

**AGREEMENT BETWEEN BELIZE AND THE REPUBLIC OF GUATEMALA
FOR THE SERVING OF PENAL SENTENCES**

Belize and the Republic of Guatemala, hereinafter "The Parties",

CONCIOUS of the objective of maintaining and deepening the friendly bilateral relations;

ENCOURAGED by the will to contribute to facilitate the rehabilitation of persons sentenced for crimes, which deprive them of their liberty, by allowing them to serve their sentences in the country of which they are nationals;

CONVINCED that a way of contributing to the objective of obtaining social rehabilitation in a more effective manner, of the sentenced person, is by transferring them to the country of which they are nationals.

Agree as follows:

**ARTICLE 1
OBJECTIVE**

The Parties commit, under the terms of this Agreement, to cooperate in the broadest way possible in the area of the serving of penal sentences of persons deprived of their liberty in their respective country.

**ARTICLE 2
DEFINITIONS**

For the purpose of the present Agreement:

1. Sentencing State: the Party from which the sentenced person would be transferred.
2. Receiving State: The Party to which the sentenced person would be transferred.
3. Sentence: means the final judicial decision imposing, as a penalty, for the commission of a criminal offense, imprisonment or a term of parole, provision or other form of supervision without imprisonment. A sentence is understood to be final when no ordinary legal appeal against the conviction or sentence is pending in the sentencing State and the period for its appeal has expired.
4. Sentenced person: the person who is to serve or is serving a sentence in the territory of the other Party.

ARTICLE 3
GENERAL PRINCIPLES

1. A sentence imposed on a Belizean national in the Republic of Guatemala may be served in Belize.
2. A sentence imposed on a Guatemalan national in Belize may be served in Guatemala.

ARTICLE 4
REQUESTS FOR TRANSFER

1. The transfer can be requested by the Sentencing State or by the Receiving State.
2. The request for transfer and the response will be done in writing through diplomatic channels.
3. To ensure the compliance of the penal sentences the Parties will designate through diplomatic channels Central Authorities that will be charged with implementing this Agreement.
4. Once the transfer file is complete, the Sentencing State will inform the Receiving State, in the shortest possible time, of the decision to accept or deny the transfer request.

ARTICLE 5
CONDITIONS FOR THE APPLICATION OF THIS AGREEMENT

The present Agreement will only be applied under the following conditions:

1. The sentence must be final, as defined in Article 2.4 of this Agreement.
2. The sentenced person must consent to the transfer in writing, having been previously informed of the legal consequences thereof.
3. The sentenced person must be a national of the receiving state.
4. The sentence to be served must not be the death penalty.
5. The administration of the sentence must not be contrary to domestic law in the receiving state.

6. That the sentenced person does not have any pending legal matters including criminal proceedings against him in the Sentencing State.
7. That, in case of incapacity, the legal representative of the sentenced person gives consent on his behalf for the transfer.
8. That no extradition request exists by one of the State Parties or by a third State that is pending to be resolved.
9. That the duration of the sentence that is being served, at the time of the request is at least for six months. In exceptional cases, the Parties may agree to permit the transfer of a sentenced person when the duration of the sentence is less than six months.
10. Where the Central Authorities of the Parties agree that the transfer of the sentenced person will contribute to his social rehabilitation or general welfare.
11. That the sentenced person has paid fines imposed, if any, or that such fines have been converted in prison time by the judicial authority in accordance with the penal sentence; or that the payment is guaranteed to the satisfaction of the Sentencing State, including the payment or guarantee for reparations of damages, where applicable. It is the right of the Sentencing State to forego or cancel in favour of the sentenced person the payment of the reparations of damages in accordance with its national legislation.

ARTICLE 6 PROVISION OF INFORMATION

1. Each Party shall inform any sentenced person covered by the provisions of this Agreement as to its content.
2. The Parties shall keep the sentenced person informed as to the processing of the transfer, through the competent authorities.

ARTICLE 7 PRESENTATION OF REQUESTS

The transfer of a sentenced person from one state to another shall be subject to the following procedure:

1. The request for application of this agreement may be made by the Sentencing State, the Receiving State, or the Sentenced Person. The procedures for the transfer may be

initiated by the Sentencing State or by the Receiving State. In these cases, it is required that the Sentenced Person has expressed consent to the transfer.

2. The request for transfer shall be processed through the central authorities indicated pursuant to Article 4.3 of this Agreement, or, in the absence thereof, through consular or diplomatic channels. In conformity with its domestic law, each Party shall inform those authorities it considers necessary as to the content of this Agreement. It shall also endeavor to establish mechanisms for cooperation among the central authority and the other authorities that are to participate in the transfer of the sentenced person.
3. The request for transfer shall furnish pertinent information establishing that the conditions of Article 5 have been met.
4. Before the transfer is made, the Sentencing State shall permit the Receiving State to verify, if it wishes, through an official designated by the latter, that the sentenced person has given consent to the transfer in full knowledge of the legal consequences thereof.
5. In taking a decision on the transfer of a Sentenced Person, the States Parties may consider, among other factors, the possibility of contributing to the person's social rehabilitation; the gravity of the offense; the criminal record of the Sentenced Person, if any; the state of health of the Sentenced Person; and the family, social, or other ties the Sentenced Person may have in the Sentencing State and the Receiving State.
6. The Sentencing State shall provide the Receiving State with a certified copy of the sentence, including information on the amount of time already served by the Sentenced Person and on the time off that could be credited for reasons such as work, good behavior, or pretrial detention. The Receiving State may request such other information, as it deems necessary.
7. Surrender of the Sentenced Person by the Sentencing State to the Receiving State shall be effected at the place agreed upon by the central authorities.
8. The Receiving State shall be responsible for custody of the Sentenced Person from the moment of delivery.
9. All expenses that arise in connection with the transfer of the sentenced person until that person is placed in the custody of the Receiving State shall be borne by the Sentencing State.

10. The Receiving State shall be responsible for all expenses arising from the transfer of the sentenced person as of the moment that person is placed in the Receiving State's custody.

ARTICLE 8 DOCUMENTATION

1. The request for transfer shall include documentation that proves the following:
 - a) The name, date of birth and place of birth of the Sentenced Person;
 - b) A document, which proves the nationality or legal residency of the Sentenced Person.
2. The request for transfer should also include documentation that proves the following:
 - a) A certified copy of the sentence, indicating that it is final;
 - b) The time served and any time that has to be credited such as, amongst others, good conduct or preventative prison, reduction of the sentence, and any other circumstances concerning the execution of the sentence.
 - c) After the transfer has been approved, medical and social reports of the sentenced person, all the information on his treatment in the Sentencing State and all recommendations about his treatment in the Receiving State; and
 - d) Any additional information that can be useful to the authorities of the Receiving State to determine the treatment of the Sentenced Person with a view to his social rehabilitation.
3. The documents that are delivered from one Party to another in the application of this Agreement, shall comply with the formalities of the relevant domestic legislation. All pertinent documents shall be sent with the proper translation.

ARTICLE 9 CONTINUATION OF SENTENCE

Sentences will continue to be served in the Receiving State in accordance with the laws of that State, subject to the following conditions:

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- a) Must be governed by the juridical nature and the duration of the sentence imposed in the Sentencing State;
- b) It will credit the full period of remand prison time; and
- c) The sentence cannot be modified by the Receiving State.

**ARTICLE 10
REVIEW OF SENTENCES**

1. Only the judicial authority of the Sentencing State may review the sentence as it relates to the sentenced person that has been transferred to the Receiving State.
2. The Sentencing State may pardon or give amnesty, reduction or commutation of the sentence, or any other measure that may benefit the sentenced person, in accordance with the applicable domestic law in that State.
3. In the event that any of the aforementioned benefits are given, the Sentencing State shall inform the Receiving State so that the pertinent measures are taken.

**ARTICLE 11
JURISDICTION OVER SENTENCED PERSON**

1. The Sentencing State will maintain exclusive jurisdiction in respect of all the procedures of any nature regarding the duration or modification of sentences issued by its judicial authorities.
2. The Receiving State after being advised by the Sentencing State of any of its decisions that affect the sentence, will adopt the corresponding measure in accordance with what was advised.

**ARTICLE 12
PROHIBITION ON RETRIAL**

A sentenced person transferred for the completion of his sentence in accordance with this Agreement, shall not be detained, processed or sentenced in the Receiving State for the same crimes for which he was convicted and sentenced.

**ARTICLE 13
CIVIL OBLIGATIONS**

1. Before the transfer is effective, the Sentenced Person shall comply with all civil orders in relation to his conviction and sentence or demonstrate that the same has been complied with.
2. The transfer of the Sentenced Person by the authorities of the Sentencing State to the Receiving State will take effect in a place and time mutually agreed to by the Parties.

**ARTICLE 14
DUTY TO INFORM**

The Receiving State will inform the Sentencing State:

- a) When the sentence has been completed;
- b) In case of escape or death of the Sentenced Person during the period of service of his sentence; and
- c) Any information in relation to the Sentenced Person as requested by the Sentencing State.

**ARTICLE 15
MINORS**

The present Agreement will also be applicable to minor offenders subject to supervision orders and other measures in accordance with domestic law. The Parties shall act with respect to such minors in accordance with their respective laws related to the type of treatment that will be applied to such minors once they have been transferred. For the transfer, consent shall be required from a person legally competent to consent on behalf of the minor.

**ARTICLE 16
RETURN IN THE EVENT OF FALSE DOCUMENTS**

In case any sentenced person has used false documents to prove nationality or legal residency in the Receiving State and through those means was granted transfer, the Central Authorities shall carry out the necessary procedures for the Sentenced Person to be returned

to the Sentencing State to complete his sentence and be subject to any legal consequences as a result of the fraudulent act.

ARTICLE 17 RETROACTIVE EFFECT

This Agreement is applicable to sentences handed down prior to this Agreement coming into force.

ARTICLE 18 FINAL PROVISIONS

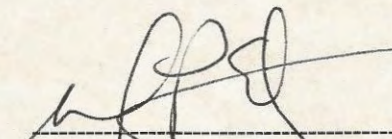
1. The present Agreement is based on the "Framework Agreement for Negotiations and Confidence Building Measures between Belize and Guatemala," signed on 7th September 2005, that has as an objective the maintenance and deepening of friendly bilateral relations until the Territorial, Insular and Maritime Dispute is permanently resolved.
2. This Agreement is also based on the Road Map for the Strengthening of the Bilateral Relations signed in Washington, D.C. United States of America on 24th January 2014 by the Ministers of Foreign Affairs of the Parties, in which it was agreed to develop a programme of activities for the strengthening of the bilateral relations.
3. The present instrument shall not constitute a total or partial waiver of sovereignty over any territory (land, insular and maritime) claimed by either Party; nor shall any rights of either Party to such territory be prejudiced; nor shall any precedent be established for the strengthening or weakening of either Party's claims to any such territory. Each Party expressly reserves its rights with respect to its claims of sovereignty over any territory (land, insular or maritime).
4. The Parties agree that neither Party will use against the other, in any forum in which their territorial differendum may be addressed in the future, the fact that either of the Parties has accepted, agreed to, complied with or implemented any of the confidence building measures included herein.
5. Any dispute arising from the interpretation or application of this Agreement shall be resolved amicably through diplomatic channels.
6. This Agreement will enter into force on the date when both sides have received notification via diplomatic note that their respective legal requirements have been met.

7. The present Agreement will have a duration of ten (10) years and will be automatically extended for equal periods, unless any of the Parties, through written communication via diplomatic channels, revokes it, and the termination will be effective one (1) year after the respective notification.
8. The termination of this Agreement shall not affect the rights or benefits already acquired by the individuals by virtue of this Agreement.
9. This Agreement may be amended by mutual agreement of the Parties through written communications via diplomatic channels. Its entry into force will be in accordance with paragraph 6 of this Article.

Done in Placencia, Belize, on December 17, 2014 in two original copies, in the Spanish and English language, both texts being equally authentic.

FOR BELIZE

FOR THE REPUBLIC OF GUATEMALA



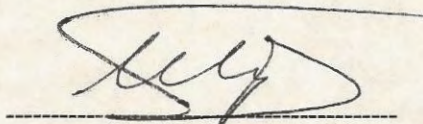
WILFRED ELRINGTON

**ATTORNEY GENERAL
AND MINISTER OF FOREIGN AFFAIRS**



CARLOS RAÚL MORALES MOSCOSO

MINISTER OF FOREIGN AFFAIRS



JOSÉ MIGUEL INSULZA

SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES

(WITNESS OF HONOUR)