

## PART II

### THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

#### CHAPTER I

##### NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Parties to the Convention.

9. The Minister may from time to time, by Order published in the Gazette, certify for the purposes of this Part of this Act, the countries that are parties to the 1988 United Nations Convention. A country in respect of which, an Order made under this section is in force is hereinafter in this Part of this Act, referred to as "a convention country".

Amendment of Extradition Law, No. 8 of 1977.

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

(52) 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 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna on December 20.1988)."

Interpretation in relation to the Extradition Law.

11. Notwithstanding anything contained in the Extradition Law, No. 8 of 1977 an offence specified in Part B of the Schedule to that Law and the Second Schedule to this Act shall for the purpose only of extradition under that Law, of any person accused or convicted of any such offence, as between Sri Lanka and a convention country, 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.

Extradition arrangements deemed to provide for offences in the Second Schedule to this Act.

12. Where there is an extradition arrangement in force between the Government of Sri Lanka and a convention country 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 the Second Schedule to this Act.

Minister may treat United Nations Convention as an extradition arrangement between Sri Lanka and a Convention country in respect of offences in the Second Schedule to this Act.

13. When there is no extradition arrangement in force, between the Government of Sri Lanka and a convention country, the Minister may, for the purposes of the Extradition Law, No. 8 of 1977, by Order published in the Gazette treat the 1988 United Nations Convention as an extradition arrangement made by the Government of Sri Lanka with such convention country providing for extradition in respect of the offences described in the Second Schedule to this Act.

Duty of Minister to notify requesting State of measures taken against persons for whose extradition a request is made.

14. Where a request is made to the Government of Sri Lanka by or on behalf of the Government of a convention country 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 that Government of Sri Lanka has taken or proposes to take, for the prosecution or extradition of that person, for that offence.

#### Assistance to Convention Countries

15. (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 other States who are either Commonwealth countries specified by the Minister by Order under section 2 of the aforesaid Act or Non-Commonwealth countries with which the Government of Sri Lanka entered into an agreement in terms of the aforesaid Act.

(2) In the case of a country which is neither a Commonwealth country specified by the Minister by Order under section 2 of the aforesaid Act nor a Non-Commonwealth countries with which the Government of Sri Lanka entered into an agreement in terms of the aforesaid Act, then it shall be the duty of the Government to afford all such assistance to, and may through the Minister request all such assistance from, a convention country, 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 United Nations 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.

Interpretation Chapter I of Part II.

16. For the purposes of this Chapter—

"narcotic drug" means any drug included in Schedules I, II and IV of the United Nations Convention on Narcotic drugs, 1961 and which are specified in the Third Schedule to the Act.

"psychotropic substance" means any substance natural or synthetic or any natural material included in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971 and which are specified in the Fourth Schedule to the Act.