

ARTICLE III

Conditions for Transfer

This Treaty shall apply under the following conditions:

- a) That the conduct for which the offender was sentenced is one which is punishable as an offence in the Receiving State. For this purpose, no account shall be taken of differences that have no bearing on the nature of the offence;
- b) That the offender is a citizen of the Receiving State, and in the case of Cuba, also has permanent residency in Cuba;
- c) That the offender has not been convicted of an offence that is solely an offence under military law;
- d) That at least six months of the offender's sentence remain to be served at the time of the application;
- e) That no proceeding by way of appeal or by extraordinary review procedure upon the offender's conviction or sentence is pending in the Sentencing State and that the prescribed time for appeal has expired;
- f) That the offender has consented to the transfer;
- g) That the Sentencing and Receiving States agree to the transfer; and
- h) That the sentence imposed is not the death sentence, unless it has been commuted.

ARTICLE IV

Authority

Each party designates as the authority through which the provisions of this Treaty will be applied: for Canada, the Department of the Solicitor General; for the Republic of Cuba, the Ministry of Justice.

ARTICLE V

Obligation to Inform

An offender to whom the present Treaty may apply shall be informed by the Sentencing State of the content of the present Treaty.

ARTICLE VI

Requests and Replies

1. The offender may express his or her interest to the Sentencing State or to the Receiving State.
2. The request for transfer may be made by the Sentencing State or the Receiving State. The request shall be addressed to the authority of the requested State by the authority of the requesting State. Replies shall be communicated through the same channels without delay.