



Treaty Series No. 26 (2026)

Agreement

in the form of an Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Democratic Republic of the Congo for the Transfer of a Sentenced Person from the Democratic Republic of the Congo to the United Kingdom of Great Britain and Northern Ireland

Kinshasa, 27 March 2026

[The Agreement entered into force 27 March 2026]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of His Majesty
June 2026*



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**AGREEMENT IN THE FORM OF AN EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE
CONGO FOR THE TRANSFER OF A SENTENCED PERSON
FROM THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND**

Note No. 1

*British Embassy Kinshasa to the Ministry of Foreign Affairs, International
Cooperation and Congolese Diaspora of the Democratic Republic of the
Congo*

*Kinshasa
27 March 2026*

N. Ref. : 146/MFA/RDC

The Embassy of the United Kingdom of Great Britain and Northern Ireland in the Democratic Republic of the Congo presents its compliments to the Ministry of Foreign Affairs, International Cooperation and Congolese Diaspora of the Democratic Republic of the Congo and has the honour to refer to the discussions held between the authorities of the United Kingdom of Great Britain and Northern Ireland and the Democratic Republic of the Congo for the transfer of a sentenced person, whose identity shall be confirmed in a separate Note Verbale N 147/MFA/RDC, and the sentences imposed on him in the Democratic Republic of the Congo.

Following these discussions, the Embassy has the further honour to propose an agreement for the transfer of the sentenced person and his sentences from the Democratic Republic of the Congo to the United Kingdom of Great Britain and Northern Ireland in accordance with the terms set out in Annex A.

If the terms of agreement set out in Annex A are acceptable to the Government of the Democratic Republic of the Congo, the Embassy has the honour to propose that this Letter and Annex A, together with the Congolese Government reply to that effect, in both the French and English languages with both versions being equally authoritative, shall constitute an agreement between both States for the transfer of the sentenced person and his sentences from the Democratic Republic of the Congo to the United Kingdom of Great Britain and Northern Ireland, which shall enter into force on the date of the receipt of the aforementioned's reply.

The Embassy of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Ministry of Foreign Affairs, International Cooperation, Francophonie and the Congolese Diaspora the assurances of its highest consideration.

Annex A

ARTICLE 1

Definitions

For the purposes of this agreement:

- (a) "judgment" means a decision or order of a court imposing a sentence;
- (b) "the sentenced person" is the person whose identity shall be confirmed by way of a separate exchange of letters between the United Kingdom and the Democratic Republic of the Congo on 27 March 2026;
- (c) "the sentences" means the sentences imposed on the sentenced person by the Kinshasa Garrison Military Court on 13 September 2024 in respect of his convictions for criminal offences under the law of the Democratic Republic of the Congo; and
- (d) "national" means: in relation to the United Kingdom of Great Britain and Northern Ireland (hereinafter "the United Kingdom"), an individual from the United Kingdom who is recognised as having the

right of abode in the United Kingdom.

ARTICLE 2

Conditions for Transfer

It is agreed that the sentenced person and the sentences imposed in the Democratic Republic of the Congo meet the following conditions for transfer to the United Kingdom for the sentences to be served in the United Kingdom:

- (a) the sentenced person is a national of the United Kingdom;
- (b) the sentenced person is subject to sentences imposed by a judgment of a court in the Democratic Republic of the Congo on account of criminal offences;
- (c) the judgment is final and no other legal proceedings relating to the offences or any other offence committed by the sentenced person are pending in the Democratic Republic of the Congo;
- (d) the acts or omissions for which the sentences have been imposed constitute criminal offences according to the law of the United Kingdom (specifically, the law of England and Wales), or would constitute a criminal offence if committed on their territory;
- (e) the sentenced person has consented to the transfer, understanding the conditions of this agreement; and
- (f) the transferring and receiving authorities both agree to the transfer.

ARTICLE 3

Effect of Transfer for the Parties

The transfer of the sentences to the United Kingdom shall have the effect of suspending the enforcement of the sentences by the Democratic Republic of the Congo.

ARTICLE 4

Retention of Jurisdiction

The Democratic Republic of the Congo shall retain exclusive jurisdiction for the review of the judgment and sentences.

ARTICLE 5

Continued Enforcement of Sentences

1. The continued enforcement of the sentences after transfer shall be governed by the laws and procedure of the United Kingdom (specifically, the laws and procedure of England and Wales) as if the sentences had been imposed in that territory, including governing conditions of imprisonment, confinement or other deprivation of liberty, and those providing for the reduction of the term of imprisonment, confinement or other deprivation of liberty by parole, conditional release, remission or otherwise.
2. Sentences of death are incompatible with the law of the United Kingdom and therefore, on transfer, the United Kingdom shall adapt any such sentences to the maximum sentence that can be imposed under the law of England and Wales for the equivalent offences of which the sentenced person has been convicted. Any sentences of death which have been commuted to sentences of servitude in perpetuity/life imprisonment under the law of the Democratic Republic of the Congo shall also be adapted to the maximum sentence that can be imposed under the law of England and Wales for the equivalent offences of which the sentenced person has been convicted. The equivalent offences under the law of England and Wales, and the sentences that shall be enforced in England and Wales in respect of those offences, shall be confirmed in the same separate exchange of letters between the United Kingdom and the Democratic Republic of the Congo of [27 March 2026] referred to at Article 1(b) above.
3. For sentences which are adapted to sentences of life imprisonment, the High Court of England and Wales, after transfer, shall either impose a whole life Order or set a minimum term for the sentenced person to serve before he can be considered by the Parole Board for release.
4. The United Kingdom shall modify or terminate enforcement of any sentence if it is informed of any decision by the Democratic Republic of the Congo to pardon the sentenced person, or of any other decision or measure by that authority that results in cancellation or reduction of any sentence.

5. The United Kingdom shall provide the following information to the Democratic Republic of the Congo in relation to the continued enforcement of the sentences:

- (a) if the sentenced person has escaped from custody; and
- (b) if the sentenced person is unable to complete the sentences for any reason.

ARTICLE 6

Pardon, Amnesty, Commutation of Sentences

Either Party may grant a pardon, amnesty or commutation of the sentences in accordance with their respective law.

ARTICLE 7

Procedures for Transfer

The Parties shall make arrangements for the transfer of the sentenced person. Transfer of the sentenced person by the Democratic Republic of the Congo to the United Kingdom shall occur on a date and at a place agreed upon by both Parties.

ARTICLE 8

Costs

Any costs incurred in the application of this Agreement shall be borne by the United Kingdom, except costs incurred exclusively in the territory of the Democratic Republic of the Congo. The United Kingdom may, however, seek to recover all or part of the cost of transfer from the sentenced person or from some other source.

ARTICLE 9

Dispute Resolution

Any dispute arising from the interpretation, application, or implementation of this Agreement shall be settled through diplomatic channels if the Parties cannot reach an understanding.

Note No. 2

*Ministry of Foreign Affairs, International Cooperation and Congolese
Diaspora of the Democratic Republic of the Congo to the British
Embassy Kinshasa*

*Kinshasa
27 March 2026*

The Ministry of Foreign Affairs, International Cooperation, Francophonie and Congolese Diaspora of the Democratic Republic of the Congo presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Kinshasa and has the honour to acknowledge receipt of Note Verbale No. 146/MFA/RDC dated 27 March 2026, proposing the conclusion of an agreement, in the form of an exchange of Notes Verbales, between the Governments of the United Kingdom of Great Britain and Northern Ireland and the Democratic Republic of the Congo concerning the transfer of a sentenced person from the Democratic Republic of the Congo to the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Agreement").

The Ministry also acknowledges receipt of Note Verbale No. 147/MFA/RDC dated 27 March 2026, confirming the identity of the sentenced person in accordance with Article 1 (b) of the Agreement and containing the information provided for under Article 5(2) of the said Agreement (hereinafter referred to as "the supplementary Note Verbale relating to identity").

In this regard, the Ministry of Foreign Affairs, International Cooperation, Francophonie and Congolese Diaspora has the honour to confirm that the Government of the Democratic Republic of the Congo accepts the aforementioned Agreement proposed by the British side and that, consequently, Note Verbale No. 146/MFA/RDC and this reply shall constitute an agreement between the two Governments on this matter,

which shall enter into force on the date of this Note Verbale.

The Ministry further has the honour to confirm that the common understanding set out in Note Verbale No. 147/MFA/RDC relating to the identity of the sentenced person is acceptable to the Government of the Democratic Republic of the Congo, and that the said Note Verbale together with this reply confirms the common understanding of both parties on this matter.

Ministry of Foreign Affairs, International Cooperation, Francophonie and Congolese Diaspora avails itself of this opportunity to renew to the Embassy of the United Kingdom of Great Britain and Northern Ireland in the Democratic Republic of the Congo the assurances of its highest consideration.

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