

# Extradition Treaty Between the Republic of India and Kingdom of Saudi Arabia

TREATY

India

## Extradition Treaty Between the Republic of India and Kingdom of Saudi Arabia

### Rule

## EXTRADITION-TREATY-BETWEEN-THE-REPUBLIC-OF-INDIA-AND-KINGDOM-OF SAUDI ARABIA, 2011

- Published on 31 October 2011
- Commenced on 31 October 2011
- [This is the version of this document from 31 October 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Extradition Treaty Between the Republic of India and Kingdom of Saudi ArabiaPublished vide Notification New Delhi, the 31st October, 2011Act2324Ministry of External AffairsOrderG.S.R. 790(E). - Whereas the Extradition Treaty between the Republic of India and Kingdom of Saudi Arabia was signed at Riyadh on 28th February, 2010 and the Treaty entered into force with effect from 5th October, 2011 in accordance with Article 23.1 and which, Extradition Treaty will provide as follows :-Extradition Treaty Between The Republic of India and The Kingdom of Saudi ArabiaThe Republic of India and the Kingdom of Saudi Arabia (hereinafter referred to as the Parties), in furtherance of traditional friendly relations, desiring to strengthen mutual cooperation in combating crimes including acts of terrorism by way of extradition of accused and convicted individuals to either state, and assuring respect for each others sovereignty and on the basis of equality and reciprocity; Have agreed as follows:Article 1Obligation to ExtraditeThe Parties undertake to extradite any person found in their respective territories, who is accused of or convicted of an extraditable offence in the territory of the other party in accordance with the provisions of this treaty, for the purpose of trial or serving of sentence, whether such offence was committed before or after the entry into force of this Treaty.Article 2Extraditable Offences

**1. An offence shall be an extraditable offence if it is punishable under the laws of the Parties by imprisonment for at least one year or by a more severe penalty.**

**2. Extradition shall also be available for an extraditable offence when committed outside the territory of the requesting State in respect of which it has jurisdiction, and in respect of which the requested State would also, in corresponding circumstances, have jurisdiction.**

**3. In case of extradition for the purpose of serving a sentence, the person sought must have been sentenced at least for six months for an extraditable offence or the sentence left to be served must not be less than six months.**

Article 3 Grounds for Refusal Extradition shall be refused in the following circumstances:

**1. If the crime for which the extradition is sought is political in nature. The following crimes shall not be deemed political in nature for the purpose of this Treaty:**

(a) An offence against the King, Crown Prince or their spouses, ascendants and descendants or members of the Royal family; (b) An offence against the Head of State, the Head of Government and the members of their families; (c) Murder, manslaughter or culpable homicide; (d) Assault resulting in actual bodily harm, or causing injury, maliciously wounding or inflicting grievous bodily harm; (e) The making of or possession of explosives and using them for unlawful purposes, or of elements for inciting sedition and disturbance, or tools or materials jeopardizing the safety of people or causing human or material harm; (f) The possession or use of a firearm or ammunition by a person who intends, either himself or through another person, to endanger life; (g) The use of a firearm by a person with the intent to resist or prevent the arrest or detention of himself or another person; (h) Causing damage to property; (i) Kidnapping, abduction, unlawful detention, including the taking of hostages; (j) Terrorism and offences related thereto; (k) Offences under international conventions to which both contracting States are a Party and; (l) An attempt or conspiracy or incitement to commit any of the foregoing offences, or participation as an accomplice of a person who commits or attempts to commit such an offence.

**2. If the crime for which extradition is sought is a military crime, and is not an offence under ordinary criminal law.**

**3. If the time for trial of the offence for which extradition is sought has lapsed in accordance with the law of the Requesting Party.**

**4. If the person sought has already been tried in respect of the offence sought for and has been acquitted or if convicted, has served the sentence.**

**5. If the person sought is under investigation or trial in the requested State for the same crime for which his extradition is sought.**

Article 4 Extradition of Nationals The Requested Party may refuse extradition of its own nationals, provided that the Requested Party conducts, trial of the person sought in its own courts according to its laws in respect of the offence sought for using, inter alia, evidence, documents, investigation summary and information submitted by the Requesting Party. Article 5 Extradition Procedures An extradition request under this Treaty shall be submitted in writing by the Central Authority of the Requesting Party to the Central Authority of the Requested Party through diplomatic channels. The extradition request shall be accompanied by the following documents:

- 1. A detailed statement of the identity of the person sought, his description, nationality and if possible his address in the requested State and photograph.**
- 2. Arrest warrant against the person sought issued by the competent authority, a statement of the facts of the offence and punishment for which extradition is sought, the text of the relevant legal provisions, and sufficient evidence for the detention of the person sought for trial.**
- 3. If the request relates to a person who is already convicted and sentenced, it shall also be accompanied by a certified copy of the conviction and sentence, a statement that the person is not entitled to question the conviction or sentence and showing how much of the sentence is remained to be served.**

Article 6 Additional Information If the Requested Party needs additional information/clarification in order to reach a decision as to an extradition request, it may so advise to the Requesting Party. The Requesting Party will provide the required information/ clarification within the period as may be specified by the Requested Party. Article 7 Provisional Arrest

- 1. In urgent cases and upon request by the Competent Authority of the Requesting Party, the person sought may be provisionally arrested for the purpose of extradition, and temporarily detained until the receipt of a formal extradition request under this Treaty. The request for provisional arrest shall be submitted to the Competent Authority of the Requested Party through diplomatic channels or through the International Police (Interpol), or any other applicable means of communication.**

**2. The request for provisional arrest shall contain a description of the person sought a statement that extradition is to be requested, a statement as to the existence of the warrant of arrest, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and where known the location of the person sought.**

**3. If a formal extradition request is not received within sixty days of the date of provisional arrest, the person sought will be set free. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request is subsequently received.**

Article 8 Waiver of Extradition If the person sought, under the Treaty, consents to surrender to the Requesting State, the Requested State may, subject to its laws, surrender the person as expeditiously as possible without further proceedings. Article 9 Concurrent Request If extradition of the same person whether for the same offence or for different offences is requested by a Contracting Party and a third State with which the Requested Party has an extradition arrangement, the Requested Party shall determine to which State the person shall be extradited. In making its decision, the Requested Party shall consider all relevant factors, including but not limited to: whether the requests were made pursuant to a treaty; the place where each offence was committed; the respective interests of the Requesting States; the gravity of the offence/s; the nationality of the victim/s; and the chronological order in which the requests were received from the Requesting States. Article 10 Execution of Request The Requested Party shall decide the extradition requests in accordance with the provisions of this Treaty, its law and procedure. It shall notify the Requesting Party of its decision. Reasons for refusing the extradition request shall be given. Article 11 Surrender

**1. If extradition is granted, the person sought shall be sent by the authorities of the Requested Party to such convenient point of departure from the territory of that State as may be agreed upon by the Parties.**

**2. The Requesting Party shall take into custody the person sought from the territory of the Requested Party within one month or such longer period as may be permitted under the law of the Requested Party. If he is not taken into custody within that period, the Requested Party may refuse to extradite the person for the same offence, and set the person free.**

Article 12 Postponement of Surrender

**1. The Requested Party may postpone the surrender of a person who is being prosecuted or is serving a sentence in the territory of that Party. The postponement may continue until the prosecution of the person sought has**

**been concluded or until such person has served any sentence imposed.**

**2. If the extradition request is granted in the case of a person, who is being prosecuted or is serving a sentence in the territory of the Requested Party, that Party may, subject to its laws, temporarily surrender the person sought to the Requesting Party for the purpose of prosecution. The person surrendered shall be kept in custody in the territory of the Requesting Party and shall be returned to the requested Party after the conclusion of the proceedings against that person, in accordance with conditions to be determined by agreement of Parties.**

Article 13 Seizure and Surrender of property

**1. To the extent permitted under the law of the Requested Party and subject to the rights of third Parties, which shall be duly respected, all property found in the Requested Party that has been acquired as a result of the offence or that may be required as evidence shall, if the Requesting Party so requests, be surrendered if extradition is granted.**

**2. The said property may, if the Requesting Party so requests, be surrendered to the Requesting Party even if the extradition agreed to can not be carried out.**

**3. When the said property is liable to seizure or confiscation in the Requested Party, it may retain it or temporarily hand it over.**

**4. Where the law of the Requested Party or the protection of the right of third parties so require, any property so surrendered shall be returned to the Requested Party, free of charge after the completion of the proceedings, if that Party so requests.**

Article 14 Rule of Speciality

**1. The person extradited shall not be tried or punished in the Requesting Party, except for offence/s for which that person's extradition was granted or for offence/s connected therewith; or offence/s committed after that person's extradition; or the offence/s to which the Requested Party consents.**

**2. When the person extradited had the liberty and means to leave the territory of the Party to which the person was extradited, but did not leave within 30 days subsequent to final release or left during that period, but voluntarily returned, the person may be tried for any other offence/s:**

**3. Except in the situation of paragraph two (2) above, a person shall not be re-extradited to a third State, without the consent of the Party from which the person was extradited.**

Article 15 Reduction of term of sentence The period of detention during extradition proceedings in the Requested State shall be deducted from any sentence in the Requesting State against the person extradited. Article 16 Transit Transit of a person, who is a subject of extradition from a third State through the territory of a Party to the territory of the other Party, shall be granted on submission of an advance request, in accordance with its domestic laws. To this end, coordination shall be made through Interpol offices of both Parties. Article 17 Expenses

**1. The Requested Party shall meet the costs of any proceedings in its jurisdiction arising out of a request for extradition.**

**2. The Requested Party shall also bear the costs incurred in its territory in connection with the seizure and handing over of the property, or the arrest and detention of the person whose extradition is sought.**

**3. The Requesting Party shall bear the costs incurred in conveying the person and/or the property from the territory of the Requested Party, including transit costs.**

Article 18 Central Authority

**1. All requests under this treaty shall be received and submitted through the Central Authorities of the Parties.**

**2. For the Republic of India, Central Authority will be the Ministry of External Affairs and for the Kingdom of Saudi Arabia it will be the Interpol Riyadh, Ministry of Interior.**

Article 19 Consultation A joint committee comprised of experts on the extradition of accused persons and convicts from the two states shall be formed. It shall discuss issues of cooperation in extradition, and make necessary recommendations to improve the Treaty to fulfil the expectations of the two States. It shall submit the said recommendations to the competent authorities to take the

necessary measures towards implementing them. The committee shall convene alternately in the two States whenever the need arises or following a request of either Party. Article 20 Amendment This Treaty may be amended by mutual agreement of the Contracting States. Any amendment will enter into force by the same procedure as is applicable for the entry into force of this Treaty. Article 21 Obligations under International Conventions/Treaties The present Treaty shall not affect the rights and obligations of the Parties arising from International Conventions/Treaties to which they are party. Article 22 Language The requests and supporting documents shall be in English or shall be accompanied by a translation into English. Article 23 Final Provisions

- 1. The Parties shall complete all the necessary legal and constitutional procedures for entry into force of this Treaty. It shall enter into force after thirty (30) days from the date of the receipt of last communication through diplomatic channels regarding the completion of such procedures.**
- 2. This Treaty shall remain in force for an indefinite period.**
- 3. Either Party may terminate this Treaty by writing through diplomatic Channels to the other Party. This Treaty shall terminate after the lapse of six months from the date of receipt of such communication. This shall have no effect on requests submitted during the validity of the Treaty.**

Done at Riyadh on 14 Rabea Alawal 1431H, corresponding to February 28, 2010, in two originals in the Hindi, Arabic and English languages, all texts being equally authentic. In case of difference of interpretation of the provisions of this Treaty, 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 Act, other than Chapter III, shall apply to Kingdom of Saudi Arabia from the date of the publication of this notification.