

**No. 55357\***

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**Poland  
and  
Thailand**

**Treaty between the Republic of Poland and the Kingdom of Thailand on the transfer of offenders and on co-operation in the enforcement of penal sentences. Bangkok, 19 April 1997**

**Entry into force:** *22 April 1999 by the exchange of the instruments of ratification, in accordance with article 10*

**Authentic texts:** *English, Polish and Thai*

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**Pologne  
et  
Thaïlande**

**Traité entre la République de Pologne et le Royaume de Thaïlande sur le transfèrement des délinquants et sur la coopération pour l'exécution des peines. Bangkok, 19 avril 1997**

**Entrée en vigueur :** *22 avril 1999 par l'échange des instruments de ratification, conformément à l'article 10*

**Textes authentiques :** *anglais, polonais et thai*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Pologne, 20 septembre 2018*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

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

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The Republic of Poland and the Kingdom of Thailand;

Taking into consideration the laws in force regarding law enforcement of the Parties and the desirability of enhancing their co-operative efforts in law enforcement and the administration of justice;

Desiring to co-operate in the enforcement of penal sentences;

Desiring to facilitate the successful reintegration of offenders into society; and

Considering that these objectives can best 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 I**

**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;
- (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 an order made by a court of that State 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 Principle**

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 the essential elements of a criminal offence according to the law of the receiving State or would constitute such elements of 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 transferring State;
  - (ii) in respect of Thailand, against the Monarch, his Consort or his sons or daughters; in respect of Poland, against the Head of State or a member of his family; or
  - (iii) against legislation protecting national art treasures of the transferring State.
- (d) the sentence imposed on the offender is one of imprisonment, confinement or any other form of deprivation of liberty :
  - (i) for life;
  - (ii) for an indeterminate period in a hospital or other institution ; 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) the offender has served in the transferring State any minimum period of imprisonment, confinement or any other form of deprivation of liberty stipulated by the law of the transferring State;
- (f) the judgement is final and no further or other legal proceedings against the offender relating to the offence or any other offence are pending in the transferring State;
- (g) the transferring and receiving States and the offender all agree to the transfer; provided that, where in view of his age or physical or mental condition either Party considers it necessary, the offender's consent may be given by a person entitled to act on his behalf.

**Article 4**

**Procedure for Transfer**

(1) Both Parties shall endeavour to inform such persons as are within the scope of the present Treaty of the substance of the Treaty.

(2) The procedure for transfer of the offender under this Treaty shall be commenced through diplomatic channels by a written request from the receiving State to the transferring State. The transferring State shall, without delay, inform

the receiving State through diplomatic channels of its decision to approve or to refuse the request for transfer. If the transferring State approves the request, both Parties shall make all arrangements necessary for the transfer.

(3) The transferring State shall provide the receiving State with the following information:

(a) a statement of the facts upon which the sentence was based;

(b) the termination date of the sentence, the length of time already served by the offender and any credits to which he is entitled on account of work done, good behaviour, pretrial confinement or other reasons;

(c) a certified copy of all judgements and sentences concerning the offender from the date of his detention in the transferring State, and the law on which they are based;

(d) any other additional information requested by the receiving State so far as such information may be of significance for the offender's transfer and for the execution of his sentence.

(4) Either Party shall, as far as possible, provide the other Party, if it so requests, with any relevant information, documents or statements before making a request for transfer or taking a decision on whether or not to agree to the transfer.