



STATUTORY INSTRUMENTS.

**S.I. No. 205 of 2025**

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EXTRADITION (UNITED ARAB EMIRATES) ORDER 2025

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EXTRADITION (UNITED ARAB EMIRATES) ORDER 2025

WHEREAS, by the Treaty on Extradition between the State and the United Arab Emirates (the terms of which are set out in the Schedule to the following Order), done at Abu Dhabi on 21 October 2024 (referred to subsequently in these recitals as “the Treaty”), an arrangement was made with the United Arab Emirates for the surrender of persons wanted for prosecution or punishment for an offence specified in Article 2 thereof;

AND WHEREAS the terms of the Treaty were approved by Dáil Éireann by resolution passed by it on 6 November 2024;

AND WHEREAS by a note dated 5 March 2025, the United Arab Emirates has, in accordance with the Treaty, notified the State that its requirements for the entry into force of the Treaty have been fulfilled;

AND WHEREAS by a note dated 18 April 2025, the State has, in accordance with the Treaty, notified the United Arab Emirates that its requirements for the entry into force of the Treaty have been fulfilled;

NOW I, SIMON HARRIS, Minister for Foreign Affairs and Trade, in exercise of the powers conferred on me by section 8 (amended by section 57(3) of the Criminal Justice (Terrorist Offences) Act 2005 (No. 2 of 2005)) of the Extradition Act 1965 (No. 17 of 1965) (as adapted by the Foreign Affairs (Alteration of Name of Department and Title of Minister) Order 2025 (S.I. No. 106 of 2025)), and after consultation with the Minister for Justice, hereby make the following order:

1. (1) This Order may be cited as the Extradition (United Arab Emirates) Order 2025.

(2) This Order shall come into operation on 18 May 2025.

2. Part II of the Extradition Act 1965 (No. 17 of 1965) shall apply in relation to the United Arab Emirates.

## SCHEDULE

### TREATY ON EXTRADITION BETWEEN IRELAND AND THE UNITED ARAB EMIRATES

**done at Abu Dhabi on 21 October 2024**

**Ireland**

**and**

**the United Arab Emirates** (hereinafter referred to as “the Parties”)

DESIRING to promote effective cooperation between the two countries in the suppression of crimes, on the basis of mutual respect for sovereignty and mutual benefit;

HAVING DUE REGARD for their obligations to respect human rights and the rule of law;

CONSCIOUS of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in international instruments on human rights;

MINDFUL of the guarantees under their respective legal systems, which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law;

PURSUANT to the prevailing laws of the respective Parties;

**HAVE AGREED as follows:**

#### **Article 1** **Obligation to extradite**

Each Party agrees to extradite to the other, upon request subject to the provisions of this Treaty any person who is found in the territory of the Requested Party and is wanted in the Requesting Party for prosecution, trial or execution of a sentence in respect of an extraditable offence committed within the jurisdiction of the Requesting Party.

#### **Article 2** **Extraditable offences**

1. In accordance with the provisions of this Treaty, extradition shall be granted when:

- a) the request for extradition is made to carry out criminal proceedings and the offence is punishable, pursuant to the law of both Parties, by a sentence of at least one year.
- b) the request for extradition is made for executing a final sentence for an offence punishable pursuant to the law of both Parties and, at the

moment of submission of the request, the length of the sentence still to be served is at least six months.

2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:

- a) the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;
- b) under the laws of the Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the Requesting Party shall be taken into account.

3. For the purposes of this Treaty, offences connected with taxes, duties, customs or exchange control shall be extraditable offences. Extradition shall not be refused on the ground that the rules or laws relating to taxes, duties, customs or exchange control that apply in the Requesting Party differ in nature from the rules or laws that apply to taxes, duties, customs or exchange control in the Requested Party.

4. If the request for extradition includes several separate offences, each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 of this Article, the Requested Party may grant extradition for the latter offences, provided that the person is to be extradited for at least one of these offences.

5. For the purposes of paragraph 1 of this Article, extradition shall be granted also if the offence for which it is requested was committed outside of the territory of the Requesting Party, provided that the laws of the Requested Party allow the prosecution of an offence of the same nature committed outside of its territory.

### **Article 3** **Mandatory grounds for refusal**

Extradition shall not be granted if:

a) the offence for which it is requested is a political offence or an offence connected with a political offence. In the application of the provisions of this Treaty the following offences shall not be considered as political offences:

- i) assault on the President or his or her Deputy or Head of Government of either Party or any member of his or her family or any member of the Supreme Council of the State of the United Arab Emirates or of a member of such a person's family;
- ii) terrorist offences;

- iii) any other offence not considered as a political offence under any international treaty, convention or agreement to which the Requested Party adheres;
- b) the Requested Party has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing the person sought for reasons of race, religion, ethnic origin, nationality, language, political opinions, sex or status or that the person's position in the criminal proceedings may be prejudiced for any of those reasons;
- c) when the offence for which extradition is sought is punishable by death under the laws of the Requesting Party and is not punishable by death under the laws of the Requested Party, the Requested Party shall refuse to grant extradition unless a sentence of capital punishment is not imposed on the person sought, or if for procedural reasons such condition cannot be complied with by the Requesting Party, the Requesting Party provides a written undertaking that the death penalty if imposed shall not be carried out. If the Requesting Party accepts extradition under the conditions of this paragraph, it shall comply with such conditions. If the Requesting Party does not accept the conditions, the request for extradition shall be denied;
- d) the Requested Party has substantial grounds for believing that the person whose extradition is requested has been or would be subjected in the Requesting Party to torture or cruel, inhuman or degrading treatment, or to proceedings which do not ensure the respect of basic defence rights;
- e) the judgment of the Requesting Party has been rendered in absentia and the convicted person has not had sufficient notice of the trial or was not given the opportunity to arrange for his or her defence and has not had or will not have the opportunity to have the case retried in his or her presence;
- f) in respect of the offence for which extradition is requested, the person sought has already been tried with a final judgment by the competent authorities of the Requested Party;
- g) the offence for which extradition is requested falls within the jurisdiction of the Requested Party under its own criminal law and the criminal prosecution or punishment of the requested person is statute-barred according to the law of the Requested Party;
- h) the offence for which extradition is requested constitutes solely a military offence under the laws of the Requested Party and is not also an offence under ordinary criminal law;
- i) the Requested Party deems that granting extradition could jeopardise its sovereignty, security, public order or other essential interests or cause effects that are contrary to the fundamental principles of its national law;
- j) the execution of the request for extradition would be contrary to the principles of *ne bis in idem*.

**Article 4**  
**Discretionary grounds for refusal**

1. Extradition may be refused in any of the following circumstances:
  - a) the offence for which extradition is requested is subject to the jurisdiction of the Requested Party in accordance with its national law and the person sought is being prosecuted or is going to be prosecuted by the competent authorities of that Party for the same offence for which extradition is requested, or its competent authorities have decided either not to institute or to terminate proceedings against the person claimed in respect of the relevant offence;
  - b) the Requested Party, while taking into consideration the seriousness of the offence and interests of the Requesting Party, considers that the extradition would not be compatible with humanitarian considerations in view of age and health conditions.

**Article 5**  
**Extradition of citizens**

1. The Parties shall not extradite their own citizens pursuant to this Treaty.
2. The Requested Party shall, at the request of the Requesting Party, submit the case to its competent authority to consider the institution of criminal proceedings in accordance with its national law. For this purpose, the Requesting Party shall provide the Requested Party with documents and evidence relating to the case. The Requesting Party shall be notified of any action taken in this respect, upon its request.

**Article 6**  
**Central Authorities**

1. The Central Authority:
  - a) For Ireland is the Minister for Justice, or civil servants of the Department of Justice who may exercise functions of the Minister.
  - b) For the United Arab Emirates is the Ministry of Justice;
2. In case either Party changes its Central Authority, it shall notify the other Party of such change in writing through diplomatic channels.
3. For the purpose of this Treaty, the Central Authorities of the Parties shall communicate directly or through diplomatic channels.

## Article 7

### Request and supporting documents

1. All requests for extradition shall be made in writing through diplomatic channels.

2. The Central Authorities may communicate directly after the request has been formally transmitted. Each of the Central Authorities may designate a focal point to follow the execution of a request.

3. The request for extradition shall be made in written form and include the following:

- a) the name of the requesting authority;
- b) full name of the person sought and, if available, details of his or her citizenship, place of residence or location, description of that person's appearance, the photographs and fingerprints of that person, and any other details enabling the search for and identification of such person;
- c) a statement of the facts constituting the offence, including the time, place, conduct, their legal descriptions and consequences of the offence;
- d) a statement of the applicable laws relating to criminal jurisdiction, criminalisation and penalty of the offence;
- e) a statement of the applicable laws relating to time limit on prosecution or execution of sentence;
- f) if the request for extradition is made for the purpose of conducting criminal proceedings against the person sought, the request shall also be accompanied by an original or an authentic copy of the warrant of arrest or other document having the same force awarded in the forms prescribed by law issued by the competent authority of the Requesting Party;
- g) if the request for extradition is made for the purpose of executing a sentence imposed on the person sought, the request shall also be accompanied by an original or an authentic copy of the final judgment indicating that the judgment has entered into force and a description of the period of sentence which has already been executed.

4. The letter of request for extradition and other relevant documents submitted by the Requesting Party in accordance with paragraphs 1 and 2 of this Article shall be officially signed or sealed by the competent authority of the Requesting Party and be accompanied by a translation into the language of the Requested Party unless both Parties have agreed otherwise.

## **Article 8**

### **Additional information**

1. If the information provided by the Requesting Party in support of a request for extradition is not sufficient to enable the Requested Party to reach a decision under this Treaty, the Requested Party may request that the necessary additional information be submitted within forty-five (45) days.

2. Failure to submit the additional information within the time limit indicated in paragraph 1 of this Article amounts to renouncing the request for extradition. However, the Requesting Party shall not be precluded from making a new request for extradition of the same person and for the same offence.

3. If the person whose surrender is sought is in custody and the additional information furnished is not sufficient in accordance with this Treaty or is not received within the time specified, the person may be released from custody. However, the Requesting Party shall not be precluded from making a new request for extradition of the same person and for the same offence.

4. Where the person is released from custody in accordance with paragraph 3, the requested Party shall promptly notify the Requesting Party.

## **Article 9**

### **Rule of specialty**

1. The person extradited in compliance with this Treaty shall not be prosecuted, tried, or detained for the purpose of executing a sentence in the Requesting Party, or subjected to any other measure restricting personal liberty, for any offence committed before being surrendered and different from the one for which extradition is granted, unless:

- a) the person extradited, after having left the territory of the Requesting Party, voluntarily returns to it;
- b) the person extradited does not leave the territory of the Requesting Party within forty-five (45) days after having had the opportunity to do so. However, such period of time shall not include the time during which said person fails to leave the Requesting Party for reasons beyond his or her control;
- c) upon specific request by the Requesting Party, the Requested Party may agree to the Requesting Party prosecuting the person extradited or executing a sentence against him or her for an offence different from that for which the request for extradition has been made, in compliance with the conditions and restrictions set by this Treaty. In this respect:
  - i) the Requested Party may ask the Requesting Party to transmit the documents and information indicated in Articles 7 and 8;

ii) while awaiting the decision on the request made, the person extradited may be kept in detention by the Requesting Party according to its national law.

2. When the legal classification of the offence charged is modified during the proceedings, the person extradited may be prosecuted and tried for the offence differently denominated, provided that extradition is permitted under this Treaty also for the new offence.

## **Article 10**

### **Re-extradition to a third party**

Except in the cases provided for in Article 9(1)(a) and (b), the Requesting Party cannot surrender to a third Party, without the consent of the Requested Party, the person that has been surrendered to it and is requested by the third Party for offences committed before such surrender. The Requested Party may ask for the submission of the documents and information indicated in Articles 7 and 8.

## **Article 11**

### **Provisional arrest**

1. In case of urgency, the Requesting Party may ask for the provisional arrest of the person sought prior to submitting the request for extradition. The request for provisional arrest shall be made in writing through the Central Authorities designated pursuant to Article 6 of this Treaty, the International Criminal Police Organization (INTERPOL) or other channels agreed upon by both Parties. The Central Authority of the Requested Party may accept the request by e-mail or by any other means capable of producing a written record.

2. The request for provisional arrest shall contain:

- a) full name of the person sought and, if available, details of his or her citizenship, place of residence or location, description of that person's appearance, the photographs and fingerprints of that person, and any other details enabling the search for and identification of such person;
- b) a statement as to why the matter is urgent;
- c) a statement of intention to submit a formal request for extradition;
- d) the text of a warrant of arrest or a judgment of conviction against that person;
- e) a statement of the offence and the penalty for that offence and a statement of the brief facts of the case.

The Requested Party may ask for additional information.

3. Once the request for provisional arrest is received, the Requested Party shall take the measures necessary, in accordance with its national law, to secure

the arrest of the person sought and shall promptly inform the Requesting Party of the outcome of its request.

4. If the Central Authority of the Requested Party does not receive the formal request for the extradition within the time frame specified in the national law of the Requested Party, the person sought shall be released from custody.

5. A provisional arrest rendered ineffective pursuant to paragraph 4 of this Article shall not prejudice the extradition of the person sought if the Requested Party subsequently receives the formal request for extradition in compliance with the conditions and restrictions of this Treaty.

### **Article 12 Concurrent requests**

If the Requested Party receives from the Requesting Party and from one or more third States a request for extradition of the same person, for the same offence or for different offences, the Requested Party, in determining to which State the person is to be extradited, shall consider, in accordance with its national law, all the relevant circumstances, in particular:

- a) whether the requests were made pursuant to a treaty;
- b) the seriousness of the different offences;
- c) the time and place of commission of the offence;
- d) the nationality and the usual place of residence of the person sought;
- e) the respective dates of submission of the requests.

### **Article 13 Surrender of persons**

1. If the Requested Party grants the extradition, it shall inform the Requesting Party as soon as possible and the Parties shall agree promptly on the time, place and any other relevant matter relating to the surrender of the person sought. The Requesting Party shall also be informed of the length of the detention for extradition purposes of the person sought.

2. The time limit for surrendering the person sought shall be within thirty (30) days from the date on which the Requesting Party is informed that the extradition has been granted.

3. If one of the Parties fails to surrender or take over the person to be extradited within the agreed time limit for reasons beyond its control, the Party concerned shall inform the other Party and they shall agree together upon a new

date for surrender. The provisions indicated in paragraph 4 of this Article shall continue to apply.

4. If, within the time limit indicated in paragraph 2 of this Article, the Requesting Party does not take over the person to be extradited, the Requested Party shall immediately release him from custody and may refuse a new request for extradition made by the Requesting Party for that person for the same offence, except as otherwise provided for in paragraph 3 of this Article.

5. When the person to be extradited escapes back to the Requested Party before the criminal proceedings are concluded or the sentence is served in the Requesting Party, that person may be extradited again upon a new request for extradition made by the Requesting Party for the same offence. The Requesting Party does not need to submit the documents provided for in Article 7 of this Treaty.

6. Time spent in deprivation of liberty between the date of arrest and the date of surrender, shall be taken into account by the Requesting Party for the purposes of pre-trial custody within the criminal proceedings or of the sentence to be served in the cases provided for in Article 2(1)(b).

#### **Article 14** **Surrender of items**

1. Upon request of the Requesting Party, the Requested Party shall in compliance with its national law, seize the items found on its territory and which the person sought has at his or her disposal and, when extradition is granted, shall surrender those items to the Requesting Party. For the purposes of this Article the following items are subject to seizure and subsequent surrender to the Requesting Party:

- a) the items used to commit the offence or any other item or instrumentality that may serve as evidence;
- b) the items deriving from the offence that have been found at the disposal of the person sought or have been discovered later.

2. The surrender of any of the items indicated in paragraph 1 shall be made even when extradition, although already granted, cannot be effected due to the death, disappearance or escape of the person sought.

3. The Requested Party may, for the purpose of carrying out any other pending criminal proceedings, postpone the surrender of the above-mentioned items until the conclusion of such proceedings or temporarily surrender them on condition that the Requesting Party undertakes to return them.

4. The surrender of the items indicated in this Article shall not prejudice any legitimate rights or interests over those items of the Requested Party or any third party. Where these rights or interests exist, the Requesting Party shall return free of charge to the Requested Party or third party the surrendered items, as soon as possible after the conclusion of the proceedings.

## **Article 15**

### **Postponed and temporary surrender**

1. If a person whose extradition has been granted is, in the territory of the Requested Party, being prosecuted for an offence other than that for which extradition has been sought or is serving a sentence for an offence other than that for which extradition has been sought, the Requested Party may postpone his or her extradition. Such a postponement may continue until the conclusion of such criminal proceedings or until the completion of service of such a sentence by this person. The Requested Party shall notify such a postponement to the Requesting Party.

2. The Requested Party may also, upon request by the Requesting Party, temporarily surrender a person mentioned in paragraph 1 for the purpose of carrying out criminal proceedings. A person temporarily surrendered shall be kept in custody in the territory of the Requesting Party and returned to the Requested Party promptly and in conformity with conditions agreed upon by the Parties. The period of such a deprivation of liberty shall be credited towards the sentence to be served.

3. Without prejudice to paragraph 1, the surrender of a person may also be postponed if it may endanger the extradited person's life due to his or her state of health. To this end, it is necessary that the Requested Party submit to the Requesting Party a medical report made by an expert or by a competent health institution.

## **Article 16**

### **Consent to extradition**

1. When the person whose extradition is requested declares to agree to it, the Requested Party may, in accordance with its national law, surrender the person as expeditiously as possible. Extradition may be granted without it being necessary to submit the documents indicated in Article 7 of this Treaty. However, the Requested Party may request any further information it deems necessary to grant the extradition.

2. The declaration of consent by the person sought shall be valid if made before a competent authority of the Requested Party, who has the obligation to inform the person sought of the right to avail of a formal extradition procedure

and of the right to avail of the protection conferred by the principle of specialty. The person sought may be assisted by defence counsel, in accordance with the national law of the Requested Party.

3. The declaration shall be reported in a legal record in which it is acknowledged that the conditions for its being valid have been complied with.

4. The provisions of Articles 9, 10 and 13 shall apply to a person surrendered pursuant to this Article.

### **Article 17 Decision**

1. The Requested Party shall decide on the request for extradition in compliance with its national law and shall promptly inform the Requesting Party of its decision.

2. If the Requested Party refuses the whole or any part of the request for extradition, the reasons for refusal shall be notified to the Requesting Party.

### **Article 18 Confidentiality**

1. The Parties agree to keep the documents and any information used in the extradition procedure confidential, to the greatest extent possible in accordance with national law and procedures, as well as any other information relevant to that extradition and acquired after the surrender of the person extradited.

2. Both Parties undertake to respect and maintain the confidentiality or secrecy of the documents or information received from or given to the other Party when there is an explicit request to do so by the Party concerned.

### **Article 19 Transit**

1. Each Party may authorise transit through its territory of a person surrendered to the other Party by a third State, subject to the law of the Party of transit.

2. The Party requesting the transit shall submit to the Party of transit, through the Central Authorities, or in particularly urgent cases through the International Criminal Police Organization (INTERPOL), a request containing the personal details of the person in transit and a concise statement of the facts

of the case. The request for transit shall be accompanied by a copy of the document granting the extradition.

3. The Party of transit shall hold in custody the person in transit while said person is on its territory.

4. No authorisation for transit shall be required when air transportation is used and no landing is scheduled on the territory of the Party of transit. If an unscheduled landing occurs in the territory of the aforementioned State, the Party requesting transit shall immediately inform the Party of transit and the latter shall, subject to its national law, hold the person to be transported for a maximum of 96 hours awaiting to receive the request for transit provided for in paragraph 2 of this Article.

## **Article 20** **Protection of personal data**

1. For the purpose of this Article data shall mean: all information relating to an identified or identifiable natural person.

2. The Parties shall ensure that the data transferred from one Party to another shall be used only for the purpose of executing a request, pursuant to this Treaty. No data shall be used for any other purpose, or transferred to any third country without prior approval of the Party that transferred the data.

3. The Parties shall ensure the accuracy of personal data transferred pursuant to this Treaty and they shall ensure that appropriate measures shall be taken in order to protect the transmitted data against accidental or unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination.

4. The Parties shall consult each other on the desired time limits for storage, the necessity of any prolonged storage needed, as well as the need to rectify inaccurate, incomplete or unreliable data or the desire or need to erase data or to restrict the use of data.

5. To the extent regulated by the national law of the Parties, the data subject may be provided with information on the categories of data transferred and the purpose of the data transfer. The Party concerned may not inform the data subject if this is necessary to avoid obstructing official or legal enquiries, criminal or administrative investigations, prosecutions or the execution of criminal penalties, to protect public security, to protect national security, or to protect the rights and freedoms of others.

6. Parties shall consult each other if a judicial competent authority, pursuant to national law, makes any determination on the admissibility of the transfer of any data from one Party to another, pursuant to this Treaty.

### **Article 21 Expenses**

1. All expenses related to the extradition shall be borne by the Party in which territory they were incurred.

2. The expenses incurred by reason of transit shall be borne by the Requesting Party.

3. In case the said expenses are of an extraordinary nature, the Parties shall consult with each other to settle the same.

### **Article 22 Settlement of disputes**

Any dispute arising from the implementation or interpretation of this Treaty shall be settled by consultations or negotiations between the Central Authorities of the Parties. Diplomatic channels may be used in the event that the Central Authorities are themselves unable to reach agreement.

### **Article 23 Compatibility with other treaties**

This Treaty shall not affect any existing obligations of the Parties in other treaties, nor prevent the Parties from providing assistance to each other pursuant to other treaties or arrangements.

### **Article 24 Entry into force, amendment and termination**

1. This Treaty shall enter into force thirty (30) days after the date of receipt of the final notification in which the Parties inform each other, through diplomatic channels, that they have fulfilled the requirements of their national law for the entry into force of this Treaty.

2. This Treaty may be amended by mutual consent of the Parties and the amendment shall enter into force in accordance with paragraph 1 of this Article.

3. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is given.

4. However, proceedings already commenced before the notice of termination shall continue to be governed by this Treaty until fully concluded.

5. This Treaty shall apply to any request submitted after its entry into force, even if the relevant offences were committed before its entry into force.

**IN WITNESS WHEREOF** the undersigned, being duly authorised by their respective Governments, have signed this Treaty.

**DONE** at Abu Dhabi this 21<sup>st</sup> day of October 2024, in duplicate, each in English and Arabic, both texts being equally authentic. In the event of any difference in interpretation of this Treaty, the English text shall prevail.

FOR IRELAND

HELEN MCENTEE

FOR THE UNITED ARAB EMIRATES

ABDULLAH BIN SULTAN BIN AWAD  
AL NUAIMI



GIVEN under my Official Seal,  
13 May, 2025.

SIMON HARRIS,  
Minister for Foreign Affairs and Trade.

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The effect of this Order is to apply the provisions of Part II of the Extradition Act 1965 to the United Arab Emirates in respect of offences specified in Article 2 of the Treaty on Extradition between Ireland and the United Arab Emirates, done at Abu Dhabi on 21 October 2024.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
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