Article 2

1. Each Party undertakes to afford the other Party the widest measure of co-operation in respect of the transfer of sentenced persons in accordance with the provisions of this Treaty.

2. A sentenced person may be transferred from the territory of the sentencing State to the territory of the administering State, in accordance with the provisions of this Treaty, in order to serve the sentence imposed on him or her. To that end, the sentenced person may express his or her 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 3

1. A sentenced person may be transferred under this Treaty only on the following conditions:

(a) where Japan is the administering State, the sentenced person is a person who falls within the scope of its law on transnational transfer of sentenced persons;

(b) where the Federative Republic of Brazil is the administering State, the sentenced person is a Brazilian as defined in the Constitution of the Federative Republic of Brazil;

(c) if the judgment is final;

(d) 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;

(e) if the transfer is consented to by the sentenced person;

(f) 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

(g) if the sentencing State and the administering State agree to the transfer.

2. In exceptional cases, the Parties may agree to a transfer even if the time of the sentence to be served by the sentenced person is less than that specified in sub-paragraph (d), paragraph 1 above.

Article 4

1. Any sentenced person to whom this Treaty may apply shall be informed by the sentencing State of the substance of this Treaty and also may be informed by the administering State of the said substance.

2. If the sentenced person has expressed an interest to the sentencing State in being transferred under this Treaty, the sentencing State shall so inform the administering State as soon as practicable after the judgment becomes final.

3. The information shall include:

(a) the name, date and place of birth of the sentenced person;

(b) his or her address, if any, in the administering State;

(c) a statement of the facts upon which the sentence was based; and

(d) the nature, duration and date of commencement of the sentence.

4. If the sentenced person has expressed his or her interest to the administering State, 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 of this Article, as well as of any decision taken by either State on a request for his or her transfer.

Article 5

Each Party shall designate a central authority for the purpose of facilitating communications between the Parties under Articles 4, 6, 7 and 14 of this Treaty:

(a) for Japan, the central authority shall be the Ministry of Foreign Affairs; and