**Law No. (3) of 2017 on the Ratification of the Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Penal Provisions Judgments[[1]](#footnote-1)**

**We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.**

Having reviewed the Constitution,

And The Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Criminal Judgments, signed in Cairo on 15/1/1432 A.H. corresponding to 21/12/2010,

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

**Article One**

The Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Penal Provisions, signed in Cairo on 15/1/1432 A.H. corresponding to 21/12/2010, attached to this Law.

**Article Two**

The Prime Minister and the ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa Issued at Riffa Palace:**

**On: 25th Rabi' al-Akhir 1438 A.H.**

**Corresponding to: 23 January 2017**

The Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Criminal Judgments

**The Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Criminal Judgments**

The Preamble:

- The Arab countries signatory to this Convention,

Desiring to enhance Arab cooperation in the field of criminal justice based on the principles of respecting national sovereignty and jurisdiction, and not intervening in each other's internal affairs.

Believing that this cooperation will support the objectives of justice, and the psychological and social stability of the convicted person.

And acknowledging that the enforcement of the sentence on the convicted person in his home country or in the country of habitual or permanent residence, instead of being enforced in another country, also contributes to his reintegration into society in a shorter period of time and in a more effective manner.

Have agreed to the following:

**Article One: Terminology**

The following terms shall have the meanings assigned to each of them for the purpose of the application of the provisions of this Convention:

**Inmate**: Any person who holds the nationality of one of the Member States or who resides therein permanently or habitually, and against whom a final judicial judgment has been issued with a penalty or a custodial measure depriving him of his liberty in the territory of one of those States, and who is imprisoned there for the purpose of implementation.

**Final judgment:** Any judicial judgment issued with a custodial penalty depriving of liberty that has acquired the force of res judicata and is not subject to appeal by any ordinary or extraordinary means.

**The Measure:**It is the corrective or precautionary measure of placing the juvenile offender in one of the social and reform institutions for juvenile delinquents.

**Juvenile delinquent:**Any person who has not reached the age of eighteen and who has been deprived of his liberty by being placed in a reform institution, based on a final judgment.

**State of conviction:**The Member State in which the judgment is issued and from which the inmate is transferred.

**State of enforcement:**The Member State to which the inmate is transferred for the implementation of the penalty or measure ordered, and in which he holds nationality or resides there permanently or habitually.

**Article Two: Scope of Application**

The Member States undertake to exchange the transfer of inmates for the purpose of enforcing final judgements imposing a penalty or a custodial measure depriving of liberty issued by the courts of one of these states, in other member states, provided that the following conditions are met:

a- The crime underlying the request is punishable by the legislation of both the state of conviction and the state of enforcement.

b- The penalty or custodial measure imposed shall be deprivation of liberty, and the term of the sentence or the remaining term of it to be served shall not be less than six months at the time of the transfer requis. However, the state of conviction and the state of enforcement may agree exceptionally to the transfer even if the remaining term is less than six months.

c- The inmate shall be a national of an enforcement state or a permanent or habitual resident of that state.

d-The system of executing the penalty or custodial measure in the enforcement state shall correspond to the system of executing the penalty or custodial measure in the state of conviction. However, the convicting and enforcement states may still agree to apply this convention despite the lack of correspondence in the execution of the penalty or custodial measure.

e- There shall be no pending complaints or other connected matters under investigations or trial against the inmate until the time of the extradition stage.

f- Written consent shall be obtained from both the convicting and enforcement states, as well as from the inmate or his legal representative, regarding the transfer.

**Article Three: Notice of Conviction**

The competent authorities in the convicting State shall notify the inmates of the convictions falling within the scope of this Convention, as well as the possibility of their transfer to the State of enforcement for the purpose of serving the penalty or measure imposed on them.

**Article Four: Request for Transfer**

The request for the transfer to enforce a sentence or measure shall be made in writing by the inmate, his legal representative, spouse, ascendants, descendants, siblings, or in-laws to the competent authority in the convicting State or enforcement State.

If the competent authority in the convicting State agrees to the transfer request, it shall forward the request directly to the competent authority in the Enforcement State and shall coordinate with said state its implementation.

If the request for the transfer is made by someone other than the inmate, the competent authority shall attach the inmate's written consent.

**Article Five: Attachments to the Transfer Request**

1- The following certified documents from the competent official authorities in the State of conviction shall be attached to the transfer request:

a- A detailed statement of the identity, nationality, and permanent or habitual residence of the inmate in both the conviction and enforcement states.

b- A copy of the final judgment including the nature of the crime committed, the time and place of its commission, its legal classification, and the penalty or custodial measure which deprives of liberty imposed, as well as any other penalties imposed.

c- A statement of the necessary information regarding the period of pre-trial detention spent by the inmate in the state of conviction and the remainder of the sentence or custodial measure which deprives of liberty to be served.

d- A medical certificate regarding the physical and mental condition of the inmate.

e- Information on the behaviour of the inmate before and after the issuance of the judgment of conviction.

2- The State of enforcement shall inform the State of conviction, prior to accepting the transfer request, of the maximum penalty prescribed in its legislation for the same acts, and that the inmate holds its nationality or is permanently or habitually residing in it.

3- Any additional information requested by the state of conviction or enforcement concerning the transfer request

**Article Six: Cases of Refusal of a Transfer Request**

A request for transfer of the inmate shall be refused in any of the following cases:

1- If the transfer would affect the sovereignty of the convicting State or its internal or external security, its public order, or its fundamental interests.

2- If the inmate has not paid the judicial fees, fines, or financial compensation imposed on him, regardless of their nature.

3- If the criminal prosecution arising from the offense committed by the inmate has expired under the enforcement state’s law, or if the transfer request relates to a penalty that has been acquitted of in the enforcement State.

4- If the request for transfer does not include any of the documents referred to in paragraph (1) of Article (five) of this Convention.

**Article Seven: Decision on Transfer Requests**

1- The competent authority in both the conviction and enforcement States shall decide on the transfer request in accordance with their applicable laws and the provisions of this Convention and shall notify each other in writing of the outcome of the transfer request. The inmate or his legal representative shall be informed of the outcome.

2- In case of the acceptance of the transfer request, the Conviction State shall inform the Enforcement State of the place and date of the delivery of the transferred inmate.

In case of refusal of the transfer request, the reasons for such refusal shall be given.

**Article Eight: Coordination of Transfer-Request Procedures.**

The Member States in this convention shall designate the competent authorities for the purpose of coordinating the transfer procedures between one another.

**Article Nine: Transfer Costs**

The costs of transferring the inmate between the convicting and enforcement States shall be agreed upon.

**Article Ten: Judgment Enforcement System**

Upon transfer of the inmate, the penalty or custodial measure shall be executed in accordance with the enforcement system applicable in the state of enforcement. The duration of the inmate’s pre-trial detention and the time served in the convicting country while executing the penalty or custodial measure shall be deducted.

The enforcement State cannot release the inmate on health grounds, if its laws allow it, until the convicting State has received a copy of the inmate's medical records and has not objected to the request within (40) days from the date the records were sent to them

**Article Eleven: Information Related to Enforcement**

The enforcement state undertakes to provide the convicting state with information related to the enforcement of the penalty or custodial measure in any of the following cases:

a- If the penalty or custodial measure has been executed or if there has been an impediment to its execution.

b- If the sentenced person has escaped before the completion of the penalty term.

c- If the state of conviction has requested a special report.

2. The transfer of the sentenced person to the enforcement state and the completion of the remainder of the penalty there shall not affect the rights that the sentenced person may have acquired legitimately in the convicting state or his legal status therein.

**Article Twelve: Effects of Amnesty**

The provisions of general or special amnesty issued in the convicting state shall apply to the inmate who is serving the penalty or custodial measure referred to in Article (one) of this convention in the enforcement state, provided that the convicting state notifies the enforcement state of such amnesty immediately upon issuance.

The provisions regarding general or special amnesty, or the reduction of the penalty imposed in the enforcing State shall not apply to an inmate serving the penalty or custodial measure under Article (two) of this Agreement, except with the written consent of the convicting State.

**Final Provisions**

1- This convention shall be subject to signature, ratification, acceptance or approval by the Member States of the League of Arab States. The instruments of ratification, acceptance or approval shall be deposited with the General Secretariat of the League of Arab States not later than thirty days from the date of ratification, acceptance or approval. The General Secretariat shall inform all other Member States of each deposit of said instruments and its date.

2- This convention shall enter into force thirty days after the deposit of the instruments of ratification, acceptance, or approval by seven Arab countries.

3- Any Member State of the Arab League that has not signed this convention may accede to it.

4- A State shall become a party to this convention thirty days after the deposit of the instrument of ratification, acceptance, approval, or accession with the General Secretariat of the Arab League.

5- This convention shall not affect any special Agreements between certain Member States, and in the event of a conflict between the provisions of this convention and a special Agreement, the convention that has broader application to inmates in Punishment and Rehabilitation Facilities shall prevail.

6- No Member State may express any reservation that involves a violation of the provisions of this convention or deviates from its objectives.

7- A Member State may propose an amendment to any provision of this convention and refer it to the Secretary-General of the Arab League, who shall notify all Member States to the convention to take a decision on its adoption by a two-thirds majority. This amendment shall enter into force thirty days after the deposit of the instruments of ratification, acceptance, or approval by seven Member States with the General Secretariat of the Arab League.

8- Any Member State may withdraw from this convention upon a written request sent to the Secretary-General of the League of Arab States, and the withdrawal takes effect after six months from the date of the request sent to the Secretary-General of the League of Arab States, provided that this does not affect any transfer requests that have already been approved.

This convention was drafted in Arabic in the city of Cairo, Arab Republic of Egypt, on 15/1/1432 A.H, corresponding to 21/12/2010, in one original copy deposited with the General Secretariat of the League of Arab States (the Technical Secretariat of the Arab Ministers of Justice Council), and a copy identical to the original was delivered to the Technical Secretariat of the Arab Ministers of Interior Council. Another identical copy of the original was also delivered to each of the Member States.

In witness whereof, the Ministers of Interior and Justice of the Arab countries have signed the convention hereto on behalf of their respective States.

**Signature of The Arab Convention on the Transfer of Inmates in Punishment and Rehabilitation Facilities for Enforcement of Criminal Judgments by Their Highnesses and Excellences the Arab Ministers of the Interior and of Justice**

**Their Highnesses and Excellencies the Ministers of Justice**

**Their Highnesses and Excellencies the Ministers of the Interior**

**State**

**Excellency Mr. Hisham Al-Tal**

**For His Excellency Mr. Hisham Al-Tal**

**Hashemite Kingdom of Jordan**

**His Excellency/DR Hadef Bin Joaan Al Dhaheri**

**For His Excellency/ Dr. Hadif bin Joaan Al Dhaheri**

**United Arab Emirates**

**His Excellency/ Shaikh Khalid bin Ali Al Khalifa**

**His Excellency Lieutenant General Sheikh Rashid bin Abdullah Al Khalifa**

**Kingdom of Bahrain**

**His Excellency Mr. Al-Azhar Bououni**

**Republic of Tunisia**

**His Excellency. Mr. Tayeb Belaiz**

**His Excellency Mr. Daho Ould Qilah**

**People's Democratic Republic of Algeria**

**Their Highnesses and Excellences the Ministers of Justice**

**Their Highnesses and Excellences the Ministers of the Interior**

**State**

**Republic of Djibouti**

**His Excellency Dr. Mohammed bin Abdul Karim bin Abdulaziz Al-Issa**

**His royal highness Prince Nayef bin Abdulaziz**

**Kingdom of Saudi Arabia**

**His Excellency/ Mr. Mohamed Bishara Dossa**

**His Excellency/ Ibrahim Mahmoud Hamad**

**Republic of Sudan**

**His Excellency Judge Ahmed Hamoud Younis**

**His Excellency Major General Saeed Samour**

**Syrian Arab Republic**

**Republic of Somalia**

**His Excellency / Mr. Dara Noureddine Bahaauddin**

**His Excellency / Mr. Jawad Kazem Al-Bolani**

**Republic of Iraq**

**Their Excellences the Ministers of Justice**

**Their Highnesses and Excellences the Ministers of the Interior**

**State**

**His Excellency /Sheikh Mohammed bin Abdullah bin Zaher Al Hinai**

**His Excellency / Mr. Saud bin Ibrahim bin Saud Al-Busaidi**

**Sultanate of Oman**

**His Excellency /. Dr. Ali Khashan**

**His Excellency/ Dr. Saeed Abdulrahman Ahmed Abu Ali**

**State of Palestine**

**His Excellency Mr. Hassan bin Abdullah Al-Ghanim**

**His Excellency / Sheikh Abdullah bin Nasser bin Khalifa Al Thani**

**State of Qatar**

**United Republic of the Comoros**

**His Excellency / Counsellor Rashid Abdulmohsen Al-Hammad**

**His Excellency / Sheikh Lieutenant General Jaber Khaled Al Sabah**

**State of Kuwait**

**Republic of Lebanon**

**Their Highnesses and Excellences the Ministers of Justice**

**Their Highnesses and Excellences the Ministers of the Interior**

**State**

**His Excellency / Judge Mustafa Mohamed Abdel Jalil**

**His Excellency /General Staff/Abdel Fattah Younis**

**Socialist People's Libyan Arab Jamahiriya**

**His Excellency Counsellor/Mamdouh Mohieddine Merhi**

**His Excellency / Mr. Habib Ibrahim Al-Adly**

**Arab Republic of Egypt**

**His Excellency / Mohammed Al Nasseri**

**His Excellency / Mr Altayeb Al charkaoui.**

**Kingdom of Morocco**

**His Excellency / Mr. Abdeen Ould El Khair**

**The Islamic Republic of Mauritania**

**His Excellency / Dr. Ghazi Shanaf Al-Aghbari**

**His Excellency Major General/Motahar Rashad Al-Masri**

**Republic of Yemen**

1. This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-1)