

To the competent authorities in Taiwan

Date:

Office: Criminal Enforcement Division

Contact:

Our ref.:

Doc.:

+ enclosures

Request for transfer from Taiwan to Denmark reg.

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”.

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

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, email: [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