

## THE BAHAMAS

### CONVENTION ON THE TRANSFER OF SENTENCED PERSONS

#### INFORMATION FOR NATIONALS OF THE BAHAMAS

The Convention on the Transfer of Sentenced Persons enables, under certain conditions, persons who have received a custodial sentence in a country other than their own to be transferred to their home country to serve the balance of the sentence there. A brief explanation of these conditions is given below. This document does not constitute an exhaustive description of the Convention. If, therefore, you wish to enquire into the possibility of being transferred to serve your sentence in The Bahamas, you should ask the Prison Authority, The Bahamas Embassy if one is in your area or The Ministry of Justice in The Bahamas, for more detailed information.

#### Who has to agree to the Transfer?

A transfer requires:

- (a) The consent of the person who desires to be transferred or, where necessary, that of his legal representative;
- (b) The consent of the State where he was sentenced; and
- (c) The consent of the State to which transfer is requested.

#### Who may benefit from a transfer to The Bahamas?

You may be eligible for a transfer to The Bahamas if the

following conditions are fulfilled:

- (a) if you are considered a Bahamian National (for this purpose a Bahamian National is a Citizen of The Bahamas or a permanent resident who is the spouse of a Citizen of the Bahamas.
- (b) if the judgement by which your sentence was imposed is final;
- (c) if, as a general rule, at least six months of your sentence remain to be served at the time of receipt of the request for transfer although in exceptional circumstances this period may be less; and
- (d) if the offence for which you were tried is a criminal offence under the laws of The Bahamas.

What sentence would need to be served following transfer?

The maximum sentence to be served following a transfer would be the amount of the original sentence which remained after deduction of any credits earned in the Sentencing State up to the date of transfer. If the custodial sentence imposed in the Sentencing State was longer or of a different nature than the sentence which could be imposed for the same offence in The Bahamas, it would be adapted to the nearest equivalent sentence which was available in the Bahamas without being longer or more severe than the original sentence.

If you are transferred, your sentence will be enforced in accordance with the law and regulations which apply in the Bahamas.

Prosecution for other offences:

Please note that in the event of your transfer the Bahamian Authorities are entitled to prosecute, sentence or detain you for any offence other than that for which your current sentence was imposed.

Pardon, Amnesty, Commutation

Your transfer would not prevent you from benefiting from any pardon, amnesty or commutation of sentence which might be granted by either the Sentencing State or The Bahamas.

Review of original judgement

If new information came to light after your transfer which you considered grounds for a review of the original judgement passed in The Sentencing State, it would be for the Sentencing State alone to decide on any application for review.

Termination of Enforcement

If for any reason whatsoever the sentence originally imposed in the Sentencing State ceased to be enforceable in the Sentencing State, The Bahamian Authorities as soon as they were informed of this, would release you from the sentence being served. Similarly, when the sentence being served in The Bahamas ceased to be enforceable there, you could no longer be required to serve the original sentence imposed in the Sentencing State if you should return there.

Some information on the procedure

You may express your interest in being transferred to the authorities of either the Sentencing State or the Bahamas.

If the Sentencing State authorities are prepared to consider your transfer, they will provide the Bahamian Authorities with information about you, about the facts relating to your conviction and sentence and about the nature and length of your sentence. If the authorities of The Bahamas are prepared to consider your transfer, they will respond by providing information about the nature and duration of the sentence you would need to serve after transfer, together with information about the arrangement for remission, etc.

Provided both States are content to agree to your transfer, you will be asked whether, having received and considered the information provided by The Bahamas, you consent to being transferred to The Bahamas under the terms of The Convention.