by Portugal to Article 1 of the Convention is in compliance with the object and purpose of the Convention only if a refusal to extradite persons who committed offences punishable by a life-long sentence or detention order is far from being of an absolute nature. It will allow to interpret the mentioned reservation in such a manner that extradition shall only then not be granted if the legislation of the requesting Party does not allow a review by court of cases of those persons, that were sentenced to life-long imprisonment and served a certain part of this term or spent a part of time in detention, with respect of their probation.

* Zie voor het voorbehoud van Portugal en de mededeling van Duitsland *Trb.* 1991, 78, blz. 3; zie voor de mededelingen van Oostenrijk en Zwitserland *Trb.* 1993, 110, blz. 3.

C. VERTALING

Zie *Trb.* 1965, 9.

D. PARLEMENT

Zie *Trb.* 1969, 62, *Trb.* 1991, 78 en *Trb.* 1993, 110, alsmede de rubrieken H van *Trb.* 1994, 7, 21, 38, 66, 115, 167 en 218, *Trb.* 1995, 45 en 231, *Trb.* 1996, 93, 124, 140, en 278 en rubriek H hieronder.

E. BEKRACHTIGING

Zie *Trb.* 1965, 9, *Trb.* 1969, 62, *Trb.* 1970, 131, *Trb.* 1971, 130, *Trb.* 1977, 20, *Trb.* 1982, 6, *Trb.* 1986, 47, *Trb.* 1987, 186, *Trb.* 1991, 78, *Trb.* 1993, 110, *Trb.* 1994, 115 en 167, *Trb.* 1995, 231 en *Trb.* 1996, 140.

F. TOETREDING

Zie *Trb.* 1969, 62, *Trb.* 1970, 131, *Trb.* 1971, 130, *Trb.* 1993, 110, *Trb.* 1994, 7 en *Trb.* 1995, 231.

G. INWERKINGTREDING

Zie *Trb.* 1965, 9, *Trb.* 1969, 62, *Trb.* 1991, 78, *Trb.* 1993, 110 en 163, *Trb.* 1994, 7, 21, 38, 66, 115, 167 en 218, *Trb.* 1995, 45 en 266 en *Trb.* 1996, 93, 124, 140 en 278.

De overeenkomst met Slovenië (zie rubriek H van *Trb.* 1996, 124) is ingevolge het in de nota's gestelde op 12 februari 1997 in werking getreden.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1991, 78, *Trb.* 1993, 110 en 163, *Trb.* 1994, 7, 21, 38, 66, 115 en 218, *Trb.* 1995, 45 en 231 en *Trb.* 1996, 93, 124, 140 en 278.

Bij brieven van 3 februari 1997 zijn de op 12 februari 1996 tot stand gekomen overeenkomst met Kroatië, de op 13 maart 1996 te Ljubljana tot stand gekomen overeenkomst met Slovenië, de op 2 april 1996 te Boedapest tot stand gekomen overeenkomst met Hongarije, de op 4 juli 1996 te Helsinki tot stand gekomen overeenkomst met Finland en de op 17 juli 1996 te Sofia tot stand gekomen overeenkomst met Bulgarije (tekst in de rubrieken H van *Trb.* 1996, 93, *Trb.* 1996, 124, *Trb.* 1996, 140 en *Trb.* 1996, 278) in overeenstemming met artikel 13, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen ter kennis gebracht van de Eerste en de Tweede Kamer der Staten-Generaal en van de Staten van de Nederlandse Antillen en van Aruba.

J. GEGEVENS

Zie *Trb.* 1965, 9, *Trb.* 1969, 62, *Trb.* 1970, 131, *Trb.* 1971, 130, *Trb.* 1977, 20, *Trb.* 1982, 6, *Trb.* 1986, 47, *Trb.* 1987, 186, *Trb.* 1991, 78, *Trb.* 1993, 110 en 163, *Trb.* 1994, 21, 38, 66 en 115 en *Trb.* 1996, 278.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationale Gerechtshof zie ook *Trb.* 1987, 114.

Voor het op 9 december 1948 te Parijs tot stand gekomen Verdrag inzake de voorkoming en de bestraffing van genocide zie ook *Trb.* 1994, 254.

Voor het op 5 mei 1949 te Londen tot stand gekomen Statuut van de Raad van Europa zie ook, laatstelijk, *Trb.* 1996, 355.

Voor het op 20 april 1959 te Straatsburg tot stand gekomen Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken zie ook, laatstelijk, *Trb.* 1996, 63.

Voor het op 27 juni 1962 te Brussel tot stand gekomen Verdrag tussen het Koninkrijk der Nederlanden, het Koninkrijk België en het Groot-hertogdom Luxemburg aangaande de uitlevering en de rechtshulp in strafzaken zie ook, laatstelijk, *Trb.* 1995, 66.

Uitgegeven de eenentwintigste maart 1997.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO