

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1995 Nr. 231

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 en *Trb.* 1995, 45.

Het Verdrag is voorts nog ondertekend voor:

Roemenië 30 juni 1995

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 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 en *Trb.* 1994, 115 en 167.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 29, eerste lid, van het Verdrag een akte van bekrachtiging nedergelegd:

Slovenië 16 februari 1995
 Litouwen¹⁾. 20 juni 1995

¹⁾ Onder de volgende voorbehouden en verklaringen:

“Reservations

Article 1

Extradition shall be granted only under the condition that any person suspected of having committed a crime will be not tried in a special court of the requesting Party.

The Republic of Lithuania reserves the right not to grant extradition if the said person, on the grounds of his/her health, age or personal motivation, would be adversely affected by this extradition.

Article 3

The Republic of Lithuania reserves its right referred to in Article 3 of the Convention to decide in each particular case whether acts referred to in Article 3, paragraph 3, of the Convention are regarded as being a political offence.

Declarations

Article 6

The term ‘nationals’ means persons having Lithuanian nationality under the Law of the Lithuanian nationality (Citizenship Law). According to Article 6 of the Law on Lithuanian nationality (Citizenship Law), the Republic of Lithuania does not extradite its nationals to foreign countries. All requests for extradition of Lithuanian nationals shall be refused.

Article 12

Written requests for extradition can be exchanged between the Ministry of Justice or the Prosecutor General’s Office of the requesting Party and the Lithuanian Ministry of Justice or Prosecutor General’s Office. The use of diplomatic channels is not excluded.

Article 21

In no case shall the Republic of Lithuania grant transit in respect of Lithuanian nationals.

Article 23

Requests for extradition (including documents in support of the request) have to be accompanied by proper translations in Lithuanian, English, French, Russian or German if these documents are not produced in one of these languages.”.

F. TOETREDING

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

Behalve de aldaar genoemde Staten heeft nog de volgende Staat in overeenstemming met artikel 30, tweede lid, van het Verdrag een akte van toetreding nedergelegd bij de Secretaris-Generaal van de Raad van Europa:

Kroatië¹⁾. 25 januari 1995

¹⁾ Onder de volgende verklaring:

“Article 9 of the Constitution of the Republic of Croatia prohibits the extradition of Croatian citizens. Consequently, the Republic of Croatia will not allow any extradition or transit (Article 21, paragraph 2, of the Convention) of its own citizens.

The 'nationality' of a person being requested for extradition will be considered in terms of the time when the criminal act was committed and in compliance with the regulations of the Republic of Croatia regarding citizenship (Article 6, paragraph 1 (b), of the Convention).

The Republic of Croatia will approve the transit of a person only under the conditions applying to extradition (Article 21, paragraph 5, of the Convention)."

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 en *Trb.* 1995, 45.

De overeenkomst met Israël (zie rubriek H) zal ingevolge het in nota Nr. I gestelde op 1 november 1995 in werking treden.

De overeenkomst met Portugal (zie rubriek H) zal ingevolge het in de voorlaatste alinea van de nota's gestelde op 1 december 1995 in werking treden.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1991, 78, *Trb.* 1993, 110 en 163, *Trb.* 1994, 7, 21, 38, 66, 115 en 218 en *Trb.* 1995, 45.

Bij notawisseling tussen de Nederlandse en de Israëlische Regering is op 31 juli 1995 een overeenkomst als bedoeld in artikel 27, vierde lid, van het onderhavige Verdrag tot stand gekomen betreffende de uitbreiding van het Verdrag tot de Nederlandse Antillen en Aruba. De tekst van de nota's luidt als volgt:

Nr. I

No. 80

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the State of Israel and has the honour to propose that the application of the European Convention on extradition of 13 December 1957, in accordance with article 27, paragraph 4, be extended to the Netherlands Antilles and Aruba, that the declarations and reservations that apply in relations between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and the State of Israel, shall also apply in relations between the State of Israel, and the Kingdom of the Netherlands, in respect of the Netherlands Antilles and Aruba, and that the declaration concerning articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification of the Convention on 14 February 1969 and as amendend on 14 October 1987 shall apply to the Netherlands Antilles and Aruba respectively, with regard to the extradition of Netherlands nationals, only when the European Convention on the transfer of sentenced persons, concluded in Strasbourg on 21 March 1983, becomes applicable to the Netherlands Antilles and Aruba respectively.

This Note and the Ministry's affirmative reply shall constitute an arrangement as provided for in article 27, paragraph 4, of the Convention, which shall enter into force on the first day of the third month following the date on which the Embassy receives the Ministry's reply.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Tel Aviv, 28 February 1994

*Ministry of Foreign Affairs
of the State of Israel
Jerusalem*

Nr. II

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM

Office of the Legal Adviser
85240

The Ministry of Foreign Affairs of the State of Israel presents its compliments to the Embassy of the Kingdom of the Netherlands and, with reference to the Embassy's Note No. 80 of 28 February 1994 concerning the extension of the European Convention on Extradition to the Netherlands Antilles and Aruba, has the honour to inform the Embassy of the Government of the State of Israel's acceptance to the proposal to extend the European Convention on Extradition of 13 December 1957, in accordance with article 27, paragraph 4, to the Netherlands Antilles and Aruba, and that the declarations and reservations that apply in relations between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and the State of Israel, shall also apply in relations between the State of Israel and the Kingdom of the Netherlands, in respect of the Netherlands Antilles and Aruba, and that the declaration concerning articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification of the Convention on 14 February 1969 and as amended on 14 October 1987 shall apply to the Netherlands Antilles and Aruba respectively, with regard to the extradition of Netherlands nationals, only when the European Convention on the transfer of sentenced persons,

concluded in Strasbourg on 21 March 1983, becomes applicable to the Netherlands Antilles and Aruba respectively.

The Ministry of Foreign Affairs takes this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

Jerusalem, 31-July-1995

*Embassy of the Kingdom of the Netherlands
in Israel*

Bij notawisseling tussen de Nederlandse en de Portugese Regering is op 29 augustus 1995 een overeenkomst als bedoeld in artikel 27, vierde lid, van het onderhavige Verdrag tot stand gekomen betreffende de uitbreiding van het Verdrag tot de Nederlandse Antillen en Aruba. De tekst van de nota's luidt als volgt:

Nr. I

ROYAL NETHERLANDS EMBASSY

No. 1428

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the Portuguese Republic and has the honour to propose that the application of the European Convention on Extradition of 13 December 1957, in accordance with article 27, paragraph 4, be extended to the Netherlands Antilles and Aruba, that the declarations and reservations that apply in relations between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and the Portuguese Republic shall also apply in relations between the Portuguese Republic and the Kingdom of the Netherlands in respect of the Netherlands Antilles and Aruba, and that the declaration concerning articles 6 and 21 as made by the Kingdom of the Netherlands upon ratification of the Convention on 14 February 1969 and as amended on 14 October 1987 shall apply to the Netherlands Antilles and Aruba respectively, with regard to the extradition of Netherlands nationals, only when the European Convention on the Transfer of Sentenced Persons, concluded in Strasbourg on 21 March 1983, becomes applicable to the Netherlands Antilles and Aruba respectively.

If the proposal is acceptable to the Government of the Portuguese Republic, the Embassy has the honour further to propose that this Note and this Ministry's affirmative reply shall constitute an arrangement as

provided for in article 27, paragraph 4, of the Convention, which shall enter into force on the first day of the third month following the date on which the Embassy receives the Ministry's reply.

The Embassy of the Kingdom of the Netherlands takes this opportunity to renew to the Ministry of Foreign Affairs of the Portuguese Republic the assurances of its highest consideration.

Lisbon, 6 July 1993

*Ministry of Foreign Affairs
of the Portuguese Republic
Palácio das Necessidades
Largo do Rilvas
1300 Lisbon*

Nr. II

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

Departamento de Assuntos Jurídicos

DAJ 005621

5.0

O Ministério dos Negócios Estrangeiros apresenta os seus mais atenciosos cumprimentos à Embaixada Real dos Países Baixos e, com referência à Nota Verbal nº 1428, de 6 de Julho de 1993, e à Nota Formal de 8 de Agosto de 1995, declara aceitar a proposta de extensão da aplicação da Convenção Europeia de Extradicação, de 13 de Dezembro de 1957, nos termos do artigo 27º, parágrafo 4º, às Antilhas Holandesas e a Aruba, com as declarações e reservas aplicáveis nas relações entre o Reino dos Países Baixos e Portugal, designadamente a declaração respeitante aos artigos 6º e 21º, tal como foi feita pelo Reino dos Países Baixos aquando da ratificação da Convenção, em 14 de Fevereiro de 1969, e tal como aditada em 14 de Outubro de 1987, relativamente à extradicação de nacionais dos Países Baixos, apenas nos casos em que a Convenção Europeia sobre a Transferência de Pessoas Condenadas, concluída em Estrasburgo em 21 de Março de 1983, for aplicável às Antilhas Holandesas e a Aruba respectivamente.

Nos termos do parágrafo 4º do artigo 27º da Convenção, a Nota Verbal nº 1428, de 6 de Julho de 1993, da Embaixada, e a presente Nota passam a constituir um ajuste que entrará em vigor no primeiro dia do terceiro mês seguinte à data em que a Embaixada receber a presente Nota, pelo que muito se agradecerá se fosse acusada recepção, a fim de ser feita a publicação oficial.

O Ministério dos Negócios Estrangeiros aproveita a oportunidade para reiterar à Embaixada Real dos Países Baixos em Lisboa os protestos da sua mais elevada consideração.

Lisboa, 29 ago 1995

CS

De hierboven afgedrukte overeenkomsten behoeven niet de goedkeuring van de Staten-Generaal ingevolge respectievelijk artikel 7, onderdeel a, (wat betreft Aruba) en artikel 7, onderdeel b, (wat betreft de Nederlandse Antillen) van de Rijkswet goedkeuring en bekendmaking verdragen.

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, 7, 21, 38, 66, 115 en 167 en *Trb.* 1995, 45.

Uitgegeven de negenentwintigste september 1995.

De Minister van Buitenlandse Zaken a.i.,

H. F. DIJKSTAL