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**Turkey
and
Jordan**

Agreement on the transfer of sentenced persons between the Republic of Turkey and the Hashemite Kingdom of Jordan. Ankara, 29 September 2011

Entry into force: *10 June 2015, in accordance with article 18*

Authentic texts: *Arabic, English and Turkish*

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**Turquie
et
Jordanie**

Accord entre la République turque et le Royaume hachémite de Jordanie sur le transfert des personnes condamnées. Ankara, 29 septembre 2011

Entrée en vigueur : *10 juin 2015, conformément à l'article 18*

Textes authentiques : *arabe, anglais et turc*

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**AGREEMENT
ON THE TRANSFER OF SENTENCED PERSONS
Between
THE REPUBLIC OF TURKEY
And
THE HASHEMITE KINGDOM OF JORDAN**

Preamble ,

The Republic of Turkey and The Hashemite Kingdom of Jordan,

Desirous of further promoting friendly relations and strengthening the cooperation in judicial area, particularly in 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 decided to conclude an agreement on the transfer of sentenced persons, have agreed as follows:

**Article 1
Definitions**

For the purposes of this agreement:

- a) "Sentence" means any final punishment involving deprivation of liberty ordered by a court as a result of criminal offence;
- b) "Judgment" means a decision of a court imposing a final sentence;
- c) "Sentencing state" means the state in which the sentence was imposed on the person to be transferred;
- d) "Administering state" means the state to which the sentenced person has been, or may be transferred in order to serve his sentence; and supervising the execution of the punishment.
- e) "National" means a person bearing the nationality of one of the contracting state;
- f) "The competent authority" means the ministries of justice of both state;
- g) "Sentenced person" means any person deprived of his liberty for being sentenced by a court in the territory of either state.

Article 2

General principles

1. The parties undertake to afford each other to the extent possible co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this agreement.
2. A person sentenced in the territory of a party may be transferred to the territory of the other party, in accordance with the provisions of this agreement, in order to serve the sentence imposed thereon. To that end, the sentenced person or a relative should submit their written application regarding his transfer under this agreement to the sentencing state or to the administering state.
3. Request for transfer may be made by either of the contracting parties.

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 national of the administering state;
 - 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 one year sentence;
 - d) If the transfer is accepted by the sentenced person or, where in the view of his age, physical or mental condition one of the two states considers it necessary, by the sentenced person's legal representative;
 - 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 humanitarian cases, parties may agree to a transfer even if the time to be served by the sentenced person is less than that specified in paragraph (1/c).

Article 4

Obligation to Furnish 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 has expressed an interest to the sentencing state in being transferred under this agreement, that state shall so inform the administering state as soon as practicable after the judgment becomes final, and provide the information stated in paragraph 3 of this article.
3. The information shall include:
 - a) The name, date and place of birth and information of birth registration of the sentenced person,
 - b) His address, if any, in the administering state,
 - c) A statement of the facts upon which the sentence was based,
 - d) The nature, duration and date of commencement of the sentence,
 - e) A written application by the sentenced person or a relative about his transfer.
 - f) A certified copy of the final judgment and the law on which it is based
4. If the sentenced person has expressed his interest to the administering state, the sentencing state shall, on request, communicate to the 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, as well as of any decision taken by either state on a request for transfer.

Article 5

Requests and Replies

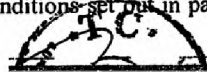
1. Requests for transfer and replies shall be made in writing through diplomatic channels.
2. The requested state shall promptly inform the requesting state of its decision whether or not to agree to the request of the transfer.

Article 6
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 that state.
 - 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 constitutes a criminal offence according to the law of the administering state, or would constitute a criminal offence if committed on its territory;
 - c) Any laws permitting the application of a lighter punishment than the punishment prescribed by the sentencing state for a similar punishment or any court or administrative procedures adopted by the administering state in this case.
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 judgment and the law on which it is based;
 - b) A statement indicating the duration of the sentence 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 declaration containing the consent to the transfer as referred to in Article 3.1.d; and,
 - d) Whenever appropriate, any medical or 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 with any of the documents or statements referred to in paragraphs 1 or 2 above before making a request for transfer or taking a decision on whether or not to agree to the transfer.

Article 7
Consent and Verification

1. The sentencing state shall ensure that the person required to give consent to the transfer in accordance with Article 3.1.d does so voluntarily and with full knowledge of the legal consequences thereof.
2. To that end consent of the sentenced person or his representative shall be verified by a person who is authorized officially for this purpose.
3. The sentencing state shall afford an opportunity to the administering state to verify through a consul or other official agreed upon with the administering state, that the consent is given in accordance with the conditions set out in paragraphs above.



Article 8

Effect of transfer for sentencing state

1. If the administering state is in charge of the sentenced person, this shall have the effect of suspending the enforcement of the sentence in the sentencing state.
2. The sentencing state may no longer enforce the sentence if the administering state considers enforcement of the sentence to have been completed.

Article 9

Effect of transfer for administering state

1. The competent authorities of the administering state shall continue the enforcement of the sentence after the transfer of the sentenced person.
2. Sentenced person who had been transferred for the purpose of serving a sentence shall not be subject to trial or conviction in connection with the sentence to be enforced.

Article 10

Continued enforcement

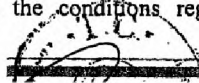
1. In accordance with its domestic law, the competent authorities of the administering state shall:
 - a. Continue the enforcement of the sentence immediately or through a court or administrative order, or
 - b. Convert the sentence, through a judicial or administrative procedure into a decision of that state, thereby substituting for the sanction imposed in the sentencing state a sanction prescribed by the law of the administering state for the same offence.

As to the nature and duration, the punishment or measure shall, as far as possible, correspond with that imposed by the sentence to be enforced.

It shall not aggravate, by its nature or duration, the sanction imposed in the sentencing state, nor exceed the maximum prescribed by the of the administering state.

Administering state shall inform the sentenced state about this issue prior the approval of the request.

2. Enforcement of a sentence shall be subject to the laws of the administering state. Only this state has the authority to determine the conditions regarding the enforcement of the sentence.



Article 11

Pardon, Amnesty, Commutation

Each party may grant pardon, amnesty or commutation of the sentence in accordance with its laws or other regulations.

Article 12

Review of judgment

Only the sentencing state shall have the right to decide on any application for reviewing the judgment.

Article 13

Termination of enforcement

The administering state shall terminate enforcement of the sentence as soon as it is informed by the sentencing state of any decision or measure entails the enforcement or decrease of the punishment.

Article 14

Information on enforcement

The administering state shall provide information to the sentencing state concerning the enforcement of the sentence:

- a) When it considers enforcement of the sentence to have been completed;
- b) If the sentenced person has escaped from custody before the enforcement of the sentence has been completed;
- c) If the sentencing state requests a special report.

Article 15

Languages and costs

1. All the information and requests regarding the transfer of a sentenced person shall be furnished in the official language of the party to which it is addressed.
2. Costs incurred exclusively in the territory of the sentencing state shall be borne by that state, any other costs incurred from the transfer of the sentenced person shall be borne by the administering state.

Article 16

Temporal application

This agreement shall be applicable to the enforcement of sentences imposed either before or after its entry into force.

Article 17

Ratification

This agreement shall be ratified in accordance with the constitutional provisions of both States.

Article 18

Entry into force

This agreement shall come into force 30 days after the exchange of the instruments of ratification.

Article 19

Settlement of disputes

Disputes arising from the application or interpretation of this agreement shall be settled through diplomatic channels.

Article 20

Duration and denunciation

This agreement shall remain in force for unlimited period. However, each contracting Party may denounce the agreement at any time by giving a notice to the other contracting party through diplomatic channels.

Each party may terminate the agreement at any time and this denunciation shall take effect after six months from the date of receiving such notification by the other state.

In witness whereof, the undersigned representatives, being duly authorized by the parties, have affixed their signatures to this agreement in Ankara on 29 September 2011 in three original copies in the Turkish, Arabic and English languages, all texts being equally authentic. In case of dispute on interpretation, the English text shall prevail.

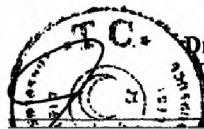
For


THE REPUBLIC OF TURKEY


Sadullah ERGIN
The Minister of Justice

For

**THE HASHEMITE KINGDOM OF
JORDAN**




Dr Ibrahim AMOOSH
The Minister of Justice