

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 140

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 en 231.

Het Verdrag is voorts nog ondertekend voor:

Malta	19 maart 1996
Moldavië	2 mei 1996

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 en 124 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 en *Trb.* 1995, 231.

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 bij de Secretaris-Generaal van de Raad van Europa:

Malta¹⁾. 19 maart 1996

¹⁾ Onder de volgende voorbehouden:

Article 1

Malta reserves the right to grant a request for the extradition of a person accused of an offence only where the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the Courts of Criminal Justice of Malta. A person convicted of an offence in his absence shall be treated as a person accused of that offence.

Malta reserves the right, when granting extradition, to stipulate that the extradited person shall not be prosecuted for the offence in question in a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences. Extradition requested for the execution of a sentence rendered by such special court may be refused.

Malta reserves the right to apply the Convention in accordance with Section 20 of Chapter 276 of the laws of Malta (The Extradition Act, 1978) which section reads as follows:

“On an appeal made to the Court of Criminal Appeal or an application for redress to the Constitutional Court under Section 46 of the Constitution of Malta, either of the said Courts may, without prejudice to any other jurisdiction, order the person committed to be discharged from custody if it appears to such Court that,

- a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
 - b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
 - c) because the accusation against him is not made in good faith in the interests of justice,
- it would, having regard to all circumstances, be unjust or oppressive to return him.”

Article 3

Malta reserves the right to apply paragraph 3 of this Article in accordance with Section 10(5) of the Extradition Act which reads as follows:

“For the purposes of this section, an offence against the life or person of a Head of State, or any related offence described in subsection (3) of Section 5 of this Act, shall not necessarily be deemed to be an offence of a political character.”

Article 9

Malta reserves the right to apply this Article in accordance with the rule of “*Non bis in idem*” as laid down in Section 527 of the Criminal Code (Chapter 9 of the Laws of Malta) which reads as follows:

“Where in a trial, judgement is given acquitting the person charged or accused, it shall not be lawful to subject such person to another trial for the same fact.”

Article 18

Malte reserves the right to apply the provisions set out in paragraphs 4 and 5 of this Article in accordance with Section 24 of the Extradition Act (Chapter 276 of the Laws of Malta) which reads as follows:

“1. If any person committed to await his return is in custody in Malta under this Act after the expiration of the following period is to say –

a) in any case, the period of two months beginning with the first day on which, having regard to subsection 2 of Section 21 of this Act, he could have been returned;

b) where a warrant for his return has been issued under Section 21 of this Act, the period of one month beginning with the day on which that warrant was issued –

he may apply to the Court of Criminal appeal, sitting as a court of appeal from judgements of the Court of Judicial Police, for his discharge.

2. If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Minister, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody, and if a warrant for his return has been issued under the said section squash that warrant.”

Article 21

Malta reserves the right to grant such transit under this Article only in so far as transit is permissible under its own laws.

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 en 124.

De Overeenkomst met Hongarije (zie rubriek H) zal ingevolge het in de nota's gestelde op 1 juli 1996 in werking treden.

H. TOEPASSELIJKHEIDSVERKLARING

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 en 124.

Bij notawisseling tussen de Nederlandse en de Hongaarse Regering is op 2 april 1996 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

Note Verbale

BDP/PA/912.3

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the Republic of Hungary and has the honour to propose that the application of the European Convention on Extradition

tion 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 Republic of Hungary shall also apply in relations between the Republic of Hungary and the Kingdom of the Netherlands in respect 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 this proposal is acceptable to the Government of the Republic of Hungary 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.

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

Budapest, 28 March 1996

*The Ministry of Foreign Affairs
of the Republic of Hungary
Budapest*

Nr. II

Note Verbale

MAGYAR KÖZTÁRSASÁG
KÜLÜGYMINISZTERIUMA

The Ministry of Foreign Affairs of the Republic of Hungary has the honour to acknowledge receipt of the Note Verbale of the Royal Netherlands Embassy No BDP/PA/912.3 of 28 March 1996, proposing "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 reservation that apply in relation between the Kingdom of the Netherlands, in respect of the Kingdom in Europe, and the Republic of Hungary shall also apply in relations between the Republic of Hungary and the King-

dom of the Netherlands in respect 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 has the honour to communicate that this proposal is acceptable to the Government of the Republic of Hungary and therefore agrees that the Note Verbale of the Embassy referred to above and this Note Verbale shall constitute an arrangement as provided for in Article 27, paragraph 4, of the Convention between the two Parties, and that it shall enter into force on the first day of the third month following the date on which the Embassy receives this Note Verbale.

The Ministry of Foreign Affairs would therefore be grateful to the Embassy if it would communicate the date of reception of this Note Verbale and confirm thereby the date of the entry into force of this arrangement.

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

Budapest, 2 april 1996

*Royal Netherlands Embassy
Budapest*

De hierboven afgedrukte overeenkomst behoeft 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 en *Trb.* 1994, 7, 21, 38, 66, 115 en 167.

Uitgegeven de zevende juni 1996.

De Minister van Buitenlandse Zaken,

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