

## **EXTRADITION TREATIES**

### **Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh relating to Extradition**

The Government of the Kingdom of Thailand and the Government of the People's Republic of Bangladesh, hereinafter referred to as the Contracting States;

Desiring to provide for more effective cooperation between the two States in the suppression of crimes;

Desiring also to conclude a treaty for the reciprocal extradition of offenders;

Have agreed as follows:

#### ***ARTICLE I***

##### **Obligation to Extradite**

- (1) The Contracting States agree to extradite to each other, subject to the provisions of this Treaty, persons found in the territory of one of the Contracting States who have been proceeded against for, have been charged with, have been found guilty of, or are wanted for the enforcement of a judicially pronounced penalty for committing an extraditable offence, by the judicial authority of the other Contracting State. The term "judicial authority" shall include the police and public prosecution authority for the purpose of proceeding against or charging such persons in accordance with the laws of each Contracting State.
- (2) With respect to an extraditable offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if its laws would provide for the punishment of such an offence in comparable circumstances.

#### ***ARTICLE 2***

##### **Extraditable Offences**

- (1) An offence shall be an extraditable offence for prosecution or for the imposition of a penalty or detention order only if it is punishable under the laws of both Contracting Parties by imprisonment or other form of detention for a period of more than one year or by any greater punishment. For the enforcement of a penalty or detention order for such an extraditable offence, extradition shall be granted if the duration of the penalty or detention order still to be served amounts to at least six months.
- (2) An offence shall be an extraditable offence if it consists of preparing or attempting to commit, aiding or abetting, assisting, counseling or procuring the commission of, or being an accessory before or after the fact of an offence described in paragraph (1) of this Article provided that such

offences are punishable under the laws of both Contracting States by imprisonment or other form of detention for a period of more than one year or by any greater punishment.

- (3) For the purposes of this Article, an offence shall be an extraditable offence, whether or not the laws of the Contracting States place the offence within the same category of offences or denominate the offence by the same terminology.
- (4) When extradition has been granted with respect to an extraditable offence, it may also be granted in respect of any other offence specified in the extradition request that meets all other requirements for extradition except for periods of penalty or detention order set forth in paragraph (1) of this Article.

### ***ARTICLE 3***

#### **Political and Military Offences**

- (1) Extradition shall not be granted when:
  - (a) the offence for which extradition is sought is a political offence; or
  - (b) it is established that extradition is requested for political purposes; or
  - (c) the offence for which extradition is sought is exclusively a military offence.
- (2) For the purpose of this Treaty, a murder or willful crime against the life or physical integrity of a Head of State of one of the Contracting States or of a member of that person's family, including attempts to commit such offences, shall not be deemed to be offences within the meaning of paragraph (1) of this Article.

### ***ARTICLE 4***

#### **Dual Jurisdiction**

The Requested State may refuse to extradite a person claimed for a crime which is regarded by its laws as having been committed in whole or in part in its territory or in a place treated as its territory, provided it shall proceed against the person for that crime according to its laws.

### ***ARTICLE 5***

#### **Prior Jeopardy for the Same Offence**

- (1) Extradition shall not be granted when the person sought has been tried and convicted or acquitted in the Requested State for the offence for which extradition is requested.
- (2) Extradition may be denied when the person sought is being or has been proceeded against in the Requested State for the offence for which extradition is requested.
- (3) Extradition may be granted even if the competent authorities of the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested.

**ARTICLE 6**

**Lapse of Time**

Extradition shall not be granted when the prosecution or the enforcement of the penalty for the offence for which extradition has been sought has become barred by lapse of time according to the laws of the Requesting State.

**ARTICLE 7**

**Nationality**

- (1) Neither Contracting State shall be bound to extradite its own nationals.
- (2) If extradition is not granted pursuant to paragraph (1) of this Article, the Requested State shall, at the request of the Requesting State, submit the case to its competent authority for prosecution. For this purpose, the Requesting State shall submit the files, information, and exhibits relating to the case to the Requested State. If the Requested State requires additional documents or evidence, such documents or evidence shall be submitted without charge to that State.
- (3) Notwithstanding paragraph (2) of this Article, the Requested State shall not be required to submit the case to its competent authority for prosecution if the Requested State has no jurisdiction over the offence.

**ARTICLE 8**

**Extradition Procedures and Required Documents**

- (1) The request for extradition shall be made through the diplomatic channels.
- (2) The request for extradition shall be accompanied by:
  - (a) documents, statements, or other evidence which describe the identity and probable location of the person sought;
  - (b) a statement of the facts of the case, including, if possible, the time and location of the crime;
  - (c) the provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;
  - (d) the provisions of the law describing the punishment for the offence; and
  - (e) the provisions of the law describing any time limit on the prosecution or the execution of punishment for the offence.
- (3) A request for extradition relating to a person who is sought for prosecution also shall be accompanied by:
  - (a) a copy of the warrant of arrest issued by a judge or other competent authority of the Requesting State;

- (b) such evidence as, according to the law of the Requested State, would justify that person's arrest and committal for trial, including evidence establishing that the person sought is the person to whom the warrant of arrest refers.
- (4) When the request for extradition relates to a convicted person, in addition to the items required by paragraph (2) of this Article, it shall be accompanied by:
  - (a) a copy of the judgment of conviction by a court of the Requesting State; and
  - (b) evidence providing that the person sought is [he person to whom the conviction refers.

If the person has been convicted but not sentenced, the request for extradition shall also be accompanied by a statement to that effect. If the convicted person has been sentenced, the request for extradition shall also be accompanied by a copy of the sentence imposed and a statement showing to what extent the sentence has been carried out.
- (5) All documents submitted by the Requesting State shall be translated into the language of the Requested State.
- (6) Documents transmitted through [he diplomatic channels shall be admissible in extradition proceedings in the Requested State without further authentication, or other legalization.

#### ***ARTICLE 9***

##### **Provisional Arrest**

- (1) In case of urgency, either Contracting State may request the provisional arrest of any accused or convicted person. The request for provisional arrest shall be made through the diplomatic channels or directly between the Ministry of Home Affairs in Bangladesh and the Ministry of Interior in Thailand, in which case the communication facilities of Interpol maybe used.
- (2) The request shall contain: a description of the person sought; the location of that person, if known; a brief statement of the facts of the case including, if possible, the time and location of the offence; a statement of the existence of a warrant of arrest or a judgment of conviction against that person, as referred to in Article 8; and a statement that a request for extradition of the person sought will follow.
- (3) The Requesting State shall be notified without delay of the result of its request.

#### ***ARTICLE 10***

##### **Decision and Surrender**

- (1) The Requested State shall communicate without delay through the diplomatic channels to the Requesting State its decision on the request for extradition.
- (2) The Requested State shall provide reasons for any partial or complete rejection of the request for extradition.

- (3) If the extradition has been granted, surrender of the person sought shall take place within such time as may be prescribed by the laws of the Requested State. The competent authorities of the Contracting States shall agree on the time and place of the surrender of the person sought. If however, that person is not removed from the territory of the Requested State within the prescribed time that person may be set at liberty and the Requested State may subsequently refuse extradition for the same offence.

### ***ARTICLE 11***

#### **Deferred Surrender**

If the extradition request is granted in the case of a person who is being proceeded against or is serving a sentence in the territory of the Requested State for a different offence, the Requested State may defer the surrender of the person sought until the conclusion of the proceedings against that person, or the full execution of any punishment that may be or may have been imposed.

### ***ARTICLE 12***

#### **Requests for Extradition Made by Several States**

If the Requested State receives requests from the other Contracting State and from one or more third States for the extradition of the same person, either for the same offence or for different offences, it shall determine to which State it will extradite that person. In making its decision it shall consider all relevant factors, including but not limited to:

- (a) the State in which the offence was committed;
- (b) in cases involving different offences, the State seeking the individual for the offence which is punishable by the most severe penalty in accordance with the law of the Requested State;
- (c) in cases involving different offences that the Requested State considers of equal gravity, the order in which requests were received from the Requesting States;
- (d) the nationality of the offender; and
- (e) the possibility of re-extradition between the Requesting States.

### ***ARTICLE 13***

#### **Rule of Specialty**

- (1) A person extradited under this Treaty shall not be detained, tried, or punished in the territory of the Requesting State for an offence other than that for which extradition has been granted, nor be extradited by that State to a third State, unless:
- (a) that person has left the territory of the Requesting State after extradition and has voluntarily returned to it;

- (b) that person has not left the territory of the Requesting State within 45 days after being flee to do so; or
- (c) the Requested State has consented to detention, trial, or punishment of that person for an offence other than that for which extradition was granted, or to extradition to a third State. For this purpose, the Requested State may require the submission of any document or statement mentioned in Article 8, including any statement made by the extradited person with respect to the offence concerned.

These stipulations shall not apply to offences committed after extradition.

- (2) If the charge for which the person was extradited is legally altered in the course of proceedings by virtue of a new statute, or the charging, pleading, or finding of a lesser offence, that person may be prosecuted or sentenced accordingly, provided the altered charge is:
  - (a) based on the same set of facts contained in the extradition request and its supporting documents; and
  - (b) punishable by the same maximum penalty as, or a lesser maximum penalty than, the offence for which that person was extradited.

#### ***ARTICLE 14***

##### **Simplified Procedure**

If the person sought irrevocably agrees in writing to extradition after personally being advised by the competent authority of his right to formal extradition proceedings and the protection afforded by them, the Requested State may grant extradition without formal extradition proceedings.

#### ***ARTICLE 15***

##### **Handing Over Of Property**

- (1) The Requested State shall, insofar as its law permits and at the request of the Requesting State, seize and upon the granting of the extradition hand over property:
  - (a) which may be required as evidence; or
  - (b) which has been acquired as a result of the crime and which, at the time of the arrest, is found in the possession of the person claimed or is subsequently discovered.
- (2) The property mentioned in paragraph (1) of this Article shall be handed over even if extradition, having been granted, cannot be carried out due to the death, disappearance, or escape of the person claimed.
- (3) When the said property is liable to seizure or confiscation in the territory of the Requested State, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it be returned.

- (4) Any right which the Requested State or any State or individual may have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the Requested State at its request as soon as possible after the trial.

#### **ARTICLE 16**

##### **Transit**

- (1) Either Contracting Party may authorize transit through its territory of a person surrendered to the other by a third State. The Contracting State requesting transit shall provide the transit State, through diplomatic channels, with a request for transit which shall contain a description of the person being transited and a brief statement of the facts of the case. No such authorisation is required where air transportation is used and no landing is scheduled on the territory of the other Contracting State.
- (2) If an unscheduled landing on the territory of the other Contracting Party occurs, transit shall be subject to the provisions of paragraph (1) of this Article. That Contracting State may detain the person to be transited for a period up to 96 hours while awaiting the request for transit.

#### **ARTICLE 17**

##### **Expenses and Assistance**

- (1) Expenses incurred in the territory of the Requested State by reason of extradition, up to the moment of surrender of the person to be extradited, shall be borne by that State.
- (2) The Requested State shall appear on behalf of the Requesting State and conduct and carry out any proceedings arising out of a request for extradition.
- (3) No pecuniary claim arising out of the arrest, detention, examination, and surrender of persons sought under the terms of this Treaty shall be made by the Requested State against the Requesting State.

#### **ARTICLE 18**

##### **Scope of Application**

This Treaty shall apply to extraditable offences under this Treaty committed before as well as after the date this Treaty enters into force.

#### **ARTICLE 19**

##### **Ratification and Entry into Force**

- (1) This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Bangkok as soon as possible.
- (2) This Treaty shall enter into force upon the exchange of the instruments of ratification.

**ARTICLE 20**

**Denunciation**

Either Contracting State may terminate this Treaty at any time by giving written notice to the other Party and the termination shall be effective six months after the date of receipt of such notice. Such termination shall not prejudice any extradition proceedings commenced prior to the giving of such notice.

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

Done in duplicate at Dhaka on 9 July 1998 in the Thai, Bangla and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of the  
Kingdom of Thailand.

(MR. SUKHUMBHAND PARIBATRA)  
DEPUTY MINISTER  
OF FOREIGN AFFAIRS

For the Government of the  
People's Republic of Bangladesh

(ABUL HASAN CHOWDHURY, M.P.)  
MINISTER OF STATE FOR  
FOREIGN AFFAIRS



## **INSTRUMENT OF RATIFICATION**

WHEREAS the Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh Relating to Extradition was signed at Dhaka on 9 July 1998 by the duly authorized Representatives of the Governments of the Kingdom of Thailand and of the People's Republic of Bangladesh; and

WHEREAS Article 19 of the Treaty provides that this Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Bangkok as soon as possible and this Treaty shall enter into force upon the exchange of the instruments of ratification;

THE GOVERNMENT OF THE KINGDOM OF THAILAND,

having considered the aforesaid Treaty, hereby confirms and ratifies the same and undertakes to faithfully perform and carry out all the stipulations contained therein.

IN WITNESS WHEREOF, this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of the Kingdom of Thailand.

DONE at the Ministry Of Foreign Affairs, Bangkok, this 4th day of December in the Year Two thousand Five hundred and Forty-three of the Buddhist Era, corresponding to the Year Two thousand of the Christian Era.



(Surin Pitsuwan)

Minister of Foreign Affairs  
of the Kingdom of Thailand

**PROCES - VERBAL OF THE EXCHANGE  
OF  
INSTRUMENTS OF RATIFICATION**

The undersigned have met today for the purpose of exchanging the Instruments of Ratification of the Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh Relating to Extradition, signed at Dhaka on 9 July 1998.

According to Article 19 (2) of the above-mentioned Treaty, the Treaty shall enter into force upon the exchange of the instruments of ratification.

These Instruments, having been examined and found to be in due form, have been exchanged today.

IN WITNESS WHEREOF, the undersigned have signed the present Proces - Verbal.

DONE at Bangkok, in duplicate in English, this Nineteenth Day of March in the Year Two thousand Five hundred and Forty-four of the Buddhist Era, corresponding to the Year Two thousand and One of the Christian Era.

For the Government of the  
Kingdom of Thailand.

(Surakiart Sathirathai)  
Minister of Foreign Affairs

For the Government of the  
People's Republic of Bangladesh

(SuIrab Hossain)  
Ambassador Extraordinary and  
Plenipotentiary

## **Treaty between the Republic of India and the People's Republic of Bangladesh relating to Extradition**

The Government of the Republic of India and of the People's Republic of Bangladesh

Desiring to make more effective the cooperation of the two countries in the suppression of crime by making further provision for the reciprocal extradition of offenders;

Recognizing that concrete steps are necessary to combat terrorism;

Have agreed as follows:

### *Article 1*

#### **Obligation to Extradite**

1. The Contracting States agree to extradite to each other, subject to the provisions of this Treaty, persons found in the territory of one of the Contracting States who have been proceeded against for or have been charged with or have been found guilty of, or are wanted for the enforcement of a judicially pronounced penalty for committing an extraditable offence, as described in Article 2, by the judicial authority of the other Contracting State.
2. With respect to an extraditable offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if its laws would provide for the punishment of such an offence in comparable circumstances.

### *Article 2*

#### **Extradition Offences**

1. An extradition offence for the purposes of this Treaty is constituted by conduct which under the laws of each Contracting State is punishable by a term of imprisonment for a period of at least one year.
2. An offence may be an extradition offence notwithstanding that it relates to taxation or revenue or is one of a purely fiscal character.
3. In determining whether an offence is an offence punishable under the laws of both Contracting States, it shall not matter whether the law of both Contracting States place the act or omission constituting the offence within the same category of offence or denominate the offence by same terminology.
4. Extradition shall also be granted in respect of an attempt to commit or aiding, abetting, inciting or participating as an accomplice in the commission of an extraditable offence.

### *Article 3*

#### **Composite Offences**

Extradition shall be available in accordance with this Treaty for an extradition offence, notwithstanding that the conduct of the person sought occurred wholly or in part in the Requested State, if under the law of that State this conduct and its effects, or its intended effects, taken as a whole, would be regarded as constituting the commission of an extradition offence in the territory of the Requesting State.

### *Article 4*

#### **Central Authority**

The Central Authority for the Republic of India shall be the Ministry of External Affairs and the Central Authority for the People's Republic of Bangladesh shall be the Ministry of Home Affairs. Each Contracting State shall inform the other Contracting State of any change of the Central Authority through diplomatic channels.

### *Article 5*

#### **Extradition of Nationals**

Nothing in this Treaty shall preclude the extradition by the Requested State of its nationals either in respect of a territorial offence or in respect of an extraterritorial offence.

### *Article 6*

#### **The Political Offence Exception**

1. Extradition may be refused if the offence of which it is requested is an offence of a political character.
2. For the purpose of this Treaty the following offences shall not be regarded as offences of a political character:
  - (a) any acts or omissions which are punishable as a criminal offence according to the obligations under multilateral treaties to which both Contracting States are Party;
  - (b) murder;
  - (c) manslaughter or culpable homicide;
  - (d) assault occasioning actual bodily harm, or causing injury, maliciously wounding or inflicting grievous bodily harm whether by means of a weapon, a dangerous substance or otherwise;
  - (e) the causing of an explosion likely to endanger life or cause serious damage to property;
  - (f) the making or possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;
  - (g) the possession of a firearm or ammunition by a person who intends either himself or through another person's to endanger life;

- (h) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;
- (i) damaging property whether used for public utilities or otherwise with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;
- (j) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;
- (k) incitement to murder;
- (l) any other offence related to terrorism which at the time of the request is, under the law of the Requested party, not to be regarded as an offence of a political character;
- (m) an attempt or conspiracy to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

### *Article 7*

#### **Extradition and Prosecution**

1. The request for extradition may be refused by the Requested State if the person whose extradition is sought may be tried for the extradition offence in the courts of that State.
2. Where the Requested State refuses a request for extradition for the reason set out in paragraph 1 of this Article, it shall submit the case to its competent authorities so that prosecution may be considered. Those authorities shall take their decision in the same manner as in the case of any offence of a serious nature under the law of that State.
3. If the competent authorities decide not to prosecute in such a case, the request for extradition shall be reconsidered in accordance with this Treaty.

### *Article 8*

#### **Grounds for Refusal of Extradition**

1. A person may not be extradited if:
  - (a) he satisfies the Requested State that it would, having regard to all the circumstances, be unjust or oppressive to extradite him by reason of:
    - (i) the trivial nature of the offence of which he is accused or was convicted; or
    - (ii) the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
    - (iii) the accusation against him not having been made in good faith in the interests of justice; or
  - (b) the offence of which he is accused or convicted is a military offence which is not also an offence under the general criminal law.

2. A person who has been convicted of an extradition offence may not be extradited therefor unless he was sentenced to imprisonment or other form of detention for a period of four months or more.
3. A person may not be extradited if he would, if proceeded against in the territory of the Requested State for the offence for which his extradition is requested, be entitled to be discharged under any rule of law of the Requested State relating to previous acquittal or conviction.

### *Article 9*

#### **Temporary Surrender**

To the extent permitted by its law, where a person serving a sentence in the Requested State has been found extraditable, the Requested State may temporarily surrender the person sought for the purpose of prosecution to the Requesting State in accordance with conditions to be determined between the Contracting States. A person who is returned to the Requested State following a temporary surrender may be finally surrendered to the Requesting State to serve any sentence imposed, in accordance with the provisions of this Treaty and existing law of the requested country.

### *Article 10*

#### **Extradition Procedures**

- (a) The request for extradition under this Treaty shall be made through the diplomatic channel.
- (b) The request shall be accompanied by:
  - (a) as accurate a description as possible of the person sought, together with any other information which would help to establish his identity, nationality and residence;
  - (b) a statement of the facts of the offence for which extradition is requested; and
  - (c) the text, if any, of the law: (i) defining that offence; and (ii) prescribing the maximum punishment for that offence.
- (c) If the request relates to an accused person, it must also be accompanied by a warrant of arrest issued by a judge, magistrate or other competent authority in the territory of the Requesting State and by such evidence as, according to the law of the Requested State, would justify his committal for trial if the offence had been committed in the territory of the Requested State, including evidence that the person requested is the person to whom the warrant of arrest refers.
- (d) If the request relates to a person already convicted and sentenced, it shall also be accompanied :
  - (a) by a certificate of the conviction and sentence;
  - (b) by a statement that the person is not entitled to question the conviction or sentence and showing how much of the sentence has not been carried out.
- (e) If the Requested State considers that the evidence produced or information supplied for the purposes of this Treaty is not sufficient in order to enable a decision to be taken as to the request, additional evidence or information shall be submitted within such time as the Requested State shall require.

### ***Article 11***

#### **Provisional Arrest**

1. In case of urgency, one Contracting State may request the other Contracting State to provisionally arrest the person sought. Such request shall be made in writing and transmitted to the Central Authority of the Requested State through diplomatic channels.
2. The application for provisional arrest shall contain:
  - (a) an indication of intention to request the extradition of the person;
  - (b) a statement about the reason for urgency;
  - (c) information concerning identity, nationality and probable location and a description of the person;
  - (d) a brief description of the offence and the punishment prescribed there under;
  - (e) A brief statement of the facts of the case, including, if possible, the time and the location of the offence;
  - (f) a statement of the existence of a warrant of arrest or a judgment of conviction against the person; and
3. The Requesting State shall be notified without delay of the result of its request.
4. A person arrested upon such an application shall be set at liberty upon the expiration of 60 days from the date of his arrest if request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request is subsequently received.

### ***Article 12***

#### **Rule of Specialty**

1. Any person who is returned to the territory of the Requesting State under this Treaty shall not, during the period described in paragraph (2) of this Article, be dealt with in the territory of the Requesting State for or in respect of any offence committed before he was returned to that territory other than:
  - (a) the offence in respect of which he was returned;
  - (b) any lesser offence disclosed by the facts proved for the purposes of securing his return other than an offence in relation to which an order for his return, could not lawfully be made; or
  - (c) any other offence in respect of which the Requested Party may consent to his being dealt with other than an offence in relation to which an order for his return could not lawfully be made or would not in fact be made.

2. The period referred to in paragraph (1) of this Article is the period beginning with the day of his arrival in the territory of the Requesting State or his return under this Treaty and ending forty-five days after the first subsequent day on which he has the opportunity to leave the territory of the Requesting State.
3. The provisions of paragraph (1) of this Article shall not apply to offences committed after the return of a person under this Treaty or matters arising in relation to such offences.
4. A person shall not be re-extradited to a third State, except when, having had an opportunity to leave the territory of the State to which he has been surrendered, he has not done so within sixty days of his final discharge, or has returned to that territory after having left it.

### *Article 13*

#### **Evidence**

1. The authorities of the Requested State shall admit as evidence, in any proceedings for extradition, any evidence taken on oath or by way of affirmation, any warrant and any certificate of, or judicial document stating the fact of, a conviction, if it is authenticated:
  1. (i) in the case of a warrant being signed, or in the case of any original document by being certified, by a judge, magistrate or other competent authority of the Requesting State; and  
(ii) either by oath of some witness or by being sealed with the official seal of the appropriate Minister of the Requesting State; or
  2. 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 14*

#### **Competing Requests**

If extradition of the same person whether for the same offence or for different offences is requested by a Contracting State and a third State with which the Requested State has an extradition arrangement, the Requested State shall determine to which Contracting State it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:

- (a) whether the requests were made pursuant to a treaty;
- (b) the place where such offence was committed;
- (c) the respective interests of the Requesting States;
- (d) the gravity of the offences;
- (e) the nationality of the victim;
- (f) the possibility of further extradition between the Requesting States; and
- (g) the chronological order in which the requests were received from the Requesting State.



***Article 15***

**Languages**

While complying with the present Treaty, the Contracting Parties shall use their national language attaching the translation in the national language of the other Contracting Party or in the English language.

***Article 16***

**Surrender**

1. If extradition is granted, the person sought shall be sent by the authorities of the Requested State to such convenient point of departure from the territory of that State as the Requesting State shall indicate.
2. The Requesting State shall remove the person sought from the territory of the Requested State within one month or such longer period as may be permitted under the law of the Requested State. If he is not removed within that period, the Requested State may refuse to extradite him for the same offence.

***Article 17***

**Surrender of Property**

1. When a request for extradition is granted, the Requested State shall, upon request and so far as its law allows, hand over to the Requesting State articles (including sums of money) which may serve as proof or evidence of the offence.
2. If the articles in question are liable to seizure or confiscation in the territory of the Requested State, the latter may, in connection with pending proceedings, temporarily retain them or hand them over on condition that they are returned.
3. These provisions shall not prejudice the rights of the Requested State or any person other than the person sought. When these rights exist the articles shall on request be returned to the Requested State without charge as soon as possible after the end of the proceedings.

***Article 18***

**Mutual Legal Assistance in Extradition**

Each Contracting State shall, to the extent permitted by its law, afford the other the widest measure of mutual assistance in criminal matters in connection with the offence for which extradition has been requested.

**Article 19**

**Documents and Expenses**

1. If in any particular case the Requested State so requires, the Requesting State shall supply a translation of any document submitted in accordance with the provisions of this Treaty.
2. Expenses incurred in the territory of the Requested State by reason of the request for extradition shall be borne by that State.
3. The Requested State shall make all the arrangements which shall be requisite with respect to the representation of the Requesting State in any proceedings arising out of the request.

**Article 20**

**Obligations under International Conventions/Treaties**

The present Treaty shall not affect the rights and obligations of the Contracting States arising from International Conventions/Treaties to which they are parties.

**Article 21**

**Final provisions**

1. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
2. This Treaty shall be subject to ratification and the instruments of ratification shall be exchanged as soon as possible. It shall enter into force on the date of the exchange of instruments of ratification.
3. Either of the Contracting States may terminate this Treaty at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Treaty shall cease to have effect six months after the receipt of the notice.

In witness whereof, the Undersigned being duly authorized thereto by their respective Governments, have signed this Treaty.

Done in duplicate at Dhaka this the Twenty Eighth day of the month of January of the year Two Thousand and Thirteen, in Hindi, English and Bangla, all languages being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

On behalf of the Government  
of the Republic of India

(Sushil Kumar Shinde)  
Home Minister

On behalf of the Government  
of the People's Republic of  
Bangladesh

(Dr. Muhiuddin Khan Alamgir)  
Home Minister