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**Japan
and
Iran (Islamic Republic of)**

**Treaty between Japan and the Islamic Republic of Iran on the transfer of sentenced persons.
Tokyo, 9 January 2015, and Tehran, 10 January 2015**

Entry into force: *2 August 2016, in accordance with article 17*

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**Japon
et
Iran (République islamique d')**

**Traité entre le Japon et la République islamique d'Iran sur le transfèrement des personnes
condamnées. Tokyo, 9 janvier 2015, et Téhéran, 10 janvier 2015**

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[ENGLISH TEXT – TEXTE ANGLAIS]

TREATY BETWEEN
JAPAN AND THE ISLAMIC REPUBLIC OF IRAN
ON THE TRANSFER OF SENTENCED PERSONS

Japan and the Islamic Republic of Iran (hereinafter referred to as "the Parties");

Desiring to further promote international co-operation in the field of enforcement of sentences;

Considering that such co-operation should further the ends of justice and the social rehabilitation of sentenced persons;

Considering that these objectives require that persons who are deprived of their liberty outside their own country as a result of their commission of a criminal offence should be given the opportunity to serve their sentences within their own society; and

Considering that this aim can best be achieved by having them transferred to their own country;

Have agreed as follows:

Article 1
Definitions

For the purposes of this Treaty:

- (a) "sentence" means any punishment involving deprivation of liberty ordered by a court for a limited or unlimited period of time on account of a criminal offence;
- (b) "sentenced person" means a person on whom the sentence has been imposed in the territory of either Party;
- (c) "judgment" means a decision of a court imposing a sentence;
- (d) "sentencing State" means the Party in which the sentence has been imposed on the person who may be, or has been, transferred; and
- (e) "administering State" means the Party to which the sentenced person may be, or has been, transferred in order to serve his or her sentence.

Article 2
General principles

1. Each Party undertakes to afford the other Party the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Treaty.
2. A sentenced person may be transferred from the territory of the sentencing State to the territory of the administering State, in accordance with the provisions of this Treaty, in order to serve the sentence imposed on him or her. To that end, the sentenced person may express his or her interest to the sentencing State or to the administering State in being transferred under this Treaty.
3. Transfer may be requested by either the sentencing State or the administering State.

Article 3
Conditions for transfer

1. A sentenced person may be transferred under this Treaty only on the following conditions:
 - (a) where Japan is the administering State, the sentenced person is a Japanese national or any other person who falls within the scope of its law on transnational transfer of sentenced persons;

where the Islamic Republic of Iran is the administering State, the sentenced person is an Iranian national as defined in the Iranian Civil Code;
 - (b) if the judgment is final;
 - (c) if, at the time of receipt of the request for transfer, the sentenced person still has at least six months of the sentence to serve;
 - (d) if the transfer is consented to by the sentenced person;
 - (e) if the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory; and

- (f) if the sentencing State and the administering State agree to the transfer.

2. The Parties may agree to a transfer even if the time of the sentence to be served by the sentenced person is less than that specified in sub-paragraph (c), paragraph 1 above.

Article 4 Refusal to transfer

A request for the transfer of a sentenced person may be refused if the transfer of the sentenced person may prejudice sovereignty, security, public order or other essential interests of either Party.

Article 5 Obligation to furnish information

1. Any sentenced person to whom this Treaty may apply shall be informed by the sentencing State of the substance of this Treaty.

2. If the sentenced person has expressed an interest to the sentencing State in being transferred under this Treaty, the sentencing State shall so inform the administering State promptly after the judgment becomes final.

3. The information shall include:

- (a) the full name, date and place of birth of the sentenced person;
- (b) his or her address, if any, in the administering State;
- (c) a statement of the facts upon which the sentence was based; and
- (d) the nature, duration and date of commencement of the sentence.

4. The sentencing State shall, on request from the administering State, communicate to the administering 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 of this Article, as well as of any decision taken by either State on a request for his or her transfer.

Article 6
Requests and replies

1. Requests for transfer and replies shall be made in writing.
2. Requests shall be addressed by the competent authority of the requesting State to the competent authority of the requested State, and shall be submitted to the requested State through the diplomatic channel. Replies shall be communicated through the same channel.
3. For the purpose of this Article, for Japan, the competent authority shall be the Ministry of Justice and for the Islamic Republic of Iran, the competent authority shall be the Ministry of Justice.
4. The requested State shall promptly inform the requesting State of its decision on whether or not to agree to the requested transfer.

Article 7
Supporting documents

1. The administering State, if requested by the sentencing State, shall furnish it with:
 - (a) a document or statement indicating that the sentenced person is a national of the administering State, or, where Japan is the administering State, any other person as provided for in sub-paragraph (a), paragraph 1 of Article 3; and
 - (b) a copy of the relevant law of the administering State which provides that the acts or omissions on account of which the sentence has been imposed in the sentencing State constitute a criminal offence according to the law of the administering State, or would constitute a criminal offence if committed on its territory.
2. If a transfer is requested, the sentencing State shall provide the following documents to the administering State, unless either State has already notified the other State in accordance with paragraph 2 of Article 6 that it will not agree to the transfer:
 - (a) a copy of the judgment and the law on which it is based;