

No. 32430

**SPAIN
and
VENEZUELA**

**Agreement on the execution of penal sentences. Signed at
Caracas on 17 October 1994**

Authentic text: Spanish.

Registered by Spain on 27 December 1995.

**ESPAGNE
et
VENEZUELA**

**Accord relatif à l'exécution des condamnations pénales. Signé
à Caracas le 17 octobre 1994**

Texte authentique : espagnol.

Enregistré par l'Espagne le 27 décembre 1995.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF VENEZUELA ON THE EXECUTION OF PENAL SENTENCES

The Kingdom of Spain and the Republic of Venezuela,

Wishing to improve the administration of justice and facilitate the social reintegration of convicted offenders by allowing them to serve their sentences in the country of which they are nationals,

Have agreed as follows:

Article I

SCOPE OF APPLICATION

1. The Parties shall cooperate to the fullest extent in the execution of penal sentences.
2. Sentences or security measures involving deprivation of liberty imposed in the Republic of Venezuela on Spanish nationals may be served in Spain in penal institutions or under the supervision of Spanish authorities, in accordance with the provisions of this Agreement.
3. Sentences or security measures involving deprivation of liberty imposed in Spain on nationals of the Republic of Venezuela may be served in Venezuela in penal institutions or under the supervision of Venezuelan authorities, in accordance with the provisions of this Agreement.

Article II

DEFINITIONS

For the purposes of this Agreement:

1. “Sending State” means the Party which imposed the sentence and from which the convicted offender is to be transferred.
2. “Receiving State” means the Party to which the convicted offender is to be transferred to serve the rest of the sentence imposed in the sending State.
3. “Convicted offender” means a person who, in the territory of one of the Parties, has been sentenced, pursuant to a final and enforceable judgement, to a penalty or security measure involving deprivation of liberty, including probation or conditional release.

¹ Came into force on 18 December 1995, i.e., 60 days from the date of the last of the notifications (of 28 April and 19 October 1995) by which the Parties had informed each other of the completion of their internal constitutional and legal requirements, in accordance with article XII (1).

Article III

CONDITIONS OF APPLICABILITY

This Agreement shall be applied on the following conditions:

1. That the acts or omissions which gave rise to the penal sentence are also punishable in the receiving State, although they may be characterized differently;
2. That the convicted offender is a national of the receiving State;
3. That the convicted offender requests the transfer or, if the request is made by the sending State or the receiving State, that the convicted offender gives express consent. If the convicted offender is incapable of doing so, his or her legal representative should give consent;
4. That at least six months of the sentence or security measure remain to be served at the time of the request;
5. That the sentence is final and enforceable and that there are no other proceedings pending in the sending State; and
6. That the other terms of the sentence, apart from the deprivation of liberty and including those relating to civil liability, unless the convicted offender has been declared bankrupt, have been fulfilled.

Article IV

CENTRAL AUTHORITIES

The Parties shall designate the Ministries of Justice of both States as central authorities to perform the functions specified for in this Agreement.

Article V

DUTY TO PROVIDE INFORMATION

1. Any convicted offender to whom this Agreement may be applicable must be informed by the central authorities of the sending and receiving States of the content of this Agreement, as well as of the legal consequences of the transfer.
2. If the convicted offender informs the sending State of a desire to be transferred pursuant to this Agreement, that State shall notify the receiving State of the fact without delay.
3. The information shall include:
 - (a) The convicted offender's name, date of birth and place of birth;
 - (b) Where appropriate, the convicted offender's domicile in the receiving State;
 - (c) An indication of the acts that led to the sentence; and
 - (d) The nature, duration and starting date of the sentence.
4. If the convicted offender informs the receiving State of a desire to be transferred pursuant to this Agreement, the sending State shall communicate to the receiving State, at the latter's request, the information referred to in paragraph 3 above.
5. The convicted offender shall be informed in writing of any action taken by the sending State or the receiving State in application of the preceding paragraphs, as well as of any decision by either of the two States relating to a transfer request.