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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Committee of Experts on the Operation
of European Conventions in the Penal Field
(PC-OC)

43rd meeting
Strasbourg, 24–26 September 2001

Item 9 of the Draft Agenda
Transfer of sentenced persons: the Baraldini case

Explanatory note submitted by
Mr Charles William Brooks (USA)

Sylvia Baraldini is an Italian who had been living in the United States for many years. In August 1999, she was transferred by the United States to Italy under a bilateral agreement pursuant to the Convention on the Transfer of Sentenced Persons, after serving almost 17 years of her 43 year sentence for her role in a United States terrorist group which committed a series of armed robberies and an armed kidnapping leading up to an armed robbery in 1981 in New York in which two policemen and two security guards were killed. Ms. Baraldini had been denied parole in the United States. Italy had been seeking her transfer for many years, but had said it could not meet the longstanding American condition that Italy guarantee that if transferred Ms. Baraldini would serve out her sentence in a manner approximating that under which she would have continued to serve her sentence in the United States. In 1999, Italy informed the United States that it could provide the necessary guarantee. As a condition of her transfer, Italy agreed unconditionally that she would stay in prison until her United States release date in 2008, expressly accepted that any medical problem would be treated as it would were Ms. Baraldini incarcerated in the United States, and categorically assured the United States as well as having stated at the PC-OC that no further court appeals in Italy were possible. Nonetheless, in April, an Italian court granted Sylvia Baraldini house arrest to undergo treatment for breast cancer. The order essentially allows her to be outside the house between 9 am and 2 pm every day, in addition to receiving any medical treatments. As Italy was aware from the terms of the agreement, had she remained in the United States, she would have remained in custody during treatment, just as she remained in custody when she was successfully treated for ovarian cancer ten years ago. The supervisory Italian court will re-examine the house arrest order in September. The United States would like to present its views on these developments to the PC-OC.