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**United Kingdom of Great Britain and Northern Ireland
and
Rwanda**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda on the transfer of sentenced persons. Kigali, 11 February 2010

Entry into force: *23 November 2010 by notification, in accordance with article 16*

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**Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
et
Rwanda**

Accord entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement de la République du Rwanda concernant le transfert de personnes condamnées. Kigali, 11 février 2010

Entrée en vigueur : *23 novembre 2010 par notification, conformément à l'article 16*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF RWANDA ON THE TRANSFER
OF SENTENCED PERSONS**

The United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the "United Kingdom") and the Republic of Rwanda (hereinafter referred to as "Rwanda"), together the "Parties";

Taking into consideration developments in international prisoner transfer arrangements;

Desiring to ensure that wherever possible foreign national prisoners should serve their sentences in their own country;

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 Agreement:

- (a) "transferring State" means the State from which the sentenced person may be, or has been, transferred;
- (b) "receiving State" means the State to which the sentenced person may be, or has been, transferred;
- (c) "sentenced person" means a person who is required to be detained in a prison or any other institution in the transferring State by virtue of a judgment made by a court of the transferring State on account of a criminal offence;
- (d) "sentence" means any punishment or measure involving deprivation of liberty ordered by a court of the transferring State for a limited or unlimited period of time on account of a criminal offence;
- (e) "judgment" means a decision or order of a court imposing a sentence;
and
- (f) "national" means:
 - (i) in relation to the United Kingdom, a British citizen;

- (ii) in relation to Rwanda, a person who has the nationality of Rwanda.

ARTICLE 2

General Principles

1. The Parties shall afford each other the widest measure of cooperation in respect of the transfer of sentenced persons in accordance with the provisions of this Agreement.
2. As between the Parties, this Agreement shall prevail over any multilateral Agreements governing the transfer of sentenced persons to which both Parties may be party.
3. Provided both Parties agree, a sentenced person may be transferred from the territory of the transferring State to the territory of the receiving State without the consent of the sentenced person in accordance with the provisions of this Agreement in order to continue serving the sentence imposed on him or her by the transferring State.
4. The transfer of sentenced persons may be requested by either the transferring State or the receiving State.
5. The Parties may enter into a Memorandum of Understanding governing the implementation of this Agreement.

ARTICLE 3

Conditions for Transfer

Sentenced persons may be transferred under this Agreement only on the following conditions:

- (a) the sentenced person is a national of the receiving State for the purposes of this Agreement;
- (b) the sentenced person is subject to an order for deportation or removal from the transferring State;
- (c) the judgment is final and no other legal proceedings relating to the offence or any other offence committed by the sentenced person are pending in the transferring State;

- (d) the acts or omissions for which the sentence has been imposed constitute a criminal offence according to the law of the receiving State or would constitute a criminal offence if committed on its territory;
- (e) the sentenced person has still at least 6 months of the sentence to serve at the time the request for transfer is made; in exceptional cases, the Parties may agree to a transfer even if the sentenced person has less than 6 months of the sentence to serve; and
- (f) the transferring and receiving States both agree to the transfer.

ARTICLE 4

Procedures for Transfer

1. Requests for transfer and replies shall be made in writing through the diplomatic channel.
2. The requested State shall inform the State requesting the transfer of its decision whether or not to agree to the requested transfer.
3. If the receiving State requests the transfer of a sentenced person, it shall provide the following information, where available, to the transferring State with the written request for transfer:
 - (a) the name, date and place of birth of the sentenced person;
 - (b) the location of the sentenced person; and
 - (c) the permanent address of the sentenced person in the receiving State.
4. If the transferring State requests the transfer of a sentence person or, having received a request to transfer a sentenced person under paragraph 3 of this article from the receiving State, is prepared, in principle, to consider the request the transfer of a sentenced person, it shall inform the receiving State in writing, and provide the following information:
 - (a) the name, date and place of birth of the sentenced person;
 - (b) the location of the sentenced person;
 - (c) if available, the permanent address of the sentenced person in the receiving State;
 - (d) a statement of the facts upon which the conviction and sentence were based;

- (e) the nature, duration and date of commencement of the sentence, the termination date of the sentence, if applicable, and the length of time already served by the sentenced person and any remission to which he or she is entitled on account of work done, good behaviour, pre-trial confinement or other reasons;
 - (f) a copy of the judgment and information about the law on which it is based;
 - (g) if available, any other additional information, including medical or social reports on the sentenced person, which may be of significance for the sentenced person's transfer and for the continued enforcement of his sentence; and
 - (h) a copy any written representations made by the sentenced person in accordance with paragraph 4 of Article 8 of this Agreement.
5. If the receiving State, having considered the information which the transferring State has provided, is willing to proceed with the transfer, it shall inform the transferring State in writing, and provide the following information:
- (a) a statement indicating that the sentenced person is a national of the receiving State for the purposes of this Agreement;
 - (b) a copy of the relevant law of the receiving State which provides that the acts or omissions on account of which the sentence has been imposed in the transferring State constitute a criminal offence according to the law of the receiving State, or would constitute a criminal offence if committed on its territory;
 - (c) a statement of the effect, in relation to the sentenced person, of any law or regulation relating to that person's detention in the receiving State after that person's transfer, including a statement, if applicable, of the effect of paragraph 3 of Article 7 of this Agreement upon that person's transfer; and
 - (d) a statement of any outstanding charges, convictions or criminal investigations in respect of the sentenced person.
6. If the transferring State is willing to proceed with the transfer, it shall provide the receiving State with its written agreement to the terms of the transfer.
7. For the purposes of considering whether to agree to the transfer of a sentenced person, the transferring State may at any time seek from the receiving State information, undertakings or assurances regarding the location of or access to the facility in which the sentenced person shall serve the remainder of his or her sentence, the conditions or treatment that shall be afforded to the sentenced person, the monitoring of those conditions and treatment or any other matter relating to the