



ANNEX III

Treaty
On
The transfer of sentenced persons
Between
THE FEDERAL REPUBLIC OF NIGERIA
And
The State of The United Arab Emirates

The Government of the Federal Republic of Nigeria and the Government of the State of the United Arab Emirates (hereinafter referred to as "the States");

Desiring to facilitate the rehabilitation and reintegration of the sentenced persons into society through giving them the opportunity to serve their sentences in their own countries,

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. **"sentence"** any judicial decision involving deprivation of liberty for a limited term on account of a criminal offence.
2. **"sentenced person"** the person against whom a judgment is passed involving deprivation of liberty issued in the territory of the Sentencing State.
3. **"Sentencing State"** the State in which the sentence is imposed on the person who may be, or has been transferred.
4. **"Administering State"** the State to which the sentenced person may be transferred to serve the sentence or the remaining term thereof.
5. **"Judgment"** means the final decision of a competent court, no longer to subject to appeal.



Article 2

Cooperation

The Parties 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

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, just as the sentenced person, or his legal representative may express his 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 Parties shall communicate with each other through diplomatic channels in connection with the matters relating to requests for transfer.

The Central Authority for The Federal Republic Of Nigeria shall be the Attorney General of the Federation and Minister of Justice, and for the State of the United Arab Emirates shall be The Ministry of Justice.

2. In case any Party changes its Central Authority, it shall notify in writing the other State 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 Central Authority of the Requested State through diplomatic channels.



2. Requests for transfer and attached documents shall be made in the official language of the Requesting Party accompanied by a translation into the official language of the Requested Party or into the English language, and shall be signed, stamped and certified by the requesting authority and without any further authentication in this respect.

Article 7

Form and Contents of Requests

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 execution 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 he 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 stating the 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 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.
3. 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.

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 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 in writing his interest of being transferred, transfer may be requested by his legal representative or spouse or any of his relatives.
6. If both the Sentencing and the Administering States agree to the transfer.

Article 9 **Refusal of Request for Transfer**

1. A request for transfer shall be refused:
 - a) if transfer would prejudice sovereignty, security, public order or any other essential interest of the Sentencing State.
 - 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.



- d) 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 refused:
 - 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 as fully aware of the consequences thereof.

Article 11

Enforcement of the Sentence

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 terms 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/she was sentenced before transfer to the Administering State.

Article 17

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 18

Application

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



Article 19

Expenses

1. The Sentencing State shall bear the expenses incurred including the ticket in its territory while the Administering State shall bear the expenses on the arrival at its territory.
2. If it appears that the execution of the request requires expenses of extraordinary nature, the Parties shall consult with each other to determine the terms and conditions under which the request may be executed.

Article 20

Settlement of disputes

Any dispute arising out of the interpretation, application or implementation of this Treaty shall be resolved through diplomatic channels if the Central Authorities are unable to reach agreement.

Article 21

Compatibility with other Treaties

Assistance and procedures set for in this Treaty shall not exempt either Party from its obligations arising from other international agreements or its national laws.

Article 22

Ratification, entry into force, amendment and termination

1. This Treaty is subject to ratification, the instruments of ratification shall be exchanged.
2. This Treaty shall enter into force on the thirtieth (30) day after the date of the exchange of the instruments of ratification.
3. This Treaty may be amended by mutual consent of the States and the provisions of this Article shall be applied thereof.
4. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is given. However, proceedings



already commenced before notification shall continue to be governed by this Treaty until conclusion therein.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty in two original texts, in the English and Arabic Languages, both texts being equally authentic.

DONE at Abudhabi this day 18th of January 2016

For
The Government of the Federal
Republic of Nigeria

For
The Government state of the
United Arab Emirates