



Treaty Series No. 3 (2019)

# Protocol

to the Agreement between the Government of the United Kingdom of  
Great Britain and Northern Ireland and the Government of the Islamic  
Republic of Pakistan on the Transfer of Prisoners

Islamabad, 27 December 2018

[The Protocol entered into force on 27 December 2018]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
April 2019*



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ISBN 978-1-5286-1209-8

CCS0419972130 04/19

Printed on paper containing 75% recycled fibre content minimum  
Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

**PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT  
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF  
PAKISTAN ON THE TRANSFER OF PRISONERS**

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”),

Recognising the importance to the social rehabilitation of sentenced persons of giving them the opportunity to complete their sentences in their own countries,

Recalling that the Parties signed the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Islamic Republic of Pakistan on the Transfer of Prisoners on 24 August 2007 (the Agreement),

Noting that Article 16 of the Agreement provides for amendment of the Agreement by mutual consent of the Parties,

Desiring to amend the Agreement as set out in this Protocol,

Have agreed as follows:

ARTICLE 1

**Amendments**

The following amendments shall be made to the Agreement:-

1. In Article 4(f), after “transfer”, insert:

“Either Party may refuse a request for transfer on any ground, including but not limited to where the transfer is considered prejudicial to the interests of the Receiving State, where there are constraints on prison capacity in the Receiving State, or where the prisoner has a dual nationality with the Transferring State.”

For Article 11, the following shall be substituted:

“Article 11.

### **Assurance Mechanisms**

1. The Parties shall establish a Joint Working Group on prisoners’ transfers, which shall meet at the request of either Party.

2. The Parties shall implement the following assurance mechanisms to ensure that all prisoners transferred under the Agreement serve the appropriate sentence;

- a. the exchange of reports on a six monthly basis or as requested by the Joint Working Group. These reports shall include details on all prisoners transferred by the Parties, including:
  - i. whether the prisoner is in custody;
  - ii. their expected release date, or the date they were released;
  - iii. their location if they are in custody.
- b. the putting in place of arrangements to prevent unauthorised international travel during the prisoner’s sentence. This shall include, where appropriate, the entering of the prisoner’s details on a border management system.
- c. notification of the Transferring State at the earliest opportunity when a prisoner transferred by the Parties is released.
- d. notification of the Transferring State at the earliest opportunity if a prisoner transferred by the Transferring State is released before their anticipated release date.
- e. the sending of a report to the Transferring State at the earliest opportunity on the circumstances leading to and the action taken if a transferred prisoner is released before their anticipated release date.
- f. the sending of a report, to the Transferring State on receipt of a request and at the earliest opportunity on the status of a transferred prisoner. The report shall include:
  - i. whether the prisoner is in custody;
  - ii. their expected release date, or the date they were released;
  - iii. their location if they are in custody;

- g. the allowance of access, if requested, to a transferred prisoner in order to enable the Transferring State to verify the ongoing detention of the prisoner, on the receipt of a request and at the earliest opportunity. During the verification visit, the Transferring State may request biometric evidence of the prisoner's identity, subject to availability and provision by one of the two Parties.”

## ARTICLE 2

### **Final Provisions**

This Amending Protocol forms an integral part of the Agreement, and shall enter into force on the date of its signing.

In Witness Whereof, the undersigned, duly authorized representatives of the Parties, have signed this Protocol at Islamabad on 27 December 2018 in two originals in the English language.

**For the Government of the United  
Kingdom of Great Britain and  
Northern Ireland:**

**THOMAS DREW**

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

**AZAM SULEMAN KHAN**

CCS0419972130  
978-1-5286-1209-8