



# **TRANSFER OF SENTENCED PERSONS: PROCESSING OF APPLICATIONS USEFULNESS OF IBERA**

## APPLICABLE CONVENTIONS

- Bilateral conventions
- Multilateral conventions
  - Convention on the transfer of sentenced persons, made in Strasbourg, 21 March 1983
  - Agreement on the application among the member States of the European Communities of the Council of Europe Convention on the Transfer of Sentenced Persons, done at Brussels on 25 May 1987.
  - European Convention on the International Validity of Criminal Judgments, made in The Hague, 28 May 1970
  - The Convention implementing the Schengen Agreement (Chapter V, Transfer of the Enforcement of Criminal Judgments; Arts. 67 to 69, both inclusive), of 14 June 1985.
  - The European Arrest Warrant and Surrender Procedures

## **REQUIREMENTS FOR REQUESTING TRANSFER**

1. The judgment must be final.
2. To be national of the administering State or be resident in it.
3. At least 6 months or one year, depending on the conventions, are left outstanding to serving sentence when the transfer application is filed.
4. The applicant has no other pending criminal proceedings.

## **DOCUMENTS INCLUDED IN A TRANSFER RECORD**

- Application signed by the interested party
- Documentation required by the Convention of Transfer (final judgment, legal texts, liquidation of sentence, reports on behaviour, social, medical)



## **PROBLEMS DETECTED DURING THE PROCEDURE**

- Documentation received incomplete
- Necessary clarification

## **Documentation received incomplete**

- Application signed by the interested party: incomplete data
- Documentation required by the Convention of Transfer (lack of final judgment, legal texts, etc)
- Need to clarify information referring to sentence or other circumstances necessary to decide on the transfer

## **Need to clarify information referring to documentation received**

- Date on which the judgment was pronounced.
- Date on which the judgment became final.
- Period or periods of time the applicant was held in custody.
- Prison benefits that the applicant for transfer could be entitled to.

## SOLUTIONS TO PROBLEMS

- Permanent contact between Central Authorities

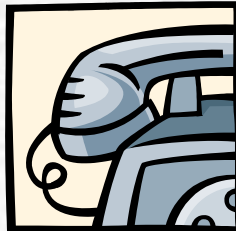


## Permanent contact between Central Authorities

Traditional means of communication::

- Telephone

- Fax



Use of new information technologies:

- E-mail





# **New tool of communication between Latin-American central authorities in the matter of judicial cooperation: IBERA**

## **Advantages:**

- Security
- Easy to handle
- Use through Internet everywhere