

**Arrangement  
between  
the Taipei Representative Office in Denmark  
and the Trade Council of Denmark, Taipei  
on the Transfer of Sentenced Persons**

The Taipei Representative Office in Denmark and the Trade Council of Denmark, Taipei (hereinafter referred to as "the Sides") desire to cooperate in the transfer of sentenced persons and have come to the following understanding:

**I. Purpose**

- The Sides will afford each other the widest measure of cooperation in respect of the transfer of the sentenced persons in accordance with the provisions of this Arrangement;
- Where the Sides approve and in accordance with the provisions of this Arrangement, the sentenced person may be transferred from the territory of the transferring Side to the territory of the receiving Side with the sentenced person's consent in order for the sentenced person to continue serving the sentence imposed by a court in the territory from which the sentenced person is transferred.

**II. Application**

- The designated representatives responsible for the implementation of this Arrangement will be the Taipei Representative Office in Denmark, and the Trade Council of Denmark, Taipei.
- The sentenced person may be transferred under this Arrangement only on the following provisions:
  - the sentenced person is a national of the receiving Side;
  - the sentenced person consents to the transfer. The transferring Side will ensure that the person who is required to give consent to the transfer of this Arrangement, does so voluntarily and with full knowledge of the legal consequences;
  - the judgment is final and no other legal proceedings relating to the offence or any other offence committed by the sentenced person are pending on the transferring Side;
  - the acts or omissions for which the sentence has been imposed constitute a criminal offence in accordance with the

legislation of the receiving Side;

- the expenses incurred in relation to the transfer of the sentenced person will be borne by the receiving Side except if a different settlement is made between the two Sides.
- The transfer request will be made in writing, cf. Annex 1.
- The transferring Side will retain exclusive jurisdiction for the revision or cancellation of the judgment and sentence.
- The receiving Side will enforce the sentence as if the sentence had been imposed in their territory.
- The continued enforcement of the sentence after transfer will be governed by the laws and procedures of the receiving Side, including those providing for the conditions of detention and those providing for release;
- If the sentence by its nature or duration is incompatible with the law of the receiving Side, the receiving Side may, with the approval of the transferring Side, prior to transfer, adapt the sentence to the punishment or measure prescribed by their own law for a similar offence;
- If the transferring Side is satisfied with the adapted sentence and is willing to proceed with the transfer, the written approval of the transfer will be provided to the receiving Side.
- When adapting the sentence, the receiving Side will be bound by the findings of fact, insofar as they appear from any opinion, conviction, judgment, or sentence imposed by the transferring Side.
- The adapted sentence will, as far as possible, correspond with the sentence imposed by the transferring Side. If the sentence imposed by the transferring Side exceeds the maximum penalty provided for similar offences under the law of the receiving Side, the adapted sentence will not be less than the maximum penalty provided for similar offences under the law of the receiving Side.
- The adapted sentence will not aggravate, by its nature or duration, the sanction imposed by the transferring Side, nor exceed the maximum penalty prescribed by the law of the receiving Side.
- When adapting the sentence, the receiving Side may not convert a sanction involving deprivation of liberty to a pecuniary sanction.

- The receiving Side will modify or terminate enforcement of the sentence as soon as they are informed of any decision by the transferring Side to pardon the sentenced person, or of any other decision or measure that results in termination or reduction of the sentence.
- The receiving Side will provide the following information to the transferring Side in relation to the continued enforcement of the sentence:
  - 1) when the sentence has been completed or conditional release is granted,
  - 2) if the sentenced person has escaped from custody before the sentence has been completed, and
  - 3) if the sentenced person is unable to complete the sentence for any reason.
- The Sides will treat the sentenced person transferred under this Arrangement with respect to his right to life and his protection against torture and cruel, inhuman or degrading treatment or punishment.
- Where the transfer is approved, The Sides will make arrangements for the transfer of the sentenced person. Transfer of the sentenced person will occur on a date, at a place and process decided upon by the Sides.

### **III. Settlement of disputes**

Any dispute regarding the interpretation, application or implementation of this Arrangement will be resolved by consultations between the Sides.

### **IV. Final provisions**

- This Arrangement will come into effect on the date of both signatures.
- This Arrangement may be amended at any time, in writing, by the mutual consent of the Sides.
- Either Side may terminate this Arrangement at any time by written notification to the other Side. Such termination will become effective on the expiration of a six-month period after the date of receipt of notification.

- Notwithstanding any termination, this Arrangement, and any assurances or commitments given pursuant to it, will continue to have effect to the enforcement of sentences of the sentenced person who has been transferred under this Arrangement before the date on which such termination takes effect.

In witness whereof the undersigned, being duly authorized thereto, have signed this Arrangement.

Done in duplicate in the Chinese and English languages, both texts being equally valid, In case of any divergence, the English version shall prevail.

For the Taipei Representative  
Office in Denmark



Shying-jow Lee  
Representative  
July 8, 2019 / Taipei

For the Trade Council of  
Denmark, Taipei



Nicholas Enersen  
Director  
July 8, 2019 / Taipei

To the competent authorities in Taiwan

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Date:  
Office: Criminal Enforcement  
Division  
Contact:  
Our ref.:  
Doc.: + enclosures

**Request for transfer from Taiwan to Denmark reg.**

ANNEX 1

1. By a judgment passed by the Appeal Court in Taiwan (Taoyan) on 18 March 2016, \_\_\_\_\_, a Danish national born on \_\_\_\_\_ was sentenced to imprisonment for 9 years for attempt of illicit drug trafficking.

Subsequently, by e-mail of 18 May 2016, the Danish Ministry of Foreign Affairs submitted a request on behalf of \_\_\_\_\_ for transfer from Taiwan to Denmark in order to serve the imposed sentence in Denmark.

2. Against this background, on 1 September 2016, the Danish Ministry of Justice submitted a request for transfer of \_\_\_\_\_ on the basis of the principles of the European Convention of 21 March 1983 on the Transfer of Sentenced Persons, and the Danish Act on the International Enforcement of Sentences, cf. Consolidated Act No. 740 of 18 July 2005.

3. On [signature date], the Taipei Representative Office in Denmark and the Trade Council of Denmark, Taipei (hereinafter referred to as "the Participants") signed "Arrangement between the Taipei Representative Office in Denmark and the Trade Council of Denmark, Taipei on the Transfer of Sentenced Persons".

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According to this Arrangement, the Participants have expressed their desire to cooperate on the transfer of sentenced persons.

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4. Against this background, the Danish Ministry of Justice hereby requests pursuant to the Arrangement that \_\_\_\_\_ is transferred to Denmark to serve the imposed sentence.

It should be noted that under Danish law, as a principal rule, the enforcement in Denmark of foreign court decisions shall be converted by a judgment delivered by a Danish court.

In this specific case, the Ministry of Justice can advise that according to section 191 of the Danish Criminal Code, the maximum sentence for a similar crime committed in Denmark is imprisonment for a term not exceeding 16 years. In the case in question, it is the preliminary assessment of the Danish Prosecution Service that the sentence would have been imprisonment for 5-6 years if the crime had occurred in Denmark.

However, the Danish authorities would in this particular case be willing to take over the full sentence imposed by the Appeal Court in Taiwan (Taoyan) on 18 March 2016 if desired by the Taipei Representative Office in Denmark.

If the Taipei Representative Office in Denmark desires to follow the procedure of continued enforcement of the sentence, this would require consent.

Furthermore, according to section 38 of the Danish Criminal Code, the principal rule is that a prisoner can only be released on parole after serving two-thirds of the prison sentence. However, in exceptional cases, a sentenced person may be released on parole earlier if half the term of imprisonment has been served and this constitutes a period of at least two months.

In addition, the Danish Prison and Probation Service may decide that a person shall not be released on parole if this is to be considered inadvisable. Such a decision may be submitted to the court.

A copy of section 38 concerning release on parole and section 191 concerning drug trafficking of the Danish Criminal Code is enclosed.

Furthermore, please find enclosed a copy of a declaration of consent of \_\_\_\_\_ to exchange information while processing the request for transfer and a printout from the Danish Civil Register, from which the nationality of \_\_\_\_\_ appears

5. The Danish Ministry of Justice kindly requests to be informed if the Taiwanese authorities are prepared to consent to the transfer of  
to serve his sentence in Denmark.

In this connection, the Danish Ministry of Justice kindly requests a statement from the Taiwanese authorities indicating how much of the sentence has already been served, including information on any pre-trial detention, remission, and any other relevant information concerning the enforcement of the sentence.

Furthermore, when informing the Danish Ministry of Justice of the consent to transfer, please express whether the consent is subject to specific conditions, such as continued enforcement of the sentence.

6. The practical details regarding the effecting of the transfer may be agreed directly – or via Interpol – with Copenhagen Police, tel.: +45 33 14 14 48, e-mail: [kbh@politi.dk](mailto:kbh@politi.dk).

The Danish Ministry of Justice avails itself of this opportunity to renew the Ministry's assurances of its highest consideration to the authorities of Taiwan.

Yours sincerely,

Anders Aagaard

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