

Article IV

Transfer Procedures

1. The Signatory Government of which an Offender is a citizen or national shall make each request for transfer of an Offender in writing to the Transferring Government.
2. As to an eligible Category I Offender, no finding of the appropriateness of such consenting Offender's transfer by the Transferring Government shall be required. *Once internal arrangements have been completed, the transfer of the Offender shall be effected.*
3. As to a Category II Offender, if the Transferring Government considers the request to transfer the Offender appropriate, the Transferring Government will communicate its approval of such request to the Receiving Government so that, ~~once internal arrangements have been completed, the transfer of the Offender may~~ be effected.
4. (a) In deciding whether to request the transfer of a Category II Offender under paragraphs 1 and 3 of this Article and with the objective that the transfer should contribute positively to the Government will consider, among other factors: the seriousness of the crime; the Offender's previous *criminal record, if any; the Offender's health status; and the ties which the Offender may have to the society of the Transferring Government and the Receiving Government.*
- (b) If the Offender gives his express consent to the transfer, the Transferring Government shall consider the request promptly and approve it in the absence of serious countervailing considerations, which it shall specify.
5. In any case in which a citizen or national of the Republic of the Marshall Islands has been sentenced by a state of the United States, the approval of such an Offender's transfer pursuant to paragraph 3 of this Article shall be required from both the appropriate state authority and the federal authority.

6. The Transferring Government shall furnish to the Receiving Government a certified copy of the sentence or judgment relating to the Offender. When the Receiving Government considers such information relevant, it may request, at its expense, copies of the trial record, or portions thereof, or such additional information as it deems necessary. The Transferring Government shall grant such requests to the extent permissible under its laws.
 7. Delivery of an Offender by the authorities of the Transferring Government to those of the Receiving Government shall occur at a place agreed upon by the two Governments. The Receiving Government will be responsible for the custody and transport of the Offender from the Transferring Government.
 8. The Receiving Government shall not be entitled to any reimbursement for the expenses incurred by it in the transfer of an Offender or the completion of the Offender's sentence.
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Article V

Execution of Sentence

1. An Offender delivered for execution of sentence under this Agreement may not again be detained, tried or sentenced by the Receiving Government for the same offense for which the sentence was imposed by the Transferring Government.
2. Except as otherwise provided in this Agreement, the completion of a transferred Offender's sentence shall be carried out according to the laws and procedures of the Receiving Government, including the application of any provisions for reduction of the term of confinement by parole, conditional release, or otherwise.
3. Each Signatory Party may request reports indicating the status of confinement of all Offenders transferred by it under this Agreement, including in particular the parole or release of an Offender. Transferring Government may, at any time, request from the Receiving Government a special report on the status of the execution of an individual sentence.

Article VI

Review or Modification of Sentence

The Transferring Government shall retain exclusive jurisdiction over the sentences imposed and any procedures that provide for revision or modification of the sentences pronounced by its courts. The Transferring Government also shall retain the power to pardon or grant amnesty or clemency to an Offender. The Receiving Government, upon being informed of any decision in this regard, will put such measures into effect.

Article VII

Transit

1. Upon prior notice, the Government of the United States shall have the right to transport through the Republic of the Marshall Islands Offenders being transferred between the United States and a third country pursuant to an agreement between the Government of the United States and that third country.
2. Upon prior notice, and if otherwise consistent with U.S. law, the Government of the Republic of the Marshall Islands shall have the right to transport through the United States Offenders being transferred between the Republic of the Marshall Islands and a third country pursuant to an agreement between the Government of the Republic of the Marshall Islands and that third country.
3. When such transport is by air and no stop is scheduled in the jurisdiction of Signatory Government, but is required by extenuating circumstances, no prior notice shall be required.

TITLE FIVE

MUTUAL ASSISTANCE
IN LAW ENFORCEMENT MATTERS

Article I

Law Enforcement Assistance

1. The law enforcement agencies of the United States and the Republic of the Marshall Islands shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Republic of the Marshall Islands specified in section 3 of this Article. The United States and the Republic of the Marshall Islands will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Republic of the Marshall Islands. In conducting activities authorized in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.
2. The United States and the Republic of the Marshall Islands will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated officials of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Republic of Marshall Islands for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Marshall Islands, or for the distribution of any such substance to or from the Republic of the Marshall Islands or to or from the United States or any of its territories or commonwealths.
3. Assistance provided pursuant to this agreement shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Republic of the Marshall Islands related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the offenses referred to in Title Two, Article II of this Agreement.

4. The Government of the United States and the Government of the Republic of the Marshall Islands agree that the law enforcement personnel of the United States may be present during direct police arrest actions in the Republic of the Marshall Islands related to narcotic control efforts, and that law enforcement personnel of the Republic of the Marshall Islands may be present during direct police arrest actions in the United States related to narcotic control efforts, as authorized on a case-by-case basis by the Attorney General or other designated representative of the Government of the jurisdiction in which such direct police arrest action is taken.
5. Pursuant to sections 222 and 224 of the amended Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Republic of the Marshall Islands to cooperate with the United States in the enforcement of criminal laws of the United States.

TITLE SIX

EFFECTIVE DATE, AMENDMENT AND DURATION

Article I

Effective Date, Amendment and Duration

1. Titles One through Four and Title Six of this Agreement went into effect on October 21, 1986, the effective date of the original Compact.
 2. Title Five of this Agreement went into effect as the Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Assistance in Law Enforcement Matters signed July 21, 1986 and in accordance with the Compact and applicable laws and procedures of the United States and the Republic of the Marshall Islands on October 21, 1986.
 3. This Agreement may be amended at any time by the mutual consent of the Government of the Republic of the Marshall Islands and the Government of the United States.
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4. Titles One, Two and Three of this Agreement are effective until terminated by the Government of the United States or the Government of the Republic of the Marshall Islands, in the following manner:
 - (a) Termination of this Agreement by either the Government of the United States or the Government of the Republic of the Marshall Islands shall be effected by a written notification of the terminating Government to the other Government.
 - (b) Termination shall take effect one year after the recipient Government has been notified.
 5. Except as provided in paragraph 7 of this Article, Titles Four and Six of this Agreement are effective for the period of effectiveness of the Status of Forces Agreement, except for those provisions relating to Category II Offenders which may be terminated in accordance with paragraph 4 of this Article.
 6. Upon acceptance by the United States Secretary of State, paragraph 4 of Title Five of this Agreement shall constitute the exemption under 22 U.S.C. 2291(c)(2).
 7. Title Five of this Agreement shall remain in effect for a term coincident with section 175 of the amended Compact and thereafter as mutually agreed by

the Government of the United States and the Government of the Republic of the Marshall Islands.

DONE at Mejuro, RMI, in duplicate, this 30th day
of April, 2003, each text being equally authentic.



FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF THE MARSHALL
ISLANDS:

**Agreement on Extradition, Mutual Assistance in Law Enforcement Matters
and Penal Sanctions Concluded Pursuant to Section 175 of The Amended
Compact of Free Association**

Agreed Minute

Article XVI, Relationship with Other Agreements: Article XVI of Title II of this Agreement makes it clear that "United States personnel" (within the meaning of the Status of Forces Agreement [SOFA]) who commit offenses while in the Republic of the Marshall Islands shall be subject to the applicable provisions of the SOFA. If a person who comes within the SOFA definition of "United States personnel," other than a member of the force, returns to the United States and is no longer subject to the SOFA, the provisions of the extradition agreement would apply. If, however, the offender is a member of the force at the time of the extradition request, it is contemplated that the Executive Authority would not exercise its authority to extradite the Offender, but would refer the case to the military authorities for disposition in accordance with the provisions of the SOFA.

Article XVI of Title II of the Extradition Agreement is without prejudice to the provisions of the SOFA which otherwise allows transfer of members of the force to the Republic of the Marshall Islands or the Federated States of Micronesia.

- (a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186, and 3188-95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-15, shall be applicable to the transfer of prisoners under the separate agreement; and
- (b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.