

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2000 Nr. 53

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, *Trb.* 1996, 140, *Trb.* 1997, 71 en 231 en *Trb.* 2000, 13.

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, *Trb.* 1997, 231 en 247, *Trb.* 2000, 13 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, *Trb.* 1996, 140, *Trb.* 1997, 231 en 247 en *Trb.* 2000, 13.

Behalve de aldaar genoemde staten heeft nog de volgende staat in

overeenstemming met artikel 29, eerste lid, van het Verdrag een akte van bekrachtiging nedergelegd:

Rusland¹⁾ 10 december 1999

¹⁾ Onder de volgende voorbehouden en verklaringen:

“1. In accordance with Article 1 of the Convention the Russian Federation shall reserve the right to refuse extradition:

a) if extradition is requested for the purpose of bringing to responsibility before an *ad hoc* tribunal or by summary proceedings or for the purposes of carrying out a sentence rendered by an *ad hoc* tribunal or by summary proceedings when there are grounds for supposing that in the course of these proceedings the person will not be or was not provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The terms “*ad hoc* tribunal” and “summary proceedings” do not include any international criminal court with authorities and jurisdiction recognised by the Russian Federation;

b) if there are grounds for supposing that the person requested for extradition in the requesting State was or will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the course of the criminal proceedings, or the person was not or will not be provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms;

c) based on the considerations of humanity, when there are grounds for supposing that the extradition of the person can seriously affect him due to his old age or state of health.

2. In accordance with paras. 3 and 4 of Article 2 of the Convention the Russian Federation shall reserve the right not to extradite the persons whose extradition can affect its sovereignty, security, public order or other essential interests. Offences that may not lead to extradition shall be stated by the federal law.

3. The Russian Federation shall not be liable for claims for property and/or moral damage caused by the temporary arrest of the person in the Russian Federation in accordance with Article 16 of the Convention.

4. In accordance with paragraphs 4 and 5 of Article 18 of the Convention the Russian Federation shall not be liable for claims for property and/or moral damage caused by the delay or cancellation of the surrender of persons to be extradited.

5. The Russian Federation declares that in accordance with Article 23 of the Convention when producing the documents relating to extradition to the Russian Federation, their authenticated translation into the Russian language is required.

6. The Russian Federation proceeds from the understanding that the provisions of Article 3 of the Convention should be so applied as to ensure inevitable responsibility for offences under the provisions of the Convention.

7. The Russian Federation proceeds from the understanding that legislation of the Russian Federation does not provide for the notion “political offences”. In all cases when deciding on extradition the Russian Federation will not consider as “political offences” or “offences connected with political offences” along with offences, specified in Article 1 of the 1975 Additional Protocol to the 1957 European Convention on Extradition, in particular, the following acts:

a) the crimes against humanity specified in Articles II and III of the International Convention on the Suppression and Punishment of the Crime of Apartheid

(1973) and in Articles 1 and 4 of Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);

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

c) the offences specified 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 in Airports Serving International Civil Aviation (1988) supplementary to the above-mentioned 1971 Convention;

d) the crimes specified in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

e) the crimes specified in the International Convention Against the Taking of Hostages (1979);

f) the offences specified in the Convention for Physical Protection of Nuclear Materials (1980);

g) the offences specified in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988);

h) other comparable crimes specified in the multilateral international treaties which the Russian Federation is a party to.

8. With respect to sub-para. "a" of para. 1 of Article 6 of the Convention the Russian Federation declares that in accordance with Article 61 (part I) of the Constitution of the Russian Federation a citizen of the Russian Federation may not be extradited to another State.

9. The Russian Federation declares that in accordance with Article 21 of the Convention transit of an extradited person through the territory of the Russian Federation is allowed subject to the observance of the terms of extradition.

10. The Russian Federation shares the opinions expressed by the Government of the Federal Republic of Germany in its declaration of February 4, 1991*, by the Government of the Republic of Austria – in its declaration of June 4, 1991** and by the Government of the Swiss Confederation – in its declaration of August 21, 1991**, concerning the reservation by Portugal of February 12, 1990 to Article 1 of the Convention*. The Portuguese reservation to Article 1 of the Convention is compatible with the objective and purpose of the Convention unless the refusal to extradite a person who has committed the offence punishable by life imprisonment or whom the court has committed to custody as a preventive punishment is absolute. This allows to interpret the above-mentioned reservation in a manner that extradition will not be granted unless the law of the requesting State provides for the possibility to review the case of a person sentenced to life imprisonment who has served a part of his term or has been held in custody for some time, with a view to release him on parole.

11. The Prosecutor-General's Office shall be a body appointed by the Russian Federation to hear extradition cases.

A decision of the competent authorities of the Russian Federation on extradition may be appealed by a person against whom a decision on extradition has been rendered, in the court of law in accordance with the legislation of the Russian Federation."

* Zie voor de mededeling en het voorbehoud *Trb.* 1991, 78, blz. 3.

** Zie voor de mededeling *Trb.* 1993, 110, blz. 3.

F. TOETREDING

Zie *Trb.* 1969, 62, *Trb.* 1970, 131, *Trb.* 1971, 130, *Trb.* 1993, 110, *Trb.* 1994, 7, *Trb.* 1995, 231 en *Trb.* 2000, 13.

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, *Trb.* 1996, 93, 124, 140 en 278, *Trb.* 1997, 71, 231 en 247 en *Trb.* 2000, 13.

De overeenkomst met Roemenië (zie rubriek H) zal ingevolge het gestelde in de voorlaatste alinea van nota Nr. I op 1 juni 2000 in werking treden.

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, *Trb.* 1996¹⁾, 93, 124, 140 en 278, *Trb.* 1997, 71, 231 en 247 en *Trb.* 2000, 13.

Bij notawisseling tussen de Nederlandse en de Roemeense regering is op 27 maart 2000 een overeenkomst als bedoeld in artikel 27, vierde lid, van het 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

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of Romania 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, and that the declarations and reservations that apply in relations between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and Romania shall also apply in relations between Romania and the Kingdom of the Netherlands in respect of the Netherlands Antilles and Aruba.

If this proposal is acceptable to the Government of Romania, the Embassy has the honour further to propose that 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.

¹⁾ In *Trb.* 2000, 13 is hier abusief „1966” vermeld.

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

Bucharest, 16 June 1999

*Ministry of Foreign Affairs of Romania
Bucharest*

Nr. II

Ministerul Afacerilor Externe al României

D 6/1196

The Ministry of Foreign Affairs of Romania presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to refer to the Embassy's Note dated 16 June 1999, which reads as follows:

(Zoals in Nr. I)

The Ministry of Foreign Affairs of Romania has the honour to inform the Embassy that the foregoing proposal is acceptable to the Government of Romania and that the Embassy's Note and the present Note 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 present Note.

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

Bucharest, the 27th of March 2000

*The Embassy of the Kingdom of the Netherlands
Bucharest*

De overeenkomst met Roemenië heeft niet de goedkeuring der 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, 21, 38, 66 en 115, *Trb.* 1996, 278, *Trb.* 1997, 71 en *Trb.* 2000, 13.

Voor de in rubriek J van *Trb.* 2000, 13 genoemde, op 9 oktober 1894 te Boekarest tot stand gekomen Overeenkomst tussen het Koninkrijk der Nederlanden en het Koninkrijk Roemenië tot regeling der wederzijdse uitlevering van misdadigers zie ook *Trb.* 2000, 24.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de in rubriek H afgedrukte overeenkomst met Roemenië zal zijn bekendgemaakt op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vijfde* juni 2000.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN