

AGREEMENT
ON
RECOGNITION AND ENFORCEMENT OF
JUDGMENTS IN CRIMINAL MATTERS
IMPOSING CUSTODIAL SENTENCES OR
MEASURES INVOLVING DEPRIVATION OF LIBERTY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE KINGDOM OF NORWAY

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA AND THE
GOVERNMENT OF THE KINGDOM OF NORWAY, hereinafter referred to as the
“Contracting Parties”,

Taking into consideration the laws and regulations in force regarding law enforcement of
the Contracting Parties and the desirability of enhancing their cooperative efforts in law
enforcement and the administration of justice,

Desiring to facilitate the social rehabilitation of sentenced persons into their own society,

Considering that this aim can best be achieved by having sentenced persons transferred to
the country where they live,

Considering the need for modern mechanisms for the mutual recognition of final
sentences involving deprivation of liberty, and for extended application of the principle of
the transfer of sentenced persons,

Whereas:

(1) Both Contracting Parties have ratified the Council of Europe Convention on the Transfer of Sentenced Persons of 21 March 1983. Under that Convention, sentenced persons may be transferred to serve the remainder of their sentence only to their State of nationality and only with their consent and that of the States involved. The Additional Protocol to that Convention of 18 December 1997, which allows transfer without the person's consent, subject to certain conditions, has also been ratified by both Contracting Parties. Neither instrument imposes any basic duty to recognise the judgment and enforce the sentence imposed by the other Contracting Party.

(2) A further development of the cooperation provided for in the Council of Europe instruments concerning the enforcement of criminal judgments should be envisaged, in particular where citizens of the Contracting Parties were the subject of a criminal judgment and were sentenced to a custodial sentence or a measure involving deprivation of liberty in another Contracting Party. Notwithstanding the need to provide the sentenced person with adequate safeguards, his or her involvement in the proceedings should no longer be dominant by requiring in all cases his or her consent to the forwarding of a judgment to the other Contracting Party for the purpose of its recognition and enforcement of the sentence imposed.

(3) This Agreement should be implemented and applied in a manner which allows general principles of equality, fairness and reasonableness to be respected.

(4) Enforcement of the sentence in the executing State should enhance the possibility of social rehabilitation of the sentenced person. In the context of satisfying itself that the enforcement of the sentence by the executing State will serve the purpose of facilitating the social rehabilitation of the sentenced person, the competent authority of the issuing State should take into account such elements as, for example, the person's attachment to the executing State, whether he or she considers it the place of family, linguistic, cultural, social or economic and other links to the executing State.

(5) Nothing in this Agreement should be interpreted as prohibiting refusal to execute a decision when there are objective reasons to believe that the sentence was imposed for the purpose of punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced on any one of those grounds,

(6) This Agreement should not prevent any Contracting Party from applying its constitutional rules relating to due process, freedom of association, freedom of the press and freedom of expression in other media.

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Agreement:

- (a) 'judgment' shall mean a final decision or order of a court of the issuing State imposing a sentence on a natural person;
- (b) 'sentence' shall mean any custodial sentence or any measure involving deprivation of liberty imposed for a limited or unlimited period of time on account of a criminal offence on the basis of criminal proceedings;
- (c) 'issuing State' shall mean the State in which a judgment is delivered;
- (d) 'executing State' shall mean the State to which a judgment is forwarded for the purpose of its recognition and enforcement;
- (e) the State in which the sentenced person 'lives', indicates the place to which that person is attached based on habitual residence and on elements such as family, social or professional ties;

f) 'nationality' shall mean for the Republic of Lithuania, citizenship of the Republic of Lithuania, for the Kingdom of Norway, citizenship of the Kingdom of Norway.

Article 2

Determination of the competent authorities

The Contracting Parties shall without undue delay inform each other which authority or authorities, under its national law, are competent in accordance with this Agreement, when that Contracting Party is the issuing State or the executing State.

Article 3

Purpose and scope

1. The purpose of this Agreement is to establish the rules under which a Contracting Party, with a view to facilitating the social rehabilitation of the sentenced person, is to recognise a judgment and enforce the sentence.

2. This Agreement shall apply where the sentenced person is in the issuing State or in the executing State.

3. This Agreement shall apply only to the recognition of judgments and the enforcement of sentences within the meaning of this Agreement. The fact that, in addition to the sentence, a fine and/or a confiscation order has been imposed, which has not yet been paid, recovered or enforced, shall not prevent a judgment from being forwarded.

4. This Agreement shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in the European Convention for the Protection on Human Rights and Fundamental Freedoms of 4 November 1950.

Article 4

Criteria for forwarding a judgment and a certificate

1. Provided that the sentenced person is in the issuing State or in the executing State, and provided that this person has given his or her consent where required under Article 6, a judgment, together with the certificate for which the standard form is given in Annex I, may be forwarded to the other Contracting Party when:

- (a) the other Contracting Party is the State of nationality of the sentenced person in which he or she lives; or
- (b) the other Contracting Party is the State of nationality, to which, while not being the State where he or she lives, the sentenced person will be deported, once he or she is released from the enforcement of the sentence on the basis of an expulsion or deportation order included in the judgment or in a judicial or administrative decision or any other measure taken consequential to the judgment.
- (c) the other Contracting Party is the State, of which, while not being the State of nationality, the sentenced person has such close ties to, that a transfer is deemed appropriate, and the competent authority of that Contracting Party consents to the forwarding of the judgment and the certificate. In case close ties of the sentenced person are based on habitual residence, he or she shall have been legally residing in the other Contracting Party continuously for at least five years and shall retain a permanent right of residence there.
- 2. The forwarding of the judgment and the certificate may take place where the competent authority of the issuing State, where appropriate after consultations between the competent authorities of the issuing and the executing States, is satisfied that the enforcement of the sentence by the executing State would serve the purpose of facilitating the social rehabilitation of the sentenced person.

3. Before forwarding the judgment and the certificate, the competent authority of the issuing State may consult, by any appropriate means, the competent authority of the executing State. Consultation shall be obligatory in the cases referred to in paragraph 1(c). In such cases the competent authority of the executing State shall promptly inform the issuing State of its decision whether or not to consent to the forwarding of the judgment.

4. During such consultation, the competent authority of the executing State may present the competent authority of the issuing State with a reasoned opinion, that enforcement of the sentence in the executing State would not serve the purpose of facilitating the social rehabilitation and successful reintegration of the sentenced person into society.

Where there has been no consultation, such an opinion may be presented without delay after the transmission of the judgment and the certificate. The competent authority of the issuing State shall consider such opinion and decide whether to withdraw the certificate or not.

5. The executing State may, on its own initiative, request the issuing State to forward the judgment together with the certificate. The sentenced person may also request the competent authorities of the issuing State or of the executing State to initiate a procedure for forwarding the judgment and the certificate under this Agreement. Requests made under this paragraph shall not create an obligation of the issuing State to forward the judgment together with the certificate.

6. In cases where the sentenced person could be transferred to a Contracting Party and to a third state under national law or international instruments, the competent authorities of the issuing and executing States should, in consultations, consider whether enforcement in the executing State would enhance the aim of social rehabilitation better than enforcement in the third country.

Article 5

Forwarding of the judgment and the certificate

1. The judgment or a certified copy of it, together with the certificate, shall be forwarded, by the competent authority of the issuing State directly to the competent authority of the executing State by any means which leaves a written record under conditions allowing the executing State to establish its authenticity. The original of the judgment, or a certified copy of it, and the original of the certificate, shall be sent to the executing State if it so requires. All official communications shall also be made directly between the said competent authorities.
2. The certificate shall be signed, and its content certified as accurate, by the competent authority of the issuing State.
3. When an authority of the executing State which receives a judgment together with a certificate has no competence to recognise it and take the necessary measures for its enforcement, it shall, *ex officio*, forward the judgment together with the certificate to the competent authority of the executing State and inform the competent authority of the issuing State accordingly.

Article 6

Opinion and notification of the sentenced person

1. Without prejudice to paragraph 2, a judgment together with a certificate may be forwarded to the executing State for the purpose of its recognition and enforcement of the sentence only with the consent of the sentenced person in accordance with the law of the issuing State.
2. The consent of the sentenced person to the transfer of the execution of the sentence shall not be required where:
 - (a) the sentenced person is a national of the executing State and lives in that State;

(b) the sentenced person will be deported to the executing State once he or she is released from the enforcement of the sentence on the basis of an expulsion or deportation order included in the judgment or in a judicial or administrative decision or any other measure consequential to the judgment;

(c) the sentenced person has fled or otherwise returned to the executing State in view of the criminal proceedings pending against him or her in the issuing State or following the conviction in that issuing State.

3. In all cases where the sentenced person is still in the issuing State, he or she shall be given an opportunity to state his or her opinion orally or in writing. Where the issuing State considers it necessary in view of the sentenced person's age or his or her physical or mental condition, that opportunity shall be given to his or her legal representative.

The opinion of the sentenced person shall be taken into account when deciding the issue of forwarding the judgment together with the certificate. Where the person has availed him or her self of the opportunity provided in this paragraph, the opinion of the sentenced person shall be forwarded to the executing State. If the sentenced person stated his or her opinion orally, the issuing State shall ensure that the written record of such statement is available to the executing State.

4. The competent authority of the issuing State shall inform the sentenced person, in a language which he or she understands, that it has decided to forward the judgment together with the certificate by using the standard form of the notification set out in Annex II. When the sentenced person is in the executing State at the time of that decision, the notification thereof shall be transmitted to the executing State, which shall inform the sentenced person accordingly.

Article 7

Recognition of the judgment and enforcement of the sentence

1. The competent authority of the executing State shall recognise a judgment which has been forwarded in accordance with the procedure under this Agreement, and shall forthwith take all the necessary measures for the enforcement of the sentence, unless it decides to invoke one of the grounds for non-recognition and non-enforcement provided for in Article 8.
2. Where the sentence is incompatible with the law of the executing State in terms of its duration, the competent authority of the executing State may decide to adapt the sentence only where that sentence exceeds the maximum penalty provided for similar offences under its national law. The adapted sentence shall not be less than the maximum penalty provided for similar offences under the law of the executing State.
3. Where the sentence is incompatible with the law of the executing State in terms of its nature, the competent authority of the executing State may adapt it to the punishment or measure provided for under its own law for similar offences. Such a punishment or measure shall correspond as closely as possible to the sentence imposed in the issuing State and therefore the sentence shall not be converted into a pecuniary punishment.
4. The adapted sentence shall not aggravate the sentence passed in the issuing State in terms of its nature or duration.

Article 8

Grounds for non-recognition and non-enforcement

1. The competent authority of the executing State may refuse to recognise the judgment and enforce the sentence, if:
 - (a) the certificate referred to in Article 4 is incomplete or manifestly does not correspond to the judgment and has not been completed or corrected within a reasonable deadline set by the competent authority of the executing State;

(b) the criteria set forth in Article 4(1) are not met;

(c) enforcement of the sentence would be contrary to the principle of *ne bis in idem*;

(d) the judgment relates to acts which would not constitute an offence under the law of the executing State. However, in relation to taxes or duties, customs and exchange, execution of a judgment may not be refused on the ground that the law of the executing State does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the issuing State;

(e) the enforcement of the sentence is statute-barred according to the law of the executing State;

(f) there is immunity under the law of the executing State, which makes it impossible to enforce the sentence;

(g) the sentence has been imposed on a person who, under the law of the executing State, owing to his or her age, could not have been held criminally liable for the acts in respect of which the judgment was issued;

(h) at the time the judgment was received by the competent authority of the executing State, less than 6 months of the sentence remain to be served;

(i) according to the certificate provided for in Article 4, the person did not appear in person at the trial resulting in the decision, unless the certificate states that the person, in accordance with further procedural requirements defined in the national law of the issuing State:

(1) In due time:

- either was summoned in person and thereby informed of the scheduled date and place of the trial which resulted in the decision, or by other means actually received official information of the scheduled date and place of that trial in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and

- was informed that a decision may be handed down if he or she does not appear for the trial;

or

(2) being aware of the scheduled trial had given a mandate to a legal counselor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counselor at the trial;

or

(3) after being served with the decision and being expressly informed of the right to a retrial, or an appeal, in which the person has the right to participate and which allows the merits of the case, including fresh evidence, to be reexamined, and which may lead to the original decision being reversed:

- expressly stated that he or she does not contest the decision,

or

- did not request a retrial or appeal within the applicable time frame.

(j) the executing State, before a decision is taken in accordance with Article 11(1), makes a request, in accordance with Article 16(3), and the issuing State does not consent, in accordance with Article 16(2)(g), to the person concerned being prosecuted, sentenced or otherwise deprived of his or her liberty in the executing State for an offence committed prior to the transfer other than that for which the person was transferred;

(k) the sentence imposed includes a measure of psychiatric or health care or another measure involving deprivation of liberty, which, notwithstanding Article 7(3) cannot be executed by the executing State in accordance with its legal or health care system.

2. In the cases referred to in paragraph 1(a), (b), (c), (d), (i) and (k) before deciding not to recognise the judgment and enforce the sentence, the competent authority of the executing State shall consult the competent authority of the issuing State, by any appropriate means, and shall, where appropriate, ask it to supply any necessary additional information without delay.

Article 9

Partial recognition and enforcement

1. If the competent authority of the executing State could consider recognition of the judgment and enforcement of the sentence in part, it may, before deciding to refuse recognition of the judgment and enforcement of the sentence in whole, consult the competent authority of the issuing State with a view to finding an agreement, as provided for in paragraph 2.

2. The competent authorities of the issuing and the executing States may agree, on a case-by-case basis, to the partial recognition and enforcement of a sentence in accordance with the conditions set out by them, provided such recognition and enforcement does not result in the aggravation of the duration of the sentence. In the absence of such agreement, the certificate shall be withdrawn.

Article 10

Postponement of recognition of the judgment

1. The recognition of the judgment may be postponed in the executing State where the certificate referred to in Article 4 is incomplete or manifestly does not correspond to the judgment, until such reasonable deadline set by the executing State for the certificate to be completed or corrected.

2. Paragraph 1 is applicable *mutatis mutandis* to cases where the certificate, the judgment and other necessary documentation are not translated in accordance with Article 21.

Article 11

Decision on the enforcement of the sentence and time limits

1. The competent authority in the executing State shall decide as quickly as possible whether to recognise the judgment and enforce the sentence and shall inform the issuing State thereof, including of any decision to adapt the sentence in accordance with Article 7(2) and (3).
2. Unless a ground for postponement exists under Article 10, the final decision on the recognition of the judgment and the enforcement of the sentence shall be taken as soon as possible and within a period of 90 days of receipt of the judgment and the certificate.
3. When in exceptional cases it is not possible for the competent authority of the executing State to comply with the period provided for in paragraph 2, it shall without delay inform the competent authority of the issuing State by any means, giving the reasons for the delay and the estimated time needed for the final decision to be taken.

Article 12

Withdrawal of the certificate

As long as the enforcement of the sentence in the executing State has not begun, the issuing State may withdraw the certificate from that State, giving reasons for doing so. Upon withdrawal of the certificate, the executing State shall no longer enforce the sentence.

Article 13

Provisional arrest

Where the sentenced person is in the executing State, the executing State may, at the request of the issuing State, before the arrival of the judgment and the certificate, or before the decision to recognise the judgment and enforce the sentence, arrest the sentenced person, or take any other measure to ensure that the sentenced person remains in its territory, pending a decision to recognise the judgment and enforce the sentence. The duration of the sentence shall not be aggravated as a result of any period spent in custody by reason of this provision.

Article 14

Transfer of sentenced persons

1. If the sentenced person is in the issuing State, he or she shall be transferred to the executing State at a time agreed between the competent authorities of the issuing and the executing States, and no later than 30 days after the final decision of the executing State on the recognition of the judgment and enforcement of the sentence has been taken.
2. The issuing State shall be responsible for the transfer of the sentenced person to the territory of the executing State, including obtaining any necessary authorisation for transit.
3. If the transfer of the sentenced person within the period laid down in paragraph 1 is prevented by unforeseen circumstances, the competent authorities of the issuing and executing States shall immediately contact each other. Transfer shall take place as soon as these circumstances cease to exist. The competent authority of the issuing State shall immediately inform the competent authority of the executing State and agree on a new transfer date. In that event, transfer shall take place within 10 days after the new date thus agreed.

Article 15
Law governing enforcement

1. The enforcement of a sentence shall be governed by the law of the executing State. The authorities of the executing State alone shall, subject to paragraphs 2 and 3, be competent to decide on the procedures for enforcement and to determine all the measures relating thereto, including the grounds for early or conditional release.
2. The competent authority of the executing State shall deduct the full period of deprivation of liberty already served in connection with the sentence in respect of which the judgment was issued from the total duration of the deprivation of liberty to be served.
3. The competent authority of the executing State shall, upon request, inform the competent authority of the issuing State of the applicable provisions on possible early or conditional release. The issuing State may agree to the application of such provisions or it may withdraw the certificate.

Article 16
Specialty

1. A person transferred to the executing State pursuant to this Agreement shall not, subject to paragraph 2, be prosecuted, sentenced or otherwise deprived of his or her liberty for an offence committed before his or her transfer other than that for which he or she was transferred.
2. Paragraph 1 shall not apply in the following cases:
 - (a) when the person having had an opportunity to leave the territory of the executing State has not done so within 45 days of his or her final discharge, or has returned to that territory after leaving it;
 - (b) when the offence is not punishable by a custodial sentence or detention order;

(c) when the criminal proceedings do not give rise to the application of a measure restricting personal liberty;

(d) when the sentenced person could be liable to a penalty or a measure not involving deprivation of liberty, in particular a financial penalty or a measure *in lieu* thereof, even if the penalty or measure *in lieu* may give rise to a restriction of his or her personal liberty;

(e) when the sentenced person consented to the transfer;

(f) when the sentenced person, after his or her transfer, has expressly renounced entitlement to the specialty rule with regard to specific offences preceding his or her transfer. Renunciation shall be given before the competent judicial authorities of the executing State and shall be recorded in accordance with that State's national law. The renunciation shall be drawn up in such a way as to make clear that the person has given it voluntarily and in full awareness of the consequences. To that end, the person shall have the right to legal counsel;

(g) for cases other than those mentioned under points (a) to (f), where the issuing State gives its consent in accordance with paragraph 3.

3. A request for consent shall be submitted to the competent authority of the issuing State. Consent shall be given if there is an obligation to extradite or surrender the person under Conventions or Agreements applicable between Lithuania and Norway. The decision shall be taken no later than 30 days after receipt of the request.

Article 17

Amnesty, pardon, review of judgment

1. An amnesty or pardon may be granted by the issuing State and also by the executing State in accordance with their national law.

2. Only the issuing State may decide on applications for review of the judgment imposing the sentence to be enforced under this Agreement.

Article 18

Information from the issuing State

1. The competent authority of the issuing State shall forthwith inform the competent authority of the executing State of any decision or measure as a result of which the sentence ceases to be enforceable immediately or within a certain period of time.
2. The competent authority of the executing State shall terminate enforcement of the sentence as soon as it is informed by the competent authority of the issuing State of the decision or measure referred to in paragraph 1.

Article 19

Information to be given by the executing State

The competent authority of the executing State shall without delay inform the competent authority of the issuing State by any means which leaves a written record:

- (a) of the forwarding of the judgment and the certificate to the competent authority responsible for its execution in accordance with Article 5(3);
- (b) of the fact that it is in practice impossible to enforce the sentence because after transmission of the judgment and the certificate to the executing State, the sentenced person cannot be found in the territory of the executing State, in which case there shall be no obligation on the executing State to enforce the sentence;
- (c) of the final decision to recognise the judgment and enforce the sentence together with the date of the decision;
- (d) of any decision not to recognise the judgment and enforce the sentence in accordance with Article 8, together with the reasons for the decision;

- (e) of any decision to adapt the sentence in accordance with Article 7(2) or (3), together with the reasons for the decision;
- (f) of any decision not to enforce the sentence for the reasons referred to in Article 17(1) together with the reasons for the decision;
- (g) of the beginning and the end of the period of conditional release, where so indicated in the certificate by the issuing State;
- (h) of the sentenced person's escape from custody;
- (i) of the enforcement of the sentence as soon as it has been completed.

Article 20

Consequences of the transfer of the sentenced person

1. Subject to paragraph 2, the issuing State shall not proceed with the enforcement of the sentence once its enforcement in the executing State has begun.
2. The right to enforce the sentence shall revert to the issuing State upon its being informed by the executing State of the partial non-enforcement of the sentence pursuant to Article 19(h).

Article 21

Languages

1. When the Kingdom of Norway is the executing State, the certificate, the final judgment and other necessary documentation shall be translated into English.
2. When the Republic of Lithuania is the executing State, the certificate, the final judgment and other necessary documentation shall be translated into Lithuanian.

3. The communications between the competent authorities of the Contracting Parties shall be made in English.

Article 22

Costs

Costs resulting from the application of this Agreement shall be borne by the executing State, except for the costs of the transfer of the sentenced person to the executing State and those arising exclusively in the sovereign territory of the issuing State.

Article 23

Consultations

The Contracting Parties may consult each other to find solutions to individual cases and in view of the effective implementation of this Agreement. Consultations shall take place directly between the competent authorities of the Contracting Parties.

Article 24

Sharing information

The Competent authorities shall, at least once a year, give each other general information about the nationals of the other Contracting Party, subject to a final sentence.

Article 25

Enforcement of sentences following an arrest warrant

1. Without prejudice to the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway, provisions of this Agreement shall apply, *mutatis mutandis* to the extent they are compatible with provisions under that Agreement, to enforcement of sentences in cases where a Contracting Party undertakes to enforce the sentence in cases pursuant to Article 5(1)(f) of that Agreement, or where, acting under Article 8(3) of that Agreement, it has imposed the condition that the person has to be returned to serve the sentence in other Contracting Party, so as to avoid impunity of the person concerned.

2. The provisions of paragraph 1 shall only be applied after the entry into force of the said Agreement.

Article 26

Relationship with other agreements

This Agreement shall, from the date of entry into force, replace the corresponding provisions of the following conventions applicable in relations between the Contracting Parties:

— The European Convention on the transfer of sentenced persons of 21 March 1983 and the Additional Protocol thereto of 18 December 1997;

— The European Convention on the International Validity of Criminal Judgments of 28 May 1970;

— Title III, Chapter 5, of the Convention of 19 June 1990 implementing the Schengen Convention of 14 June 1985 on the gradual abolition of checks at common borders.

Article 27
Transitional provision

This Agreement shall apply to the final judgments issued after its entry into force. The existing legal instruments on the transfer of sentenced persons shall apply to the final judgments issued before entry into force of this Agreement.

Article 28
Review provision

This Agreement may be reviewed at initiative of one of the Contracting Parties. Such review shall take place if the Contracting Party changes its position concerning the concept of dual criminality or on the translation of judgments.

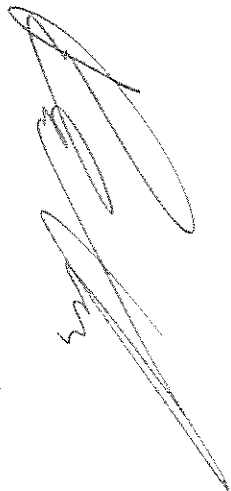
Article 29
Final provisions

1. This Agreement shall enter into force on the thirtieth day after the latter of the dates on which each of the Contracting Parties has notified the other through diplomatic channels that the procedures required by its law have been complied with.
2. This Agreement may be amended by written agreement of the Contracting Parties, in accordance with the procedure laid down for its entry into force.
3. Any of the Contracting Parties may terminate this Agreement, at any time, by means of written notice sent through diplomatic channels. In this event, this Agreement shall cease to take effect 6 months after the date of receipt of the notice.

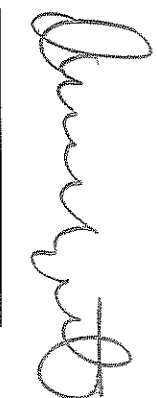
IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Oslo, this 5 day of April in the year of 2011 in duplicate, in the Lithuanian, Norwegian and English languages, each text being equally authentic. In the case of divergence of interpretation, the English text shall prevail.

For the Government of
the Republic of Lithuania



For the Government of
the Kingdom of Norway



ANNEX I

CERTIFICATE

referred to in Article 4 of the Treaty between the Republic of Lithuania and the Kingdom of Norway on recognition and enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty¹

(a) Issuing State: ...
Executing State: ...

(b) The court which delivered the judgment imposing the sentence that became final:
Official name: ...
The judgment was delivered on (give date: dd-mm-yyyy): ...
The judgment became final on (give date: dd-mm-yyyy): ...
Reference number of the judgment (if available): ...

(c) Information related to the authority that may be contacted for any question related to the certificate:

1. Type of authority: Please tick the relevant box:

Central authority ...

Court ...

Other authority ...

2. Contact details of the authority indicated under point (c):

Official name: ...

Address: ...

Tel.: (country code) (area/city code) ...

Fax: (country code) (area/city code) ...

E-mail address (if available): ...

¹ This certificate must be written in, or translated into one of the languages as stated in Article 21 of the Treaty between the Republic of Lithuania and the Kingdom of Norway on recognition and enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty.

3. Languages in which it is possible to communicate with the authority:

4. Contact details of person(s) to be contacted to obtain additional information for the purposes of enforcement of the judgment or agreement on the transfer procedures (name, title/grade, telephone no:, fax, e-mail address), if different from 2:

(d) Information regarding the person on whom the sentence has been imposed:

Name: ...

Forename(s): ...

Maiden name, where applicable: ...

Aliases, where applicable: ...

Sex: ...

Nationality: ...

Identity number or social security number (if available): ...

Date of birth: ...

Place of birth: ...

Last known addresses/residences: ...

Language(s) which the person understands (if known): ...

The sentenced person is:

☐ in the issuing State and is to be transferred to the executing State.

☐ in the executing State and enforcement is to take place in that State.

Additional information to be provided, if available and if appropriate:

1. Photo and fingerprints of the person, and/or contact details of the person to be contacted in order to obtain such information:

...

2. Type and reference number of the sentenced person's identity card or passport:

...

3. Type and reference number of the sentenced person's residence permit:

...

4. Other relevant information about the sentenced person's family, social or professional ties to the executing State:

...

(e) Request for provisional arrest by the issuing State (where the sentenced person is in the executing State):

☐ The issuing State requests the executing State to arrest the sentenced person, or to take any other measure to ensure that the sentenced person remains in its territory, pending a decision to recognize and enforce the sentence.

☐ The issuing State has already requested the executing State to arrest the sentenced person, or to take any other measure to ensure that the sentenced person remains in its territory, pending a decision to recognize and enforce the sentence. Please provide the name of the authority in the executing State that has taken the decision on the request to arrest the person (if applicable and available):

...

(f) Relation to any earlier arrest warrant²:

☐ An arrest warrant has been issued for the purpose of the execution of a custodial sentence or detention order and the executing State undertakes to execute the sentence or detention order (Article 5(1)(f) of the Agreement on the Surrender Procedure between the Member States of the European Union and Iceland and Norway).

Date of issue of the arrest warrant and, if available, reference number: ...

Name of the authority that issued the arrest warrant: ...

Date of the decision to undertake execution and, if available, reference number: ...

Name of the authority that issued the decision to undertake execution of the sentence: ...

☐ An arrest warrant has been issued for the purpose of prosecution of a person who is a national or resident of the executing State in order to serve there the custodial sentence or detention order passed against him or her in the issuing State (Article 8(3) of the Agreement on the Surrender Procedure between the Member States of the European Union and Iceland and Norway).

Date of the decision to surrender the person: ...

Name of the authority that issued the decision to surrender: ...

Reference number of the decision, if available: ...

Date of the surrender of the person, if available: ...

² This box shall be filled in only after the entry into force of the Agreement on the Surrender Procedure between the Member States of the European Union and Iceland and Norway.

(g) Reasons for forwarding the judgment and the certificate (if you have filled in Box (f), there is no need to fill in this box):

The judgment and the certificate are forwarded to the executing State because the issuing authority is satisfied that the enforcement of the sentence by the executing State would serve the purpose of facilitating the social rehabilitation of the sentenced person and:

☐ (a) The executing State is the State of nationality of the sentenced person in which he or she lives.

☐ (b) The executing state is the State of nationality of the sentenced person, to which the sentenced person will be deported, once he or she is released from the enforcement of the sentence on the basis of an expulsion or deportation order included in the judgment or in a judicial or administrative decision or any other measure taken consequential to the judgment. If the expulsion or deportation order is not included in the judgment, please provide the name of the authority that issued the order, the date of issue, and, if available, the reference number: ...

☐ (c) The executing State is a State, other than a State referred to in (a) or (b), the competent authority of which consents to the forwarding of the judgment and the certificate to that State.

(h) Judgment imposing the sentence:

1. The judgment covers ... offences in total.

Summary of facts and a description of the circumstances in which the offence(s) was (were) committed, including time and place; and the nature of the involvement of the sentenced person:

...

Nature and legal classification of the offence(s) and the applicable statutory provisions on the basis of which the judgment was made:

...

2. Please give a full description of the offence(s) concerned:

...

(i) Status of the judgment imposing the sentence:

1. Indicate if the person appeared in person at the trial resulting in the decision:

1. ☐ Yes, the person appeared in person at the trial resulting in the decision.

2. ☐ No, the person did not appear in person at the trial resulting in the decision.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

☐ 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

or

☐ 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

or

☐ 3.2. being aware of the scheduled trial the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

or

☐ 3.3. the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be reexamined, and which may lead to the original decision being reversed, and

☐ the person expressly stated that he or she does not contest this decision,

or

☐ the person did not request a retrial or appeal within the applicable time frame.

4. If you have ticked the box under points 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....

2. Details of the length of the sentence:

2.1. Total length of the sentence : ...

2.2. The full period of deprivation of liberty already served in connection with the sentence in respect of which the judgment was issued:

... as per (...) (give date on which calculation was made: dd-mm-yyyy) : ...

2.3. Number of days to be deducted from total length of the sentence for reasons other than the one referred to under 2.2 (e.g. amnesties, pardons or clemencies, etc. already granted with respect to the sentence): ... as per (give date on which calculation was made: dd-mm-yyyy): ...

2.4. Sentence expiry date in the issuing State:

☐ Not applicable, because the person is currently not in custody

☐ The person is currently in custody and the sentence, under the law of the issuing State, would be fully served by (give date: dd-mm-yyyy)³ : ...

3. Type of sentence:

- custodial sentence

- measure involving deprivation of liberty (please specify):

...

(j) Information related to early or conditional release:

1. Under the law of the issuing State the sentenced person is entitled to early or conditional release, having served:

☐ half the sentence

☐ two-thirds of the sentence

☐ another portion of the sentence (please indicate):

³ Please insert here the date by which the sentence would be fully served (not taking into account the possibilities of any form of early and/or conditional release) if the person were to stay in the issuing State.

2. The competent authority of the issuing State requests to be informed of:

- ☐ The applicable provisions of the law of the executing State on early or conditional release of the sentenced person;
- ☐ The beginning and the end of the period of early or conditional release.

(k) Opinion of the sentenced person:

1. ☐ The sentenced person could not be heard because he/she is already in the executing State.

2. ☐ The sentenced person is in the issuing State and:

- a. ☐ has requested the forwarding of the judgment and the certificate
 - ☐ consented to the forwarding of the judgment and the certificate
 - ☐ did not consent to the forwarding of the judgment and the certificate (state reasons given by the sentenced person):

...

b. ☐ Opinion of the sentenced person is attached.

☐ Opinion of the sentenced person was forwarded to the executing State on (give date: dd-mm-yyyy): ...

(l) Other circumstances relevant to the case (optional information):

...

(m) Final information:

The text of the judgment(s) is (are) attached to the certificate⁴.

Signature of the authority issuing the certificate and/or its representative certifying the content of the certificate as accurate

...

Name: ...

Post held (title/grade): ...

Date: ...

Official stamp (if available) ...

⁴ The competent authority of the issuing State must attach all judgments related to the case which are necessary to have all the information on the final sentence to be enforced. A translation of the final judgment shall also be attached.

ANNEX II

NOTIFICATION OF THE SENTENCED PERSON

You are hereby notified of the decision of ... (competent authority of the issuing State) to forward the judgment of ... (competent court of the issuing State) dated ... (date of judgment) ... (reference number; if available) to ... (executing State) for the purpose of its recognition and enforcement of the sentence imposed therein in accordance with the Treaty between the Republic of Lithuania and the Kingdom of Norway on recognition and enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty.

The enforcement of the sentence will be governed by the law of ... (executing State). The authorities of that State will be competent to decide on the procedures for enforcement and to determine all the measures relating thereto, including the grounds for early or conditional release.

The competent authority of ... (executing State) has to deduct the full period of deprivation of liberty already served in connection with the sentence from the total duration of deprivation of liberty to be served. An adaptation of the sentence by the competent authority of ... (executing State) may take place only if it is incompatible with the law of that State in terms of its duration or nature. The adapted sentence must not aggravate the sentence passed in ... (issuing State) by its nature or duration.