



Australian Government
Attorney-General's Department

**International Crime
Cooperation Division**

14/4999

20 November 2015

Committee Secretary
Joint Standing Committee on Treaties
Parliament House
jsct@aph.gov.au

Dear Committee Secretary

Thank you for the opportunity to review the Proof Committee Hansard for the Joint Standing Committee on Treaties' hearing on the *Agreement between the Government of Australia and the Government of the Republic of India concerning Transfer of Sentenced Persons*. In addition to suggesting some amendments to the proof (separately attached), I would like to clarify some of the statements in the transcript.

Page 1 of the proof states '[A]s a party to the Council of Europe Convention on the Transfer of Sentenced Persons, Australia is able to transfer prisoners to 64 countries'. In saying that I was intending to convey the number of parties to the Convention. I would like to clarify that as one of those parties Australia is of course able to conduct prisoner transfers with 63 other countries. I have attached a list of the parties to the Convention, as requested by the Committee during the hearing.

Page 3 of the proof states '[T]here are no Australians in Indian prisons at the moment to our knowledge. However, we understand that there are some facing charges.' I would like to clarify that there are no Australians serving a sentence in Indian prisons. However, some Australians that are facing charges in India may be in and out of custody depending on bail and remand conditions. The Department of Foreign Affairs and Trade advised that, as at 19 November 2015, one of the Australian citizens facing charges in India is being held in custody.

On page 6 of the proof Mr Brett Whiteley MP seeks confirmation that the figure of a hundred self-identified Indian nationals in Australian prisons was referring to federal prisoners across the country and I responded '[T]hat is right'. I took Mr Whiteley's question to refer to the number of prisoners across Australia nationally as opposed to 'federal prisoners'.

Thank you for the opportunity to provide this clarification.

Yours sincerely

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Chart of signatures and ratifications of Treaty 112

Convention on the Transfer of Sentenced Persons

Status as of 20/11/2015

Title	Convention on the Transfer of Sentenced Persons
Reference	CETS No.112
Opening of the treaty	Strasbourg, 21/03/1983 - Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States
Entry into Force	01/07/1985 - 3 Ratifications.

 State who signed State who ratified State who neither signed nor ratified State who suspended State who denounced

Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
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Members of Council of Europe

Albania	19/05/1998	04/04/2000	01/08/2000		<u>D.</u>				
Andorra	04/11/1999	13/07/2000	01/11/2000		<u>D.</u>	<u>A.</u>			
Armenia		11/05/2001	01/09/2001		<u>D.</u>				
Austria	21/03/1983	09/09/1986	01/01/1987		<u>D.</u>				
Azerbaijan	25/01/2001	25/01/2001	01/05/2001		<u>R.</u>	<u>D.</u>	<u>A.</u>		
Belgium	21/03/1983	06/08/1990	01/12/1990		<u>D.</u>				
Bosnia and Herzegovina	30/04/2004	15/04/2005	01/08/2005						
Bulgaria	30/09/1993	17/06/1994	01/10/1994		<u>D.</u>				
Croatia		25/01/1995	01/05/1995		<u>D.</u>				
Cyprus	27/02/1984	18/04/1986	01/08/1986		<u>D.</u>				
Czech Republic	13/02/1992	15/04/1992	01/01/1993	17					
Denmark	21/03/1983	16/01/1987	01/05/1987		<u>D.</u>		<u>T.</u>		
Estonia	04/11/1993	28/04/1997	01/08/1997		<u>D.</u>				
Finland		29/01/1987	01/05/1987		<u>D.</u>				
France	27/04/1983	11/02/1985	01/07/1985		<u>R.</u>	<u>D.</u>			
Georgia		21/10/1997	01/02/1998			<u>D.</u>			

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Germany	21/03/1983	31/10/1991	01/02/1992			<u>D.</u>				<u>O.</u>
Greece	21/03/1983	17/12/1987	01/04/1988			<u>D.</u>				
Hungary	19/11/1991	13/07/1993	01/11/1993			<u>D.</u>				
Iceland	19/09/1989	06/08/1993	01/12/1993			<u>D.</u>				
Ireland	20/08/1986	31/07/1995	01/11/1995		<u>R.</u>	<u>D.</u>				
Italy	20/03/1984	30/06/1989	01/10/1989			<u>D.</u>				
Latvia	30/10/1996	02/05/1997	01/09/1997			<u>D.</u>				
Liechtenstein	03/05/1983	14/01/1998	01/05/1998			<u>D.</u>	<u>A.</u>			
Lithuania	25/01/1995	24/05/1996	01/09/1996			<u>D.</u>				
Luxembourg	21/03/1983	09/10/1987	01/02/1988			<u>D.</u>				
Malta	04/11/1988	26/03/1991	01/07/1991			<u>D.</u>				
Moldova	06/05/1997	12/05/2004	01/09/2004			<u>D.</u>				
Monaco										
Montenegro		11/04/2002	06/06/2006	54						
Netherlands	21/03/1983	30/09/1987	01/01/1988			<u>D.</u>		<u>T.</u>		
Norway	08/03/1985	09/12/1992	01/04/1993			<u>D.</u>	<u>A.</u>	<u>T.</u>		
Poland	22/11/1993	08/11/1994	01/03/1995			<u>D.</u>				
Portugal	21/03/1983	28/06/1993	01/10/1993			<u>D.</u>				
Romania	30/06/1995	23/08/1996	01/12/1996			<u>D.</u>			<u>C.</u>	
Russia	07/04/2005	28/08/2007	01/12/2007			<u>D.</u>				
San Marino	17/03/2004	25/06/2004	01/10/2004							
Serbia		11/04/2002	01/08/2002	54						
Slovakia	13/02/1992	15/04/1992	01/01/1993	17		<u>D.</u>				
Slovenia	14/05/1993	16/09/1993	01/01/1994							
Spain	10/06/1983	11/03/1985	01/07/1985			<u>D.</u>	<u>A.</u>			
Sweden	21/03/1983	09/01/1985	01/07/1985			<u>D.</u>	<u>A.</u>			<u>O.</u>
Switzerland	21/03/1983	15/01/1988	01/05/1988			<u>D.</u>	<u>A.</u>			
The former Yugoslav Republic of Macedonia	28/07/1999	28/07/1999	01/11/1999							
Turkey	19/06/1985	03/09/1987	01/01/1988			<u>D.</u>				
Ukraine		28/09/1995	01/01/1996			<u>D.</u>				
United Kingdom	25/08/1983	30/04/1985	01/08/1985		<u>R.</u>	<u>D.</u>	<u>A.</u>		<u>C.</u>	

Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
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Non-Members of Council of Europe

Signature	Ratification	Entry Into Force	Notes	R.	D.	A.	T.	C.	O.
Australia	05/09/2002	01/01/2003							
Bahamas	12/11/1991	01/03/1992				D.	A.		
Bolivia	02/03/2004	01/06/2004				D.	A.		
Canada	21/03/1983	13/05/1985	01/09/1985						
Chile	30/07/1998	01/11/1998							
Costa Rica	14/04/1998	01/08/1998							
Ecuador	12/07/2005	01/11/2005				D.	A.		
Honduras	09/03/2009	01/07/2009							
Israel	24/09/1997	01/01/1998				D.			
Japan	17/02/2003	01/06/2003				D.			
Korea	20/07/2005	01/11/2005				D.			
Mauritius	18/06/2004	01/10/2004							T.
Mexico	13/07/2007	01/11/2007				D.	A.		
Mongolia									
Panama	05/07/1999	01/11/1999				D.	A.		
Philippines									
Tonga	03/07/2000	01/11/2000							
Trinidad and Tobago	22/03/1994	01/07/1994							
United States of America	21/03/1983	11/03/1985	01/07/1985			D.			
Venezuela	11/06/2003	01/10/2003							

Total number of signatures not followed by ratifications 0

Total number of ratifications/accessions 64

Notes

- (17) Dates of signature and ratification by the former Czech and Slovak Federal Republic.
- (54) Date of accession by the state union of Serbia and Montenegro.

a: Accession s: Signature without reservation as to ratification su: Succession r: Signature "ad referendum".
R.: Reservations D.: Declarations A.: Authorities T.: Territorial Application C.: Communication O.: Objection.
Source : Treaty Office on <http://conventions.coe.int> - * Disclaimer.

