Article 2
General principles

A person sentenced in the territory of the transferring State may be transferred to the territory of the receiving State in accordance with the provisions of this Treaty in order to serve the sentence imposed on that person.

Article 3
Conditions for transfer

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

(a) if the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the receiving State or would constitute a criminal offence if committed on its territory;

(b) if the sentenced person is a national of the receiving State as defined by the receiving State for the purpose of this Treaty in accordance with its relevant laws;

(c) if the sentenced person is serving the sentence of imprisonment in prison in the transferring State;

(d) if the sentenced person has served in the transferring State any minimum period of imprisonment stipulated by the law of the transferring State;

(e) 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;

(f) if the transferring and receiving States agree to the transfer; and

(g) if the transfer is consented to by the sentenced person.

Article 4
Refusal to transfer

A request for transfer of a sentenced person shall be refused under this Treaty on the following conditions:

(a) in cases where the Kingdom of Thailand is the transferring State, if the sentenced person was sentenced in respect of an offence under the law of the Kingdom of Thailand:

(i) against the internal or external security of the state;

(ii) against the Head of State or a member of his family; or

(iii) against the legislation protecting national art treasures;

(b) if the judgment is not final or other legal proceedings relating to the offence for which the sentence has been imposed or any legal proceedings relating to the other offences are pending in the transferring State; or

(c) if the transfer of the sentenced person may prejudice sovereignty, security, public order or other essential interests of either Party.

Article 5
Procedure for transfer

1. The Parties shall endeavour to inform a sentenced person within the scope of this Treaty of the substance of this Treaty.

2. If the sentenced person has expressed an interest in writing to the transferring State in being transferred under this Treaty, the transferring State shall so inform the receiving State. The receiving State thus informed shall give consideration to the application expressing his or her interest made by the sentenced person in accordance with its laws and regulations and, if so requested by the transferring State, inform the transferring State of any decision the receiving State has taken on the application.

3. Every transfer under this Treaty shall be commenced through diplomatic channels by a written request from the receiving State to the transferring State. The transferring State shall inform the receiving State through the same channels and without delay of its decision on whether or not to agree to the request for transfer. If the transferring State agrees to the request, the Parties shall take all measures necessary for effectuating the transfer of the sentenced person.