

Standard Text Providing Information About the Convention
on the Transfer of Sentenced Persons

Israel has ratified the Convention on the Transfer of Sentenced Persons, which came into effect for Israel on 1 January 1998. The Convention enables, under certain conditions, persons who have received a custodial sentence in a country other than their own to be transferred to their home country to serve the sentence there. A brief description of these conditions is given below. This document is for general information purposes only and does not constitute an exhaustive description of the Convention. If, therefore, you wish to inquire into the possibility of being transferred to Israel in order to serve your sentence there, you should ask the prison authority, or the appropriate authority in Israel, for more detailed information. You may also address any request for information to a consular representative of Israel.

Who must agree to the transfer?

If you request to be transferred to Israel to serve your sentence there, such a transfer requires:

- a. your consent, or where appropriate, the consent of your legal representative or guardian;
- b. the consent of the State where you were sentenced; and
- c. the consent of the appropriate authorities of the State of Israel.

Who may request a transfer to Israel?

You may be eligible to request a transfer to Israel if the following conditions are fulfilled:

- a. at the time the offense was committed, you were a national of Israel and your permanent residence is in Israel;
- b. the judgment by which your sentence is imposed is final;
- c. as a general rule, at least six months of your sentence remain to be served, though in exceptional circumstances this period may be less; and

d. the offense for which you were tried in the sentencing State would also have been a criminal offense under the laws of Israel if it would have been committed in Israel.

Which sentence would need to be served following transfer?

The maximum sentence to be served following your transfer would be the amount of the original sentence which remains after the deduction of any remission earned in the sentencing State up to the date of transfer.

If you are transferred, your sentence will be enforced in accordance with the law and regulations which apply in Israel.

Effect of transfer to Israel

Under Israel law, if at your request you are transferred to Israel to serve your sentence there, you will not be permitted to claim in Israel that the court decision in the sentencing State was not valid, and you will not be permitted to retract your consent to be transferred to Israel.

Prosecution for other offenses

Note that in the event of your transfer the authorities of Israel are entitled to prosecute, sentence or detain you for any offense other than that for which your current sentence was imposed.

Pardon, amnesty, commutation

Your transfer would not prevent you from benefiting from any pardon, amnesty or commutation of sentence which might be granted by either the sentencing State or by Israel.

Review of original judgment

If new information should come to light after your transfer which you consider to be grounds for a review of the original judgment passed in the sentencing State, it will be for the sentencing State alone to decide on any application for review.

Termination of enforcement

If for any reason whatsoever the sentence originally imposed in the sentencing State ceases to be enforceable in the sentencing State, the Israeli authorities, as soon as they are informed of this, will release you from the sentence being served. Similarly, when the sentence being served in Israel ceases to be enforceable there, you could no longer be required to serve the original sentence imposed by the sentencing State if you should return there.

Costs of transfer

Under Israel's law, if you are transferred to Israel to serve your sentence there, you will be required to bear the costs of your transfer, including the costs of the police escort. Under special circumstances, the appropriate officials of Israel may exempt you from all or part of such costs.

Some information on the procedure

You may express your interest in being transferred to either the authorities of the sentencing State or to the authorities of Israel.

If the authorities of the sentencing State are prepared to consider your transfer, they will provide the Israeli authorities with relevant information about you, about the facts relating to your conviction and sentence and about the nature and length of your sentence. If the Israeli authorities are prepared to consider your transfer, they will respond to the sentencing State by providing information about the nature and duration of the sentence you would need to serve after transfer, together with information about the arrangements for remission, conditional release, etc. in Israel.

If both States agree to your transfer, you will be asked whether, having received and considered the information provided by Israel, you consent to being transferred under the Convention. Your consent to such a transfer to Israel must be in writing and in a language which you understand.

