



United Arab Emirates No. 1 (2013)

Treaty

**on the Transfer of Sentenced Persons between the Government of the
United Kingdom of Great Britain and Northern Ireland and the
Government of the United Arab Emirates**

London 24 January 2013

[The Treaty is not yet in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 2013*

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**TREATY ON THE TRANSFER OF SENTENCED PERSONS BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE GOVERNMENT OF THE
UNITED ARAB EMIRATES**

The United Kingdom of Great Britain and Northern Ireland and the State of the United Arab Emirates hereinafter referred to as the “States”.

DESIRING to facilitate the integration of sentenced persons into society through giving them the opportunity to serve their sentences in their own countries,

REAFFIRMING that sentenced persons shall be treated with respect for their human rights,

HAVE AGREED as follows:

ARTICLE 1

Definitions

For the purposes of this Treaty the following words and terms shall bear the meanings given opposite each:

1. “judgment” means a decision of a court imposing a sentence;
2. “sentence” means any punishment involving deprivation of liberty imposed by a court of the Sentencing State for a limited or unlimited period of time on account of a criminal offence;
3. “sentenced person” means a person who is required to be detained in a prison or any other institution in the Sentencing State by virtue of a judgment made by a court of the Sentencing State on account of a criminal offence;
4. “Sentencing State” means the State in which the sentence is imposed on the person who may be, or has been, transferred;
5. “Administering State” means the State to which the sentenced person may be transferred to serve the sentence or the remaining term thereof;
6. “national” means :
 - (i) in relation to the State of the United Arab Emirates, a person who has the nationality of the United Arab Emirates;
 - (ii) in relation to the United Kingdom, a British National.

ARTICLE 2

Cooperation

The States undertake to cooperate to the extent possible regarding the transfer of sentenced persons, in accordance with the terms provided for in this Treaty.

ARTICLE 3

General principles

Provided both States and the sentenced person agree, a sentenced person may be transferred from the territory of the Sentencing State to the territory of the Administering State in order to serve the sentence or the remaining term thereof, in accordance with the terms provided for in this Treaty.

ARTICLE 4

Request for transfer

Subject to the provisions of Article 8 of this Treaty, a request for transfer may be made by the Sentencing State or the Administering State. The sentenced person or a legal representative on behalf of the sentenced person may express interest to the Sentencing State or the Administering State in being transferred.

ARTICLE 5

Central Authority

1. For the purposes of this Treaty, the Central Authorities designated by the States shall communicate with each other through diplomatic channels in connection with the matters relating to requests for transfer.
2. The Central Authority shall be:
 - a) for the United Arab Emirates, The Ministry of Justice;
 - b) for the United Kingdom Of Great Britain and Northern Ireland:
 - i. in relation to England and Wales, the National Offender Management Service;
 - ii. in relation to Scotland, the Scottish Prison Service;

- iii. in relation to Northern Ireland, the Northern Ireland Prison Service; and
- iv. in relation to the Isle of Man, the Department of Home Affairs.

3. Where either State changes its Central Authority or Authorities, it shall promptly notify the other State in writing of such change, through diplomatic channels.

ARTICLE 6

Requests

1. Requests for transfer and supporting documents shall be made in writing and addressed to the relevant Central Authority of the requested State through diplomatic channels.
2. Requests for transfer, attached documents and subsequent communications shall be made in the official language of the requesting State accompanied by a translation into the official language of the requested State and shall be signed and certified by the relevant Central Authority of the requesting state, and without any further authentication in this respect.

ARTICLE 7

Procedures for transfer

1. For the purpose of taking a decision as to a request made by the Sentencing State under this Treaty, the Sentencing State shall provide the Administering State with the following information and documents:
 - a) the full name, date and place of birth of the sentenced person;
 - b) the nature, duration, and date of execution of the sentence, and a statement indicating the remaining term of the sentence and the information regarding the provisional detention or remission of the sentence or any other element relating to the enforcement of the sentence;
 - c) a true copy of the sentence and a copy of the text of the law which has been applied;

- d) a medical or social report or any other report concerning the sentenced person, if necessary, and any information regarding the treatment the sentenced person has been receiving in the Sentencing State and any recommendation in respect of which such treatment is followed in the Administering State;
- e) a document giving the provisional consent of the sentenced person to the transfer, as mentioned in paragraph 5 of Article 8.

2. For the purpose of taking a decision as to a request made by the Administering State under this Treaty, the Administering State shall forward the following information and documents to the Sentencing State:

- a) a statement or a document indicating that the sentenced person is a national of the Administering State;
- b) a copy of the relevant legal provisions providing that the act or omission on account of which the sentence has been imposed constitute a criminal offence in the Administering State if it is committed in its territory;
- c) a statement indicating whether the transferred person is wanted or accused or sentenced for other criminal offences in the Administering State.

3. Where the Sentencing State agrees to transfer a person according to a request submitted by the Administering State, the Sentencing State shall transfer the information and documents mentioned in Paragraph 1 of this Article.

4. Where the Administering State agrees to transfer a person according to a request submitted by the Sentencing State, the Administering State shall transfer the information and documents mentioned in Paragraph 2 of this Article.

ARTICLE 8

Conditions for transfer

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

- 1. If the sentenced person is a national of the Administering State;
- 2. If the judgment is final and enforceable and no other legal proceedings relating to the offence or any other offences committed by the sentenced person are pending in the Sentencing State;

3. If the part of the sentence still to be served at the time of the receipt of the request is at least six(6) months, unless otherwise agreed;
4. If the act or omission which is the subject of the sentence constitutes an offence under the laws of the Administering State if committed in its territory;
5. If the sentenced person consents in writing to transfer. Where that person is incapacitated, consent may be given by the sentenced person's legal representative or any other person authorized to act on the sentenced person's behalf under the law of the Sentencing State;
6. If both the Sentencing State and the Administering State agree to the transfer.

ARTICLE 9

Denial of request for transfer

1. In accordance with any applicable law of the States, a request for transfer shall be denied:
 - a) if transfer would prejudice sovereignty, security, public order or any other interest of
 - b) if the offence for which the sentence is delivered is an offence under military law;
 - c) if the execution of sentence in the Administering State differs from that in the Sentencing State, to an extent that affects the execution of the sentence, unless otherwise agreed on the terms and conditions under which the request may be executed.
2. A request for transfer may be denied:
 - a) If the sentenced person has not satisfied or had set aside the payment of fines, court costs, compensations or other pecuniary judgments in the Sentencing State;
 - b) If a law suit is filed against the sentenced person before the courts of the Sentencing State asserting any other right to pecuniary amounts.

ARTICLE 10

Consent and its verification

The Sentencing State in accordance with its national law shall ascertain whether the person giving his consent to transfer according to paragraph 5 of Article 8 has done so voluntarily and is fully aware of the consequences of the transfer.

ARTICLE 11

Retention of jurisdiction

1. The Sentencing State shall retain exclusive jurisdiction for the review of the judgment and sentence.
2. The Administering State shall modify or terminate enforcement of the sentence as soon as it is informed of any decision by the Sentencing State to pardon the sentenced person, or of any other decision that results in cancellation or reduction of the sentence.

ARTICLE 12

Enforcement of the sentence

1. The competent authorities of the Administering State shall be responsible for the enforcement of the sentence according to its own laws in pursuance of Article 13.
2. The sentence shall be enforced according to the laws of Administering State. Subject to the provisions of Articles 11(2) and 14, only the Administering State has the right to make decisions in relation to the enforcement of the sentence.

ARTICLE 13

Continued enforcement of the sentence

1. The Administering State shall be bound by the legal nature and duration of the sentence as determined by the Sentencing State.
2. Without prejudice to paragraph 1 of this Article the continued enforcement of the sentence after transfer shall be governed by the laws and procedures of the Administering State.

ARTICLE 14

Amnesty and pardon

1. The sentenced person may be subject to general amnesty granted by the Sentencing State or the Administering State.
2. The sentenced person may be subject to pardon granted only by the Sentencing State.

ARTICLE 15

Treatment of sentenced persons

Each State shall treat all sentenced persons transferred under this Treaty in accordance with applicable international human rights obligations, particularly regarding the right to life and the prohibition against torture and cruel, inhuman or degrading treatment or punishment.

ARTICLE 16

Information on enforcement of the sentence

The Administering State shall inform the Sentencing State of the following:

1. Expiry of the sentence;
2. The escape of the sentenced person before completion of the sentence. In such case the Administering State shall take measures to arrest and commit the sentenced person to trial, as appropriate, in accordance with the law of the Administering State, and return the sentenced person to custody to complete the sentence;
3. The Administering State shall provide, on a case by case basis, a periodic report on the enforcement of the sentence if so requested by the Sentencing State, and in pursuance of the remaining term of the sentence.

ARTICLE 17

Ne bis in idem

A sentenced person may not be arrested, committed to trial or convicted in the Administering State for the same offence(s) for which he was sentenced before transfer in the Sentencing State.

ARTICLE 18

Expenses

1. The Administering State shall bear the expenses resulting from transfer of the sentenced persons, save that expenses incurred in the territory of the Sentencing State shall be borne only by the Sentencing State.
2. If it appears that the execution of the request requires expenses of an extraordinary nature, the States shall consult with each other to determine the terms and conditions under which the request may be executed.

ARTICLE 19

Transit of sentenced persons

If either State transfers a sentenced person to or from any third State, through the territory of the other State, the latter State shall cooperate and facilitate the transit of such a sentenced person. The State intending to make such a transfer shall give advance notice to the other State of such transit. However, either State may refuse to grant transit in a particular case.

ARTICLE 20

Consultation

The Central Authorities of the States may consult with each other to promote the effectiveness of this Treaty. The Central Authorities may also take any practical measures that may be necessary for facilitating the implementation of this Treaty.

ARTICLE 21

Temporal application

This Treaty shall apply to the sentences delivered before or after its entry into force.

ARTICLE 22

Settlement of Disputes

Any disputes arising from the interpretation or application of this Treaty shall be settled by consultation between the States through diplomatic channels.

ARTICLE 23

Compatibility with other treaties

This Treaty shall be without prejudice to any rights and obligations of the States that arise from other international treaties to which they are both parties.

ARTICLE 24

Territorial application

This Treaty shall apply:

- a) in relation to the United Arab Emirates, to the territory of the United Arab Emirates; and
- b) in relation to the United Kingdom of Great Britain and Northern Ireland, to the territory of the United Kingdom of Great Britain and Northern Ireland, and the Isle of Man; and to any other territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended by mutual agreement between the states by exchange of notes.

ARTICLE 25

Entry into force, duration and termination

1. Each of the States shall notify the other upon completion of their respective internal constitutional and legal procedures required to allow this Treaty to enter into force.
2. This Treaty shall enter into force thirty (30) days after the date of the latter notification referred to in paragraph 1 of this Article.
3. Either state may terminate this Treaty by a notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is received. However termination of this Treaty shall not affect any requests made before notification of the termination.
4. Notwithstanding any termination, this Treaty shall continue to apply to the enforcement of sentences of sentenced persons who have been transferred under this Treaty before the date on which such termination takes effect.

This Treaty may be amended by mutual agreement of the States, and the provisions of paragraph 1 shall be applied thereof.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by their respective governments have signed this Treaty.

Done in duplicate at London this Twenty-fourth day of January 2013, in the Arabic and English languages, both texts being equally authentic.

**For the Government of The United
Kingdom of Great Britain and
Northern Ireland:**

MR ALISTAIR BURT

**For the Government of the United
Arab Emirates:**

ANWAR MOHAMMED GARGASH



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