

ARTICLE II

Scope of Application

The application of this Treaty shall be subject to the following conditions:

1. That the offence, for which the offender to be transferred was convicted and sentenced, is one which would also be punishable as a crime in the Receiving State had the offence been committed in the Receiving State. This condition shall not be interpreted so as to require that the crimes described in the laws of the two Parties be identical in matters not affecting the character of the crimes such as the quantity of property or money taken or possessed.
2. That the offender to be transferred is a national of the Receiving State.
3. That the offender to be transferred was not being punished in Thailand for an offence:
 - (a) against the internal or external security of the State;
 - (b) against the Head of State of the Transferring State or a member of his family; or
 - (c) against legislation protecting national art treasures.
4. That there is at least one year of the offender's sentence remaining to be served at the time of his application for transfer.
5. That no further or other legal proceedings relating to the offence or any other offence are pending in the Transferring State.
6. That, in the case of imprisonment, confinement or other form of deprivation of liberty, the offender shall, at the time of transfer, have served in the Transferring State any minimum period of the sentence stipulated by the law of the Transferring State.
7. That the transfer may be refused if:
 - (a) it is considered by the Transferring State to jeopardize its sovereignty, its security or its public order; or
 - (b) the offender is also a national of the Transferring State.

ARTICLE III

Procedure for Transfer

1. Either Party shall have the right to inform an offender, who is within the scope of the present Treaty, of the substance of the Treaty.
2. Every transfer under this Treaty shall be commenced through diplomatic channels by a written request from the Receiving State to the Transferring State. If the Transferring State approves the request, it shall so inform the Receiving State through diplomatic channels and initiate procedures to effectuate the transfer of the offender.