

**TREATY**  
**BETWEEN**  
**THE KINGDOM OF BELGIUM**  
**AND**  
**THE ISLAMIC REPUBLIC OF IRAN**  
**ON**  
**THE TRANSFER OF SENTENCED PERSONS**

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**THE KINGDOM OF BELGIUM**

**AND**

**THE ISLAMIC REPUBLIC OF IRAN;**

**HEREINAFTER REFERRED TO AS "THE CONTRACTING PARTIES";**

**DESIROUS** of further developing international co-operation in the field of criminal law;

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

**CONSIDERING** that these objectives require that foreigners who are deprived of their liberty as a result of their commission of a criminal offence should be given the opportunity to serve their sentences within their own society;

**CONSIDERING** that this aim can best be achieved by having them transferred to their own countries;

**BASED** on the principles of national sovereignty, non-intervention in the affairs of each other and protection of mutual interests.

**HAVE AGREED AS FOLLOWS:**

## ARTICLE 1

### Definitions

For the purposes of this Treaty:

1. "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time on account of a criminal offence;
2. "Judgement" means a decision or order of a court imposing a sentence;
3. "Sentencing State" means the State in which the sentence was imposed on the person who may be, or has been, transferred;
4. "Administering State" means the State to which the sentenced person may be, or has been, transferred in order to serve his sentence;
5. "Sentenced person" means a person who has been sentenced under a judgment issued by the courts of one of the Parties to imprisonment or deprivation of liberty for commitment of a criminal offence;
6. 'Data' means: all information relating to an identified or identifiable natural person.

## ARTICLE 2

### Central Authorities

For the purpose of implementation of this Treaty the Parties shall designate a Central Authority:

- a. In the case of the Islamic Republic of Iran., the Central Authority is the Ministry of Justice;
- b. In the case of Belgium, the Central Authority is the Federal Public Service for Justice.

## ARTICLE 3

### General Principles

1. The Parties undertake to afford each other the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Treaty.

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 Treaty, in order to serve the remaining period of the sentence imposed on him. To that end, he may express his 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 4**

##### **Conditions for Transfer**

1. A sentenced person may be transferred under this Treaty only on the following conditions:
  - a. if that person is a national of the Administering State;
  - b. if the judgment is final and enforceable;
  - c. if, at the time of receipt of the request for transfer, the sentenced person still has at least one year of the sentence to serve or if the sentence is indeterminate;
  - d. if the transfer is consented to by the sentenced person or, where in view of his age or his physical or mental condition either State considers it necessary, by the sentenced person's legal representative, except in the cases mentioned in Articles 8 and 12;
  - 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 and Administering States agree to the transfer.
2. In exceptional cases, the 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 of this Article.

#### **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, that State shall so inform the Administering State as soon as practicable after the judgement becomes final.
3. This information shall include:
  - a. the name, father's name, nationality, date and place of birth 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.
4. If the sentenced person has expressed to the Administering State his interest in being transferred by virtue of this Treaty, the Sentencing State shall, on request, 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, as well as of any decision taken by either State on a request for transfer.

## **ARTICLE 6**

### **Request and Replies**

1. Request for transfer and replies shall be made in writing.
2. The requested State shall promptly inform the requesting State of its decision whether or not to agree to the request for transfer.
3. All communications between the Parties shall be made in writing and sent through diplomatic channels.

## **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 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 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 provide the following documents to the Administering State, unless either State has already indicated that it will not agree to the transfer:
  - a. a certified copy of the judgement and the law on which it is based;
  - b. a statement indicating how much 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. other than the cases mentioned in Articles 8 and 12, a declaration containing the consent to the transfer as referred to in Article 4,1.d.;
  - d. a report of the conduct of the sentenced person during his detention if any; and
  - e. 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 8**

### **Consent and its Verification**

1. The Sentencing State shall ensure that the person required to give consent to the transfer in accordance with Article 4.1.d does so voluntarily and with full knowledge of the legal consequences thereof. The procedure for giving such consent shall be governed by the law of the Sentencing State.
2. 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 the paragraph above.

## ARTICLE 9

### Data Protection

1. The Parties shall ensure that the data transferred from one Party to another shall be used only for the purpose of executing a request, pursuant to this Treaty. No data shall be used for any other purpose, or transferred to any third country without prior approval of the Party which transferred the data.
2. The Parties shall ensure the accuracy of personal data transferred pursuant to this Agreement and they shall ensure that appropriate measures shall be taken in order to protect the transmitted data against accidental or unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination.
3. Transferred data shall be kept for no longer than is necessary for the purposes for which they are processed, pursuant to this Agreement. The Parties shall consult each other on the need to rectify inaccurate, incomplete or unreliable data or the desire or need to erase data or to restrict the use of data.
4. The parties shall ensure that data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, or personal data concerning a person's health, sex life or sexual orientation are subject to appropriate safeguards.
5. The sentenced person may be provided with information on the categories of data transferred, the purpose of the data transfer.
6. The sentenced person shall be provided with a right to lodge a complaint when he or she considers that his or her rights regarding the processing of his or her data on the basis of this Agreement have been infringed.

## ARTICLE 10

### Effect of Transfer for the Sentencing State

1. The taking into charge of the sentenced person by the authorities of the Administering State 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 11

### Effect of Transfer for the Administering State

1. The competent authorities of the Administering State shall continue the enforcement of the sentence either immediately or by virtue of a court or administrative order, under the conditions set out in Article 12.
2. The enforcement of the sentence shall be governed by the law of the Administering State and that State alone shall be competent to take all appropriate decisions.

## ARTICLE 12

### Nature and Duration of the Penalty

1. The Administering State is bound by the legal nature and duration of the sentence arising from the conviction.
2. However, if the nature or duration of this sentence is incompatible with the legislation of the Administering State, or if its legislation so requires, the Administering State may, by court or administrative order, adjust this sentence to the sentence or order which would be handed down under its own law for offences of the same nature. The nature of this sentence or order shall correspond as far as possible to that of the sentence to be enforced. It shall not aggravate the nature or duration of the penalty passed in the Sentencing State or exceed the maximum laid down by the law of the Administering State.

## ARTICLE 13

### Pardon, Amnesty, Commutation

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

## ARTICLE 14

### Review of Judgement

The Sentencing State alone shall have the right to decide on any application for review of the judgment.



**ARTICLE 15****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 as a result of which the sentence ceases to be enforceable.

**ARTICLE 16****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 enforcement of the sentence has been completed; or
- c. if the Sentencing State requests a special report.

**ARTICLE 17****Language and Costs**

1. For the application of this Treaty, the information shall be transmitted in one of the official languages of the State to which it is addressed or in English.
2. Any costs incurred in the application of this Treaty shall be borne by the Administering State, except costs incurred exclusively in the territory of the Sentencing State.

## ARTICLE 18

### Compatibility with Other Arrangements

Assistance and procedures set forth in this Treaty shall not prevent either of the Parties from granting assistance to the other Party through the provisions of other international agreements to which it may be a party, customary international law, or through the provisions of its domestic laws. The Parties may also provide assistance pursuant to any arrangement or practice which may be applicable between the competent authorities of the Parties.

## ARTICLE 19

### Transit

1. Each Party may, in accordance with its national law, upon request, authorize transit through its territory of persons transferred to the other Party by a third State.
2. The Requesting Party shall send a request containing identity information of the person transited and information regarding the date, transportation details and escort agents. The Requested Party may refuse to grant transit *inter alia*:
  - a. if the sentenced person is one of its own nationals; or
  - b. if the offence for which the sentence was imposed is not an offence under its own law.
3. The Requested Party shall keep the transited person in custody in its territory, according to its national law.
4. Transit permission is not required if the transit is carried out by air and no landing is scheduled on the territory of the other Party. If an unscheduled landing occurs on the territory of the other Party, that Party may require the request for transit as provided in Paragraph 1 of this Article. The custody of the transferred person shall be carried out by the competent authorities of the Party of transit.

## ARTICLE 20

### Settlement of Disputes

Any dispute between the Parties concerning the interpretation or application of this Treaty shall be settled amicably and via negotiation through diplomatic channels.

**ARTICLE 21****Amendments**

This Treaty may be amended at any time upon mutual agreement of the Parties in written form. Such an amendment shall enter into force in accordance with the same procedure as applicable for the entry into force of this Treaty.

**ARTICLE 22****Final Clauses**

1. This Treaty is subject to ratification and shall come into force for an unlimited period thirty days after the exchange of the instruments of ratification through diplomatic channels.
2. This Treaty is also applicable to the enforcement of sentences passed before coming into force.
3. Without prejudice to current proceedings, either Party may denounce this Treaty at any time by sending written notice to the other Party through diplomatic channels. The denunciation shall come into effect one year from the date of receipt of this notice.
4. The termination of this Treaty shall not affect the transfer requests which have been submitted before its termination.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto, have signed this Treaty.

**DONE** in Brussels on March 11, 2022, corresponding to Esfand 20, 1400 Solar Hijri, in 1 Preamble and 22 Articles, in duplicate, in Persian, French, Dutch and English languages, all texts being equally authentic. In the case of any divergence, the English text prevails.

**FOR  
THE KINGDOM OF BELGIUM:**

**FOR  
THE ISLAMIC REPUBLIC OF IRAN:**

**Daniel Flore,  
Director-General,  
Federal Public Service Justice**

**Gholamhossein Dehghani,  
Ambassador Extraordinary and  
Plenipotentiary to the Kingdom of  
Belgium and the European Union**