

**TREATY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC
OF CHINA (TAIWAN)
AND
THE GOVERNMENT OF SAINT
VINCENT AND THE GRENADINES
ON THE TRANSFER OF SENTENCED
PERSONS**

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The Government of the Republic of China (Taiwan) and the Government of Saint Vincent and the Grenadines, hereinafter referred to individually as a “Party” and collectively as “the Parties”;

Desiring to cooperate in the transfer of sentenced persons and to provide sentenced persons opportunities to serve the sentences imposed on them in their homeland, with a view to facilitating the successful reintegration of sentenced persons into society;

Have agreed as follows:

ARTICLE 1

PURPOSE

1. The Parties undertake to afford each other the widest measure of cooperation in respect of the transfer of sentenced persons in accordance with provisions of this Treaty.
2. A sentenced person may be transferred from the territory of the transferring Party to the territory of the receiving Party in accordance with the provisions of this Treaty in order to serve the sentence imposed on him or her by the transferring Party.

ARTICLE 2
DEFINITIONS

For the purposes of this Treaty:

- a) “sentence” means any punishment or measure involving deprivation of liberty ordered by a court for a limited or unlimited period of time on account of a criminal offense;
- b) “sentenced person” means a person who has been convicted of an offense by a final judgment of a court in the transferring Party and has been imprisoned or is required to be imprisoned;
- c) “transferring Party” means the Party by which the sentence was imposed and from which the sentenced person may be, or has been, transferred;
- d) “receiving Party” means the Party to which the sentenced person may be, or has been, transferred in order to serve the sentence.

ARTICLE 3
DESIGNATED REPRESENTATIVES

The designated representatives represented by the Parties are:

- a) For the Government of the Republic of China (Taiwan): the Ministry of Justice or a person designated by the Ministry of Justice;
- b) For the Government of Saint Vincent and the Grenadines: the Ministry of Legal Affairs or persons designated by the Ministry of Legal Affairs.

ARTICLE 4

CONDITIONS FOR TRANSFER

A sentenced person may be transferred under this Treaty only on the following conditions:

- a) the sentenced person is a national of the receiving Party;
- b) no other offense under investigation or at trial in the transferring Party;
- c) the transferring Party, the receiving Party and the sentenced person all agree to the transfer, the statement of a person entitled to act on the sentenced person's behalf shall not be contrary to that of the sentenced persons expressed explicitly;
- d) the acts on account of which the sentence has been imposed constitute the essential elements of a criminal offense according to the law of the receiving Party, or would constitute such essential elements of a criminal offense if committed within the territory of the receiving Party; and
- e) at the time the request for transfer is received, the sentenced person has at least one year of the sentence to serve, unless a term is agreed by the Parties.

ARTICLE 5

NOTIFICATION FOR TRANSFER

1. The Parties shall inform sentenced persons of the substance of this Treaty.

2. If a sentenced person wishes to be transferred, he or she may express such a wish to either Party which shall promptly inform the other Party.

ARTICLE 6

PROCEDURE FOR TRANSFER

1. A request for transfer may be made in writing by either Party to the other Party.
2. Requests for transfer shall be in writing and shall include:
 - a) the full name, gender, nationality, date of birth and passport or other identification document number, of the sentenced person; and
 - b) the place of birth and current address of the sentenced person, and permanent address in the receiving Party, if available.
3. Where a request for transfer has been made, the transferring Party shall provide the receiving Party with the following information:
 - a) a statement of the facts upon which the conviction and sentence were based;
 - b) a copy of all convictions concerning the sentenced person and the laws on which they are based;
 - c) the initial and termination date of the sentence, the length of time already served by the sentenced person and any remission to which he or she is entitled on account of pre-trial confinement, good behaviour or other reasons; and
 - d) any other information requested by the receiving Party.

4. Either Party shall, as far as possible, provide the other Party, if it so requests, with any relevant information, documents or statements before making a request for transfer or taking a decision on whether to agree to the transfer.
5. The documents set forth in paragraph 2 and 3 shall be validated by the relevant authorities

ARTICLE 7

VERIFICATION OF CONSENT

1. The transferring Party governed by its law shall ensure that the sentenced person or the person entitled to act on his or her behalf consents to the transfer voluntarily and with full knowledge of the legal consequences thereof.
2. The transferring Party shall afford an opportunity to the receiving Party, if the receiving Party so desires, to verify through an official designated by the receiving Party, prior to the transfer, that the necessary consent of the sentenced person or of a person entitled to act on his or her behalf has been given voluntarily and with full knowledge of the legal consequences thereof.

ARTICLE 8

EXECUTION OF TRANSFER

Transfer of the sentenced person shall occur on a date, at a place and process agreed upon by the Parties.

ARTICLE 9

EXECUTION OF SENTENCE

1. The continued execution of the sentence after transfer shall be governed by the laws and procedures of the receiving Party.
2. If the sentence is by its nature or duration incompatible with the law of the Parties, the receiving Party may adapt the sentence in accordance with the sentence prescribed by its own law for a similar offense. When adapting the sentence, the competent authorities of the receiving Party shall be bound by the findings of fact, insofar as they appear from any conviction, judgment, or sentence imposed in the transferring Party.
3. The adapted sentence shall be no more severe than that imposed by the transferring Party in terms of duration. When adapting the sentence, the competent authority of the receiving Party may, however, not convert a sanction involving deprivation of liberty to a pecuniary sanction.
4. The receiving Party shall reduce or terminate execution of the sentence as soon as it is informed of any decision by the transferring Party to pardon the sentenced person, or of any other decision or measure of the transferring Party that results in reduction or cancellation of the sentence.
5. The receiving Party shall provide the following information to the transferring Party concerning the execution of the sentence:
 - a) when the sentence has been completed;
 - b) if the sentenced person is granted conditional release;

- c) if the sentenced person has escaped from custody, or if the sentenced person is unable to serve the sentence completely for any reason, before the sentence has been served completely; or
- d) if the transferring Party requests an object.

ARTICLE 10

RETENTION OF JURISDICTION

1. After the sentenced persons have been received and the imprisonment has been executed pursuant to this Treaty, the transferring Party alone is entitled the right to process any application for review of the judgments of its courts when the judgment is found against the laws of the transferring Party, or new facts or evidence are discovered.
2. With the consent of the transferring Party, the sentenced persons received to serve sentences within the territory of the receiving Party may be granted amnesties, pardons and remission of sentences according to the laws of receiving Party.

ARTICLE 11

LANGUAGE

The transfer request as well as the documents shall be written either in the Chinese or the English language, with a translation into the English language or into the Chinese language.

ARTICLE 12

EXPENSES

The expenses incurred in relation to the transfer of the sentenced person shall be borne by the receiving Party except otherwise agreed by the Parties.

ARTICLE 13

TRANSIT OF SENTENCED PERSONS

If either Party transfers or receives a sentenced person to or from a place outside of its territory, the other Party shall, subject to its domestic law, cooperate in facilitating the transit through its territory of such a sentenced person. The Party intending to make such a transfer shall give advance notice to the other Party of such transit.

ARTICLE 14

CONSULTATION

The Designated Representatives for the parties may consult with each other to promote the most effective use of this Treaty and to agree upon such practical measures as may be necessary to facilitate the implementation of this Treaty.

ARTICLE 15

SETTLEMENT OF DISPUTES

Any dispute arising from the interpretation, application, or implementation of this Treaty shall be settled through consultation of the Designated Representatives for the Parties.

ARTICLE 16

ENTRY INTO FORCE; AMENDMENT AND TERMINATION

1. This Treaty shall enter into force thirty days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of this Treaty have been completed.
2. This Treaty shall apply to the enforcement of sentences imposed either before or after its entry into force.
3. This Treaty may be amended by the mutual consent of the Parties. The amendments shall enter into force in accordance with the procedure set out in paragraph 1 of this Article.
4. Either Party may terminate this Treaty at any time by giving notice in writing to the other. Termination shall take effect six months following the date of receipt of such notification. Termination of this Treaty shall not affect the transfer proceeding commenced prior to the termination.

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

DONE IN DUPLICATE in the Chinese and English languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE REPUBLIC OF CHINA
(TAIWAN)**


Ching-Hsiang Tsai

Minister of Justice

Date: 08/08/2022

Place: Taipei

**FOR THE GOVERNMENT OF
SAINT VINCENT AND THE
GRENADINES**


Dr. the Honourable

Ralph Gonsalves

Prime Minister and

Minister of Legal Affairs

Date: 8th August 2022

Place: Taipei