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**Turkey  
and  
Kazakhstan**

**Agreement on the transfer of sentenced persons between the Republic of Turkey and the Republic of Kazakhstan. Ankara, 4 July 2013**

**Entry into force:** *18 May 2015, in accordance with article 23*

**Authentic texts:** *English, Kazakh and Turkish*

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**Turquie  
et  
Kazakhstan**

**Accord relatif au transfert des personnes condamnées entre la République turque et la République du Kazakhstan. Ankara, 4 juillet 2013**

**Entrée en vigueur :** *18 mai 2015, conformément à l'article 23*

**Textes authentiques :** *anglais, kazakh et turc*

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**AGREEMENT  
ON THE TRANSFER OF SENTENCED PERSONS BETWEEN  
THE REPUBLIC OF TURKEY AND THE REPUBLIC OF  
KAZAKHSTAN**

**Preamble**

The Republic of Turkey and the Republic of Kazakhstan, hereinafter referred to as Parties,

Aspire to the further progress of friendly relations and strengthening the cooperation in judicial area, including the transfer of sentenced persons, on the basis of the principals for national sovereignty, equality of rights and of non-interference in the internal affairs of Contracting Parties,

Have agreed as follows:

**ARTICLE 1**

**Definitions**

For the purposes of this Agreement, below specified definitions mean:

a) "Sentence" - any final court decision that stipulates the deprivation of liberty for committing the criminal offence;

b) "Sentencing State" - the State in which the sentence was pronounced against the person to be transferred;

c) "Administering State" - the State to which the sentenced person is transferred in order to serve his sentence and which is supervising the execution of the sentence;

d) "Citizen" - a person, who belongs to the nationality of one of the Parties;

e) "Central Authorities" - the Ministry of Justice of the Republic of Turkey and the Prosecutor General's Office of the Republic of Kazakhstan;

f) "Sentenced person" - a person deprived of liberty by a court sentence of one of the Parties.

**ARTICLE 2**

**General principles**

1. The Parties are obliged to cooperate on issues of the transfer of sentenced persons in accordance with the provisions of this Agreement.

2. A person sentenced in the territory of one Party may be transferred to the other Party in order to serve the sentence that was set by a court of the Sentencing State. To that end, the sentenced person or his legal

representative should submit his written application with consent of his transfer under this Agreement to the Sentencing State or to the Administering State.

3. Request for transfer may be made by either Party.

### **ARTICLE 3**

#### **Conditions for transfer**

1. A sentenced person may be transferred under this Agreement according to the following conditions:

- a) If that person is a citizen of the Administering State;
- b) If the sentence is in legal force;
- c) If, at the time of receipt of the request for transfer, the sentenced person still has at least one year sentence to serve;
- d) If the transfer is consented to in written form by the sentenced person, or by the person's legal representative taking into the consideration the sentenced person's age, physical or mental conditions;
- e) If the acts or omissions on which the sentence has been imposed constitute a criminal offence according to the laws of the Administering State.
- f) If the Sentencing and Administering State agree to the transfer.

2. In exceptional cases, the Parties may agree to a transfer even if the period of time remained to be served by the sentenced person is less than that as specified in Paragraph 1(c) of this Article.

### **ARTICLE 4**

#### **Refusal to transfer**

1. The transfer of the sentenced person may be refused if:

- a) one Party determines that the transfer would damage its sovereignty, security or public order, or is contrary to the fundamental principles of national laws;
- b) the sentence against the sentenced person was passed for an offence endangering state security;
- c) the sentenced person is involved in suit proceedings in the territory of the Sentencing State;

2. Each Party may determine at its discretion whether or not to agree to the transfer requested by the other Party other than the circumstances provided in Paragraph 1 of this Article

## **ARTICLE 5**

### **Obligation to grant information**

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

2. If the sentenced person or his legal representative has expressed an interest to the Sentencing State in being transferred under this Agreement, that State shall inform the Administering State as soon as possible in case if the sentence becomes final, and provide this State with the information stated in Paragraph 3 of this Article.

3. The information shall include:

- a) the name, date and place of birth and information confirming personal data of the sentenced person;
- b) his address, if any, in the Administering State;
- c) written application by the sentenced person, or his legal representative about his transfer;
- d) certified copies of the final sentence and the law on which it is based.

4. If the sentenced person or his legal representative has expressed his interest to the Administering State to transfer, the Sentencing State shall transmit on request the information to the Administering State referred to in Paragraph 3 of this Article.

5. The sentenced person or his legal representative shall be informed, in written form, of any action taken by the Sentencing State or by the Administering State in accordance with this Article, as well as of any decision taken by either State on a request for transfer.

## **ARTICLE 6**

### **Requests and replies**

1. Requests for transfer and replies shall be made by the Central Authorities of each Party in written form and transmitted through diplomatic channels.

2. The Sentencing State shall promptly inform the Administering State of its decision whether or not to agree to the transfer.

## **ARTICLE 7**

### **Supporting documents**

1. The Administering State, in case of receiving the request by the Sentencing State, shall provide to it:

a) a confirmation document that the sentenced person is a citizen of that State;

b) a copy of the relevant article of the law, 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.

2. If the transfer request is approved, the Sentencing State shall provide the following documents to the Administering State:

a) a certified copy of the final sentence and the law on which it is based;

b) information indicating the duration of the sentence that has already been served, including information on any pre-trial detention, remission, and any other factor relevant to the enforcement of the sentence;

c) a statement containing the consent to the transfer as referred to in the Article 3.1.d; and

d) whenever appropriate, any medical and social reports on the sentenced person, information about his treatment in the Sentencing State, and any recommendation for his further treatment in the Administering State.

3. Either State may ask to be provided any of the documents or information referred to in Paragraph 1 or 2 above of this Article before making a request for transfer or taking a decision on whether or not to agree to the transfer.

4. For the purpose of this Agreement, any documents directed by the Central Authority of one Party affixed with its signature and official seal shall be used in the territory of the other Party without any form of authentication or legalization.

## **ARTICLE 8**

### **Consent of the sentenced person and its verification**

1. The Sentencing State shall ensure that the sentenced person voluntarily has given consent to the transfer with full knowledge of its legal