

REPUBLIC OF SLOVENIA¹

National Procedures for Transfer of sentenced persons

Updated 21/01/2025

The Central Authority responsible for the transfer of sentenced persons	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 54 00 Fax: +386 1 369 52 33 E-mail: gp.mp@gov.si https://www.gov.si/en/state-authorities/ministries/ministry-of-justice/about-the-ministry-of-justice
If different from the Central Authority, the authority to which the request should be sent:	/
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer 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 E-mail: interpol.ljubljana@policija.si or sirene.slovenija@policija.si
Channels of communication 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.

¹ Please indicate your state.

Means of communication (eg. by post, fax, e-mail ²):	By post, e-mail or fax. Encryption or electronic signature is not required.
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Language requirements:	Slovenian, English or French.
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Documentation required:	Documentation as foreseen in Article 6 of the Convention is required.
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Continued enforcement or conversion of the sentence³:	<p>Slovenian criminal legislation requires the conversion of sentence. The conversion must take place before the transfer of person.</p> <p>A domestic court shall enforce the criminal judgment in terms of the sanction ordered by a foreign court by imposing a criminal sanction pursuant to the criminal law of the Republic of Slovenia. In this regard, the domestic court shall be fully bound by the judgment of the foreign court in terms of establishing the criminal liability, the admissibility of prosecution and the imposed sentence. If the sentence may only be enforced in respect of certain criminal offences, it shall be determined in accordance with the rules of domestic Act.</p> <p>Where a criminal sanction is incompatible with the domestic regulations because of its length, it may only be adjusted if it exceeds the maximum sentence determined for the same type of criminal offences under domestic legislation. The adjusted criminal sanction may not be lower than the maximum sentence prescribed by the domestic Act for the same type of criminal offences.</p> <p>Where a criminal sanction is incompatible with the domestic regulations by its nature, it may be adjusted according to the sentence or measure provided under the domestic Act for the same type of criminal offences. Such a sentence or measure must match as far as possible the criminal sanction imposed by the issuing state.</p> <p>The adjusted criminal sanction may not be more severe by its nature or duration than the criminal sanction imposed by the issuing state.</p>
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General rules on early release:	<p><u>Release on parole</u></p> <p><u>Article 88</u></p> <p>The convicted person, who has served one half of his or her sentence of imprisonment, may be released from a penal institution provided that until the expiration of the period of time for which he or she was sentenced he or she does not commit another criminal offence.</p> <p>The convicted person who has been sentenced to over fifteen years' imprisonment, may be released on parole after he or she has served three quarters of the sentence.</p>
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	<p>The convicted person who has been sentenced to life imprisonment may be released on parole after he has served twenty-five years in prison.</p> <p>A convicted person may be released on parole when it is reasonable to expect that he or she will not repeat the criminal offence. In considering whether to release the convicted person on parole, one shall take into account in particular the possibility of re-offending, any criminal proceedings taking place against the convicted person for criminal offences committed before he or she started serving the prison sentence, the convicted person's attitude towards the criminal offence committed and towards the victim, the convicted persons's conduct during imprisonment, the outcome of treatment of addiction, and the conditions for the convicted person's reintegration into the society upon release from prison.</p>
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² Please indicate if encryption or electronic signature is required.

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

Exceptionally, the convicted person who has served only one third of his or her sentence may be released on parole if he or she meets the condition referred to in paragraph five of this Article and if the special circumstances relating to his or her personality indicate that he or she will not repeat the criminal offence.

The convicted person that is to be released on parole may be placed 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 duties as in a suspended sentence with custodial supervision.

The body responsible for granting and denying parole instructions may determine the following tasks to be performed by the convicted person on parole:

- 1) to submit himself or herself to medical treatment in an appropriate institution, including treatment of alcohol or drug addiction with his or her consent;
- 2) to attend vocational, psychological, or other consultation sessions;
- 3) to undergo training for a job or to take up employment suitable to his or her 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 specific 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) prohibition of access to certain places.

The above mentioned shall also apply to conditional release from house arrest. In assessing whether a convicted person should be conditionally released from house arrest, compliance with restrictions regarding house arrest shall be taken into account instead of the convicted person's behaviour during the serving of the sentence.

Revoking of parole

Article 89 of the Criminal Code

The court shall revoke the parole if the parolee commits one or more criminal offences punishable by a prison sentence of more than one year.

The court shall revoke the parole if the parolee commits one or more criminal offences punishable by a prison sentence of up to one year. When deciding on revoking the parole, the court shall consider in particular the similarity of the criminal offences committed, their gravity, the motives for which they were committed, and other circumstances indicating whether it is reasonable to release the offender on parole. The court shall also revoke the parole if the parolee fails to perform the tasks, ordered by the body responsible for granting or denying the parole.

When revoking the parole, the court shall deliver a sentence in accordance with Article 53 and paragraph two of Article 55 of the Criminal Code, by taking into account as determined the part of the sentence that has remained unserved.

The provisions of paragraphs one, two and three of this Article shall also apply when the parolee is convicted of a criminal offence that he or she had committed prior to being released on parole.

If the parolee is sentenced to imprisonment for a term not exceeding one year and the court does not revoke parole, the period of parole shall be extended for the time already served.

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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Scope of application with regard to transfer of mentally disordered persons:	Under this Convention transfer of mentally disordered persons is possible.
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Scope of application with regard to nationals and/or residents:	With reference to Article 3 of the Convention sentenced person must be a national of Republic of Slovenia.
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Other relevant information: (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>Procedure of transfer:</p> <p>Domestic courts may grant the motion of the state prosecutor or the request of the competent foreign authority for the enforcement of a prison sentence, a precautionary or other measure imposed by the criminal court or a fine under the final criminal judgment of a foreign court, if so provided by an international agreement or on the basis of 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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Links to national legislation, national guides on procedure:	<p>Transfer of prisoners is regulated by the Criminal Procedure Act of Republic of Slovenia, Chapter XXX:</p> <p>https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-3462</p> <p>https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2024-01-1818</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><u>Ministrstvo za pravosodje GOV.SI</u></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><u>Uprava za izvrševanje kazenskih sankcij GOV.SI</u></p>
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For Parties to the Additional Protocol

<p>Information on the implementation of Article 2: (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>Information on the implementation of Article 3 (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>Documentation required:</p>	<p>Documentation as foreseen in Article 6 of the Convention is required.</p>
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<p>Other relevant information:</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><u>https://www.uradni-list.si/1/objava.jsp?sop=2013-02-0060</u></p>
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