



## Transfer of Convicts as an Instrument of Global Cooperation in Criminal Justice

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### Abstract

*Introduction:* the article considers the institution of transfer of convicts in the context of criminal and penal law. The relevance is due to the growth of transnational crime and the need to harmonize international standards. The legal framework, procedures for transferring persons sentenced to imprisonment to serve their sentences in their state of citizenship, execution of sentences without imprisonment, application of suspended sentences or postponement, as well as respect for the rights of convicted persons are considered. Special attention is paid to the role of international treaties, Russian legislation, information exchange and the practice of the penal system of the Russian Federation. *Purpose:* to analyze the transfer of convicts as a tool of international cooperation by determining legal foundations, procedures and problems of transfer. *Methods:* historical, comparative legal, observations and descriptions of the effectiveness of the norms of international law, treaties of the Russian Federation, criminal and criminal procedure legislation. Formal and dialectical logic, legal and technical analysis and interpretation of norms are applied. *Results:* the analysis of Russian legislation and practice shows that the regulation of the transfer of convicts boosts the effectiveness of justice, prosecutor's offices and criminal justice on the basis of humanism and cooperation. This ensures protection of the rights of Russian citizens abroad and foreigners in the Russian Federation, as well as optimization of the execution of sentences, taking into account the interests of convicts and states. *Conclusions:* it is necessary to improve the criminal procedure legislation in order to exclude substitution of transfer mechanisms, increase guarantees of victims' rights (participation in court, appeal of decisions) and adapt to international standards. Legal regulation should ensure legality, transparency, consideration of the rights of convicted persons and smoothing out differences in national laws, promoting equal opportunities to serve sentences in the state of citizenship.

**Keywords:** execution of sentence; international cooperation; transfer of convicts; penal system; criminal procedure; criminal proceedings; extradition.

### 5.1.4. Criminal law sciences.

For citation: Shatalov A.S. Transfer of convicts as an instrument of global cooperation in criminal justice. *Penitentiary Science*, 2026, vol. 20, no. 1 (73), pp. 12–22. doi 10.46741/2686-9764.2026.73.1.002.

### *Introduction*

In recent years, issues related to the procedural activities of employees of bodies and institutions of the Federal Penitentiary Service of Russia have been actively discussed. In-depth dissertations of V.V. Nikol'yuk, A.A. Krymov, V.I. Kachalov, L.A. Pupysheva prove the idea that criminal procedural activities of bodies and institutions of the penal system are based on the same theoretical and methodological provisions that are characteristic of criminal procedural activity as such. It has a number of specific features, the essence of which is quite eerily visible in various stages of criminal proceedings, certain norms of the Criminal Procedure Code of the Russian Federation and departmental regulatory legal acts. According to the researchers, all this indicates the presence of systemic flaws in the legislative regulation of a number of procedures, thus determining the need to find and develop appropriate conceptual approaches that meet the ever-increasing needs of investigative and judicial practice. It is reasonable to enhance a mechanism for regulating procedural activity of bodies and institutions of the Federal Penitentiary Service of Russia within the framework of domestic law by optimizing its criminal procedural component with regard to international cooperation in the field of criminal proceedings. It is required to consistently improve procedures and bring them in line with modern realities and recent amendments of related legislation.

In the science of criminal procedure, the term "international cooperation in the field of criminal proceedings" is commonly used to denote coordinated activities of competent authorities and officials of two or more states or international organizations operating in them, carried out in order to obtain or provide legal assistance in criminal matters, extradite persons, carry out criminal prosecution and transfer convicted persons for the execution of sentences or their compulsory medical treatment in the country of citizenship or residence. Thus, the transfer of a person sentenced to imprisonment to serve his/her sentence in the country of citizenship, the transfer of execution of a non-custodial sentence, as well as the application of conditional and suspended sentences to the country of citizenship, is recognized by law as one of the key areas of international cooperation in the field of criminal justice. The relevant provisions of the current criminal procedure

legislation are designed primarily to promote the maintenance of social ties of convicts and their subsequent re-socialization. Moreover, they have significant economic potential by laying the burden of detention costs on the state of convict's citizenship [1, p. 204]. Consequently, these provisions contribute to strengthening social ties and optimize economic costs, which makes them an important tool for international cooperation between states in the field of criminal justice.

### *Transfer of convicts as a key area of global cooperation in the field of criminal justice*

International cooperation in the field of criminal justice has deep historical roots. The Russian state often faced certain difficulties related to both legal and political aspects. Until the beginning of the 20th century, such cooperation was extremely rare due to the underdevelopment of international legal norms, vehicles and communication methods. The situation began to change after the establishment of the United Nations in 1948, in which the Soviet Union actively participated. However, even after the collapse of the USSR, international cooperation in the field of criminal justice continued to be episodic and rather politicized until the beginning of the 21st century. At that time, the issues of this sphere were regulated by only one regulatory act, and in very general terms, which excluded direct contacts between employees of Russian law enforcement agencies and their foreign colleagues [2]. In 2002, when the Criminal Procedure Code of the Russian Federation (hereinafter referred to as the CPC RF) came into force, the situation changed dramatically, as it provided a legal basis for international cooperation in the field of criminal proceedings, which became an important incentive for its further development. Gradually, it became clear that the effectiveness of such cooperation depends not only on the presence or absence of certain international norms, but also on the possibilities of their practical implementation at the national level. Thus, with the Criminal Procedure Code of the Russian Federation entering into the force, international cooperation has received the necessary legal regulation. Over the years it has become clear that successful cooperation between states in this area requires not only compliance with the established procedure, but also taking into account the provisions of both national and foreign legislation.

The concept of “international cooperation in the field of criminal justice” has been actively used in Russian criminal procedure legislation for almost a quarter of a century. However, the absence of its exact definition gives rise to discussions among researchers. Some scientists believe that this concept encompasses activities aimed at obtaining and providing legal assistance at pre-trial stages of the criminal process [3; 4]. Others argue that it applies exclusively to issues of extradition and operational-investigative cooperation [5]. Someone expands its content to criminal prosecution, transfer of persons to serve their sentences in the country of citizenship, and compulsory medical treatment [6]. Summarizing the points of view of researchers, we can conclude that international cooperation in the field of criminal justice is a coordinated activity of competent authorities and officials of two or more states or international organizations aimed at:

- obtaining or providing legal assistance in criminal matters;
- extradition of persons for criminal prosecution;
- transfer of convicted persons for the execution of sentences or their compulsory medical treatment to the country of citizenship or permanent place of residence;
- recognition and enforcement of a sentence of a foreign court regarding the confiscation of proceeds from crime located in the territory of the Russian Federation [7; 8; 9].

The transfer of convicted persons may be carried out exclusively with respect to persons subjected to criminal punishment, including imprisonment and alternative non-custodial measures. In addition, this procedure can be applied in the context of a conditional or suspended sentence. The transfer process is usually carried out to the state of residence and, due to this circumstance, applies mainly to foreigners who have committed crimes in their host countries, including the Russian Federation. This is due to various factors, such as unwillingness to comply with the laws of a foreign country, cultural context, economic difficulties, difficulties of social adaptation, etc. Like many other countries, the Russian Federation takes measures to combat crimes committed by foreign citizens, to whom courts can apply all types of criminal penalties. It is important to note that, as for other subjects of criminal liability, their use is aimed at protecting law and order and ensur-

ing the safety of all citizens, regardless of their race, nationality or citizenship.

Official criminal statistics show that the number of crimes committed by foreigners in Russia is going up and is estimated in the tens of thousands. Head of the Investigative Committee of Russia A.I. Bastrykin, speaking at the XIII Saint Petersburg International Legal Forum, talked about a 15-percent increase in the number of crimes committed by foreigners in 2025. The detection of particularly serious crimes among migrants rose by 65% and reached 4,309 cases, while the number of serious crimes decreased by 4% and amounted to 2,211 units. He stressed that the crimes committed by migrants had been and still were the most serious problem. In 2024, their number decreased by 0.9%. If 38.9 thousand crimes were recorded in 2023, then 38.6 thousand – in 2024. However, in the first months of 2025, their growth began to be observed, from 10.8 to 12.4 thousand [10]. Judging by these figures, the vast majority of criminals with foreign citizenship, thanks to the well-coordinated and consistent work of Russian law enforcement officers, are brought to criminal responsibility. After being convicted and sentenced by the courts, many of them express a desire to serve it in their country of citizenship or permanent residence. The petitions received from them in this regard give rise to the need for a set of procedural actions carried out within the framework of international cooperation in the field of criminal justice. As mentioned above, one of its key areas in the current criminal procedure legislation is the transfer of a person sentenced to imprisonment to serve his/her sentence in the country of citizenship. The possibilities of this area have recently been expanded. According the recent provisions of the Criminal Procedure Code of the Russian Federation, convicted foreigners may be transferred to the competent authorities of a foreign state to serve non-custodial sentences, as well as conditional and suspended sentences.

*Resolving issues related to the execution of a sentence in the territory of the Russian Federation and the transfer of such powers to the competent authorities of another state*

The possibility provided for by Russian law for convicts to serve their sentences in their countries of citizenship is an important element of penitentiary policy aimed at achieving the goals of correction. One of the key conditions for their transfer is the minimum term of

punishment remaining to be served, which is determined either by an international treaty of the Russian Federation or by an agreement between the competent authorities of the Russian Federation and a foreign state. In cases where the transfer is carried out on the basis of the principle of reciprocity, this condition acquires special significance [11]. Current regulatory legal acts take into account the possibility of transferring a person to serve a sentence in the state in whose territory he/she permanently resides, without being a citizen of the state [12]. In addition to foreign citizens sentenced to imprisonment and to punishments unrelated to isolation from society, persons suffering from mental disorders may be transferred as well. Their goal is to provide compulsory medical treatment in the country of citizenship. Due to the fact that the transfer of such persons is not specified in the Criminal Procedure Code of the Russian Federation, it is carried out by decision of the Prosecutor General of the Russian Federation, taking into account the provisions of the Convention on the Transfer of Persons Suffering from Mental Disorders [13] and the federal law regulating the transfer and acceptance by the Russian Federation of persons suffering from mental disorders, in respect of whom there is a court decision on the use of compulsory medical measures [14].

As a general rule, the execution of a sentence that has entered into legal force is entrusted to the competent authorities of the state that convicted the offender. Accordingly, only they are entitled to decide on the execution of a sentence in its territory or on the transfer of such powers to the competent authorities of another state. As part of their procedural activities, national courts consider this issue on a case-by-case basis, determining whether there are grounds for transferring a convicted person to a foreign state. At the same time, the Russian court must take into account that the transfer of a person to another state for the execution of punishment is not allowed if a citizen of the Russian Federation who has committed a crime in the territory of a foreign state and found guilty by a Russian court of its commission is requested. It is also prohibited to extradite persons who are persecuted for their political beliefs in the requesting state and are not citizens of the Russian Federation (articles 61 and 63 of the Constitution of the Russian Federation and Part 1 of Article 13 of the Criminal Code of the Russian Federation).

In accordance with the international treaties of the Russian Federation and written agreements concluded with the competent authorities of foreign countries on the basis of the principle of reciprocity, the Ministry of Justice of the Russian Federation is authorized to transfer persons sentenced to imprisonment to the countries of citizenship or permanent residence. It also performs the functions of recognizing sentences against convicts who have fled from punishment in the country of citizenship, transferring the execution of sentences not related to imprisonment and applying criminal law measures. These powers are based on the norms of international law and the provisions of national legislation. By implementing them, the Russian Ministry of Justice has the right to send relevant requests and documents to the competent authorities of foreign countries for consideration [15]. Accordingly, it is this executive authority that is called upon to ensure the implementation of international cooperation principles in the field of criminal justice in the territory of the Russian Federation. His interaction with the competent authorities of foreign states in the context of the transfer of convicts is carried out within the framework defined by international treaties or agreements based on the principle of reciprocity, in accordance with the legislation of the Russian Federation and subject to reservations (declarations) made in relation to international treaties.

The appeal of a convicted person, his/her lawyer or a close relative (if provided for by an international treaty) received by the Ministry of Justice of Russia, as well as the request of the competent authority of a foreign state for the transfer to the country of citizenship (or permanent residence, if we are talking about stateless persons and this is provided for by an international treaty), is checked for the compliance with applicable international law, the principle of reciprocity, as well as the criminal procedure and other legislation of the Russian Federation. After registration, the received documents are transferred to the Federal Penitentiary Service of Russia with instructions to provide materials concerning the convicted person for consideration of the matter on its merits. The materials collected by the staff of this service, after their verification by the Ministry of Justice of Russia, are sent to the competent authority of a foreign state for consideration and a decision on the possibility of executing a sentence of a Russian

court in the territory of that state in relation to a person sentenced to imprisonment. In cases where the Russian Ministry of Justice receives a relevant decision from a foreign court or other competent authority on the matter, as well as the requested documents, they are forwarded to the Federal Penitentiary Service of Russia with a proposal to apply to the competent Russian court with a submission in accordance with Article 470 of the Criminal Procedure Code on the transfer of a convicted person to serve his/her sentence in the country of citizenship. In accordance with articles 396, 397, 399 and 471 of the Criminal Procedure Code of the Russian Federation, the Federal Penitentiary Service of Russia is obliged not only to send the received documents to the competent court for consideration, but also to ensure the participation of its representative in the court session. A copy of the Russian court's decision on consent to the transfer of a convicted person to serve his/her sentence in the country of citizenship, which has entered into force, is sent by the Ministry of Justice of Russia to the competent authority of a foreign state. The authorized body performing functions in the field of execution of punishments together with the Federal Penitentiary Service of Russia is obliged to coordinate the time, place and procedure for the actual transfer of a person serving a custodial sentence. After reaching an agreement on these issues, the transfer of a convicted person to the country of citizenship is carried out in accordance with procedures and deadlines agreed upon in advance between the states. If a Russian court decides to refuse to transfer a convicted person, it can be appealed in accordance with the procedure established by the Criminal Procedure Code of the Russian Federation.

Courts refuse to transfer a person sentenced to imprisonment because of the incompatibility of the conditions and procedure for serving a sentence by a convicted person determined by a court or other competent authority of a foreign state (Paragraph 2 of Article 471 of the Criminal Procedure Code of the Russian Federation). It received legal specification years after the entry into force of the Criminal Procedure Code of the Russian Federation. Its more or less understandable interpretation appeared shortly after, in one of the criminal cases, the prosecutor asked the court to cancel the decision on the transfer of a person convicted in the Russian Federation to his state of citizenship, due

to the discrepancy in the duration of daily walks provided in this foreign country to convicts, as well as the amounts they are entitled to spend in within a month for the purchase of food and basic necessities. The Judicial Board of the Supreme Court of the Russian Federation considered these arguments untenable [16], clarifying that the incompatibility of the conditions and procedure for serving a sentence of imprisonment by a convicted person means such differences in the legislation of the state of execution of the sentence and the Russian Federation that do not allow achieving the goal of punishment formulated in Article 43 of the Criminal Code of the Russian Federation, i.e. restoration of social justice, correction of the convicted person and prevention of the commission of new crimes [17]. Such differences may, in particular, be the incompleteness of the sentence execution, or, for example, when the criminal legislation of the requesting party provides for certain qualifying elements of a crime, but they are absent in the legislation of the requested party [18].

The appeal received by the Ministry of Justice of the Russian Federation from a Russian citizen sentenced to imprisonment by a court of a foreign state (or his legal representative, lawyer, or close relative, if provided for by a relevant international agreement) for transfer to serve his sentence in the Russian Federation or a corresponding request from the competent authority of a foreign state is checked for compliance with the current international agreement, agreements reached on the basis of the principle of reciprocity, as well as criminal procedure and other legislation of the Russian Federation. If necessary, the Ministry of Justice of the Russian Federation sends a request to the Ministry of Internal Affairs of the Russian Federation to verify whether the convicted person has Russian citizenship or the fact of his/her permanent residence in the territory of the Russian Federation (when considering the transfer of a stateless person in accordance with an international agreement). A similar request may be sent to the Ministry of Foreign Affairs of the Russian Federation. However, it is sent only when there is information about the convict's registration of Russian citizenship at the diplomatic institution located in the territory of a foreign state. In accordance with the information on the citizenship of the convicted person provided by the Ministry of Internal Affairs of the Russian Federation and/or the Ministry of Foreign Affairs

of the Russian Federation, an official request is sent to the competent authority of a foreign state for the provision of documents necessary for the Russian court to consider the issue of recognition and enforcement of a sentence of a foreign court against this person in the territory of the Russian Federation. The documents received at the request of the Ministry of Justice of the Russian Federation after their verification are transferred to the Federal Penitentiary Service of Russia with instructions to send to the competent Russian court a submission on the recognition and enforcement of a sentence of a foreign court against a Russian citizen in its territory in accordance with the procedure provided for in Article 470 of the Criminal Procedure Code of the Russian Federation. Following the results of the court session, a certified copy of the effective decision of the Russian court on the recognition and execution of the sentence of a foreign court and the transfer of the convicted person to serve his/her sentence in the Russian Federation is sent by the Ministry of Justice of Russia to the competent authority of a foreign state for making a final decision on the transfer. At the same time, it is proposed that the authorized body of a foreign state responsible for the execution of punishments coordinate with the Federal Penitentiary Service of Russia the time, place and procedure for the actual transfer of the convicted person to the Russian Federation. As mentioned above, the actual transfer of a convicted person to the Russian Federation must be carried out in a pre-agreed manner and within a pre-agreed time frame.

This is a general procedure in force in the Russian Federation for the transfer of convicts; employees of the Federal Penitentiary Service and Russian courts are engaged in the resolution of this issue. However, we have noted in our early publications that the procedural institution of the transfer of persons convicted of crimes is a unique phenomenon in the legal system, which differs from the institution of extradition of criminals. Unlike the approaches adopted in the legislation of many foreign countries, Russian criminal procedure law clearly distinguishes between these two institutions, considering them as independent types of legal assistance in criminal matters. This positioning is provided for by both national legislation and international regulatory legal acts, which underlines their importance in the context of interstate cooperation in the field of criminal justice. It should

be noted that this distinction is a key aspect of Russian legal doctrine. It allows for more effective regulation of the processes of transfer of convicted persons and extradition of criminals, and the distinction itself contributes to a clearer definition of the legal mechanisms and procedures applied in each specific case, which, in turn, helps to increase the level of legal certainty and reduce the risk of legal conflicts [19].

The transfer of convicted persons is a specialized procedure applied to persons subjected to various types of criminal punishment, including those that do not involve imprisonment, as well as in cases of conditional or suspended sentences. The basis for the transfer is the voluntary consent of the convicted person, expressed in the form of a corresponding petition. Unlike the extradition procedure, which presupposes the existence of grounds due to state coercion measures, the transfer is carried out on the basis of the will of the subject. Transfer is usually carried out in relation to citizens of a particular country, which excludes the possibility of its application to persons who do not have the citizenship of the requesting state, while the citizenship of the person in respect of whom the extradition decision is being made is not a determining factor for this procedure. In the Russian Federation, the decision to transfer a person is made exclusively by the court, which underlines its exclusive competence in this matter, and everything related to extradition is under the jurisdiction of the Prosecutor General of the Russian Federation or his deputy, which provides an integrated approach to regulating this process. Thus, transfer of convicted persons and extradition of persons located in the territory of the Russian Federation are complex legal procedures that require careful analysis and strict compliance with regulatory legal acts in force in the requesting and requested states. These processes are carried out on the basis of individual legal grounds and are regulated by various public authorities, which ensures their effectiveness and compliance with international standards [20].

*Resolving issues related to the recognition, procedure and conditions of the execution of a sentence of a foreign court that sentenced a Russian citizen to imprisonment who is being transferred to the Russian Federation to serve his/her sentence*

So, the basis for transferring a person convicted by the Russian court to serve his/her

sentence in the state which citizen he/she is, as well as for transferring a Russian citizen convicted by the court of a foreign state to serve his/her sentence in the territory of the Russian Federation, is a court decision. It is adopted based on the results of consideration of the submission of the federal executive governmental body authorized in the field of execution of punishments, the appeal of the convicted person or his/her representative, or the competent authorities of a foreign state in accordance with an international agreement (written agreement) of the competent authorities of the Russian Federation and a foreign state on the basis of the principle of reciprocity. The transfer of the execution of a non-custodial sentence and the application of conditional or suspended sentences to the state which citizen the convicted person is may also be carried out only on the basis of a court decision. At the same time, convicted persons who have been criminally punished with a fine cannot be transferred to their state of citizenship.

Issues directly related to the recognition, procedure and conditions of execution of a sentence of a foreign court that has sentenced a Russian citizen to imprisonment who is being transferred to the Russian Federation to serve his/her sentence are considered by the court whose jurisdiction includes the crime committed by the convicted person, taking into account his qualifications under the Criminal Code of the Russian Federation and the location of the latter residence of the convicted person in the Russian Federation. When considering materials of this kind, the court, guided by articles 471 and 472 of the Criminal Procedure Code of the Russian Federation, as well as relevant international treaties, must ensure that the convicted person has written consent to his/her transfer, as well as the consent of the state in which the sentence was pronounced or will be executed. The authorities authorized to give such consent are fixed in national legislation. These may be courts, judicial authorities, prosecutors, security bodies, etc., unless otherwise provided for by an international treaty of the Russian Federation [11, Paragraph 35]. The court session in which the issue of transfer is being decided begins with a report from a representative of the federal executive authority authorized in the field of the execution of sentences or with explanations from the convicted person or his/her representative. Next, the materials sub-

mitted to the court are studied, witnesses, the victim and the prosecutor are listened to. After that the judge issues his decision. At a court hearing, the court is entitled to study not only the testimony of witnesses and the convict, but also documents containing guarantees from the requesting state; comparability of the size, conditions and procedure for serving a criminal sentence in the requested and requesting states; the conclusion of the Foreign Ministry of the Russian Federation on the situation with respect for human rights and human rights in the requesting state and other official documents adopted by international organizations (including the UN General Assembly, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, etc.), reflecting the real situation in the requesting state. The court is also obliged to make sure that the convicted person is not involved in other criminal cases on the territory of the Russian Federation and that there are no other outstanding sentences against him. If the court's consideration of the transfer is impossible due to incompleteness or lack of necessary information, the judge has the right to postpone its discussion and request the missing information or send the convicted person's appeal to the competent authority of the Russian Federation without consideration. Making decisions of this kind is usually required to collect the necessary information in compliance with the terms of an international treaty of the Russian Federation and (or) to pre-coordinate the transfer of a convicted person with the competent authorities of a foreign state.

The transfer of a convicted person to serve his/her sentence in the state which citizen he is may be refused by a Russian court on the grounds provided for in Article 471 of the Criminal Procedure Code of the Russian Federation, and their list is exhaustive. At the same time, other grounds for refusal of transfer that do not appear in this article may be provided for by an international agreement. For example, an international agreement concluded between the Russian Federation and the Republic of Turkey states that "... the transfer of a person may be refused if the person in custody does not give written consent to this; if it is necessary for this person to be present in legal proceedings conducted on the territory of the requested party; if the transfer will prolong the detention period; if there are other compelling reasons not to trans-

fer the person to the territory of the requesting party [21]. Having considered practical aspects of the application of these grounds by Russian courts, the supreme court concludes that "... the fact that, according to the legislation of the state of the sentence enforcement for acts committed by the convicted person, the maximum term of imprisonment is less than that imposed by the verdict of the Russian court cannot be a reason for refusing transfer. At the same time, the maximum term of imprisonment provided for by the legislation of the state of the sentence execution should not be clearly incompatible with the term of punishment imposed by the verdict of the Russian court" [11, Paragraph 37].

When considering the transfer of a convicted person to a foreign state, the court is obliged to conduct a thorough study of all aspects related to the procedure and conditions of punishment execution in the country where the sentence will be served. In particular, the absence of a specific type of correctional facility in a foreign country assigned to a convicted person in accordance with a verdict of the Russian court is not a reason for refusing transfer. This is permissible provided that the general procedure and conditions of serving a sentence in the specified country comply with similar requirements established in the Russian Federation. In judicial practice, the disparity of the conditions and procedure for serving a sentence of imprisonment by a convicted person is usually understood to mean the existence of significant differences in the conditions and procedure for serving a sentence between the country of execution and the Russian Federation, which creates obstacles to achieving the goals of punishment [11, Paragraph 36].

Thus, the conditions for the transfer of a person to a foreign state, as well as the grounds for refusing such transfer, are determined by the rules contained both in the Criminal Procedure Code of the Russian Federation and international treaties signed by the Russian Federation as well. Therefore, compliance with the conditions of transfer defined in Article 3 of the Convention on the Transfer of Sentenced Persons [22] does not exclude the possibility of refusing foreign states – parties to these international treaties the transfer on the grounds provided for in Articles 471 and 471.1 of the Criminal Procedure Code of the Russian Federation. For example, the convicted person or the state where

the sentence is to be executed does not guarantee the execution of the sentence in terms of a civil claim (including a surety, bank guarantee or pledge). In turn, the court's resolution of issues related to the execution of a foreign state's sentence also has a number of features. Its procedure is regulated by Article 472 of the Criminal Procedure Code of the Russian Federation and does not involve mandatory participation of the convicted person in the study of relevant materials, unless otherwise provided by an international treaty of the Russian Federation. In accordance with this article, if the court concludes that the act for which a Russian citizen has been convicted is not a crime under Russian law, or the sentence of a foreign state cannot be executed due to the expiration of the statute of limitations or for any other reason, it issues a decision to refuse to recognize the verdict of the foreign court. In other cases, they issue a resolution on its execution. If the convicted person agrees to transfer, but the competent authority of a foreign state does not have a decision on the recognition and execution of the sentence issued by the Russian court, this is not a reason for refusing to transfer him/her [11, Paragraph 35]. If the Criminal Code of the Russian Federation fixes a shorter term of imprisonment for a particular crime than that imposed by a verdict of the foreign court, the court sets the maximum term of imprisonment for this crime provided for by Russian criminal law. If imprisonment is not provided as a punishment for a crime committed by the person, the court determines another penalty for him/her, the most appropriate to the punishment imposed by a verdict of the foreign court, but within the limits established by the Criminal Code of the Russian Federation for this crime. If, according to the Criminal Code of the Russian Federation, the maximum term or amount of punishment not related to imprisonment is less than that imposed by a verdict of the foreign court, then the court of the Russian Federation determines the maximum term or amount for this type of punishment provided for by Russian criminal law. If it does not provide for a non-custodial sentence imposed by the foreign court, then a milder type of punishment is imposed, not related to imprisonment, but provided for by the Criminal Code of the Russian Federation. At the same time, the punishment imposed by the Russian court should not be more severe than that provided for by a verdict

of the foreign court and should not worsen the situation of the convicted person.

The part of the punishment that is not related to imprisonment and is executed in the foreign state must be taken into account by the Russian court when determining a criminal law measure of the convicted person. If the conviction in the foreign country is conditional, then it will be the same in Russia. A probation period will be established and additional duties on the person will be imposed, so that not to worsen the convict's situation in comparison with that in the foreign country. The term of postponement of serving a sentence is determined by the Russian in accordance with the term established by the foreign court. If the foreign court's verdict fixes several acts, not all of which are crimes under Russian criminal legislation, the court decides which part of the punishment imposed by the foreign court is applicable to the act that is a crime. If a verdict of the foreign court has been overturned or changed, or an act of amnesty or pardon issued in the foreign state has been applied to a person serving a sentence in the Russian Federation, then the issues of executing the revised verdict of the foreign court and applying the act of amnesty or pardon are resolved in accordance with the procedure established by Article 472 of the Criminal Procedure Code of the Russian Federation. In cases where the court, when considering materials on the transfer of a person to a foreign state, or recognizing the verdict of a foreign court, has revealed violations of human rights and freedoms, as well as other violations of the law, it has the right to issue a private ruling in order to draw attention of relevant organizations and officials to violations of the law, requiring the necessary measures [23, p. 37].

#### *Conclusion*

The transfer of convicted persons is a key tool in the fight against transnational crime, making it possible to ensure that those who have committed illegal acts outside their jurisdiction are brought to justice. This mechanism contributes to realization of the inevitable punishment principle and harmonization of national legislation

and judicial practices in accordance with international standards. As part of this process, effective cooperation is carried out between law enforcement agencies of various states, thus strengthening international law and order and increasing the level of trust between countries in matters of justice. Transfer of convicted persons is rightly considered a key element of international cooperation in the field of criminal justice. This mechanism ensures implementation of the punishment inevitability principle, as well as contributes to strengthening trust between states and improving effectiveness of law enforcement activities. The procedure for the transfer of convicts is regulated by international treaties and national legislation, and its main aspects include:

- determination of the legal basis of the transfer;
- compliance with procedural requirements and guarantees of observance of the rights and legitimate interests of convicts;
- mutual recognition of judicial decisions;
- coordination of the specifics of a specific transfer procedure within the framework of cooperation between the Russian competent authorities and the competent authorities of a foreign state.

Researchers often draw attention to the fact that procedures for transferring convicts to the country of citizenship is very complex, lengthy and time-consuming [24; 25; 26]. It is preceded by the signing of relevant international treaties between two or more states. After passing the recognition procedure in the state authorities of the contracting parties, they enter into legal force, and their ratification often takes years. Guided by their provisions, the courts of the requested and requesting parties determine whether it is possible to transfer the convicted person to the state which citizen he/she is, and also establish the absence of grounds for refusing such transfer, including those not prescribed by national criminal procedure legislation. To improve the situation in this sphere, it is necessary to completely eliminate double standards, which are rightly recognized as the main negative factor in the Russian criminal procedure doctrine.

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Received October 15, 2025