

Extradition Treaty between the Government of the Republic of India and the United Arab Emirates

TREATY

India

Extradition Treaty between the Government of the Republic of India and the United Arab Emirates

Rule

EXTRADITION-TREATY-BETWEEN-THE-GOVERNMENT-OF-THE-REPUBLIC OF INDIA AND THE UNITED ARAB EMIRATES, 2000

- Published on 20 July 2000
- Commenced on 20 July 2000
- [This is the version of this document from 20 July 2000.]
- [Note: The original publication document is not available and this content could not be verified.]

Extradition Treaty between the Government of the Republic of India and the United Arab Emirates
Published vide Notification No. G.S.R. 653(E), dated 20th July, 2000
Ministry of External Affairs
Order G.S.R. 653(E). - Whereas the Extradition Treaty between the Government of the Republic of India and the United Arab Emirates was signed at New Delhi, India on 25th October, 1999; and the instruments of ratification exchanged at Abu Dhabi, the United Arab Emirates on 29th May, 2000 and which Treaty provides as follows:
Article-1The Contracting States shall extradite any person found in their respective territories who is accused or convicted of an extraditable offence in the territory of the other contracting State, in accordance with the rules and stipulations contained in the subsequent Articles, whether such offence was committed before or after the entry into force of this Treaty.
Article-2The following persons shall be extradited:(a) Persons accused of an offence punishable under the laws of both the contracting States by imprisonment for a period of at least one year or more.(b) Persons sentenced by the Courts of the requesting State with imprisonment for at least six months in respect of an extraditable offence.
Article-3

1. For offences in connection with taxes, fiscal charges and customs duties extradition shall be effected in accordance with the provisions of this Treaty only if the said offence corresponds to an offence of a similar nature under the law of the requested State.

2. An attempt or conspiracy to commit or incite or participate in the commission of an extraditable offence shall also be regarded as an extraditable offence.

Article-4

1. Extradition shall be granted in respect of an extraditable offence committed outside its territory but within the jurisdiction as asserted by the requesting State if the requested State would, in corresponding circumstances, have jurisdiction over such an offence. In such cases, the requested State shall have regard to all the circumstances of the case including the seriousness of the offence.

2. Extradition shall be available for an extraditable offence if committed in a third State by a national of the requesting State who is present in the requested State and provided that it would be an extraditable offence under the laws of the requested State had the offence been committed in the requested State

3. Extradition shall also be available for an extraditable offence notwithstanding the conduct of the person sought occurred wholly or partly in the requested State, if under the law of that State his conduct and its effects or its intended effects, taken as a whole, would be regarded as constituting the commission of an extraditable offence in the territory of the requesting state.

Article-5 The nationals of the Contracting States shall not be extradited to the other Contracting State provided that the requested State shall submit the case to its competent authorities for prosecution if the act committed is considered as an offence under the laws of both Contracting States. Article-6 Extradition may be refused:

1. If the offence for which the extradition is requested is a political offence In the application of this Treaty, the following shall not be regarded as political offences:

(a) Assault against the President or the Vice President of either Contracting State, or any member of their families, or the members of the Supreme Council of the United Arab Emirates, or any of their families and the members of the Council of Ministers of the two countries or any member of their families; (b) Murder, culpable homicide not amounting to murder or robbery; (c) Offences relating to terrorism, including murder, culpable homicide not amounting to murder, assault causing bodily

harm, kidnapping, hostage-taking, offences involving serious damage to property of disruption of public facilities, 'and offences relating to firearms or other weapons, or explosives, or dangerous substances;(d)Any offence within the scope of an international Convention to which both Contracting States are parties and which obligates the parties to prosecute or grant extradition;(e)An attempt or conspiracy to commit or incite or participate in the commission of any of the above offences.

2. Extradition may also be refused:

(a)if the persons sought to be extradited was previously tried for the same offence for which extradition is requested and was acquitted or was convicted and had completed the sentence or is undergoing it;(b)if the criminal proceedings had expired or the sentence lapsed by time, in pursuance of the law of the requesting State, when the request for extradition was received;(c)if the offence was committed outside the territory of the requesting State, by an alien, and if it is not an offence under the law of the requested State;(d)if the offence for which extradition is requested was committed in the requested State, provided the requested State prosecutes the person;(e)if a person whose extradition is sought is being investigated or tried in the requested State for the same offence for which his extradition is requested.Article-7Where the requested State refuses a request for extradition for the reasons set out under this Treaty it shall submit the case to its competent authorities for prosecution. Those authorities shall take their decision in the same manner as in the case of any offence of a similar nature under the law of that State.Article-8The request for extradition shall be made in writing and despatched through the diplomatic channels with the undermentioned documents and particulars appended;(a)If the request relates to a person already convicted and sentenced, an official copy of the sentence passed against the person to be extradited;(b)The warrant of arrest, or remand or any document having the same effect, by a competent authority, if the person to be extradited is under investigation;(c)Particulars as to identity, description and a photograph of the person to be extradited, if possible;(d)The date, the place of the commission of the acts for which extradition is requested, the legal characterisation of those offences, and a certified copy of the applicable legal provisions, and a statement by the prosecuting authorities as to evidence against the person to be extradited;(e)In case of persons not yet sentenced, such other evidence, as according to the laws of the requested State, would justify his arrest and committal for trial had the offence been committed within the jurisdiction of the requested State,All documents referred to above shall be translated into English and authenticated by the requesting State.Article-9

1. In case of urgency, a person to be extradited may be provisionally arrested and remanded in custody until the request for extradition, together with the documents referred to in the preceding Article are received.

2. The request for provisional arrest and remand shall be communicated in writing to the competent authority of the requested State, either directly or through the International Criminal Police Organisation (Interpol) channels.

3. The same request shall be confirmed through the diplomatic channels, and shall contain a reference to the existence of any of the documents, enumerated in the preceding Article, and intimating the intention of the requesting State to transmit a request for extradition, a statement of the offence for which extradition is requested, the sentence specified for that offence or the sentence imposed, the time and place of the commission of the offence and a detailed description of the person to be extradited, as far as possible. The requesting State shall forthwith be notified of any action taken in respect of the request.

4. The provisional arrest and remand shall be made in accordance with the legal procedures of the requested State.

Article-10

1. The competent authority in the requested State may, if the documents required under this Treaty are not delivered within forty five days from the date of the arrest of the person to be extradited, release that person.

2. The period of the provisional detention shall not, in any case, exceed sixty days from the date of its commencement.

3. The person to be extradited, may at any time be released on bail, if the requested State takes all necessary measures to prevent his escape. The release, of such person shall not prevent his re-arrest and extradition, if the request for extradition is completed afterwards.

Article-11 If the requested State needs additional clarifications to ensure the compliance with the conditions embodied in this Treaty it shall notify the requesting State through diplomatic channels, before rejecting the request, and may fix a date for receiving such clarifications. Article-12 If numerous requests from Contracting States for extradition are made for the same offence, priority shall be given to the State whose security or interest or its nationals or their interests are affected by the offence, and then to the State on whose territory the offence is committed, and lastly to the State of which the person to be extradited is a national. If the circumstances are identical then the State which made the first request shall have preference. If the requests for extradition are for several offences, then preponderance is accorded to the circumstances of the offence and its gravity. Article-13 Without prejudice, to the right of others acting in good faith, and to the laws in force in the requested State everything found in possession of the person to be extradited, at the time of his arrest or remand or at a later stage, whether being the proceeds of the offence or used in the commission of, or connected with it, or relevant as evidence, shall be attached and may be

handed over to the requesting State, even if the offender is not extradited due to his death or his absconding. Article-14

- 1. The competent authorities in each Contracting State shall determine the request for extradition in accordance with the law in force at the time of the request.**
- 2. In the event of accepting the extradition request, the requesting State shall be notified of the date and place of the extradition.**
- 3. In case the request is rejected, the requested State shall communicate to the requesting State, through diplomatic channels, the decision taken giving reasons.**
- 4. The requesting State shall, within thirty days from the date of its notification of the extradition, receive the person to be extradited, otherwise the requested State may discharge him, and in such event no second request for extradition may be accepted for the same offence.**
- 5. If exceptional circumstances prevent a Contracting State from surrendering or taking delivery of the person sought in good time, it shall notify the other Contracting State prior to the expiration of the time limit. In such a case, the competent authorities of the Contracting States may agree upon a new date for the surrender.**

Article-15

- 1. If the person to be extradited is under investigation or standing trial or is convicted in the requested State for an offence other than that for which his extradition is requested, then the requested State shall decide on the request and communicate the decision made, to the requesting State.**
- 2. If the request for extradition is accepted, then the surrender of the person concerned, shall be postponed until his trial in the requested State is completed and the punishment passed is executed.**

3. The provisions of this Article shall not preclude the possibility of the provisional surrender of the person concerned to appear before the judicial authorities of the requesting State, provided that the requesting State expressly undertakes to return him to the other contracting State, after the completion of the judicial proceedings pertaining thereto, subject to the law of the requested State.

Article-16

1. The competent authorities of the requested State shall admit as evidence, in any proceedings for extradition, any statement taken on oath or by way of affirmation, any warrant or any certificate or judicial document stating the fact of conviction, if it is authenticated:

(a) In the case of a warrant being signed, or in the case of any original document being certified by a judge, magistrate or other competent authority of the requesting State; and (b) In the case of depositions or statements either by oath of some witness or by being sealed with the official seal of the appropriate authority of the requesting State; or (c) In such other manner as may be permitted by the law of the requested State.

2. The evidence described in paragraph (1) shall be admissible in extradition proceedings in the requested State whether sworn or affirmed in the requesting State or in some third State.

Article-17

1. The person to be extradited shall not be tried or punished in the requesting State except for the offence for which his extradition is sought or for offences connected therewith, or offences committed after his extradition. If the characterisation of the offence is modified during the proceedings taken against the person extradited, he shall not be charged or tried, unless the ingredients of the offence in its new characterisation, permit extradition in conformity with the provisions of this Agreement.

2. If the person extradited had the liberty and means to leave the territory of the State to which he was extradited, and he did not leave within thirty days subsequent to his final release or left during that period, but voluntarily returned, he may be tried for the other offences.

Article-18

- 1. The Contracting State to which the person is extradited shall not extradite him to a third State, without the consent of the other Contracting State.**
- 2. The person may be extradited to a third State if the conditions under Article 17(2) exist.**

Article-19 The term of provisional remand shall be remitted from any sentence passed in the requesting State against the person to be extradited. Article-20

- 1. Transit of a person who is the subject of extradition from a third State through the territory of a Contracting State to the territory of the other Contracting State shall be granted on submission of a request, provided that the offence concerned is an extraditable offence under Article 2, and that the Contracting State requested to grant transit does not consider the offence to be one covered by Article 3 or 4.**
- 2. Transit of a national of the requested State may be refused if, in the opinion of that State, it is inadmissible under its law.**
- 3. The request for transit must be accompanied by documents as mentioned in this Treaty.**
- 4. The documents mentioned in para 3 above, shall be delivered to the Requested State within forty five days.**

Article-21

- 1. Each contracting state shall reciprocally bear all the expenses necessitated by the extradition of the person concerned, except transportation expenses which shall be borne by the requesting state.**
- 2. The requesting state shall pay the expenses of the return of extradited person to the place, he was in at the time of his extradition if his commission of the offence or complicity is not proved.**

Article-22 Each Contracting State shall in accordance with national laws and bilateral, agreements afford the other the widest measure of mutual assistance in criminal matters in connection with the offence for which extradition has been requested. Article-23 This Treaty shall be ratified in

accordance with the constitutional procedures in force in each of the Contracting States. Article-24 Either of the contracting parties may terminate this agreement by giving six months notice thereof through diplomatic channels. Upon the expiry of such notice, the agreement shall cease to have any force or effect. In witness whereof, the undersigned, being duly authorised thereto by their respective governments, have signed this agreement. done at new Delhi on this the twenty-fifth day of October month of one thousand and nine hundred ninety nine in two originals each in the Hindi, Arabic and english languages, all the texts being equally authentic. In the event of any differences the english text shall prevail. Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the extradition act, 1962 (34 of 1962), the central government hereby directs that the provisions of the said act, other than chapter III, shall apply to united Arab emirates with effect from the date of the publication of this notification.