

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2014 Nr. 165

A. TITEL

*Verdrag inzake de overbrenging van gevonniste personen;
Straatsburg, 21 maart 1983*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1983, 74.

In dat Tractatenblad dient in de Engelse tekst de volgende correctie te worden aangebracht.

Op blz. 4, in artikel 3, eerste lid, onderdeel d, dient het woord „persons's” te worden vervangen door „person's”.

C. VERTALING

Zie *Trb.* 1983, 74 en *Trb.* 1995, 193.

D. PARLEMENT

Zie *Trb.* 1987, 163.

E. PARTIJGEGEVENS

Zie *Trb.* 1983, 74.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië	19-05-98	04-04-00	R	01-08-00		
Andorra	04-11-99	13-07-00	R	01-11-00		
Armenië		11-05-01	T	01-09-01		
Australië		05-09-02	T	01-01-03		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Azerbeidzjan	25-01-01	25-01-01	R	01-05-01		
Bahama's		12-11-91	T	01-03-92		
België	21-03-83	06-08-90	R	01-12-90		
Bolivia		02-03-04	T	01-06-04		
Bosnië en Herzegovina	30-04-04	15-04-05	R	01-08-05		
Bulgarije	30-09-93	17-06-94	R	01-10-94		
Canada	21-03-83	13-05-85	R	01-09-85		
Chili		30-07-98	T	01-11-98		
Costa Rica		14-04-98	T	01-08-98		
Cyprus	27-02-84	18-04-86	R	01-08-86		
Denemarken	21-03-83	16-01-87	R	01-05-87		
Duitsland	21-03-83	31-10-91	R	01-02-92		
Ecuador		12-07-05	T	01-11-05		
Estland	04-11-93	28-04-97	R	01-08-97		
Finland		29-01-87	T	01-05-87		
Frankrijk	27-04-83	11-02-85	R	01-07-85		
Georgië		21-10-97	T	01-02-98		
Griekenland	21-03-83	17-12-87	R	01-04-88		
Honduras		09-03-09	T	01-07-09		
Hongarije	19-11-91	13-07-93	R	01-11-93		
Ierland	20-08-86	31-07-95	R	01-11-95		
IJsland	19-09-89	06-08-93	R	01-12-93		
Israël		24-09-97	T	01-01-98		
Italië	20-03-84	30-06-89	R	01-10-89		
Japan		17-02-03	T	01-06-03		
Kroatië		25-01-95	T	01-05-95		
Letland	30-10-96	02-05-97	R	01-09-97		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Liechtenstein	03-05-83	14-01-98	R	01-05-98		
Litouwen	25-01-95	24-05-96	R	01-09-96		
Luxemburg	21-03-83	09-10-87	R	01-02-88		
Macedonië, de voormalige Joegoslavische Republiek	28-07-99	28-07-99	R	01-11-99		
Malta	04-11-88	26-03-91	R	01-07-91		
Mauritius		18-06-04	T	01-10-04		
Mexico		13-07-07	T	01-11-07		
Moldavië	06-05-97	12-05-04	R	01-09-04		
Montenegro		14-06-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	21-03-83	30-09-87 – – – 28-02-96 – –	R R	01-01-88 10-10-10 10-10-10 10-10-10 01-06-96 10-10-10 10-10-10		
Noorwegen	08-03-85	09-12-92	R	01-04-93		
Oekraïne		28-09-95	T	01-01-96		
Oostenrijk	21-03-83	09-09-86	R	01-01-87		
Panama		05-07-99	T	01-11-99		
Polen	22-11-93	08-11-94	R	01-03-95		
Portugal	21-03-83	28-06-93	R	01-10-93		
Roemenië	30-06-95	23-08-96	R	01-12-96		
Russische Federatie	07-04-05	28-08-07	R	01-12-07		
San Marino	17-03-04	25-06-04	R	01-10-04		
Servië		11-04-02	T	01-08-02		
Slovenië	14-05-93	16-09-93	R	01-01-94		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Slowakije		01-01-93	VG	01-01-93		
Spanje	10-06-83	11-03-85	R	01-07-85		
Tonga		03-07-00	T	01-11-00		
Trinidad en Tobago		22-03-94	T	01-07-94		
Tsjechië		01-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	13-02-92	15-04-92	R	01-08-92		
Turkije	19-06-85	03-09-87	R	01-01-88		
Venezuela		11-06-03	T	01-10-03		
Verenigd Koninkrijk	25-08-83	30-04-85	R	01-08-85		
Verenigde Staten van Amerika	21-03-83	11-03-85	R	01-07-85		
Zuid-Korea		20-07-05	T	01-11-05		
Zweden	21-03-83	09-01-85	R	01-07-85		
Zwitserland	21-03-83	15-01-88	R	01-05-88		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Denemarken

Uitgebreid tot	In werking	Buiten werking
Faeröer	01-05-1988	

Noorwegen

Uitgebreid tot	In werking	Buiten werking
Bouveteiland	01-04-1993	
Koningin Maud Land	01-04-1993	
Peter-I-eiland	01-04-1993	

Verenigd Koninkrijk

Uitgebreid tot	In werking	Buiten werking
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	01-05-1987	
Anguilla	01-05-1987	
Bermuda	01-01-2003	
Brits Territorium in de Indische Oceaan	01-05-1987	
Britse Maagdeneilanden	01-01-1989	
Caymaneilanden	01-05-1987	
Ducie en Oeno-eilanden	01-05-1987	
Falklandeilanden	01-05-1987	
Gibraltar	01-05-1987	
Henderson	01-05-1987	
Hongkong (< 01-07-1997)	01-08-1985	01-07-1997
Jersey	01-06-2013	
Man	01-12-1986	
Montserrat	01-05-1987	
Pitcairneilanden	01-05-1987	
Sint-Helena, Ascension en Tristan da Cunha	01-05-1987	

Verklaringen, voorbehouden en bezwaren

Albanië, 4 april 2000

In accordance with Article 3, paragraph 3, the Republic of Albania declares that it intends to exclude the application of the procedures provided for in Article 9, paragraph 1, letter “a” of the Convention.

In accordance with Article 3, paragraph 4, the term “national”, for the purposes of this Convention, shall mean Albanian nationals as well as stateless persons permanently residing in Albania and persons with double nationality, in case either of them is Albanian.

In accordance with Article 17, paragraph 3, the Republic of Albania declares that it requires that requests for the transfer of sentenced persons and supporting documents be accompanied by a translation into the Albanian language or into one of the official languages of the Council of Europe.

Andorra, 13 juli 2000

The Principality of Andorra declares that, in accordance with Article 3, paragraph 3, it excludes the application of the procedure provided for in Article 9.1.b, when it is the administering State.

The Principality of Andorra declares, in accordance with Article 3, paragraph 4, that the term “national” means any person having Andorran nationality at the time of the commission of the facts, in accordance with the *lei qualificada* [Law which, to be passed, requires a higher majority than other laws] on Andorran nationality.

The Principality of Andorra declares, in accordance with Article 17, paragraph 3, that requests for transfer and the supporting documents shall be accompanied by a translation into either Catalan, Spanish or French.

Andorra, 16 juli 2013

[...], pursuant to Article 5, paragraph 2, of the Convention, requests for transfer shall be addressed directly to the Ministry of Justice of the Principality of Andorra (Ctra. de l’Obac, s/n – Edif. administratiu de l’Obac AD700 Escaldes-Engordany. Tel.: +376.872.080).

Armenië, 11 mei 2001

In accordance with Article 3, paragraph 4, of the Convention, the Republic of Armenia declares that the term “national” for the purposes of this Convention shall refer to any person who, at the time of commission of the offence, was a national of the Republic of Armenia.

However, the Republic of Armenia may permit the transfer to the Republic of Armenia of a prisoner who was not a national of the Republic of Armenia at the time the offence was committed, provided that he/she was a national at the time of the request.

In accordance with Article 17, paragraph 3, of the Convention, the Republic of Armenia declares that the requests for the transfer of sentenced persons and supporting documents be accompanied by a translation into the Armenian language or into one of the official languages of the Council of Europe or into Russian language.

Azerbeidzjan, 25 januari 2001

The Republic of Azerbaijan hereby declares that the application of the procedures provided in Article 4, paragraph 5, of the Convention will be realised where it is compatible with the national law.

In accordance with Article 3, paragraph 3, of the Convention, the Republic of Azerbaijan declares that it totally excludes the procedures provided in Article 9, paragraph 1, subparagraph b, of the Convention.

For the purposes of this Convention, the Republic of Azerbaijan declares that the term “national” means in relation to the Republic of Azerbaijan, the persons mentioned in the Article 52 of the Constitution of the Republic of Azerbaijan.

The Republic of Azerbaijan declares that it will use the Ministry of Justice and the diplomatic channels for the communications relating to the application of this Convention.

In accordance with Article 12, of the Convention, the Republic of Azerbaijan declares that decisions regarding the pardons and amnesties of sentenced persons transferred by the Republic of Azerbaijan should be agreed with the relevant competent authorities of the Republic of Azerbaijan.

In accordance with Article 16, paragraph 7, of the Convention, the Republic of Azerbaijan requires to be notified of all transit passages of sentenced persons through its territory.

In accordance with Article 17, paragraph 3, of the Convention, the Republic of Azerbaijan declares that requests for transfers and supporting documents should be transferred in French or English, and should be accompanied by a translation in Azerbaijani.

Bezwaar door Duitsland, 21 maart 2002

The Government of the Federal Republic of Germany has examined the reservations to the Convention on the Transfer of Sentenced Persons in respect to paragraph 5 of Article 4 made by the Government of Azerbaijan at the time of its ratification of the Convention.

The Government of the Federal Republic of Germany notes that a reservation to a key provision of a convention which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations out of that provision of the Convention. The reservation made by the Government of Azerbaijan in respect to paragraph 5 of Article 4 therefore raises doubts as to the commitment of Azerbaijan to fulfil its obligations out of that provision of the Convention.

Hence the Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention and objects to the aforesaid reservation made by the Government of Azerbaijan.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and Azerbaijan.

Bezwaar door Zweden, 21 maart 2002

The Swedish Permanent Representation has the honour to inform the Council of Europe that the Government of Sweden has examined the reservation to Article 4, paragraph 5, of the 1983 Convention on the Transfer of Sentenced Persons made by the Government of Azerbaijan upon ratifying the Convention.

The application of the said article is being made subject to a general reservation referring to national legislation without specifying its contents. Such a reservation to an essential provision of a treaty makes it unclear to what extent the reserving State considers itself bound by the obligations of the provision. The reservation made by Azerbaijan therefore raises doubts as to the commitment of Azerbaijan to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of Sweden therefore objects to the reservation to Article 4, paragraph 5, made by the Government of Azerbaijan to the Convention on the Transfer of Sentenced Persons.

This objection does not preclude the entry into force of the Convention between Azerbaijan and Sweden. It enters into force without Azerbaijan benefiting from the reservation.

Bahama's, 12 november 1991

In pursuance of Article 3, paragraph 3 of the Convention, the Commonwealth of The Bahamas declares that in light of this Article and as regards Article 9, paragraph 1, the Commonwealth of The Bahamas excludes the application of the procedure provided for in Article 9, paragraph 1.b. of the Convention in cases when the Commonwealth of The Bahamas is the Administering State.

In accordance with the provisions of Article 17, paragraph 3, the Commonwealth of The Bahamas declares that requests for transfer and supporting documents shall be accompanied by a translation in the English Language.

In accordance with the provisions of Article 5, paragraph 2 of the Convention, the Commonwealth of The Bahamas declares that the Central Authority to forward and receive requests is:

The Attorney General
Post Office Box N-3007
Nassau

The Commonwealth of The Bahamas

The Commonwealth of The Bahamas also declares that in accordance with the provisions of Article 5, paragraph 3 that it accepts the right of any party to require that communication and legal papers pertaining to requests and replies be transmitted through the Diplomatic Channel.

Bahama's, 1 april 1992

In accordance with Article 3, paragraph 3 of the Convention, the Government of the Commonwealth of The Bahamas, herewith amends the Declaration made at the time of the deposit of its instrument of accession, as such Declaration related to the definition of the term "national" (Article 3, paragraph 1.a.).

The Government of the Commonwealth of The Bahamas now declares that the term "national" (Article 3, paragraph 1.a) means a citizen of The Bahamas or the holder of a certificate of permanent residence issued under the Immigration Act who is the spouse of a citizen of The Bahamas.

België, 6 augustus 1990

Belgium intends to exclude the application of the procedure provided in Article 9.1.b. in cases where Belgium is the administering State.

Belgium requires that requests for transfer and supporting documents be accompanied by a translation into one of the official languages of the Council of Europe or into Dutch.

Bolivia, 5 mei 2004

In accordance with Article 3, paragraph 4, of the Convention, Bolivia considers as nationals any person having this status in accordance with Title III, Chapter 1 of the Political Constitution of the State.

In accordance with Article 17, paragraph 3, of the Convention, Bolivia requires that requests for transfer and supporting documents be accompanied by a translation into Spanish.

The Embassy of the Republic of Bolivia regrets the belated communication of the declarations regarding the Convention on the Transfer of Sentenced Persons, which is the result of an unfortunate administrative oversight. The Embassy of the Republic of Bolivia in France recognises that the provisions of the Convention concerning the formulation of reservations and declarations should be respected by Contracting States. However, it needs to be pointed out that the declarations were made by the Bolivian Parliament during the procedures of domestic approval of the Convention. The Parliament, the only institution authorised by the Bolivian Constitution, has the right to approve international agreements of this nature. Consequently, in this respect, the declarations form an inseparable part of the Parliamentary decision.

In accordance with Article 5, paragraph 3, of the Convention, Bolivia will use the Ministry of Foreign Affairs and of Cult for the procedure of the requests for transfer.

Bulgarije, 17 juni 1994

The Republic of Bulgaria declares that in accordance with current law it will apply the procedure provided for in Article 9 paragraph 1 (a) and Article 10 of the Convention.

The Republic of Bulgaria declares that the consent of the person concerned cannot be withdrawn after the authorities responsible for his transfer have taken their decision.

Bulgarije, 11 maart 2002

The Republic of Bulgaria declares that it will require that requests for transfer and supporting documents be accompanied by a translation into Bulgarian, or in the absence of such, with a translation into either one of the official languages of the Council of Europe.

Denemarken, 16 januari 1987

In pursuance of Article 3, paragraph 3 of the Convention, Denmark declares that the execution on its territory of sentences imposed abroad shall be carried out under the provisions of Article 9, paragraph 1.b. and Article 11 of the present Convention on the conversion of sentence and that the decisions on conversion will take the form of judgments. Nevertheless, if the transfer to Denmark of a sentenced person would otherwise prove impossible, the Danish Ministry of Justice shall be allowed to decide, pursuant to Article 3, paragraph 3 of Act N(323 of 4 June 1986 on the international execution of sentences etc., that the execution of the sentence imposed abroad shall be carried out under Article 9, paragraph 1.a. and Article 10 of the Convention on continued enforcement. In this case, it will be necessary to adapt the sentence in accordance with the provisions of Article 10, paragraph 2 of the Convention and the decisions relating to such adaptation will take the form of judgments.

In accordance with the provisions of Article 3, paragraph 4 of the Convention, Denmark declares that the term "national" (cf. Article 3 paragraph 1.a.) means persons having Danish nationality or persons having their permanent residence on the territory of the Kingdom of Denmark (including the Faroe Islands and Greenland).

In accordance with the provisions of Article 17, paragraph 3 Denmark declares that the requests for transfer and supporting documents shall be accompanied by a translation in Danish, in one of the official languages of the Council of Europe, or in Norwegian, Swedish or German.

Duitsland, 31 oktober 1991

Re the Convention as a whole:

In conformity with the preamble of the Convention, the Federal Republic of Germany understands that the application of the Convention should further not only the social rehabilitation of sentenced persons, but also the ends of justice. Accordingly, it will take the decision on the transfer of sentenced persons in each individual case on the basis of all punitive purposes underlying its criminal law.

The Federal Republic of Germany interprets the Convention as creating rights and obligations between the Parties only, no claims or subjective

rights accruing to sentenced persons and no such claims or rights having to be created.

The Federal Republic of Germany will take charge of enforcing sentences in accordance with the Convention only on condition that

a) the sentence was imposed in a trial conforming to the European Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms and its supplementary protocols where these are in force for the Federal Republic of Germany,

b) no judgment or decision having similar legal effects has been passed against the person prosecuted for the same offence in the Federal Republic of Germany,

c) enforcement of the sentence is not barred under the law applicable in the Federal Republic of Germany due to lapse of time or would not be so barred after analogous conversion of the facts.

The Federal Republic of Germany will transfer enforcement of judgments in accordance with the Convention to other member States only if it is guaranteed that

a) the sentenced person is prosecuted, sentenced, detained for the enforcement of a penalty or detention order or subjected to any other restriction of his personal liberty in respect of an offence other than that underlying the transfer and committed before the surrender only in the following cases:

aa) if the Federal Republic of Germany consents or

bb) if the transferred person has not left the territory of the administering State within 45 days of his final discharge despite having had the opportunity to do so or if, having left such territory, has returned there,

and

b) the administering State will not prosecute again or enforce a new sentence in respect of the offence underlying the judgment.

The Federal Republic of Germany will take charge of enforcing sentences only on condition that a German court declares the judgment passed in the sentencing State to be enforceable. In considering whether the conditions for accepting enforcement are fulfilled, the court will proceed from the facts and legal conclusions set forth in the judgment.

The term "national" covers all Germans in the sense of Article 116 (1) of the Basic Law of the Federal Republic of Germany.

The Federal Republic of Germany dispenses with the information envisaged in Article 4.2 to 4.5, if, in the opinion of the competent German authorities, a request for transfer of enforcement is excluded a priori. It understands that an obligation to inform sentenced persons exists only where it is compatible with the relevant provisions of national law and that, in particular, the sentenced person has no right to be informed about official internal procedures.

Requests can also be made by or addressed to the ministries of justice of the Länder (Land administrations of justice) of the Federal Republic of Germany.

In accordance with the law, applicable in the Federal Republic of Germany, consent cannot be withdrawn.

The authorities of the Federal Republic of Germany will take measures to continue the enforcement of the sentence if, and as soon as, the sentenced person escapes from custody or otherwise evades serving the sentence after the authorities of the administering State have taken him into charge and before enforcement of the sentence has been completed. Therefore, if the sentenced person is found in the territory of the Federal Republic of Germany before the expiry of half of the time remaining to be served under the sentence imposed or converted in the administering State, they will assume that he has escaped and detain him for further questioning, unless the administering State has, in addition to that envisaged in Article 15, conveyed the information that the sentenced person has been conditionally released or that the enforcement of the sentence has been interrupted on other grounds.

In view of the federal structure of the Federal Republic of Germany and the fact that the Länder have competence in respect of decisions regarding pardons, the Federal Republic of Germany reserves the right to transfer the enforcement of judgments to another member State in accordance with the Convention only on condition that, on the basis of a general or case-to-case declaration by the administering State, pardon will be granted in the administering State only in agreement with the German pardoning authority.

The Federal Republic of Germany declares that it avails itself of the possibility of refusing to grant transit under the provisions of Article 16.2 a) and b).

Where the request for transfer and the supporting documents are not drawn up in German, they must be accompanied by translations of the request and the documents into German or into one of the official languages of the Council of Europe.

Ecuador, 12 juli 2005

The Republic of Ecuador declares that requests for transfer and supporting documents should be accompanied by a translation into the Spanish language.

Ecuador, 21 september 2010

Ecuador declares, in accordance with Article 5, paragraph 3, of the Convention, that the Ministry of Justice, Human Rights and Worship of Ecuador has been designated as the competent Authority in charge of the treatment and resolution of the corresponding requests of transfer made under the provisions of the Convention.

Estland, 28 april 1997

The Republic of Estonia, in accordance with Article 17, paragraph 3, of the Convention, declares that requests and supporting documents ad-

dressed to Estonia shall be accompanied by a translation into Estonian or English.

Finland, 29 januari 1987

In accordance with Article 3 (4), Finland understands by the term “national”, a national of the administering State or aliens having their residence in the administering State.

In accordance with Article 17 (3), the requests for transfer and supporting documents must be made in Finnish, Swedish, English or French, or be accompanied by a translation into one of these languages.

Frankrijk, 11 februari 1985

The French Government has interpreted paragraph 3 of Article 9 and paragraph 1 of Article 10 as signifying that the administering State alone is competent to take, with regard to a detained sentenced person, decisions concerning the suspension and reduction of punishment and to decide upon any other means of enforcing the punishment, without this being considered as affecting, in their principle, the legal nature and the duration of the sentence given by the court of the sentencing State.

In accordance with Article 3, paragraph 3, of the Convention, the French Government intends to exclude the application of the procedure provided in Article 9, paragraph 1, sub-paragraph b, in its relations with the other Parties.

Georgië, 21 oktober 1997

Georgia excludes, in relation with other States, application of the procedure provided for in Article 9, paragraph 1, letter a, in cases where Georgia is the administering State.

Georgia declares that for the purposes of this Convention, the term “national” means person having Georgian citizenship and person having permanent residence in the territory of Georgia.

Georgia declares that requests for transfer and supporting documents must be accompanied by a translation into the Georgian, English or Russian languages.

Griekenland, 17 december 1987

Greece declares that it excludes the application of the procedure provided in Article 9.1 b.

By way of exception, if a sentenced person cannot be transferred to Greece according to the procedure provided in Article 9.1 a, the Greek Ministry of Justice is competent to decide whether the procedure provided in Article 9.1 b will be followed.

Greece declares that nationality is determined by the provisions of the Greek Code of Nationality.

Greece declares that it may also use the diplomatic channel.

Greece declares that it will follow the procedure provided in Article 9.1 b.

Greece declares that it requires to be notified of any transit over its territory.

Greece declares that requests for transfer and supporting documents must be accompanied by a translation into the Greek language.

Hongarije, 13 juli 1993

The term “nationals” is meant by Hungary in the application of the Convention as including also non nationals settled definitively in the State of execution.

Hungary requires to be notified of the transit by air of sentenced persons. Such transit will not be authorized, if the person to be transferred is a Hungarian national, in accordance with its declaration made to Article 3, paragraph 4.

If the request for transfer and supporting documents are not drawn up either in Hungarian or in English or French, they shall be accompanied by a translation into one of these languages. In cases however where a State has made a declaration under this Article that it requires request for transfer and supporting documents to be accompanied by a translation into its own language or into a language other than English or French, Hungary will require on the basis of reciprocity, that requests for transfer and supporting documents from such States shall be drawn up in Hungarian or accompanied by a translation into Hungarian.

Ierland, 31 juli 1995

Having regard to pressure on prison accomodation, Ireland, when deciding on applications for inward transfer into Ireland,

- (a) reserves the right to limit the excess of inward over outward transfers in the light of the availability of prison spaces, and
- (b) will regard the degree of closeness of applicants’ ties with Ireland as a primary consideration.

Ireland excludes the application of the procedure provided for in Article 9.1.b in case when Ireland is the administering State.

For the purposes of this Convention, the term “national” means, in relation to Ireland, an Irish citizen or any person whose transfer to Ireland Ireland considers appropriate having regard to any close ties which the person has with Ireland.

In accordance with the provisions of Article 9, paragraph 4, Ireland may apply the Convention to persons detained in hospitals or other institutions under orders made in the course of the exercise by courts and tribunals of their criminal jurisdiction.

IJsland, 6 augustus 1993

In accordance with the provisions of Article 3, paragraph 4, Iceland declares that the term “national” (cf. Article 3, paragraph 1.a) means, for the purposes of the Convention, persons having Icelandic nationality or persons having their permanent residence on the territory of the Republic of Iceland.

In accordance with the provisions of Article 9, paragraph 4, Iceland reserves the right to use preventive detention or hospitalisation for persons of unsound mind.

In accordance with the provisions of Article 17, paragraph 3, Iceland requires that requests for transfer and supporting documents be accompanied by a translation into Icelandic, English, Danish, Norwegian or Swedish.

Israël, 24 september 1997

In conformity with Article 3, paragraph 3, of the Convention, Israel declares that in accordance with articles 9, paragraph 1, sub-paragraph a, and 10, of this Convention, the execution in Israel of a foreign judgment imposing a sentence of imprisonment or the serving of a remaining term shall continue after a Court in Israel has ruled on the enforcement of the term of imprisonment or of the remaining period of imprisonment in Israel.

In conformity with Article 3, paragraph 4, of the Convention, Israel declares that the term "national" for the purposes of this Convention shall refer to any person who, at the time of the commission of the offence, was a national of Israel. However, Israel may, at its discretion, permit the transfer to Israel of a prisoner who was not a national of Israel at the time of the offence was committed, provided that he was a national at the time of the request.

In conformity with Article 17, paragraph 3, of the Convention, Israel requires that requests for the enforcement of a judgment in Israel, or documents related to such requests, be translated into Hebrew or English. In conformity with Article 9, paragraph 4, of the Convention, Israel declares that it may apply the Convention to persons who, for reasons of their mental condition, have been held not criminally responsible for the commission of the offence, and it will be prepared to receive such persons and keep them in a place where they will receive further medical treatment.

Italië, 30 juni 1989

Under Article 3, paragraph 3 of the Convention, the Italian Republic excludes the application of the procedure provided in Article 9, paragraph 1.b, of the Convention itself.

Under Article 3, paragraph 4, for the Italian Republic the term "national" for the purposes of this Convention also includes stateless persons who are residing in the territory of the Italian State.

Under Article 17, paragraph 3, the Italian Republic requires that any requests for transfer and supporting documents be accompanied by a translation into Italian or into one of the official languages of the Council of Europe.

Japan, 17 februari 2003

In accordance with Article 3, paragraph 3, of the Convention, Japan intends to exclude the application of the procedure provided in Article 9, paragraph 1 (b), in cases when Japan is the administering State.

In accordance with Article 3, paragraph 4, of the Convention, for the purposes of the Convention, “national” means, in relation to Japan, a Japanese national or a “special permanent resident” stipulated under the “Special Law on the Immigration Control of, inter alia, Those Who Have Lost Japanese Nationality on the Basis of the Treaty of Peace with Japan”.

In accordance with Article 5, paragraph 3, of the Convention, communications shall be done through diplomatic channels except for in case of emergency or other extraordinary circumstances.

In accordance with Article 17, paragraph 3, of the Convention, Japan requires that requests for transfer and supporting documents shall be accompanied by a translation into the Japanese or English language.

Kroatië, 28 juni 2001

Pursuant to Article 3, paragraph 3, of the Convention, the Republic of Croatia declares that in the implementation of external sanctions in its territory it shall be committed to the procedure complying with the provisions of Article 9, paragraph 1.b, and Article 11 of the Convention.

This, however, does not exclude the application of the procedure defined in Article 9, paragraph 1.a, i.e. Article 10, paragraph 1, or Article 10, paragraph 2, of the Convention, in cases when another Party is unwilling to apply the procedure defined in Article 9, paragraph 1.b and Article 11, of the Convention, and if so required by the transfer concerned. In that case the sanction shall be adapted through a court order in compliance with the provision of Article 10, paragraph 1, or Article 10, paragraph 2, of the Convention, depending on the terms of the transfer, and the enforcement of the sentence passed in the sentencing State shall be continued.

In the application of the procedure provided in Article 10, paragraph 1, or Article 10, paragraph 2, of the Convention, in accordance with the terms of the transfer set by the sentencing State, the Republic of Croatia may decide not to exercise her rights provided in Article 12 of the Convention without the consent of the sentencing State.

Letland, 2 mei 1997

In pursuance of paragraph 4 of Article 3 of the Convention on the Transfer of Sentenced Persons of 1983, the Republic of Latvia defines that within the meaning of this Convention, the term “nationals” relates to the citizens of the Republic of Latvia and non-citizens who are subjects of the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State.

In pursuance of paragraph 3 of Article 17 of the Convention on the Transfer of Sentenced Persons of 1983, the Republic of Latvia requires

that requests for transfer and supporting documents shall be accompanied by a translation into the English language.

Letland, 28 mei 2013

Competent authority: (Article 5)

Ministry of Justice,
Brīvības bulvaris 36
Rīga, LV-1536

Phone: +371 67036801

Fax: +371 67210823

E-mail: tm.kanceleja@tm.gov.lv

Liechtenstein, 14 januari 1998

The Principality of Liechtenstein excludes the application of the procedure provided for in Article 9.1.b of the Convention.

The Principality of Liechtenstein interprets Article 6.2.a as requiring that the certified copy of the judgement be accompanied by a certificate acknowledging its enforceability.

The Principality of Liechtenstein requires that requests for transfer and supporting documents addressed to the Principality of Liechtenstein, unless drawn up in German, be accompanied by a translation into this language.

Liechtenstein, 8 februari 2005

The Principality of Liechtenstein declares, in accordance with Article 5, paragraph 3, of the Convention, that the Central Authority to forward and receive requests is:

Ressort Justiz
Regierungsgebäude
FL – 9490 Vaduz
Liechtenstein

Litouwen, 24 mei 1996

For the purposes of the Convention, the Republic of Lithuania understands by the term “national” a person who is a citizen of the administering State according to the laws of that State.

While it accepts the possibility of using channels of communication of requests for transfer and replies as indicated in Article 5, paragraph 2 of the Convention, the Republic of Lithuania does not reject the possibility to transfer requests and replies through diplomatic channels.

The competent authorities of the Republic of Lithuania shall be notified in advance about any event of transit of sentenced persons by air over its territory, even when no landing there is scheduled.

All requests for transfer and supporting documents concerned with the transit of sentenced persons through the territory of the Republic of Lithuania shall be accompanied by a translation into the Lithuanian language or into one of the official languages of the Council of Europe.

Luxemburg, 9 oktober 1987

The Grand-Duchy of Luxembourg declares that it intends to exclude, as administering State, the application of the procedure provided for in Article 9.1.b in its relations with other Parties.

The Grand-Duchy of Luxembourg declares, in accordance with Article 17.3 of the Convention, that requests for transfer and supporting documents should be accompanied by a translation into French or German.

Malta, 13 mei 1991

Malta totally excludes the application of the procedure provided in Article 9.1.b.

In the case of a person detained in custody in a hospital under a court order upon a plea of insanity, the procedure applicable shall be in accordance with the provision of Article 49 paragraphs 4 and 5 of the Mental Health Act, 1976.

Requests for transfer and supporting documents, unless in English, should be accompanied by a translation thereof into English.

Mauritius, 18 juni 2004

In accordance with Article 20, paragraph 1, the Republic of Mauritius declares that the Convention shall apply to the Republic of Mauritius which, pursuant to section 111 of the Constitution of Mauritius includes the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia.

Bezwaar door Frankrijk, 22 juni 2005

The Government of the French Republic have considered the declaration contained in the instrument of accession of the Republic of Mauritius to the Convention on the Transfer of Sentenced Persons of 21 March 1983. Under the terms of this declaration, the Convention shall apply to the Republic of Mauritius which, pursuant to section 111 of the Constitution of Mauritius includes inter alia the Isle of Tromelin.

The Government of the French Republic has sovereignty over the Isle of Tromelin and exercises, in this territory, all rights and competences attached to its sovereignty. Therefore, the Government of the French Republic does not accept the declaration of the Republic of Mauritius in relation with the Isle of Tromelin, and considers that it is devoid of any legal bearing.

Bezwaar door Verenigd Koninkrijk, 28 januari 2005

With reference to the declaration under Article 20, paragraph 1, of the Convention contained in the instrument of accession deposited by the Republic of Mauritius on 18 June 2004, under which terms the Convention shall apply to the Republic of Mauritius which, pursuant to section 111 of the Constitution of Mauritius includes inter alia the Chagos Archipelago, including Diego

Garcia, the Permanent Representation of the United Kingdom has been instructed to state the following.

First, the Government of the United Kingdom of Great Britain and Northern Ireland does not accept that the Republic of Mauritius has sovereignty over the Chagos Archipelago. Sovereignty over the Chagos Archipelago, which constitutes the British Indian Ocean Territory, is vested in the United Kingdom of Great Britain and Northern Ireland. Secondly, by a Declaration of 21 January 1987, the United Kingdom of Great Britain and Northern Ireland extended the Convention to the British Indian Ocean Territory.

Mauritius, 14 april 2005

With reference to the Note verbale dated 28 January 2005 from the Permanent Representation of the United Kingdom, regarding the declaration under Article 20, paragraph 1, of the Convention contained in the instrument of accession deposited by the Republic of Mauritius, on 18 June 2004, the Government of the Republic of Mauritius makes the following statement:

The Government of the Republic of Mauritius has, over the years, consistently asserted, and hereby reasserts, its complete and full sovereignty over the Chagos Archipelago, including Diego Garcia, an integral part of the territory of Mauritius as defined in the Constitution of Mauritius. The Government of the Republic of Mauritius wishes to reiterate in very emphatic terms that it does not recognize the so-called "British Indian Ocean Territory" which was established by the unlawful excision in 1965 of the Chagos Archipelago from the territory of Mauritius, in breach of the United Nations General Charter (as applied and interpreted in accordance with resolution 1514 (XV) of 14 December 1960, resolution 2066 (XX) of 16 December 1965, and resolution 2357 (XXII) of 19 December 1967).

The Government of the Republic of Mauritius has always expressed its readiness to pursue any future concerns that it may have over the future of the Chagos Archipelago through normal bilateral discussions, and will pursue all actions within its possibility to exercise the enjoyment of its sovereignty over the Chagos Archipelago.

Mauritius, 1 september 2005

The Ministry of Foreign Affairs, International Trade and Co-operation of the Republic of Mauritius refers to the Secretariat Note (JJ6085C) of 28 July 2005 regarding the communication from the Deputy Permanent Representative of France dated 17 June 2005 on the declaration under Article 20, paragraph 1, of the Convention on the Transfer of Sentenced Persons contained in the instrument of accession deposited by the Republic of Mauritius on 18 June 2004.

The Government of the Republic of Mauritius has the honour to bring to the attention of the Council, in its capacity as depositary of the instru-

ment of accession to the Convention, the following statement of the position of the Government of the Republic of Mauritius with respect to the declaration made by the Government of the Republic of France.

The Government of the Republic of Mauritius wishes to reiterate that Tromelin forms an integral part of the territory of Mauritius as defined in the Constitution of the Republic of Mauritius.

The Government of the Republic of Mauritius rejects the claim of the Government of the French Republic that it has sovereignty over Tromelin. The Government of the Republic of Mauritius furthermore does not recognise the rights and competences that the Government of the French Republic claim to exercise over Tromelin.

The Government of the Republic of Mauritius has always expressed its readiness to address any concern through normal bilateral discussions.

Mexico, 13 juli 2007

The Mexican Government declares that, to the effects of the present Convention and in accordance with its article 3, paragraph 4, it will be understood as nationals:

- a. Those born on the territory of the Republic of Mexico, regardless of their parents nationality;
- b. Those born in a foreign country from Mexican parents born in national territory, or from a Mexican father born in national territory, or from a Mexican mother born in national territory;
- c. Those born in a foreign country from Mexican parents by naturalization, or from a Mexican father by naturalization, or from a Mexican mother by naturalization;
- d. Those born on Mexican vessels or aircraft, whether military or civil ones;
- e. Those aliens who obtain from the Ministry of Foreign Affairs a certificate of naturalization, and
- f. Any alien woman or man who marries a Mexican man or woman, who has or who establishes residence in national land territory and complies with the requirements set forth by the Law for that purpose.

The Mexican Government declares that, in accordance with Article 5, paragraph 3, of the Convention, requests for transfers and replies will be done by diplomatic channels through the Ministry for Foreign Affairs.

The Mexican Government declares that Article 9, paragraph 1, subparagraph b, will not apply if the Mexican Government is the State answering favorably to a request.

The Mexican Government declares that, in accordance with Article 17, paragraph 3, of the Convention, any request for transfer and its supporting documents must be accompanied by a translation into Spanish.

Moldavië, 12 mei 2004

The Republic of Moldova declares that the provisions of the Convention will be applied only on the territory controlled by the Government of the

Republic of Moldova until the full establishment of the territorial integrity of the Republic of Moldova.

In accordance with Article 3, paragraph 4, of the Convention, the Republic of Moldova declares that the term “national” includes the citizens of the Republic of Moldova, the foreign citizens or stateless persons with residence permits in the Republic of Moldova.

In accordance with Article 17, paragraph 4, of the Convention, the Republic of Moldova declares that requests for transfers and supporting documents should be accompanied with a translation either in the Moldavian language or in one of the official languages of the Council of Europe.

Nederlanden, het Koninkrijk der, 30 september 1987

With regard to Article 3, paragraph 4 of the Convention:

As far as the Kingdom of the Netherlands is concerned, the term “national” should include all those who fall under the provisions of the Act governing the position of Moluccans of 9 September 1976, (Bulletins of Acts, Orders and Decrees 468), as well as aliens or stateless persons whose only place of ordinary residence is within the Kingdom and who, according to a statement to this effect issued to the government of the sentencing State by the Netherlands government, do not, under the terms of the present Convention, lose their right of residence in the Kingdom as a result of the execution of a punishment or measures.

With regard to Article 17, paragraph 3, of the Convention:

Documents submitted to the Kingdom should be drawn up in Dutch, French, English or German, or accompanied by a translation in one of the above four languages.

Nederlanden, het Koninkrijk der, 28 februari 1996

In accordance with Article 20, paragraph 2, of the Convention, the Government of the Kingdom of the Netherlands declares that the application of the Convention is extended to the Netherlands Antilles and Aruba.

The declaration made by the Kingdom of the Netherlands on 30 September 1987 remains valid for the Netherlands Antilles and Aruba.

Documents intended for the Netherlands Antilles or Aruban authorities should be drawn up in Dutch, English or Spanish, or accompanied by a translation in one of the above three languages.

Noorwegen, 9 december 1992

In accordance with Article 3, paragraph 4, of the Convention, the Kingdom of Norway understands, for the purpose of the said Convention, the term “national” to mean a person who is a citizen of the administering State, or a person who has his residence in that State, or where transfer is deemed appropriate having regard to any close ties which the person has to that territory.

In accordance with Article 9, paragraph 4, the Kingdom of Norway reserves the right to use preventive detention or hospitalisation for persons of unsound mind.

In accordance with the provisions of Article 17, paragraph 3, Norway declares that the request for transfer and supporting documents shall be accompanied by a translation into Norwegian, English, or into Danish or Swedish.

Noorwegen, 18 december 2013

Norway declares that, as from 1 January 2014, the competent authority for cases of transfer to and from Norway in accordance with Article 5, paragraph 3, of the Convention is:

Directorate of Norwegian Correctional Service

PO Box 694

4305 Sandnes

Norway

Oostenrijk, 9 september 1986

Austria will in principle apply the procedure referred to in Article 9, paragraph 1, subsection b, Article 11 – However, the application of the procedure referred to in Article 9, paragraph 1, subsection a – Article 10 –, in cases where the other Contracting Party is not willing to apply the procedure referred to in Article 9, paragraph 1, subsection b – Article 11 – and where an interest of transfer prevails, is not excluded.

Austria requests to be notified of the transit by air of sentenced persons. The transit by air will not be authorised if the person to be transferred is an Austrian citizen.

If requests for transfer and supporting documents are not written in German, French or English they must be accompanied by a translation into one of these languages.

Panama, 5 juli 1999

In accordance with article 3.4 of the Convention, the term “national”, concerning the Republic of Panamá, means Panamanian nationals by birth, by naturalisation or by constitutional provision, as provided for in Article 8 of the political Constitution of the Republic of Panamá.

In accordance with article 5.3 of the Convention, the Republic of Panamá declares that it will use the diplomatic channel for the requests for transfer mentioned in paragraph 1 of the present Article.

In accordance with article 17.3 of the Convention, the Republic of Panamá declares that requests for transfer and supporting documents should be accompanied by a translation into Spanish.

Panama, 18 februari 2000

In accordance with Article 5, paragraph 3, of the Convention, the Republic of Panamá designates the Ministry of Foreign Affairs of the Republic of Panamá as the authority in charge of receiving the requests for

transfer as well as replying to them and executing the functions provided by the Convention.

Polen, 15 februar 1995

Due to an omission, the declaration made in conformity with Article 17, paragraph 3, was not communicated at the time of the deposit of the instrument of ratification on 8 November 1994.

The Government of the Republic of Poland would like to rectify this mistake.

In accordance with Article 17, paragraph 3, the requests for transfer and supporting documents shall be accompanied by a translation into one of the official languages of the Council of Europe or shall be accompanied by a translation into Polish.

Portugal, 28 juni 1993

Portugal will apply the procedure for which Article 9 (1) provides in the event that it is the administering state.

Execution of a foreign judgment shall be on the basis of a judgment of a Portuguese court declaring it enforceable, following review and prior confirmation.

When a foreign sentence has to be adapted, Portugal will, depending on the case, and in pursuance of Portuguese law, convert the foreign sentence or reduce its length if it exceeds the statutory maximum under Portuguese law.

For the purposes of Article 3 (4), Portugal declares that the term "national" applies to all Portuguese citizens, irrespective of the way in which nationality was acquired.

Portugal is able to accept the transfer of foreigners and stateless persons usually resident in the administering state.

In pursuance of Article 16 (7), Portugal requires notification of transit by air across its territory.

Portugal requests that the documents to which Article 17 (3) refers be accompanied by a translation into Portuguese or French.

Roemenië, 24 oktober 1997

In pursuance of Article 3, paragraph 4, of the Convention, the term "national" means the citizen of the administering State (see Article 3, paragraph 1.a and Article 6, paragraph 1.a) or the citizen of the State of transit (see Article 16, paragraph 2a).

In pursuance of Article 17, paragraph 3, the requests for transfer and supporting documents shall be accompanied by a translation into Romanian or into one of the official languages of the Council of Europe.

Russische Federatie, 28 augustus 2007

In accordance with Article 3, paragraph 3, of the Convention, the Russian Federation declares that in its relations with the other Parties, it

excludes the application of the procedures provided in Article 9, paragraph 1, sub-paragraph a, of the Convention.

In accordance with Article 9, paragraph 4, of the Convention, the Russian Federation declares that the transfer of persons who for reasons of mental condition cannot be held criminally responsible for the commission of an offence, will be carried out in accordance with an international treaty entered into by the Russian Federation, or on the basis of reciprocity.

In accordance with Article 16, paragraph 7, of the Convention, the Russian Federation declares that it must be notified of any transport of a sentenced person by air over the territory of the Russian Federation.

In accordance with Article 17, paragraph 3, of the Convention, the Russian Federation declares that requests for transfer of sentenced persons addressed to the Russian Federation as well as supporting documents must be accompanied by a translation into the Russian language, unless the Russian Federation and the requesting Party have agreed otherwise.

San Marino, 25 juni 2004

The Republic of San Marino declares, in accordance with Article 5, paragraph 3, of the Convention, that requests for transfer shall be addressed to and received by the « *Segretaria di Stato per gli Affari Esteri* » (Palazzo Begni – Contrada Omerelli, 31 – 47890 San Marino – Repubblica di San Marino).

The Republic of San Marino intends to exclude the application of the procedure provided for in Article 9, paragraph 1 (a) in cases where San Marino is the administering State. Nevertheless, the Republic of San Marino reserves its right to apply the procedure provided for in Article 9, paragraph 1 (a) in special cases.

The Republic of San Marino declares, in accordance with Article 17, paragraph 3, of the Convention, that requests for transfers and supporting documents should be accompanied with a translation in Italian.

Slowakije, 3 oktober 1995

The Slovak Republic declares that for the purpose of this Convention, it shall consider as its “national” under Article 3, paragraph 1, letter a, also any stateless person or a national of another State, if such persons have their permanent residence on the territory of the Slovak Republic.

Spanje, 11 maart 1985

Spain excludes the application of the procedure provided in Article 9, 1, b, in its relations with other Parties.

For the purposes of this Convention, Spain will consider as a national any person to which the Spanish Civil Code (Chapter I, Title I) will attribute this quality.

For the purposes of Article 16.7, Spain requires that it be notified of any transit of sentenced persons by air over its territory.

Spain requires that requests for transfer and supporting documents be accompanied by a translation into the Spanish language.

Spanje, 9 juni 1987

With reference to the provisions of Article 5 of the Convention on the transfer of sentenced persons, I have the honour to inform you that the Central Authority therefore is from now:

Secretario General Técnico
Ministerio de Justicia
San Bernardo, 47
28015 Madrid

Spanje, 21 oktober 1994

Spain declares that it excludes application of the procedure provided under Article 9.1.b in the case of being the administering State.

Turkije, 3 september 1987

Communications relating to the application of this Convention shall be done through the Diplomatic Channel.

Requests for transfer and supporting documents will be accompanied by a translation into Turkish.

Costs of transfer shall be borne either by the Administering State or, according to the relating provision of the Turkish legislation, if an agreement can be established between the two parties, by the Sentencing State.

Verenigd Koninkrijk, 30 april 1985

The United Kingdom intends to exclude the application of the procedure provided for in Article 9(1)(b) in cases when the United Kingdom is the administering State.

For the purposes of this Convention 'national' means, in relation to the United Kingdom, a British citizen or any person whose transfer the Government of the United Kingdom consider appropriate having regard to any close ties which that person has with the United Kingdom; and, in relation to any territory to which the application of this Convention is extended in accordance with Article 20(2), any person who is defined as a national in relation to that territory at the time of such extension.

In cases where a State has made a declaration under this Article that it requires requests for transfer and supporting documents to be accompanied by a translation into its own language or into a language or languages other than English, the United Kingdom requires, on the basis of reciprocity, that requests for transfer and supporting documents from such States shall be accompanied by a translation into the English language.

The United Kingdom reserves the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom are responsible.

Verenigd Koninkrijk, 22 augustus 1986

I declare in accordance with Article 3 (4), that for the purposes of this Convention “National” means, in relation to the Isle of Man, a British citizen or any person whose transfer the Government of the United Kingdom considers appropriate having regard to any close ties which that person has with the Isle of Man.

Verenigd Koninkrijk, 23 januari 1987

I declare in accordance with Article 3, paragrafe 4, of the said Convention that, for the purposes of the said Convention, the term “national” means, in relation to each of the following Territories: Anguilla, British Indian Ocean Territory, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, St Helena Dependencies, and the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, a person who is a British Citizen or a British Dependent Territories Citizen by virtue of a connection with that Territory, or any other person whose transfer to the Territory appears to the officer for the time being administering the Government of that Territory to be appropriate having regard to any close ties which that person has with that Territory.

Verenigd Koninkrijk, 2 september 1988

I declare in accordance with Article 3, paragraph 4, of the said Convention, that, for the purposes of the said Convention, the term “National” means, in relation to the British Virgin Islands, a person who is a British Citizen, or a British Dependent Territories Citizen by virtue of a connection with the British Virgin Islands or any other person whose transfer to the British Virgin Islands appears to the Officer for the time being administering the Government of the British Virgin Islands to be appropriate having regard to any close ties which that person has with the British Virgin Islands.

Verenigd Koninkrijk, 19 november 2009

I have the honour to inform you that, pursuant to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009 (United Kingdom Statutory Instrument 2009/1751), the name of the British overseas territory formerly called “St Helena and Dependencies” has been changed to “St Helena, Ascension and Tristan da Cunha”. The status of the territory as a British overseas territory is unchanged, and accordingly the United Kingdom remains responsible for its external relations. To the extent that treaties extend to St Helena and Dependencies, they continue to extend to St Helena, Ascension and Tristan da Cunha.

Verenigd Koninkrijk, 27 februari 2013

In accordance with Article 5 of the Convention, the United Kingdom declares that the political responsibility for the administration of Her Majesty’s Prison in the island of Jersey lies solely with the Minister for

Home Affairs in Jersey, and, accordingly, requests all member States to address communications in relation to transfers between those States and the island of Jersey to the Minister for Home Affairs (11 Royal Square, St Helier, Jersey JE2 4WA, Channel Islands), or to such other address as the Minister may notify the Secretary General of the Council of Europe from time to time.

Verenigde Staten van Amerika, 3 september 1997

Under Article 3, paragraph 1(f), of the Convention on the Transfer of Sentenced Persons, both the sentencing and the administering States must agree to the transfer of a sentenced person. In the case of the United States of America, where a sentenced person has been convicted by a state of the United States of crimes under the laws of that state and is in the custody of authorities of that state, the Government of the United States will not agree to a transfer unless the competent state authorities first give their consent.

In any such case, the state government must have state legislation authorizing consent to such transfers and be prepared to exercise that authority in the specific case.

For the benefit of authorities of member States and other Parties to the Convention, a current list is enclosed of those states of the United States that have legal authority to transfer sentenced persons in their custody. The United States Government is renewing its efforts to encourage its states to obtain necessary statutory authorization for participation in transfers under the Convention.

As just noted, however, even in those states that have such authority, specific consent of the appropriate state authorities would be required for transfer of any particular individual who was convicted of violating that state's laws. Consent may not be presumed from the existence of statutory authority; indeed, there are some states which authorize few, or no, transfers notwithstanding the statutory authority to consent. While the Government of the United States strongly encourages state participation in transfers under the Convention, the United States Government cannot compel a state to consent to the transfer of an individual who was convicted of violating that state's laws.

United States Federal authorities are prepared to assist member States and other Parties to the Convention in contacting appropriate state authorities, and recommend that this be done informally prior to submission of a formal request for transfer. In addition, the member State or Party to the Convention may contact the state authorities directly to try to persuade them of the propriety of the transfer of a particular individual.

The United States Central Authority is the International Prisoner Transfer Unit, Office of Enforcement Operations, Criminal Division, Department of Justice, Washington, D.C. 20530.

List of States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Loui-

siana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Northern Mariana Islands (U.S. Territory), Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont (Canada only), Virginia, Washington, Wisconsin and Wyoming.

Zuid-Korea, 20 juli 2005

In accordance with Article 3, paragraph 3, of the Convention, the Republic of Korea intends to exclude the application of the procedure provided in Article 9, paragraph 1 (b), in cases when the Republic of Korea is the administering State.

In accordance with Article 5, paragraph 3, of the Convention, the Republic of Korea declares that diplomatic channels shall be used except for in case of emergency or other extraordinary circumstances.

In accordance with Article 16, paragraph 7, of the Convention, the Republic of Korea shall be notified in advance about any event of transit of sentenced persons by air over its territory, even when no landing there is scheduled.

In accordance with Article 17, paragraph 3, of the Convention, the Republic of Korea requires that requests for transfer and supporting documents shall be accompanied by a translation into the Korean language or into the English language.

The Republic of Korea declares that, in accordance with the law applicable in the Republic of Korea, the consent of the person concerned cannot be withdrawn once confirmed by the competent authorities of the Republic of Korea through written document signed by that person.

Zweden, 9 januari 1985

The Swedish Government declared that, for its part, the term “national” for the purposes of the Convention should also be taken to cover aliens domiciled in the administering State.

The Swedish Government declared that, for its part, only the conversion of sentence can be applied in cases such as are referred to in the said paragraph.

The Swedish Government declared that requests and information transmitted to Sweden – if not written in Danish, English, Norwegian or Swedish – should be translated into Swedish or English.

Zwitserland, 15 januari 1988

Switzerland excludes the application of the procedure provided in Article 9.1 b, whenever it is the administering State.

Switzerland interprets Article 6.2 a as meaning that the certified copy of the judgment must be accompanied by a certificate acknowledging its enforceability.

Switzerland requires that requests for transfer and supporting documents be accompanied by a translation into French, German or Italian, should they not be drafted in one of these languages.

Zwitserland, 29 januari 2002

Switzerland declares that the Federal Office of Justice (“Office fédéral de la justice”) of the Federal Department of Justice and Police is the competent authority, under Article 5.3, to forward and receive:

- the information referred to in Article 4, paragraphs 2 to 4;
- the requests for transfer and the replies referred to in Article 2, paragraph 3 and in Article 5, paragraph 4;
- the supporting documents referred to in Article 6;
- the information referred to in Articles 14 and 15;
- the requests for transit and the replies referred to in Article 16.

Switzerland considers that the consent to the transfer becomes irrevocable as soon as, pursuant to the agreement of the States concerned, the Federal Office of Justice has decided on the transfer.

G. INWERKINGTREDING

Zie *Trb.* 1987, 163, *Trb.* 1995, 193 en *Trb.* 2009, 36.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat voorheen voor Nederland (het Europese deel), de Nederlandse Antillen en Aruba gold, vanaf 10 oktober 2010 voor Nederland (het Europese deel en het Caribische deel), Aruba, Curaçao en Sint Maarten. Overeenkomstige bepalingen van het Verdrag worden vanaf 5 december 2011 in de verhouding tussen EU-lidstaten, waaronder Nederland (het Europese deel), vervangen door het in rubriek J genoemde Kaderbesluit van 27 november 2008.

J. VERWIJZINGEN

Zie *Trb.* 1983, 74, *Trb.* 1987, 163, *Trb.* 1995, 193, *Trb.* 1996, 87 en *Trb.* 2009, 36.

Verbanden

Het Verdrag wordt, voor zover het overeenkomstige bepalingen betreft, tussen EU-lidstaten vervangen door:

Titel : Kaderbesluit 2008/909/JBZ van de Raad van 27 november 2008 inzake de toepassing van het beginsel van wederzijdse erkenning op strafvonnissen waarbij vrijheidsstraffen of tot vrijheidsbeneming strekkende maatregelen zijn opgelegd, met het oog op de tenuitvoerlegging ervan in de Europese Unie;
Brussel, 27 november 2008

Tekst : *PbEU* 2008, L 327, blz. 27-46

Het Kaderbesluit van 27 november 2008 is gewijzigd door:

Titel : Kaderbesluit 2009/299/JBZ tot wijziging van Kaderbesluit 2002/584/JBZ, Kaderbesluit 2005/214/JBZ, Kaderbesluit 2006/783/JBZ, Kaderbesluit 2008/909/JBZ en Kaderbesluit 2008/947/JBZ en tot versterking van de procedurele rechten van personen, tot bevordering van de toepassing van het beginsel van wederzijdse erkenning op beslissingen gegeven ten aanzien van personen die niet verschenen zijn tijdens het proces; Brussel, 26 februari 2009

Tekst : *PbEU* 2009, L 81, blz. 24–36

Overige verwijzingen

Titel : Europees Verdrag inzake de internationale geldigheid van strafvonnissen; 's-Gravenhage, 28 mei 1970

Laatste *Trb.* : *Trb.* 2012, 122

Uitgegeven de vierde september 2014.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS