

No. 31120

**AUSTRIA
and
THAILAND**

Treaty on the transfer of offenders and on cooperation in the enforcement of penal sentences. Signed at Vienna on 8 September 1992

Authentic text: English.

Registered by Austria on 1 August 1994

**AUTRICHE
et
THAÏLANDE**

Traité relatif au transfèrement des délinquants et à la coopération en matière d'exécution des sentences pénales. Signé à Vienne le 8 septembre 1992

Texte authentique : anglais.

Enregistré par l'Autriche le 1^{er} août 1994.

TREATY¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF THAILAND ON THE TRANSFER OF OFFENDERS AND ON CO-OPERATION IN THE ENFORCEMENT OF PENAL SENTENCES

The Republic of Austria and the Kingdom of Thailand;

Desiring to co-operate in the enforcement of penal sentences and to facilitate the successful reintegration of offenders into society; and

Considering that these objectives should be fulfilled by giving foreigners who are deprived of their liberty as a result of their commission of a criminal offence the opportunity to serve their sentences within their own society;

Have agreed as follows:

Article 1

Definitions

For the purposes of this Treaty:

- (a) "transferring State" means the Party from which the offender may be, or has been, transferred;
- (b) "receiving State" means the Party to which the offender may be, or has been, transferred in order to serve his sentence;
- (c) "offender" means a person who is required to be detained in a prison, a hospital or any other institution in the transferring State by virtue of a decision made by a court in the course of the exercise of its criminal jurisdiction;
- (d) "sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time in the course of the exercise of its criminal jurisdiction.

Article 2

General Principles

A person sentenced in the territory of one Party may be transferred to the territory of the other Party

in accordance with the provisions of this Treaty in order to serve the sentence imposed on him.

Article 3

Scope of Application

The application of this Treaty shall be subject to the following conditions, namely that:

- (a) the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the receiving State or would constitute a criminal offence if committed on its territory;
- (b) the offender is a national of the receiving State;
- (c) the offender was not sentenced in respect of an offence:
 - (i) against the internal or external security of the State;
 - (ii) against the Head of State or a member of his family; or
 - (iii) against legislation protecting national art treasures;
- (d) the sentence imposed on the offender is one of imprisonment, confinement or any other form of deprivation of liberty in any institution:
 - (i) for life;
 - (ii) for an indeterminate period; or
 - (iii) for a fixed period of which at least one year remains to be served at the time of the request for transfer;
- (e) an offender may not be transferred unless he has served in the transferring State any minimum period of imprisonment, confinement or deprivation of liberty stipulated by the law of the transferring State;

¹ Came into force on 1 August 1994, i.e., the first day of the third month following the month of the exchange of the instruments of ratification, which took place at Bangkok on 20 May 1994, in accordance with article 10 (1).