

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2015 Nr. 55**


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A. TITEL

*Verdrag van de Raad van Europa ter voorkoming van terrorisme (met Bijlage);  
Warschau, 16 mei 2005*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Bijlage, zijn geplaatst in *Trb.* 2006, 34.

C. VERTALING

Zie *Trb.* 2006, 34.

D. PARLEMENT

Zie *Trb.* 2010, 244.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 34.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Albanië	22-12-2005		06-02-2007	R	01-06-2007		
Andorra	17-11-2005		06-05-2008	R	01-09-2008		
Armenië	17-11-2005						
Azerbeidzjan	16-05-2005		04-04-2014	R	01-08-2014		
België	19-01-2006						
Bosnië en Herzegovina	19-01-2006		11-01-2008	R	01-05-2008		
Bulgarije	17-11-2005		31-07-2006	R	01-06-2007		
Cyprus	16-05-2005		23-01-2009	R	01-05-2009		
Denemarken	16-05-2005		24-04-2007	R	01-08-2007		
Duitsland	24-10-2006		10-06-2011	R	01-10-2011		
Estland	07-09-2005		15-05-2009	R	01-09-2009		
Finland	16-05-2005		17-01-2008	R	01-05-2008		
Frankrijk	22-05-2006		29-04-2008	R	01-08-2008		
Georgië	14-12-2005						
Griekenland	17-11-2005						
Hongarije	10-10-2007		21-03-2011	R	01-07-2011		
Ierland	03-10-2008						
IJsland	16-05-2005						
Italië	08-06-2005						
Kroatië	16-05-2005		21-01-2008	R	01-05-2008		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Letland	19-05-2006		02-02-2009	R	01-06-2009		
Litouwen	10-10-2007		15-05-2014	R	01-09-2014		
Luxemburg	16-05-2005		31-01-2013	R	01-05-2013		
Macedonië, de voormalige Joegoslavische Republiek	21-11-2006		23-03-2010	R	01-07-2010		
Malta	16-05-2005						
Moldavië	16-05-2005		13-05-2008	R	01-09-2008		
Montenegro	16-05-2005		12-09-2008	R	01-01-2009		
<b>Nederlanden, het Koninkrijk der</b>	17-11-2005		22-07-2010	R	01-11-2010		
Noorwegen	09-04-2008		01-02-2010	R	01-06-2010		
Oekraïne	16-05-2005		21-12-2006	R	01-06-2007		
Oostenrijk	16-05-2005		15-12-2009	R	01-04-2010		
Polen	16-05-2005		03-04-2008	R	01-08-2008		
Portugal	16-05-2005						
Roemenië	16-05-2005		21-02-2007	R	01-06-2007		
Russische Federatie	17-11-2005		19-05-2006	R	01-06-2007		
San Marino	14-11-2006						
Servië	16-05-2005		14-04-2009	R	01-08-2009		
Slovenië	19-05-2006		18-12-2009	R	01-04-2010		
Slowakije	19-05-2006		29-01-2007	R	01-06-2007		
Spanje	16-05-2005		27-02-2009	R	01-06-2009		
Turkije	19-01-2006		23-03-2012	R	01-07-2012		
Verenigd Koninkrijk	16-05-2005						
Zweden	16-05-2005		30-08-2010	R	01-12-2010		
Zwitserland	11-09-2012						

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

## Verklaringen, voorbehouden en bezwaren

Andorra, 6 december 2010

The Principality of Andorra considers that, as long as it will not be a party to the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York, on 13 April 2005, the said Convention shall be deemed not to be included in the Appendix to the Council of Europe Convention on the Prevention of Terrorism in its application to Andorra.

Azerbeidzjan, 4 april 2014

The Republic of Azerbaijan [...] declares that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia, until the liberation of those territories from the occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is herewith enclosed).

Denemarken, 24 april 2007

In accordance with Article 20 (2) of the Convention, the Government of the Kingdom of Denmark declares that it reserves the right to not apply Article 20 (1) as far as extradition in respect of the offences referred to in Article 5, including article 5 in relation to Article 9, is concerned.

The Government of the Kingdom of Denmark declares that until further notice the Convention will not apply to the Faroe Islands and to Greenland.

Denemarken, 19 maart 2013

In accordance with Article 20, paragraph 2, of the Convention, the Government of the Kingdom of Denmark declares that it upholds wholly its reservation made at the time of ratification of the Convention for the period of three years set out in Article 20, paragraph 5, of the Convention.

The Council of Europe Convention on the Prevention of Terrorism was implemented into Danish law by Act No. 542 of 8 June 2006 to amend the Criminal Code, the Administration of Justice Act and various other acts (strengthening efforts to combat terrorism, etc.).

In respect of reservations under Article 20 of the Convention, it appears from paragraph 9.4 of the general notes to the Bill that the Ministry of Justice found it most appropriate to make use of the right to make a reservation as regards the actions referred to in Article 5 and Article 9 read with Article 5 of the Convention on public provocation to commit a terrorist offence. The reason for this is that the subject matter of this offence is the perpetrator's expressions and that the assessment of them is related to the scope of the freedom of expression. In this connection, it is not deemed appropriate to preclude the Danish authorities in advance from regarding a violation of Article 5 or Article 9 read with Article 5 of the Convention as a political offence in specific situations.

Based on this, the Government of the Kingdom of Denmark introduced the current section 5(4) of the Extradition Act, according to which extradition for an act covered by Article 5 or Article 9 read with Article 5 of the Council of Europe Convention on the Prevention of Terrorism may be refused in special situations, if the assessment is that the offence concerned was political. This provision means that the Danish authorities will not be precluded, based on a specific assessment, from regarding a violation of Article 5 or Article 9 read with Article 5 of the Convention as a political offence, as well as, in such situations, the Danish authorities will not be precluded from refusing extradition for this reason alone.

On this background, and in accordance with Article 20 (5) and (6), the Government of the Kingdom of Denmark notified the Secretary General of the Council of Europe that it is upholding its reservation made in accordance with Article 20 (2).

Hongarije, 21 maart 2011

In the context of public provocation to commit a terrorist offence under Article 5, paragraph 1, of the Convention, the Republic of Hungary interprets "danger" as "clear and present danger".

Moldavië, 13 mei 2008

In accordance with Article 14, paragraph 2, of the Convention, the Republic of Moldova declares that the offences specified in Articles 5-7 and 9 of the Convention are going to be under its own jurisdiction in cases mentioned in Article 14, paragraph 2, of the Convention.

In accordance with Article 25 of the Convention, the Republic of Moldova declares that, until the full re-establishment of its territorial integrity, the provisions of the Convention will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

**Nederlanden, het Koninkrijk der,** 22 juli 2010

With due regard to Article 20, paragraph 2, of the Convention, the Kingdom of the Netherlands reserves the right to refuse to extradite an alleged offender for any of the offences referred to in Articles 5 to 7 and 9 of the Convention that are regarded as political offences or as offences connected with a political offence, where such offences do not relate to the offences described in the Conventions referred to under points 9 and 10 of the Appendix to the Convention.

**Nederlanden, het Koninkrijk der,** 16 juli 2013

In accordance with Article 20, paragraph 5, of the Convention, the Government of the Kingdom of the Netherlands declares that it upholds wholly for the Kingdom in Europe, for another period of three years, its reservation made at the time of ratification of the Convention.

The Government is of the opinion that the reservation should be renewed to ensure that an extradition request can be denied if, in a highly exceptional case, an independent court finds that the extradition request is a political offence. However, there will be no obligation to deny the extradition request.

**Nederlanden, het Koninkrijk der,** 23 januari 2015

The Kingdom of the Netherlands accepts the Convention for Aruba.

With due regard to Article 20, paragraph 2, of the Convention, the Kingdom of the Netherlands reserves the right to refuse to extradite an alleged offender for any of the offences referred to in Articles 5 to 7 and 9 of the Convention that are regarded as political offences or as offences connected with a political offence, where such offences do not relate to the offences described in the Conventions referred to under points 9 and 10 of the Appendix to the Convention.

Noorwegen, 1 februari 2010

In accordance with Article 1, paragraph 2, of the Convention, the Kingdom of Norway declares that, in the application of this Convention to Norway, the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13 April 2005, shall be deemed not to be included in the Appendix.

Oekraïne, 21 december 2006

In accordance with Article 18, paragraph 2, of the Convention, Ukraine declares that it shall not extradite citizens of Ukraine to another State. For the purpose of this Convention any person shall be considered as a citizen of Ukraine who in accordance with the Ukrainian laws is a citizen of Ukraine at the moment of decision making about his/her extradition.

In accordance with Article 19, paragraph 2, of the Convention, Ukraine declares that in case of receiving of a request about extradition of a transgressor from a Party to this Convention with which the extradition treaty is not available, it shall consider this Convention as a legal basis for extradition of the offenders concerning the offences set forth in Articles 5-7 and 9 of this Convention.

In accordance with Article 22, paragraph 4, of the Convention, Ukraine reserves the right not to be bound by the conditions established in accordance with paragraph 2 of this Article by the Party which gives the information, unless it shall receive in advance the notification about the nature of the information given and give its consent to the transfer of the information.

Russische Federatie, 19 mei 2006

The Russian Federation declares that it shall have jurisdiction over the offences established in accordance with Articles 5 to 7 and 9 of the Convention in the cases envisaged in Article 14, paragraphs 1 and 2, of the Convention.

The Russian Federation assumes that the provisions of Article 21 of the Convention shall be applied in such a way as to ensure inevitable liability for the commission of offences falling within the purview of the Convention, without prejudice to the effectiveness of international co-operation in extradition and legal assistance matters.

Spanje, 27 februari 2009

If the Council of Europe Convention on the Prevention of Terrorism were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.
2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.
3. As a result, the eventual participation of the Gibraltar authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

Turkije, 23 maart 2012

The Republic of Turkey declares that Article 19 of the Convention should not be interpreted in such a way that offenders of these crimes referred to in the Convention are neither tried nor prosecuted.

The Republic of Turkey declares its understanding that the term "international humanitarian law" in Article 26 of the Convention refers to international legal instruments to which Turkey is already Party to.

The Republic of Turkey declares that the application of the first part of paragraph 5 of Article 26 of the Convention does not necessarily indicate the existence of an armed conflict and the term "armed conflict" describes a situation different from the commitment of acts, whether organised or not, that constitute the crime of terrorism within the scope of criminal law, and the first part of paragraph 5 of Article 26 should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a State as currently understood and applied in international law and thereby as creating new obligations for Turkey.

The Republic of Turkey further declares that the application or interpretation of paragraph 4 of Article 26 should be in accordance with obligations of States under international refugee law which include, inter alia, the responsibility to ensure that the institution of asylum is not abused by persons who are responsible for terrorist offences stated in this Convention.

The Republic of Turkey declares its understanding that the term "settlement of the dispute" referred to in Article 29 of the Convention shall be interpreted in such a way that the procedure for the settlement of the dispute should only be agreed upon by the parties to the dispute.

Zweden, 30 augustus 2010

Sweden reserves the right to, in relation to other States than the Member States of the European Union and Norway and Iceland, as a ground to refuse a request for extradition, invoke that the offence referred to in the request concerns a political offence, an offence connected with a political offence or an offence inspired by political motives (Article 20, paragraphs 1 and 2).

Sweden declares that the International Convention for the Suppression of Acts of Nuclear Terrorism, which is listed in the Appendix to the Convention and to which Sweden is not a Party, shall be deemed not to be included in the Appendix in relation to Sweden (Article 1, paragraph 2).

Zweden, 10 juli 2013

In accordance with Article 20, paragraph 5, of the Convention, the Swedish Government declares that it upholds wholly its reservation made at the time of ratification of the Convention.

The reason for this is that, according to the current Swedish Extradition Act, extradition may in general not be granted if the request concerns a political offence.

#### G. INWERKINGTREDING

Zie *Trb.* 2010, 244.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag, met Bijlage, op 1 mei 2015 voor Aruba in werking treden.

#### **Koninkrijk der Nederlanden**

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		01-11-2010		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba		01-05-2015		
Curaçao				
Sint Maarten				

#### J. VERWIJZINGEN

Zie *Trb.* 2006, 34, *Trb.* 2010, 244 en *Trb.* 2013, 125.

Titel : Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;  
Rome, 4 november 1950

Laatste *Trb.* : *Trb.* 2014, 2

Titel : Europees Verdrag betreffende uitlevering;  
Parijs, 13 december 1957

Laatste *Trb.* : *Trb.* 2013, 131

Titel : Verdrag tot bestrijding van het wederrechtelijk in zijn macht brengen van luchtvaartuigen;  
's-Gravenhage, 16 december 1970

Laatste *Trb.* : *Trb.* 2013, 209

Uitgegeven de *zevenentwintigste* maart 2015.

*De Minister van Buitenlandse Zaken,*

A.G. KOENDERS