

**No. 24319**

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**FRANCE  
and  
THAILAND**

**Convention on co-operation in the execution of penal sentences. Signed at Bangkok on 26 March 1983**

*Authentic texts: French and Thai.*

*Registered by France on 29 August 1986.*

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**FRANCE  
et  
THAÏLANDE**

**Convention sur la coopération en matière d'exécution des condamnations pénales. Signée à Bangkok le 26 mars 1983**

*Textes authentiques : français et thaï.*

*Enregistrée par la France le 29 août 1986.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE KINGDOM OF THAILAND ON CO-OPERATION IN THE EXECUTION OF PENAL SENTENCES

The Government of the French Republic and the Government of the Kingdom of Thailand,

Desiring to co-operate in the execution of penal sentences by enabling offenders to serve their sentences of imprisonment or other forms of confinement in the country of which they are nationals, in order thereby to facilitate their social rehabilitation;

Have agreed as follows:

*Article 1. DEFINITIONS*

For purposes of this Convention,

1. "Sending State" means the State from which the offender is to be transferred.
2. "Receiving State" means the State to which the offender is to be transferred.
3. "Offender" means a person who, in the territory of either Party, has been convicted of an offence and sentenced either to imprisonment or to any other form of confinement, irrespective of the means of execution of the sentences, including parole or any other probationary measure. This term also includes persons subject to detention, custody or supervision under the laws of the sending State pertaining to youthful offenders.

*Article 2. SCOPE OF APPLICATION*

The application of this Convention shall be subject to the following conditions:

1. That the offence for which the offender was convicted and sentenced is one which would also be considered a crime or offence in the receiving State had it been committed in that State. This condition should not be interpreted as requiring that the crimes or offences defined in the laws of the two Parties be identical on points which are irrelevant to their nature, such as the quantity of property or assets stolen or possessed.
2. That the offender to be transferred is a national of the receiving State.
3. That the offender to be transferred has not committed:
  - (a) An offence against the internal or external security of the State;
  - (b) An offence against the head of State or members of his family;
  - (c) An offence involving the smuggling of ancient objects or treasures of the national artistic heritage.
4. That at least one year of the offender's sentence remains to be served on the date of the request for transfer.

<sup>1</sup> Came into force on 1 February 1986, i.e., the first day of the month following the date of receipt (on 15 January 1986) of the last of the notifications by which the Parties had informed each other of its approval, in accordance with article 8 (2).

5. That no jurisdictional appeal or other legal action is pending in the sending State.

6. That, in the case of sentence to imprisonment, detention or other forms of confinement, the offender has, at the time of the transfer, served in the sending State the minimal sentence provided by the law of that State.

7. The transfer may be refused if the sending State considers that the transfer would undermine its sovereignty, security or public policy.

8. The transfer may be refused if the offender has not paid the sums, costs, damages, fines or pecuniary sentences of any kind imposed on him by the judgement.

9. The transfer may be refused if the offender is also a national of the sending State.

### *Article 3. TRANSFER PROCEDURE*

1. Each Party shall explain the substance of this Convention to any offender who is within its scope.

2. Every transfer under this Convention shall be undertaken through the diplomatic channel by a written request from the receiving State to the sending State. To that end, the offender may submit a petition to the receiving State asking for a transfer. If the sending State approves the request, it must so inform the receiving State through the diplomatic channel and institute the necessary procedure in order to transfer the offender.

3. In deciding upon the transfer of an offender, each Party shall bear in mind the following factors:

- (a) The fact that the transfer of the offender will probably contribute to his social rehabilitation or will in any case be in his interest; and
- (b) The nature and gravity of the offence, including its effects in the receiving State and in the sending State, and all the extenuating or aggravating circumstances.

4. An offender shall be transferred only:

- (a) If he has been sentenced to life imprisonment; or
- (b) If the sentence which he is serving has a specified duration or if such a duration has been fixed by the competent authorities; or
- (c) If he is subject to detention, custody or supervision under the laws of the sending State pertaining to youthful offenders.

5. The sending State shall furnish the receiving State with a statement showing the offence of which the offender was convicted, the date on which the sentence will be completed, the length of time already served by the prisoner and any credits to which the offender is entitled, on such grounds as work done, good behaviour or pre-trial confinement.

6. Delivery of the offender by the authorities of the sending State to those of the receiving State shall occur in the territory of the sending State at a place agreed upon by both Parties. The sending State shall afford the opportunity to the receiving State, if it so desires, of verifying prior to the transfer, through an officer designated by the laws of the receiving State, that the offender's consent to his transfer has been given voluntarily and with full knowledge of the consequences thereof.

*Article 4.* RETENTION OF JURISDICTION

The sending State shall have exclusive jurisdiction over any petition for review of the judgement. It may also modify the judgement by commuting or reducing the sentence. Upon being advised of the review or modification of such a judgement, the receiving State shall enforce this decision.

*Article 5.* PROCEDURE FOR EXECUTING THE SENTENCE

1. Except as otherwise provided in this Convention, a transferred offender's sentence shall be executed according to the laws and regulations of the receiving State, including those which govern conditions relating to imprisonment, detention or any other form of confinement, probation and parole, and all provisions which provide for reducing the term of imprisonment, detention or any other form of confinement, by means of parole or conditional release or otherwise.

2. The receiving State may apply the regulations set by its laws pertaining to youthful offenders to any offender belonging to this category under its laws, irrespective of the status of the offender under the laws of the sending State.

3. The receiving State shall not execute any sentence of confinement in such a way as to extend its duration beyond the period of confinement imposed by the sentence of the court of the sending State.

4. The receiving State shall pay the costs of the transfer and of the execution of the sentence.

5. The authorities of each Party shall, at the request of the other Party, furnish reports indicating the situation of all offenders transferred under this Convention, including any parole or release of an offender. Either Party may at any time request a special report on the stage of execution of a particular sentence.

6. The transfer of an offender under the provisions of this Convention shall not create any additional disability under the laws of the receiving State beyond those which the fact of his conviction may in and of itself already have created.

*Article 6.* TRANSIT OF OFFENDERS

If either Contracting Party concludes an agreement with a third State for the transfer of offenders, the other Party shall co-operate with it to facilitate the transit across its territory of the offenders who are transferred under the said agreement.

The Contracting Party which intends to carry out such a transfer shall give advance notice of the transit to the other Party.

*Article 7.* APPLICATION PROCEDURE

1. For the purposes of this Convention, each Party may decide on rules of procedure compatible with its own objectives to determine whether or not it should consent to the transfer of an offender.

2. Each Party shall designate an authority to perform the functions provided for in this Convention.

*Article 8.* FINAL PROVISIONS

1. This Convention shall be subject to approval. The formal notifications of approval shall be exchanged as soon as possible.

2. This Convention shall enter into force on the first day of the month following the date on which the last notification is received and shall remain in force for a period of three years from the date of its entry into force. Subsequently, the Convention shall remain in force until the expiry of a period of 30 days from the date on which either Party notifies the other Party in writing of its intention to terminate the Convention.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Bangkok in duplicate, in the Thai and French languages, both texts being equally authentic, on 26 March 1983.

For the Government  
of the French Republic:

[Signed]

CLAUDE CHEYSSON  
Minister for Foreign Affairs

For the Government  
of the Kingdom of Thailand:

[Signed]

SIDDHI SAVETSILO  
General of the Air Force  
Minister for Foreign Affairs

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