

COUNCIL OF EUROPE



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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
(PC-OC)

Amendments to Articles 4 and 7 of the Convention on the Transfer of Sentenced Persons
proposed by the PC-OC Mod during their 22nd meeting

Article 4 – Obligation to furnish information

1. Any sentenced person to whom this Convention may apply shall be informed by the sentencing State of the substance of this Convention **and in particular of the conditions enabling transfer and possible consequences. He shall also be informed that his consent to be transferred cannot be revoked except under the conditions mentioned under Article 7, paragraph 2.**
2. If the sentenced person has expressed an interest to the sentencing State in being transferred under this Convention, that State shall so inform the administering State as soon as practicable after the judgment becomes final.
3. The information shall include:
 - a. the name, date and place of birth of the sentenced person;
 - b. his address, if any, in the administering State;
 - c. a statement of the facts upon which the sentence was based;
 - d. the nature, duration and date of commencement of the sentence.
4. If the sentenced person has expressed his interest to the administering State, the sentencing State shall, on request, communicate to the State the information referred to in paragraph 3 above.
5. The sentenced person shall be informed, in writing, of any action taken by the sentencing State or by the administering State under the preceding paragraphs, as well as of any decision taken by either State on a request for transfer.

Article 7 – Consent and its verification

1. The sentencing State shall ensure that the person required to give consent to the transfer in accordance with Article 3.1.d does so voluntarily and with full knowledge of the legal consequences thereof. The procedure for giving such consent shall be governed by the law of the sentencing State.
2. **A person who consented to his/her transfer may revoke this consent only [if motivated by serious reasons and] if:**
 - a. **the decision for transfer has not yet been taken by the states concerned, or,**
 - b. **the transfer of the person concerned has not taken place within [60] days following the decision mentioned under subparagraph a., or,**
 - c. **the revocation is motivated by serious humanitarian reasons.**
- ~~32.~~ The sentencing State shall afford an opportunity to the administering State to verify through a consul or other official agreed upon with the administering State, that the consent is given in accordance with the conditions set out in paragraph 1 above.