

TRANSFER OF OFFENDERS TREATIES

Pakistan - USA Agreement Regarding Surrender of Persons to International Tribunals: Washington; 21 July 2003

The Government of the Islamic Republic of Pakistan and the Government of the United States of America, hereinafter referred individually as a "Party" and collectively as the "Parties",

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

Hereby agree as follows:

1. For purposes of this Agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of a party.
2. Persons of a Party present in the territory of the other shall not without the express consent of the first Party,
 - (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the UN Security Council, or
 - (b) be surrendered or transferred by any means to any other entity or third country or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established by the UN Security Council.
3. When the United States extradites, surrenders, or otherwise transfers a person of Pakistan to a third country, the United States will not agree to the surrender or transfer of that person by any entity or third country to any international tribunal, unless such tribunal has been established by the UN Security Council, without the express consent of the Government of the Islamic Republic of Pakistan.
4. When the Government of the Islamic Republic of Pakistan extradites, surrenders or otherwise transfers a person of the United States of America to a third country, the Government of the Islamic Republic of Pakistan will not agree to the surrender or transfer of that person by any entity or third country to any international tribunal, unless such tribunal has been established by the UN Security Council, without the express consent of the Government of the United States.
5. Each Party agrees, subject to its international legal obligations, not to knowingly facilitate, consent to, or cooperate with efforts by any entity or third party or country to effect the extradition, surrender, or transfer of a person of the other Party to any international tribunal, unless such tribunal has been established by the UN Security Council.

6. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done at Washington this twenty-first day of July, 2003, in duplicate, in the English language.

Sd/-

**For the Government of
the Islamic Republic
of Pakistan**

Sd/-

**For the Government
of the United States
of America**

**Pakistan - UK Agreement on the Transfer of Prisoners: Islamabad;
24 August 2007**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Islamic Republic of Pakistan (hereinafter referred to individually as a "Party" and collectively as the "Parties"):

Desiring to encourage the social rehabilitation of sentenced persons by giving them the opportunity to complete their sentences in their own countries;

Have agreed as follows:

ARTICLE – 1

DEFINITIONS

For the purposes of this Agreement, the term:

- (a) "Transferring State" means the State in which the sentence was imposed on the prisoner who may be, or has been, transferred;
- (b) "Receiving State" means the State to which the prisoner may be, or has been, transferred in order to serve his sentence;
- (c) "Prisoner" means a person who is required to be detained in a prison, a hospital or any other institution in the transferring State by virtue of an order made by a court in the course of the exercise of its criminal jurisdiction. (The term "person" has also been employed for the term "prisoner" in this Agreement only for the sake of convenience in the text);
- (d) "Sentence" means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time in the course of the exercise of its criminal jurisdiction;
- (e) "Judgment" means a decision or order of a court or tribunal imposing a sentence;
- (f) "National" means:
 - (i) in relation to the United Kingdom, a British citizen or any person whose transfer the Government of the United Kingdom consider appropriate having regard to any close ties which that person has with the United Kingdom;
 - (ii) in relation to the Islamic Republic of Pakistan, a Pakistani citizen or any person whose transfer the Government of Pakistan consider appropriate having regard to any close ties which that person has with Pakistan.

ARTICLE – 2

GENERAL PRINCIPLES

1. The Parties undertake to afford each other all possible co-operation in respect of the transfer of prisoners in accordance with the provisions of this Agreement and their respective national laws.

2. A person sentenced in the territory of the State of one Party may be transferred to the territory of the State of the other Party, in accordance with the provisions of this Agreement, in order to serve the sentence imposed on him. To that end he may express his interest to the Transferring State or to the Receiving State in being transferred under this Agreement.
3. Transfer may be requested by either the Transferring State or the Receiving State.

ARTICLE – 3

CENTRAL AUTHORITIES

For the implementation of the provisions of this Agreement, the Parties designate the following as the Central Authorities.

For the United Kingdom:

- (i) The National Offender Management Service in relation to England and Wales;
- (ii) The Scottish Prison Service in relation to Scotland;
- (iii) The Northern Ireland Prison Service in relation to Northern Ireland, and
- (iv) The Department of Home Affairs in relation to the Isle of Man.

For Pakistan: The Ministry of the Interior.

ARTICLE – 4

CONDITIONS FOR TRANSFER

A prisoner may be transferred under this Agreement only if the following criteria are met:

- (a) the prisoner is a national of the Receiving State for the purposes of this Agreement;
- (b) the judgment is final and no other legal proceedings relating to the offence or any other offence committed by the prisoner are pending in the Transferring State;
- (c) at the time of receipt of the request for the transfer, the prisoner still has at least six months of the sentence to serve, or if the sentence is indeterminate. In exceptional cases, the Parties may agree to a transfer even if the prisoner has less than six months of the sentence left to serve;
- (d) the prisoner himself consents to the transfer or, where in view of his age, physical or mental condition, one of the Parties considers it necessary, his legal representative does so on his behalf;
- (e) the acts or omissions on account of 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; and
- (f) the Transferring and Receiving States agree to the transfer.

ARTICLE – 5

PROCEDURE FOR TRANSFER

1. Any prisoner to whom this Agreement may apply shall be informed by the Transferring State of the substance of this Agreement.
2. If the Transferring State is prepared, in principle, to approve any prisoner's request for transfer, it shall provide the Receiving State with the following information:
 - (a) the name, date and place of birth of the prisoner
 - (b) the nature, duration and date of commencement of the sentence that has been imposed;
 - (c) a statement of the facts upon which the sentence was based;
 - (d) a statement indicating how much of the sentence has already been served, including information on any pre-trial detention, remission and any other factor relevant to the enforcement of the sentence;
 - (e) a certified copy of the judgment and information about the law on which it is based;
 - (f) if appropriate, a medical or social report on the prisoner, information about his treatment in the transferring State and any recommendation for his further treatment in the Receiving State.
3. If the Receiving State, having considered the information which the Transferring State has supplied, is willing to consent to the prisoner's transfer, it shall furnish the Transferring State with the following:
 - (a) a statement indicating that the prisoner is a national of that 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 prisoner, 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 2 of Article 9 of this Agreement upon that person's transfer.
4. Transfer of the prisoner from the custody of the authorities of the Transferring State into the custody of the authorities of the Receiving State shall take place on the territory of the Transferring State.

ARTICLE – 6

REQUESTS AND REPLIES

1. Requests for transfer and replies shall be made in writing through the diplomatic channel.
2. The requested State shall promptly inform the State requesting the transfer of its decision whether or not to agree to the requested transfer.

ARTICLE – 7

CONSENT AND ITS VERIFICATION

1. The Transferring State shall ensure that the person required to give consent to the transfer in accordance with sub-paragraph (d) of Article 4 of this Agreement does so voluntarily and with full knowledge of the legal consequences thereof. The procedure for giving such consent shall be governed by the law of the Transferring State.
2. The Transferring State shall afford an opportunity to the Receiving State to verify, through a consul or other official agreed upon with the Receiving State, that the consent is given in accordance with the conditions set out in paragraph 1 of this Article.

ARTICLE – 8

EFFECT OF TRANSFER FOR TRANSFERRING STATE

1. The taking into charge of the prisoner by the authorities of the Receiving State shall have the effect of suspending the enforcement of the remainder of the sentence in the Transferring State.
2. Subject to the provisions of Article 9, the Transferring State may no longer enforce the remaining sentence if the Receiving State considers enforcement of the sentence to have been completed.

ARTICLE – 9

PROCEDURE FOR ENFORCEMENT OF SENTENCE

1. The continued enforcement of the sentence after transfer shall be governed by the law of the Receiving State and that State shall be competent to take all appropriate decisions.
2. The Receiving State shall be bound by the legal nature and duration of the sentence as determined by the Transferring State. If, however, the sentence is by its nature or duration incompatible with the law of the Receiving State, that State may, by a court or administrative order and with the agreement of the Transferring State prior to transfer, adapt the sanction to the punishment or measure prescribed by its own law for a similar offence. It shall not, however, aggravate, by its nature or duration, the sanction imposed in the Transferring State, nor exceed the maximum penalty prescribed by the law of the Receiving State.

ARTICLE – 10

REVIEW OF JUDGMENT

1. The Transferring State alone shall have the right to decide on any application for review of the judgment.
2. If the Transferring State revises, modifies, or overturns the judgment pursuant to paragraph 1 of this Article or otherwise reduces, commutes or terminates the sentence, the Receiving State shall, upon being notified of the decision, give effect thereto in accordance with this paragraph.

ARTICLE – 11

INFORMATION REGARDING ENFORCEMENT OF SENTENCE

The Receiving State shall provide information to the Transferring State concerning enforcement of the sentence:

- (a) when the sentence has been completed;
- (b) if the prisoner has escaped from custody before the sentence has been completed; or
- (c) if the Transferring State requests a special report.

ARTICLE – 12

TRANSIT

If either Party enters into arrangements for the transfer of prisoners with any third State, the other Party shall, in accordance with its national laws, co-operate in facilitating the transit through its territory of prisoners being transferred pursuant to such arrangements, excepting that it may refuse to grant transit to any prisoner who is one of its own nationals. The Party intending to make such a transfer will give advance notice to the other Party of such transit and procedures for the transit will be agreed between the Parties.

ARTICLE – 13

COSTS

Any costs incurred in the transfer of a prisoner under this Agreement shall be borne by the Receiving State, except costs incurred exclusively in the territory of the Transferring State. The receiving State may, however, seek to recover all or part of the cost of transfer from, the prisoner or from some other source.

ARTICLE – 14

TERRITORIAL APPLICATION

This Agreement shall apply:

- (a) in relation to the United Kingdom, to Great Britain and Northern Ireland and the Isle of Man; and to any other territory for the international relations of which the United Kingdom is responsible and to which the Agreement shall have been extended by mutual agreement between the Parties by exchange of notes;
- (b) in relation to the Islamic Republic of Pakistan to the territory of Pakistan and to any other territory for the international relations of which Pakistan is responsible and to which the Agreement shall have been extended by mutual agreement between the Parties by exchange of notes.

ARTICLE – 15
TEMPORAL APPLICATION

This Agreement shall be applicable to the enforcement of sentences imposed either before or after its entry into force.

ARTICLE – 16
AMENDMENT AND MODIFICATION

This Agreement may be amended or modified at any time through mutual consent of the Parties. Such amendment or modification shall enter into force when confirmed by an Exchange of Notes.

ARTICLE - 17
SETTLEMENT OF DISPUTES

Any dispute concerning the interpretation or application of this Agreement shall be settled through negotiations between the Parties.

ARTICLE -18
FINAL PROVISIONS

1. This Agreement shall be subject to ratification and shall enter into force on the date on which the instruments of ratification are exchanged.
2. Either Party may terminate this Agreement at any time by means of written notice to the other Party. Such termination shall become effective on the expiration of a six month period after the date of the receipt of notice.
3. Notwithstanding termination, the provisions of this Agreement shall continue to apply to the enforcement of sentences of prisoners who have been transferred under this Agreement before the date on which such termination takes effect.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Islamabad on this twenty-fourth day of August 2007, in the English language.

**For the Government of the United
Kingdom of Great Britain
and Northern Ireland:**
Sd/-
(ROBERT BRINKLEY)

**For the Government of
the Islamic Republic of
Pakistan:**
Sd/-
(KAMAL SHAH)

**Pakistan - Thailand Agreement on Co-Operation in the Transfer of
Offenders and Enforcement of Penal Sentences: Bangkok;
20 December 2007**

The Government of the Kingdom of Thailand and the Government of the Islamic Republic of Pakistan, (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Re-affirming the principles of sovereignty, territorial integrity and non-interference in internal affairs of States;

Desiring to strengthen co-operation and assistance in the administration of criminal justice;

Considering that these objectives can best be achieved by giving foreign national, deprived of their liberty as a result of having been convicted for criminal offences, the opportunity to serve sentence within their own societies;

Have agreed as follows:

ARTICLE – 1

DEFINITIONS

For the purposes of this Agreement:

- (a) "Sentence" means imprisonment, confinement or any other measure involving deprivation of liberty ordered by a court or a tribunal of the Transferring State for the commission of a criminal offence;
- (b) "State" means the Kingdom of Thailand and/or the Islamic Republic of Pakistan;
- (c) "Transferring State" means the State in which the sentence was imposed on the offender, who may be or has been transferred to serve his sentence;
- (d) "Receiving State" means the State to which the offender may be or has been transferred to serve his remaining sentence;
- (e) "Offender" means a person who is convicted of a criminal offence and serving a sentence by virtue of a final judgment or an order made by a court or a tribunal exercising judicial powers in the Transferring State.

ARTICLE – 2

GENERAL PRINCIPLES

- 1. The Parties undertake to extend full co-operations in respect of the transfer of offender in accordance with their respective national laws and this Agreement.
- 2. An offender serving sentence in one State may be transferred to the other State in accordance with their respective national laws to serve the remaining sentence.

ARTICLE – 3
CONDITIONS FOR TRANSFER

An offender may be transferred under this Agreement subject to the following conditions:

- (a) he is a national of the Receiving State and not a national of the Transferring State, notwithstanding the fact that he may also be a national of any other State;
- (b) the act or omission for which the sentence has been imposed constitutes an offence according to the laws of the Receiving State or will constitute an offence, if committed on its territory;
- (c) at the time of making or receipt of the request for the transfer, the offender still has at least one year of sentence to serve;
- (d) the Transferring State and the Receiving State agree to the transfer;
- (e) the transfer has been consented to by the offender in writing or, where in view of his age or physical or mental status, he is unable to give his consent, the consent shall be given by such other person authorized under the respective laws;
- (f) the offender has served in the Transferring State any minimum period of imprisonment, confinement or any other form of deprivation of liberty stipulated by the law of the Transferring State.

ARTICLE – 4
REFUSAL TO TRANSFER

A request for transfer of the offender shall be refused under this Agreement on the following conditions, namely, that if:

1. the offender was sentenced in respect of an offence under the law of the Transferring State against the:
 - (a) internal or external security of the State;
 - (b) the Head of State or a member of his family; or
 - (c) legislation protecting national art treasures;
2. the judgment is not final or other legal proceedings are pending in the Transferring State;
3. the transfer of the offender may prejudice either Party's sovereignty, security, public order or other national interests.

ARTICLE – 5
CENTRAL AUTHORITIES

1. For the purposes of implementation of this Agreement, each Party hereby designates a Central Authority:
 - (a) for the Kingdom of Thailand - the Committee for Consideration of the Transfer of Prisoners;
 - (b) for the Islamic Republic of Pakistan - the Secretary, Ministry of Interior, Government of the Islamic Republic of Pakistan or any person authorized by him.

2. The request for transfer and reply thereto shall be made in writing by the Central Authorities through diplomatic channels.

ARTICLE – 6

PROCEDURE FOR TRANSFER

1. Each Party shall bring the provisions of this Agreement to the notice of the offenders who are nationals of the State of the other Party.
2. The request for transfer by the Receiving State shall commence through diplomatic channels. The Transferring State shall inform the Receiving State of its decision through the same channels without delay. If the Transferring State approves the request, the Parties, the Parties shall take measures to effectuate the transfer.
3. The Transferring State shall provide the Receiving State with the following information:
 - (a) a statement of the facts upon which the sentence was based;
 - (b) the termination date of the sentence, the length of time already served by the offender and any credits to which he is entitled on account of work done, good behavior, pretrial confinement or other reasons;
 - (c) certified copies of the judgment(s), sentence concerning the offender and the law on which they are based;
 - (d) any other information requested by the Receiving State so far as such information may be of relevance of the offender's transfer and the enforcement of the sentence;
 - (e) the nature, duration and date of commencement of the sentence.
4. The Transferring State shall afford an opportunity to the Receiving State, if the Receiving State so desires, to verify through an official designated by the Receiving State, prior to the transfer, that the necessary consent of the offender or of a person entitled to act on his behalf to the transfer in accordance with Article 3 (e) of this Agreement is given voluntarily and with full knowledge of the legal consequences thereof.
5. The offender shall be handed over by the authorities of the Transferring State to those of the Receiving State at the time and place mutually agreed.
6. Where for any reason either Party does not approve the transfer of an offender, it shall notify the other Party of its decision without delay.

ARTICLE – 7

CERTIFICATION OF DOCUMENTS

Subject to their respective national laws, unless the Parties decide otherwise, a request for transfer, and the documents in support thereof as well as the documents and other material supplies in response to such a request, shall require certification or authentication by the Authority or other competent authorities.

ARTICLE – 8

RETENTION OF JURISDICTION

Where sentence is enforced pursuant to this Agreement, the Transferring State shall retain exclusive jurisdiction regarding the judgment(s) of its court, the sentence imposed by it and any procedure for revision, or cancellation of the judgment(s) and sentence(s).

ARTICLE – 9

PROCEDURE FOR ENFORCEMENT OF SENTENCE

1. The continued enforcement of the sentence after transfer shall be governed by the laws and procedures of the Receiving State, including those governing conditions for service 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. Subject to paragraph (3) of this Article, the Receiving State shall be bound by the legal nature and duration of the sentence as determined by the Transferring State. If under the law of the Receiving State, the competent authority of the Receiving State has to make a decision or judgment to enforce the sentence imposed on the offender by the court of the Transferring State, the Transferring State will be informed accordingly together with the request for transfer. In case the duration of the continued enforcement of the sentence to be served by the offender after the transfer under the law of the Receiving State is less than the remaining duration of the sentence with the offender has to serve, the Transferring State has the right to refuse the request.
3. No sentence of deprivation of liberty shall be enforced by the Receiving State in such a way as to extend it beyond the period specifies in the sentence of the court of the Transferring State. Such enforcement shall as far as possible correspond with the sentence imposed in the Transferring State.
4. If the Transferring State revises, modified or cancels the judgment or sentence pursuant to Article 8 of this Agreement or otherwise reduces, commutes or, termination the sentence, the Receiving State shall, upon being informed of the decision, give effect in accordance with this Article.
5. The Receiving State may shall treat under its law relating to juveniles any offender so categorized under its law regardless of his status under the law of the transferring State.
6. The Receiving State shall provide information to the Transferring State concerning the enforcement of the sentence if:
 - (a) the offender is granted conditional release and when he is discharge on completion of the sentence;
 - (b) the offender has escaped from custody before enforcement of the sentence has been completed;
or
 - (c) the Transferring State requests a report.

ARTICLE – 10

TRANSIT OF OFFENDERS

1. If either party transfers an offender from any third State, the other party shall co-operate in facilitating the transit through the territory of its country of such an offender. The party intending to make such a transfer shall give advance will be worked out by the Parties.
2. the Requested Party may refused to grant transit if:
 - (a) the offender is its national, or
 - (b) the act for which the sentence was imposed does not constitute a criminal offence under its national law.

ARTICLE – 11

EXPENSES

The expenses incurred on the transfer of the offender or on the enforcement of the sentence after transfer shall be borne by the Receiving State. The Receiving State may, however, all or part of the expenses of transfer from the offender.

ARTICLE – 12

LANGUAGE

Requests for transfer as well as the documents and declarations under this Agreement shall be furnished in the language of the Transferring State.

ARTICLE – 13

TEMPORAL APPLICATION

This Agreement shall be applicable as well as to the enforcement of sentence imposed either before or after its entry into force.

ARTICLE – 14

AMENDMENT OR MODIFICATION

This Agreement may be amended or modified at any time through mutual written consent of the Parties.

ARTICLE – 15

SETTLEMENT OF DISPUTES

All disputes concerning the interpretation or application of this Agreement shall be settled amicably through consultations or negotiations between the Parties.

ARTICLE – 16
FINAL PROVISIONS

1. This Agreement shall be subject to ratification and shall enter into force on the date of the exchange of Instruments of Ratification. The exchange of Instruments shall take at a mutually agreed venue.
2. Either Party may terminate this Agreement at any time by giving written notice to the other Party. Such termination shall take effect six months after the date of the receipt of the notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Bangkok, this 20th day of December, in duplicate, in the Thai and English languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**For the Government
of the Kingdom of Thailand**

**Sd/-
(Nitya Pibuisonggrem)
Ministry of Foreign Affairs**

**For the Government
of the Islamic Republic of Pakistan**

**Sd/-
(Lt. Gen. Khateer Hasan Khan(Retd.))
Ambassador Extraordinary and
Plenipotentiary**