

PART III

THE SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION CONVENTION ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Existing extradition arrangements with certain SAARC states deemed to provide for offences in the Second Schedule.

23. Where there is an extradition arrangement made by the Government of Sri Lanka with any State specified in the Fifth Schedule to this Act, and in force in the date on which this Part of this Act comes into operation. Such arrangement shall be deemed for the purposes of the Extradition law, No. 8 of 1977, to include provision for extradition in respect of the offences described in Second Schedule to this Act.

Amendment of Extradition Law, No. 8 of 1977.

24. The Extradition Law, No. 8 of 1977 is hereby amended in the Schedule of the Law, by the addition, immediately before Part B thereof, of the following paragraph:—

"(53)An offence within the scope of the Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 01 of 2008 (i.e. the South Asian Association for Regional Co-operation Convention on Narcotic Drugs and Psychotropic substances signed at Male on November 23, 1990)".

Minister may treat Convention as an extradition arrangement between Sri Lanka and a SAARC state in respect of offences in the Schedule.

25. Where there is no extradition arrangement made by the Government of Sri Lanka with any state specified in the Fifth Schedule to this Act in force on the date on which this part of this Act comes into operation, the Minister may, for the purposes of the Extradition Law, No. 8 of 1977, by Order published in the Gazette, treat the SAARC Convention as an extradition arrangement made by the Government of Sri Lanka the offences described in the Second Schedule to this Act.

26. Notwithstanding anything in the Extradition Law, No. 8 of 1977, an offence specified in paragraphs (f) and (g) of Part B of the Schedule to that Law, and the Second Schedule to this Act shall, for the purposes only of extradition under that Law of any person accused or convicted of any such offence as between Sri Lanka and a State specified in the Fifth Schedule to this Act be deemed not to be a fiscal offence, or an offence of a political character, or an offence connected with a political offence, or an offence inspired by political motives.

27. (1) Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of a State specified in the Fifth Schedule to this Act for the extradition of any person accused or convicted of an offence described in the Second Schedule to this Act the Minister shall, on behalf of the Government of Sri Lanka, forthwith notify the Government of the requesting State of the measures which the

Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

(2) Where it is decided that no order should be made under the Extradition Law, No.8 of 1977, for the extradition of any person accused or convicted of an offence specified in the Second Schedule to this Act pursuant to a request for his extradition under that Law by the Government of a State specified in the Fifth Schedule to this Act, the case shall be submitted to the relevant authorities so that prosecution for the offence which such person is accused of, or other appropriate action may be considered.

Assistance to SAARC states

28. (1) The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under section 2 of this Act or an offence described in the Second Schedule to this Act, be applicable in respect of the providing of assistance as between the Government of Sri Lanka and a State specified in the Fifth Schedule to this Act with whom the Government of Sri Lanka has entered into an agreement in terms of the aforesaid Act.

(2) In the case of a State specified in the Fifth Schedule with whom the Government of Sri Lanka has not entered into an agreement, it shall be the duty of the Government to afford all such assistance to and may through the Minister request all , such assistance from, the relevant authorities of the State specified in the Fifth Schedule to this Act as may be necessary for the investigation and prosecution of an offence under section 2 to the extent required for the discharge of its obligations under the Convention (including assistance relating to the taking of evidence and statements, the serving of process and the conduct of searches).

(3) The grant of assistance to a convention country may be made subject to such terms and conditions as the Minister thinks fit.