

**REPUBLIC OF SLOVENIA<sup>1</sup>**

**National Procedures for Transfer of sentenced persons**

**Updated 03/12/2020**

<b>The Central Authority responsible for the transfer of sentenced persons</b>	Ministry of Justice of the Republic of Slovenia Office for International Cooperation and International Legal Assistance International Legal Assistance Division Župančičeva 3 SI – 1000 Ljubljana  Tel: +386 1 369 53 94 Fax: +386 1 369 52 33 E-mail: <a href="mailto:gp.mp@gov.si">gp.mp@gov.si</a>  <a href="https://www.gov.si/en/state-authorities/ministries/ministry-of-justice/about-the-ministry-of-justice">https://www.gov.si/en/state-authorities/ministries/ministry-of-justice/about-the-ministry-of-justice</a>
If different from the Central Authority, the authority to which the request should be sent:	/
If different from the Central Authority, the <b>Authority/ies in charge of coordinating and/or implementing the physical transfer</b> of the person concerned:	Competent authority for the physical transfer of the person concerned as well as necessary arrangements regarding time, manner and place of the transfer is:  Criminal Police Directorate International Police Cooperation Division Štefanova 2 1000 Ljubljana  24/7 Mobile No.: +386 41 713 680 N.C. Telephone No.: +386 1 428 47 80 Fax No.: +386 1 251 75 16 E-mail: <a href="mailto:interpol.ljubljana@policija.si">interpol.ljubljana@policija.si</a> or <a href="mailto:sirene.slovenija@policija.si">sirene.slovenija@policija.si</a>
<b>Channels of communication</b> for the request for the transfer of sentenced persons:  (directly, through diplomatic channels or other)	Through Ministry of Justice or in urgent cases and by condition of reciprocity through Interpol.

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<sup>1</sup> Please indicate your state.

<b>Means of communication</b> (eg. by post, fax, e-mail <sup>2</sup> ):	By post, fax or e-mail. Encryption or electronic signature is not required.
<b>Language requirements:</b>	Slovenian, English or French.
<b>Documentation required:</b>	Documentation as foreseen in Article 6 of the Convention is required.
<b>Continued enforcement or conversion of the sentence<sup>3</sup>:</b>	<p>Slovenian criminal legislation requires the conversion of sentence. The conversion must take place before the transfer of person.</p> <p>The national court shall execute the criminal judgment referring to the sanction issued by a foreign court by issuing a criminal sanction pursuant to the criminal law of the Republic of Slovenia. In so acting, the national court shall be fully bound to the judgment of the foreign court when establishing criminal responsibility, the permissibility of prosecution and the imposed sentence. If the sentence may be executed only with respect to certain criminal offences, the sentence may be imposed in compliance with the rules of the national legislation.</p> <p>When the criminal sanction is incompatible with national regulations because of its length, it may only be adapted if it exceeds the maximum sentence determined for such criminal offence under national legislation. The adapted criminal sanction may not be less than the maximum sentence prescribed by national law for the same type of criminal offences.</p> <p>When the criminal sanction is incompatible with the national regulations by its nature, it may be adapted depending on the sentence or the sanction which is determined for such criminal offence under the national legislation. Such sentence or sanction shall match as far as possible the criminal sanction which was issued in the issuing state.</p> <p>The adapted criminal sanction shall not be more severe in its nature or length than the criminal sanction imposed by the issuing state.</p>
<b>General rules on early release:</b>	The offender, who has served half of his sentence of imprisonment, may be released from a penal institution under the condition that until the term, for which he was sentenced, has elapsed he does not commit another criminal offence. The offender may be released on parole when it is reasonable to expect that he will not repeat the criminal offence. In considering whether to release the offender on parole, the body responsible for the granting and denying of parole

<sup>2</sup> Please indicate if encryption or electronic signature is required.

<sup>3</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

shall take into account in particular the possibility of re-offending, any criminal proceedings taking place against the offender for criminal offences committed before they started serving their prison sentence, the attitude of the offender towards the criminal offence committed and towards the victim, the offender's conduct during the serving of the sentence, the success of treatment of addiction, and the conditions for the offender's reintroduction to life outside prison. The offender, who shall be released on parole, may be put under custodial supervision by the body responsible for granting and denying parole. Custodial supervision shall be performed by a counsellor who shall have the same tasks as in suspended sentence with custodial supervision. The body responsible for granting and denying conditional release 's instructions may include the following tasks to be performed by the offender on parole:

- 1) to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent;
- 2) to attend sessions of vocational, psychological, or other consultation;
- 3) to qualify for a job or to take up employment suitable to his health, skills, or inclinations;
- 4) to spend income according to the duties relating to family support;
- 5) prohibition of association with certain persons;
- 6) prohibition of the establishment of direct and indirect contacts with one or more certain persons including the use of electronic means of communication;
- 7) restraining order to keep the perpetrator away from the victim or some other person;
- 8) ban on access to certain places.

The court shall revoke parole if the parolee commits one or more criminal offences, for which a prison sentence of more than one year may be imposed or if the parolee commits one or more criminal offences, for which a prison sentence of up to one year may be imposed. The court shall also revoke the parole if the parolee does not perform the tasks, which were ordered by the body responsible for granting or denying the parole. In revoking parole, the court shall impose a sentence in accordance with Article 53 and paragraph 2 of Article 55 of Penal Code, whereby the court shall take as determined that part of the sentence, which has not yet been served. Provisions under paragraphs 1, 2 and 3 of this Article shall also apply, when the parolee is convicted of a criminal offence he had committed prior to being released on parole. If the parolee commits a criminal offence during parole, which entails the revoking of parole and such an offence is not

	considered by the court before the expiry of the term of parole, the parole may be revoked within one year from the expiry of the term of parole.
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<b>Scope of application with regard to transfer of mentally disordered persons:</b>	Transfer of mentally disordered persons is possible under this Convention.
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<b>Scope of application with regard to nationals and/or residents:</b>	With reference to Article 3 of the Convention sentenced person must be a national of Republic of Slovenia.
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<b>Other relevant information:</b> (such as practice regarding time limits or revocation of consent)	<p>The criminal legislation of Republic of Slovenia does not provide the time limit for revocation of consent; therefore, the revocation is possible within the whole procedure. It derives from the practice that Slovenian nationals rarely revoke the consent. Sometimes foreigners revoke the consent before or when the proceedings are ongoing before the foreign executive authority.</p> <p><b>Procedure of transfer:</b> National courts may grant the motion of the state prosecutor or request of the competent foreign authority for the execution of the prison sentence, security or other sanction of the criminal court which is implemented through deprivation of liberty or a fine under the final criminal judgment of a foreign court, if so stipulated by an international treaty or based on reciprocity.</p> <p>As it is evident from the explanation, the execution of foreign sentence is also possible without the request of the foreign county. (e.g. If the extradition is refused because of the nationality of the requested person, the prosecutor may submit the proposal to the court to execute the foreign sentence).</p> <p>In accordance with Slovenian national legislation the procedure for the transfer of the execution of sentence is based on the exequatur procedure. Since the exequatur procedure is applicable, the court recognizes the foreign judicial decision and imposes sentence under the criminal legislation of the Republic of Slovenia as described above.</p>
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<b>Links to national legislation, national guides on procedure:</b>	<p>Transfer of prisoners is regulated by the Criminal Procedure Act of Republic of Slovenia, Chapter XXX:</p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2012-01-1405">https://www.uradni-list.si/1/objava.jsp?sop=2012-01-1405</a></p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2014-01-3503">https://www.uradni-list.si/1/objava.jsp?sop=2014-01-3503</a></p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2019-01-0915">https://www.uradni-list.si/1/objava.jsp?sop=2019-01-0915</a></p>
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	<p>General information on the Slovenian judicial system are available at the webpage of the Ministry of Justice of Republic of Slovenia at:</p> <p><a href="https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/">https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/</a></p>
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<p>Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):</p>	<p>The information concerning the possibility of transfer is provided to the foreign prisoners by the Prison Administration and is available at the web page of the Ministry of Justice of Republic of Slovenia:</p> <p><a href="https://www.gov.si/drzavni-organi/organi-v-sestavi/uprava-za-izvrsevanje-kazenskih-sankcij/">https://www.gov.si/drzavni-organi/organi-v-sestavi/uprava-za-izvrsevanje-kazenskih-sankcij/</a></p>
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### For Parties to the Additional Protocol

<p><b>Information on the implementation of Article 2:</b> (e.g. interpretation of “by fleeing to”)</p>	<p>Republic of Slovenia implemented Additional Protocol to the Convention on the Transfer of Sentenced Persons with Act on ratification of Additional Protocol to the Convention on Transfer of Sentenced Persons of 23 July 2013 (Official Gazette of Republic of Slovenia – International Treaties, No. 13/2013), that entered into force on 7 August 2013. Additional Protocol is in Republic of Slovenia applicable since 1 January 2014.</p> <p>Article 2 of the Protocol is directly applicable.</p>
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<p><b>Information on the implementation of Article 3</b> (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence)</p>	<p>Republic of Slovenia implemented Additional Protocol to the Convention on the Transfer of Sentenced Persons with Act on ratification of Additional Protocol to the Convention on Transfer of Sentenced Persons of 23 July 2013 (Official Gazette of Republic of Slovenia – International Treaties, No. 13/2013), that entered into force on 7 August 2013. Additional Protocol is in Republic of Slovenia applicable since 1 January 2014.</p> <p>Article 3 of the Protocol is directly applicable.</p>
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<p><b>Documentation required:</b></p>	<p>Documentation as foreseen in Article 6 of the Convention is required.</p>
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<p><b>Other relevant information:</b></p>	<p>Act on ratification of Additional Protocol to the Convention on Transfer of Sentenced Persons of 30.8.2013 can be found on the web page of Official Gazette of Republic of Slovenia:</p> <p><a href="https://www.uradni-list.si/1/objava.jsp?sop=2013-02-0060">https://www.uradni-list.si/1/objava.jsp?sop=2013-02-0060</a></p>
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