

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 5

A. TITEL

*Europees Verdrag tot bestrijding van terrorisme;
Straatsburg, 27 januari 1977*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1977, 63.

C. VERTALING

Zie *Trb.* 1977, 63 en *Trb.* 1985, 66.

D. PARLEMENT

Zie *Trb.* 1985, 66.

E. PARTIJGEGEVENS

Zie *Trb.* 1977, 63.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië	04-04-00	21-09-00	R	22-12-00		
Andorra	08-11-01					
Armenië	08-11-01	23-03-04	R	24-06-04		
Azerbeidzjan	07-11-01	11-02-04	R	12-05-04		
België	27-01-77	31-10-85	R	01-02-86		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Bosnië en Herzegovina	17-03-03	03-10-03	R	04-01-04		
Bulgarije	11-09-97	17-02-98	R	18-05-98		
Cyprus	27-01-77	26-02-79	R	27-05-79		
Denemarken	27-01-77	27-06-78	R	28-09-78		
Duitsland	27-01-77	03-05-78	R	04-08-78		
Estland	03-05-96	27-03-97	R	28-06-97		
Finland	16-11-89	09-02-90	R	10-05-90		
Frankrijk	27-01-77	21-09-87	R	22-12-87		
Georgië	11-05-00	14-12-00	R	15-03-01		
Griekenland	27-01-77	04-08-88	R	05-11-88		
Hongarije	03-05-96	06-05-97	R	07-08-97		
Ierland	24-02-86	21-02-89	R	22-05-89		
IJsland	27-01-77	11-07-80	R	12-10-80		
Italië	27-01-77	28-02-86	R	01-06-86		
Kroatië	07-11-01	15-01-03	R	16-04-03		
Letland	08-09-98	20-04-99	R	21-07-99		
Liechtenstein	22-01-79	13-06-79	R	14-09-79		
Litouwen	07-06-96	07-02-97	R	08-05-97		
Luxemburg	27-01-77	11-09-81	R	12-12-81		
Macedonië, Voormalige Joegoslavische Republiek	08-11-01	29-11-04	R	01-03-05		
Malta	05-11-86	19-03-96	R	20-06-96		
Moldavië	04-05-98	23-09-99	R	24-12-99		
Monaco	18-09-07	18-09-07	R	01-01-08		
Montenegro		14-06-06	VG	06-06-06		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	27-01-77	18-04-85 28-09-10 28-09-10 28-09-10 10-02-06	R R R R R	19-07-85 10-10-10 10-10-10 10-10-10 10-02-06		
Noorwegen	27-01-77	10-01-80	R	11-04-80		
Oekraïne	08-06-00	13-03-02	R	14-06-02		
Oostenrijk	27-01-77	11-08-77	R	04-08-78		
Polen	13-09-95	30-01-96	R	01-05-96		
Portugal	27-01-77	14-12-81	R	15-03-82		
Roemenië	30-06-95	02-05-97	R	03-08-97		
Russische Federatie	07-05-99	04-11-00	R	05-02-01		
San Marino	08-11-01	17-04-02	R	18-07-02		
Servië	15-05-03	15-05-03	R	16-08-03		
Slovenië	28-03-00	29-11-00	R	01-03-01		
Slowakije		13-07-93	VG	01-01-93		
Spanje	27-04-78	20-05-80	R	21-08-80		
Tsjechië		13-07-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	13-02-92	15-04-92	R	15-07-92		
Turkije	27-01-77	19-05-81	R	20-08-81		
Verenigd Koninkrijk, het	27-01-77	24-07-78	R	25-10-78		
Zweden	27-01-77	15-09-77	R	04-08-78		
Zwitserland	27-01-77	19-05-83	R	20-08-83		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Gibraltar	21-11-1988	
Guernsey	25-10-1978	
Jersey	25-10-1978	
Man	25-10-1978	

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 11 februari 2004

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Convention in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

In accordance with paragraph 1 of Article 13 of the Convention, the Republic of Azerbaijan reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence.

België, 31 oktober 1985

With the exception of offences committed upon the taking of hostages and other connected offences, Belgium reserves the right to refuse extradition in respect of any offence, mentioned in Article 1, which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives; in these cases, Belgium undertakes to take into due consideration, when evaluating the character of the offence, its particularly serious aspects, including:

- a. that it created a collective danger to the life, physical integrity or liberty of persons; or,
- b. that it affected persons foreign to the motives behind it; or
- c. that cruel or vicious means have been used in the commission of the offence.

Cyprus, 26 februari 1979

The Government of the Republic of Cyprus reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence.

With respect to Article 7 of the Convention and pursuant to the Republic of Cyprus the Extension of Jurisdiction of National Courts with respect to certain Terrorist Offences Law of 1979 which has been enacted by the House of Representatives of the Republic of Cyprus on

the 18th January 1979, the national courts of Cyprus can prosecute a person suspected to have committed an offence mentioned in Article 1 of this Convention.

The Government of the Republic of Cyprus wishes to notify that its reservations and declarations made on 22nd January 1971 when depositing its Instrument of Ratification with regard to the European Convention on Extradition of 13th December 1957 are still valid.

Denemarken, 27 juni 1978

Provisionally, the Convention does not apply to the Faroe Islands and Greenland.

Estland, 27 maart 1997

The Republic of Estonia, in accordance with Article 13, paragraph 1, of the Convention, and subject to the conditions thereof, reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention which it considers to be a political offence or an offence connected with a political offence.

Frankrijk, 27 januari 1977

In deciding to sign the European Convention on the Suppression of Terrorism today the Government wished to demonstrate its solidarity with the other European countries in combatting a danger which has caused – and still causes – a number of innocent victims and very properly arouses public feeling.

This signature is the logical consequence of the action we have been taking for several years and which has caused us on several occasions to strengthen our internal legislation and to ratify The Hague and Montreal Conventions on air terrorism.

It is self-evident that efficiency in this struggle must be reconciled with respect for the fundamental principles of our criminal law and of our Constitution, which states in its Preamble that “Anyone persecuted on account of his action for the cause of liberty has the right to asylum on the territory of the Republic”.

It is also clear that such a high degree of solidarity as is provided for in the Council of Europe Convention can only apply between States sharing the same ideals of freedom and democracy.

France will therefore subject the application of the Convention to certain conditions. On ratification it will make the reservations necessary to ensure that the considerations I have just mentioned will be taken into account and that human rights will at no time be endangered.

There is a further point of very special importance to the government: this is the success of the work of the Nine in the same field following the decisions of the European Council on 13 July 1976. We wish to avoid risks of conflict between the two texts and the government therefore does not intend to ratify the Strasbourg Convention before the instrument which will be prepared by the Nine.

Furthermore, taking action against terrorism does not absolve us from tackling the political problem of the causes of terrorism. For in many respects the real struggle against terrorism is a struggle for a just peace which guarantees everyone's legitimate rights.

Frankrijk, 21 september 1987

The Government of the French Republic declares that it reserves the right to refuse extradition in accordance with the provisions of Article 13, paragraph 1, of the Convention.

France wishes to recall, in accordance with the declaration which it made at the time of signature of the Convention, on 27 January 1977, that the struggle to be carried on against terrorism must be reconciled with respect for the fundamental principles of our criminal law and our Constitution which states in its preamble that "anyone persecuted on account of his action for the cause of liberty has the right to asylum in the territories of the Republic" and that the enforcement of the European Convention on the Suppression of Terrorism should not result in derogating from the right of asylum.

The Government of the French Republic declares that it will only apply the European Convention on the Suppression of Terrorism to offences committed after the date of its entry into force.

In accordance with Article 12.1 of the Convention, the Government of the French Republic declares that the Convention on the Suppression of Terrorism applies to the European and overseas departments of the French Republic.

Georgië, 14 december 2000

Until the full restoration of jurisdiction of Georgia over the territories of Abkhazia and Tskhinvali region, Georgia will be unable to assume responsibility for the full compliance with the provisions of the Convention on these territories.

Griekenland, 6 september 1988

In pursuance of Article 13 of the European Convention on the Suppression of Terrorism, Greece declares that it reserves the right, in accordance with paragraph 1 of the same article, to refuse extradition for any of the offences listed in Article 1 of the Convention if the person suspected of having committed the offence is being prosecuted for his or her action in favour of freedom.

Note by the Secretariat [of the Council of Europe]: The letter from the Permanent Representative of Greece reads as follows:

As expressly stated in the instrument of ratification, the aforesaid Convention was approved in Greece by Act No. 1789/1988, published in the Official Gazette No 133 of 20 June 1988 (section "A"). The authentic Greek-language text of this act is enclosed herewith. It may be seen that, after approving the Convention in the usual way, Section 1 of the act

specifies that such approval is subject to the following reservation by Parliament:

In pursuance of Article 13 of the European Convention on the Suppression of Terrorism, Greece declares that it reserves the right, in accordance with paragraph 1 of the same article, to refuse extradition for any of the offences listed in Article 1 of the Convention if the person suspected of having committed the offence is being prosecuted for his or her action in favour of freedom.

It is clear that the reference, both express and general, made in our instrument of ratification to Act No. 1789/1988 applies to the whole of Section 1 of this act, which is the main provision of the act, and that it obviously covers the above-mentioned reservation. This reservation should therefore be treated as being implicitly incorporated in the instrument of ratification as an integral part of the approving act referred to therein.

Unfortunately, as a result of an error, the aforesaid reservation was not explicitly and specifically declared as such to the Council of Europe Secretariat at the time of the deposit of the instrument of ratification, as the usual practice in the matter requires.

Accordingly, in order to correct this error and thus supplement and clarify our instrument of ratification, we hereby communicate to you, in your capacity as depositary of the Convention, the text of the above-mentioned reservation, which will take effect on the date on which the Convention comes into force in respect of Greece.

Hongarije, 6 mei 1997

The Republic of Hungary reserves its right - notwithstanding its obligation defined in Article 13, paragraph 1 - to refuse the request for extradition in respect of any offences enumerated in Article 1, if the offence is considered to be political. The Republic of Hungary shall interpret its reservation in the sense that homicide or offences involving homicide shall not be considered as political offences.

IJsland, 11 juli 1980

The Government of Iceland, in accordance with the provisions of Article 13 of the Convention and subject to the undertaking contained in that article, reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives.

IJsland, 7 februari 2006

Iceland declares that the appointed central authority to carry out the functions of the Convention is:

the Ministry of Justice and Ecclesiastical Affairs

Skuggasund

150 Reykjavik

Iceland
tel.: +354 545 9000
fax.: +354 552 7340.

IJsland, 8 december 2009

Iceland declares that the appointed central authority to carry out the functions of the Convention is:

the Ministry of Justice and Human Rights

Skuggasund
150 Reykjavik
Iceland

tel.: +354 545 9000
fax.: +354 552 7340
Email: postur@dmr.stjr.is

Italië, 28 februari 1986

Italy declares that it reserves the right to refuse extradition and mutual assistance in criminal matters in respect to any offence mentioned in Article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives: in this case Italy undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence, including:

- a. that it created a collective danger to the life, physical integrity or liberty of persons; or,
- b. that it affected persons foreign to the motives behind it; or,
- c. that cruel or vicious means have been used in the commission of the offence.

Kroatië, 15 januari 2003

In accordance with Article 13, paragraph 1, of the Convention, the Republic of Croatia reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention, which it considers to be a political offence, or an offence inspired by political motives. In these cases, the Republic of Croatia undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence, including:

- a. that it created a collective danger to the life, physical integrity or liberty of persons, or
- b. that it affected persons foreign to the motives behind it, or
- c. that cruel or vicious means have been used in the commission of the offence.

Macedonië, Voormalige Joegoslavische Republiek, 29 november 2004

In accordance with Article 13 of the Convention, the Republic of Macedonia reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence, an

offence connected with a political offence or an offence inspired by political motives; in these cases, the Republic of Macedonia undertakes to take into due consideration when evaluating the character of the offence, its particularly serious aspects, including that it created a collective danger to the life, physical integrity or liberty of persons or that it affected persons foreign to the motives behind it or that cruel or vicious means have been used in the commission of the offence.

Malta, 19 maart 1996

The Government of Malta ratifies this Convention subject to the provisions of the Maltese Constitution relative to extradition for offences of a political nature;

And, furthermore, declares that in accordance with the provisions of Article 13, paragraph 1, of the Convention, it reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention if it considers it to be a political offence or connected with a political offence or inspired by political motives.

Monaco, 18 september 2007

The Principality of Monaco declares that it reserves itself the right to refuse extradition in conformity with the provisions of Article 13, paragraph 1, of the Convention.

Montenegro, 15 mei 2003

Pursuant to Article 13 of the Convention, Serbia and Montenegro reserves the right to refuse to extradite a person because of any criminal offence mentioned in Article 1 which it considers a political criminal offence, as well as a criminal offence in connection with a political criminal offence or a criminal offence inspired by political motivation.

Nederlanden, het Koninkrijk der, 18 april 1985

With due observance of Article 13, paragraph 1, of the Convention, the Kingdom of the Netherlands reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention including the attempt to commit or participation in one of these offences, which it considers to be a political offence or an offence connected with a political offence.

Nederlanden, het Koninkrijk der, 10 februari 2006

With due observance of Article 13, paragraph 1, of the Convention, Aruba reserves the right to refuse extradition in respect of any offence mentioned in Article 1 of the Convention including the attempt to commit or participation in one of these offences, which it considers to be a political offence or an offence connected with a political offence.

On 13 June 2002, the Council of the European Union adopted a framework decision (2002/584/JHA) on the European arrest warrant and the surrender procedures between Member States ("the framework deci-

sion”). Article 31 of the framework decision states that, from 1 January 2004, the provisions of the framework decision shall replace the corresponding provisions of the conventions pertaining to extradition that apply in relations between the Member States of the European Union.

The Permanent Representation of the Kingdom of the Netherlands therefore has the honour to confirm to the Secretary General of the Council of Europe that the provisions of the European Convention on the Suppression of Terrorism (“the Convention”) regarding extradition, in view of the above, are no longer applied in relations between the part of the Kingdom of the Netherlands situated in Europe and the Member States of the European Union that are Parties to the Convention.

The Permanent Representation would emphasise that the above in no way alters the application of the Convention in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Convention, or

- the part of the Kingdom of the Netherlands situated in Europe and the Parties to the Convention that are not Member States of the European Union.

Note by the Secretariat [of the Council of Europe]: By Note of 31 August 2005, the Permanent Representation of the Netherlands informed the Secretary General that the European Convention on Extradition, done at Paris on 13 December 1957 (“the Convention”), would no longer be applied in relations between the part of the Kingdom of the Netherlands situated in Europe and the Member States of the European Union that are Parties to the Convention.

Nederlanden, het Koninkrijk der, 28 september 2010

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles - Bonaire, Sint Eustatius and Saba - will become parts of the

Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements. In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

Portugal, 14 december 1981

As requested State, Portugal shall not grant extradition for offences punishable in the requesting State with either the death penalty, life imprisonment or a detention order involving deprivation of liberty for life.

Mededeling met betrekking tot dit voorbehoud

Duitsland, 15 december 1982

The Government of the Federal Republic of Germany regards the reservation made by Portugal with regard to the European Convention on 27 January 1977 on the Suppression of Terrorism as incompatible with the meaning and purpose of the Convention. In the German view, the reservation has no basis in the Convention which is not an extradition convention, but merely restricts the possibility of raising the objection with regard to existing obligations to extradite (deriving from bilateral and multilateral arrangements), that the offence for which extradition is requested is to be regarded as a political one. Refusal for other reasons, insofar as there is a general contractual obligation to extradite, cannot be based on reservations with regard to the Convention but only on the arrangement applicable between the requesting and requested States.

The present declaration shall not be interpreted as preventing the entry into force of the Convention between the Federal Republic of Germany and Portugal. The German government and the Portuguese government are aware that the reservation made by Portugal will not have any de facto consequences for the practical application of the Convention of the Convention between Germany and Portugal. Capital punishment has been abolished under German law. Since the entry into force of the 20th law amending penal law the suspension of a life sentence is regulated by law and justiciable. The same applies to detention orders involving deprivation of liberty. The fear on which the Portuguese reservation is based is therefore generally unfounded.

Bezwaar door België, 31 oktober 1985

The Government of Belgium, like the Government of the Federal Republic of Germany, regards the reservation made by Portugal with regard to the European Convention on 27 January 1977 on

the Suppression of Terrorism as incompatible with the meaning and purpose of the Convention. As the Government of the Federal Republic has stated, this reservation has no basis in the Convention which is not an extradition treaty. The object of the Convention is to prevent or restrict the requested State's invoking the political nature of an offence in order to oppose an extradition request. The matter of extradition is governed, as between Belgium and Portugal, by the Convention of 8 March 1875 and additional Conventions of 16 December 1881 and 9 August 1961.

The present declaration shall not be interpreted as preventing the entry into force of the European Convention between Belgium and Portugal.

Russische Federatie, 4 november 2000

The Russian Federation assumes that the provisions of Article 5 and Article 8, paragraph 2, of the Convention shall be applied in such a way that would ensure inevitable liability for the commitment of crimes falling within the Convention, without prejudice to effective international co-operation in extradition and legal assistance matters.

San Marino, 17 april 2002

In accordance with Article 13, paragraph 1, of the Convention, the Republic of San Marino reserves its right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives.

Servië, 15 mei 2003

Pursuant to Article 13 of the Convention, Serbia and Montenegro reserves the right to refuse to extradite a person because of any criminal offence mentioned in Article 1 which it considers a political criminal offence, as well as a criminal offence in connection with a political criminal offence or a criminal offence inspired by political motivation.

Zweden, 15 september 1977

The Swedish Government, in accordance with the provisions of Article 13 of this Convention and subject to the undertaking contained in that article, reserves the right to refuse extradition in respect of any offence mentioned in Article 1 which it considers to be a political offence.

Zwitserland, 19 mei 1983

Switzerland reserves the right to refuse extradition in respect of any offence mentioned in Article 1, which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives; in these cases, Switzerland provides that it undertakes to take into due consideration, when evaluating the character of the offence, any particularly serious aspects of the offence, including:

- a. that it created a collective danger to the life, physical integrity or liberty of persons, or
- b. that it affected persons foreign to the motives behind it, or
- c. that cruel or vicious means have been used in the commission of the offence.

Zwitserland, 7 september 2006

The Government of Switzerland declares that it withdraws its reservation made in accordance with Article 1 of the Convention.

G. INWERKINGTREDING

Zie *Trb.* 1985, 66 en *Trb.* 2006, 88.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 19 juli 1985 alleen voor het Europese deel van Nederland gold, en vanaf 10 februari 2006 voor Aruba, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1977, 63, *Trb.* 1985, 66, *Trb.* 1995, 149 en *Trb.* 1997, 282.

Overige verwijzingen

- Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
Laatste *Trb.* : *Trb.* 2007, 146
- Titel : Verdrag tot bestrijding van het wederrechtelijk in zijn
macht brengen van luchtvaartuigen;
's-Gravenhage, 16 december 1970
Laatste *Trb.* : *Trb.* 1995, 204
- Titel : Verdrag tot bestrijding van wederrechtelijke gedragin-
gen gericht tegen de veiligheid van de burgerluchtvaart;
Montreal, 23 september 1971
Laatste *Trb.* : *Trb.* 1995, 205
- Titel : Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957
Laatste *Trb.* : *Trb.* 2006, 168
- Titel : Europees Verdrag aangaande de wederzijdse rechtshulp
in strafzaken;
Straatsburg, 20 april 1959
Laatste *Trb.* : *Trb.* 2002, 204
- Titel : Verdrag tot bescherming van de rechten van de mens
en de fundamentele vrijheden;
Rome, 4 november 1950
Laatste *Trb.* : *Trb.* 2010, 204

Uitgegeven de *elfde* januari 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL