

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2004 Nr. 295

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A. TITEL

*Uitleveringsverdrag tussen het Koninkrijk der Nederlanden en de  
Verenigde Staten van Amerika;  
(met Bijlage)  
's-Gravenhage, 24 juni 1980*

B. TEKST

De tekst van het Verdrag, met bijlage, is geplaatst in *Trb.* 1980, 111.

Op 11 juli 1991 heeft een notawisseling plaatsgevonden. De tekst van de nota's luidt als volgt:

Nr. I

General Affairs Department  
DAZ/JZ ISN-38245

The Hague, 11th July 1991

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and, with regard to the Extradition Treaty between both countries of 24 June 1980 has the honour, on behalf of the government of the Kingdom of the Netherlands, to propose the following understandings:

1. Under article 2 of the Extradition Treaty between the Kingdom of the Netherlands and the United States of America, done at The Hague, June 24, 1980, the contracting parties are obliged to extradite to each other persons for the purpose of prosecution or service of sentence. Article 8 of the Treaty provides that in the event there is a treaty in force between the contracting parties on the execution of foreign penal sanctions, neither contracting party may refuse to extradite its own nationals solely on the basis of their nationality.

2. The Government of the United States of America has been apprised of the Netherlands extradition act, as amended in 1986, which makes an exception to the prohibition on the extradition of Netherlands citizens, which had been in force until then, to the effect that that prohibition shall not apply if the extradition of a Netherlands citizen has been requested for the purpose of a criminal investigation directed against him and it has been guaranteed to the satisfaction of the Netherlands Minister of Justice that, if the person concerned receives a custodial sentence in the requesting state for the offence for which he may extradited, he will be allowed to serve his sentence in the Netherlands.

3. The United States of America is party to the Convention of 21 March 1983 on the transfer of sentenced persons and shall perform its obligations under that Convention. The Government of the United States of America has no objection, in principle, to the transfer of Netherlands nationals to the Kingdom of the Netherlands in order to serve sentence imposed on them in the United States of America, and, pursuant to the provisions of that Convention, shall consider in good faith requests by the Government of the Kingdom of the Netherlands for the transfer of convicted Netherlands citizens to the Netherlands. Requests for transfer will be considered after judgment in the case is final in accordance with the provisions of the Convention.

4. The Government of the Kingdom of the Netherlands shall consider the present exchange of notes as sufficient guarantee as required under its domestic legislation to enable the extradition of Netherlands citizens in accordance with the Extradition Treaty and its extradition law. This means that the Kingdom of the Netherlands will not require additional assurances on this point in individual cases.

5. As soon as the application of the Convention on the transfer of sentenced persons of 21 March 1983 shall be extended to the Netherlands Antilles and Aruba, the provisions of this note will also be applicable to the Netherlands Antilles and Aruba.

If the foregoing understandings are shared by the Government of the United States of America, the Ministry of Foreign Affairs has the honour to propose that this note and the Embassy's note in reply shall constitute an understanding between the two Governments.

The Ministry of Foreign Affairs avails itself of this opportunity to reaffirm to the Embassy the assurances of its sentiments of the highest esteem.

*To the Embassy of the United States of America*

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## Nr. II

Embassy of the United States of America  
No. 81

The Hague, July 11, 1991

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honor to refer to the Ministry's Note No. DAZ/JZ ISN-38245, which reads as follows:

(Zoals in Nr. I)

The Embassy of the United States of America has the honor to confirm that the understandings contained in the aforementioned Note are shared by the Government of the United States of America and that your Note and this reply constitute an understanding between our two governments on the matters referred to therein.

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

*The Ministry of Foreign Affairs of the Kingdom of the Netherlands*

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D. PARLEMENT

Zie *Trb.* Trb. 1983, 133.

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Ingevolge de in rubriek B van *Trb.* 2004, 296 opgenomen verklaring van het Koninkrijk der Nederlanden geldt het onderhavige Verdrag vanaf 1 januari 1986 voor Aruba als land met een status aparte in plaats van als onderdeel van de Nederlandse Antillen.

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Wat het Koninkrijk der Nederlanden betreft, zijn de punten van de in de nota's vervatte memorie vanaf 11 juli 1991 alleen van toepassing op Nederland.

Op grond van de inwerkingtreding op 1 juni 1996 voor de Nederlandse Antillen en Aruba van het in rubriek J hieronder genoemde Verdrag van 21 maart 1983 juncto punt 5 van de beide nota's zijn de bepalingen van de notawisseling vanaf diezelfde datum ook van toepassing op de Nederlandse Antillen en Aruba.

#### G. INWERKINGTREDING

Zie *Trb.* 1983, 133.

#### J. VERWIJZINGEN

Zie *Trb.* 1980, 111 en *Trb.* 1983, 133.

#### **Verbanden**

Titel : Verdrag bevattende het instrument bedoeld in artikel 3, tweede lid, van de Overeenkomst betreffende uitlevering tussen de Verenigde Staten van Amerika en de Europese Unie, ondertekend te Washington op 25 juni 2003, inzake de toepassing van het uitleveringsverdrag tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika, ondertekend te 's-Gravenhage op 24 juni 1980;  
's-Gravenhage, 29 september 2004

Tekst : *Trb.* 2004, 299 (Nederlands en Engels)

#### **Overige verwijzingen**

Titel : Verdrag inzake de overbrenging van gevonnenisten; Straatsburg, 21 maart 1983

Tekst : *Trb.* 1983, 74 (Engels, Frans en vertaling)

Laatste *Trb.* : *Trb.* 1996, 87

Titel : Overeenkomst betreffende uitlevering tussen de Europese Unie en de Verenigde Staten van Amerika; Washington D.C., 25 juni 2003

Tekst : *Trb.* 2004, 297 (Nederlands)

Uitgegeven de *twintigste* december 2004.