

**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

ADHERING 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 Principles

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 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 Authorities

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 6.

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 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 Administering 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 3 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 6

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 7

Denial of Request for Transfer

1. A request for transfer shall be denied:
 - a. If one of the conditions specified in Article 6 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 5.4.d.
2. A request for transfer may be denied if the sentenced person has not satisfied the payment of fines, court costs, compensations or other pecuniary judgements in the Sentencing State.
3. The Sentencing State may refuse to transfer a person under this Treaty if the legal nature or term of the sentence in the Administering State differs from that in the Sentencing State.

Article 8

Consent and Ascertainment

1. The Sentencing State, according to its national law shall ascertain that the person giving his consent to transfer according to paragraph 5 of Article 6 has done so voluntarily as well fully aware of the consequences thereof.
2. The Sentencing State may, should it be necessary, afford the Administering State an opportunity to verify, through a consul or other official, that the consent is given in accordance with the conditions set out in paragraph 1 of this Article.

Article 9

Execution of the Sentence

The competent authorities of the Administering State shall follow up the execution of the sentence according to its own laws.

Article 10

Continued Execution or Adaptation of the Sentence

1. The competent court of the Administering State shall in accordance with its laws set the same term of imprisonment as that imposed by the judgment.
2. If in accordance with the laws of the Administering State the maximum term of imprisonment for this act is lower than that imposed by the judgment, the court of the Administering State shall determine the maximum term of imprisonment provided for the same act by the laws of that State.

Article 11

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 or by the Administering State. In the latter case the Administering State shall consult the Sentencing State before granting the pardon.

Article 12

Termination or Revision of Judgment

1. Only the Sentencing State shall be competent to terminate or amend the judgment.
2. The Sentencing State shall inform the Administering State about any terminated or amended judgment.
3. 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 13

Information on Execution

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

1. The enforcement of the judgment has been completed.
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 a report on the execution of the sentence if so requested by the Sentencing State.

Article 14

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 in the Sentencing State.

Article 15

Transit

1. Each State shall grant a request of another State to allow through its territory the transit of sentenced persons transferred to a Requesting State by a third State. To that end the transit in the territory of one of the States shall be permitted upon official request issued by the Central Authority, accompanied by the original document authorizing the transferring or a copy of the same as well as information about the nationality of the

sentenced person and an extract from the criminal law on account of which the person was convicted.

2. The State requested to grant transit of the sentenced person through its territory shall not prosecute such a person, detain him or her or otherwise restrict his or her freedom, unless when it is necessary to ensure the transit of the sentenced person.

3. The Requested State shall, in so far as it is not contrary to its laws, approve the request for transit made by the Requesting State.

4. No permission is required where air transport is used and no landing is scheduled for on the territory of the other State.

5. In the event of an unscheduled landing, the State in which the unscheduled landing occur may require a request for transit pursuant to paragraph 1 of this Article, and it may detain the person until the request for transit is received and the transit is effected, as long as the request is received within 48 hours of the unscheduled landing.

Article 16

Protection of Personal Data

1. Without prejudice to paragraph 2 of this Article, personal data may be gathered and transmitted only if it is necessary and proportionate for the purposes indicated in the request for transfer.

2. Personal data transmitted to the other State as a result of the execution of a request made under this Treaty may exclusively be used by the receiving State:

a) for the purpose of the enforcement of the sentence for which the transfer was requested under this Treaty;

b) for other proceedings directly related to the enforcement of the sentence under subparagraph a);

c) for preventing an immediate and serious threat to public security.

3. Such data may also be used for any other purpose, if prior consent to that effect has been given by the State which transmitted the personal data.

4. Either State may refuse to transmit personal data where such data is protected under its law and the same level of protection cannot be provided by the other State.

5. The State that transmits personal data may require the other State to give information on the use made with such data.

6. Personal data transmitted under this Treaty shall be processed and deleted in line with the law of the State which received such data.

7. This Article shall not prejudice the capacity of the State which transmits personal data to impose additional conditions in a particular case. Where additional conditions have been imposed in accordance with this paragraph, the State to which personal data has been transmitted shall process the received data according to these conditions.

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 latter 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

Obligations under International Treaties

The provisions of this Treaty shall not affect the rights and obligations of the States arising from other international treaties to which one or both of them are parties.

Article 20

Settlement of Disputes

Any dispute arising from application or interpretation of this Treaty shall be settled by consultations or negotiations through diplomatic channels if the Central Authorities of the States are themselves unable to reach agreement.

Article 21

Final Provisions

1. The present Treaty shall enter into force on the thirtieth day after the latter of the dates on which each of the States has notified the other through diplomatic channels that the procedures required by its law for entry into force of the Treaty have been complied with.

2. By the agreement of both States this Treaty may be subject to amendments, which shall form the inseparable part of it and shall be drawn in the form of Protocols, which shall enter into force as established in paragraph 1 of this Article.

3. Either State may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six months after the date on which the notice is received. However, transfer proceedings already commenced before the notice is received shall continue to be governed by this Treaty until conclusion therein.

4. This Treaty shall be applicable to enforcement of sentences imposed both before and after its entry into force.

IN WITNESS THEREOF, the undersigned being duly authorised thereto by their respective Governments, have signed this Treaty.

Done ----- “-----the” day of -----2021 in duplicate, each in the Arabic, Lithuanian and English languages, all texts being equally authentic. In case of interpretation discrepancies, the English text shall prevail.

FOR

FOR

THE UNITED ARAB EMIRATES

THE REPUBLIC OF LITHUANIA