

No. 30613

**FINLAND
and
RUSSIAN FEDERATION**

Agreement on the reciprocal transfer of persons sentenced to imprisonment to serve their sentences (with protocol of 29 October 1993). Signed at Helsinki on 8 November 1990

Authentic texts: Finnish and Russian.

Registered by Finland on 23 December 1993.

**FINLANDE
et
FÉDÉRATION DE RUSSIE**

Accord relatif au transfert réciproque des personnes condamnées à l'emprisonnement afin de servir leur peine (avec protocole du 29 octobre 1993). Signé à Helsinki le 8 novembre 1990

Textes authentiques : finnois et russe.

Enregistré par la Finlande le 23 décembre 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF FINLAND AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE RECIPROCAL TRANSFER OF PERSONS SENTENCED TO IMPRISONMENT TO SERVE THEIR SENTENCES

The Republic of Finland and the Union of Soviet Socialist Republics,

Prompted by a desire to develop further their existing relations of mutual trust and cooperation,

Considering that the serving of sentences by convicted persons in the State of which they are nationals or in the territory of their permanent residence would contribute to the more effective attainment of the goals of correcting and re-educating offenders,

Acting in accordance with humane principles,

Have decided to conclude this Agreement and for that purpose have appointed as their plenipotentiaries:

The Republic of Finland: the Minister of Justice of Finland;

The Union of Soviet Socialist Republics: the Minister of Justice of the USSR,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1

1. A national of one Contracting State sentenced to imprisonment in the other Contracting State (“the sentencing State”) may, in accordance with the provisions of this Agreement, be transferred to serve his sentence in the State of which he is a national (“the State of service of sentence”).

2. This Agreement applies also to persons having a permanent residence in the territory of the Contracting States, irrespective of their nationality.

3. The provision of paragraph 2 of this article shall not apply to nationals of the sentencing State.

Article 2

1. The proposal for the transfer of a person sentenced to imprisonment may be made by either the sentencing State or the State of service of sentence.

2. An oral or written application for a convicted person to be transferred to serve his sentence may be submitted to either the sentencing State or the State of service of sentence.

¹ Came into force on 28 November 1993, i.e., 30 days after the exchange of the instruments of ratification, which took place at Moscow on 29 October 1993, in accordance with article 17 (1).

Article 3

The transfer of the convicted person may, in accordance with this Agreement, be effected if:

- (1) The sentence has entered into legal force and is due to be served in the sentencing State;
- (2) The convicted person agrees to the transfer;
- (3) The act for which he has been sentenced is an offence according to the laws of the State of service of sentence;
- (4) Agreement on the transfer of the convicted person has been reached between the competent authorities of the Contracting Parties.

Article 4

1. The sentencing State shall inform every convicted person to whom this Agreement might apply of the contents of this Agreement.

2. If an application for transfer in accordance with this Agreement is submitted to the sentencing State by a convicted person, that State shall, on the entry into legal force of the sentence, immediately notify the State of service of sentence to that effect.

3. Such notification must contain the following information:

- (a) The surname, first name, patronymic and date and place of birth of the convicted person and information regarding his nationality;
- (b) The convicted person's address in the State of service of sentence;
- (c) A brief summary of the offences for which the person has been sentenced;
- (d) The length of the sentence and the form of custody imposed, and the date from which the sentence is to be served.

4. If an application for transfer is submitted by a convicted person to the State of service of sentence, the sentencing State shall transmit to the State of service of sentence, at the latter's request, the information referred to in paragraph 3 of this article.

5. The convicted person shall be informed in writing of all measures taken by the sentencing State or the State of service of sentence, on the basis of paragraphs 1 to 4 of this article, as well as of any decision taken by either State in connection with an application for transfer.

Article 5

1. Applications by the Parties regarding transfers and replies to such applications shall be made in writing.

2. Communication on matters arising from this Agreement shall be between the following: for the Republic of Finland, the Ministry of Justice, and for the Union of Soviet Socialist Republics, the Office of the Procurator of the USSR.

3. The State applied to shall immediately notify the State making the application of its agreement to or refusal of the transfer of the convicted person.