

**DRAFT
TREATY
ON
THE TRANSFER OF SENTENCED PERSONS
BETWEEN
THE UNITED ARAB EMIRATES
AND
THE REPUBLIC OF LITHUANIA**

The United Arab Emirates and The Republic of Lithuania “hereinafter referred to as the “States”

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

GUIDED by the norms of the international law and the law in force in the territories of the states and aiming at the development of international cooperation in the area of the enforcement

ADHEREING to the principle of respect of human rights.

Have agreed as follows:

**Article 1
Definitions**

For the purposes of this Treaty:

1. “Judgment” shall mean final decision of court imposing a sentence.
2. “sentence” shall mean imprisonment for commitment of a criminal offence.
3. “sentenced person” shall mean a person who is serving a sentence in a prison in the sentencing state by virtue of a judgment.
4. “Sentencing State” shall mean the State in which the sentence is imposed on a person who may be or has been transferred.
5. “Administering State” shall mean the State to which the sentenced person may be or has been transferred to serve the sentence or the remaining term thereof.

Article 2

COOPERATION

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

Article 3

GENERAL PRINCIPLE

1. 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.
2. The request shall be made in writing for transfer may be made by the Sentencing State or the Administering State. The sentenced person, his legal representative or one of his immediate family members may express interest to the sentencing state or the administering state in being transferred .
3. Sentencing state shall inform sentenced person about this treaty.

Article 4

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 for the United Arab Emirates- the Ministry of Justice and for The Republic of Lithuania- the Ministry of Justice.
3. In case any State changes its Central Authority, it shall notify in writing the other State of such change, through diplomatic channels.

Article 5

Requests and supporting documents

1. Requests for transfer and supporting documents shall be made in writing and addressed to the central authority of the Requested State through diplomatic channels.
2. Requests for transfer and supporting documents shall be made in the official language of the requesting state accompanied by a translation into the

official language of the requested state or into the English language, and shall be signed, sealed by the requesting authority and without any further authentication in this respect.

3. 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 execution of the sentence.
- c) A true copy of the judgment
- d) A copy of the text of the law which has been applied.
- e) A medical or social report or any other report concerning the sentenced person, if necessary, and any information regarding the treatment he has been receiving in the Sentencing State and any recommendation in respect of which such treatment is followed in the Administering State.
- f) A document stating the consent of the sentenced person to the transfer, as mentioned in paragraph 5 of Article 8.

4. 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 or permanent resident of the Administering State;
- b) A copy of the relevant legal provisions which 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 whether the transferred person is requested or accused or sentenced for other cases in the Sentencing State.
- d) An undertaking not to grant pardon for the person requested to be transferred without the consent of the Sentencing State.
- E) A text of legal provisions which provide for the terms and procedure of conditional release.

5. In case 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.

6. the sentenced person shall be informed in writing about all decision regard to the request for the transferred that have been taken by either state.

Article 7

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 executable.
3. If the part of the sentence still to be served at the time of the receipt of the request is at least six months, unless otherwise agreed.
4. If the act or omission 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 his transfer. In case of his incapacity to express his interest of being transferred, transfer may be consented in writing by his legal representative.
6. If both the Sentencing and the Administering States agree to the transfer.

Article 8

Denial of Request for Transfer

1. A request for transfer shall be denied:
 - a. If one of the conditions specified in Article 7 is not met
 - b. If transfer would prejudice sovereignty, security, public order or any other essential interest of the Sentencing State.
 - c. If the offence for which the judgment is delivered is an offence under military law of the Sentencing State.
 - d. 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 judgment, unless otherwise agreed on the terms and conditions under which the request may be executed.
 - e. If the Administering State does not submit an undertaking not to grant pardon for the person to be transferred as provided for in Article 7.2.d.
2. A request for transfer may be denied:
 - a) If the sentenced person has not satisfied the payment of fines, court costs, compensations or other pecuniary judgements 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 Ascertainment

The Sentencing State, according to its national law shall ascertain that the person giving his consent to transfer according to paragraph 5 of Article 8 has done so voluntarily as well fully aware of the consequences thereof.

Article 11

1. The competent authorities of the Administering State shall follow up the execution of the sentence according to its own laws in pursuance of Article 12.

2. Sentence shall be executed according to the laws of Administering State that solely has the right to take the appropriate decisions, subject to the provisions of Articles 13 and 14.

Article 12

Continued Execution

The Administering State shall be bound by the legal nature and term of the sentence.

Article 13

Amnesty and Pardon

1. The Sentenced person shall be subject to the general amnesty granted by the Sentencing State or the Administering State.

2. The sentenced person shall be subject to pardon granted by the Sentencing State.

3. The sentenced person shall not be subject to pardon or conditional discharge or other pardon granted by the Administering State, save with consent of the Sentencing State.

Article 14

Termination of Execution

The Administering State shall terminate the sentence as soon as it is informed by the Sentencing State of any decision or measure terminating the execution of the sentence.

Article 15

Information on Execution

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

1. Expiry of the sentence.

2. Escaping of the sentenced person before completion of the sentence. In such case the Administering State shall have to take the appropriate measures to arrest and commit him for trial according to the law in the Administering State.

3. The Administering State shall provide, on case by case basis, a periodic report on the execution of the sentence if so requested by the Sentencing State, and in pursuance of the remaining term of the execution.

Article 16

Ne bis In Idem

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

Article 17

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 which shall be born only by the same State.

2. If it appears that the execution of the request requires expenses of extraordinary nature, the States shall consult with each other to determine the terms and conditions under which the request may be executed.

Article 18

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 19

Application

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

Article 20

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 21

Final Provisions

1. This Treaty becomes binding upon expiry of 30 days from the date of receipt of the last written notice from the Parties through diplomatic channels of completion of all internal procedures as required for its commencement according to applicable laws thereof.
2. This Treaty may be amended on the consent of the Parties.
3. This Treaty shall be applicable to enforcement of sentences imposed both before and after its entry into force.
4. This Treaty terminates upon expiry of 180 days from the date of receipt of the other Party written notice of its intention to terminate it through diplomatic channels.
5. The termination of this Treaty shall not impede completion of execution of any request received prior to a termination date.

Done ----- “-----the” day of -----201 in duplicate, each in the Arabic, English and languages, all texts being equally authentic. In case of interpretation discrepancies, the English text shall prevail.

FOR

**THE UNITED ARAB
EMIRATES**

FOR

**THE REPUBLIC OF
LITHUANIA**