

EXTRADITION TREATIES

Extradition agreement between the Islamic Republic of Afghanistan and the State of the United Arab Emirates, 2008

THE ISLAMIC REPUBLIC OF AFGHANISTAN (sic) and THE STATE OF THE UNITED ARAB EMIRATES hereinafter referred to as “the Parties”.

Recalling the brotherly and friendly relations that exist between the two countries.

Deeply concerned at the magnitude of and rising trend in acts of international terrorism and organized crime, and

Desirous of strengthening and reinforcing cooperation between the two countries in combating crime.

Have agreed as follows:

Article 1

The Parties agree, in accordance with the provisions of this Agreement, to extradite to each other any person, found within the territories of one Party who is wanted by the other Party for the offences committed in the Requesting Party or for the execution of penalty for a crime that occurred partially or wholly within the jurisdiction of the Requesting Party subject to provisions of Article (2) of this Agreement, provided that the offence is extraditable according to the laws of both the Requesting and Requested Parties.

Article 2

Extradition shall be granted under this Agreement in the following cases:

- 1 - If the acts of the accused, according to the laws of Requesting and Requested Parties, constitute a crime that is punishable for imprisonment for a period not less than one year.
- 2 - If the competent Court in the Requesting Party, whether in the presence of or in absentia, has convicted the accused to imprisonment for a period not less than six months.

Article 3

- 1- The extradition shall be granted if, prima facie, the evidence available shows that according to the laws of the Requested Party that the person required for extradition has committed the crime for which extradition is requested or the person sought is convicted by the courts of the Requesting Party.

- 2- The requesting party shall not extradite the person to a third State, without the consent of the requested party. The person may be extradited to a third State, if he has not left the territory of the Requesting Party, within forty five days from the day when he has been set free to do so voluntarily returned to it, in pursuance of the provisions of paragraphs b and c of article (6) of this agreement.

Article 4

- 1- Extradition shall not be granted under this Agreement, in any of the following cases:
 - a. If the crime for which the extradition is requested is a political crime or a crime of a political nature or when it appears that the request for extradition is made with a view to prosecuting, trying or punishing the person for a political crime.
 - b. If the person sought had been tried and convicted or acquitted by the courts of the Requested Party or of a third State of the crime for which extradition is requested.
 - c. When the prosecution of the person sought would be barred by lapse of time under the laws of the Requested Party.
 - d. If the person has already undergone the punishment for the crime for which extradition is requested whether in the Requested Party or a third state.
 - e. If the person is enjoying political asylum in the Requested Party.
 - f. If the crime for which extradition has been requested is military crimes.
- 2- When the person sought is under investigation or has been convicted and is undergoing punishment in the Requested Party for a crime other than that for which extradition is requested, the Requested Party may defer his extradition till he completes his sentence or is discharged.
- 3- When the person whose extradition is requested is a national of the Requested Party it may refuse to extradite him in accordance with its national law. If it decides to refuse extradition, it shall submit the case to its competent authority to initiate the proceedings for the prosecution of the person in respect of all or any of the crimes for which extradition has been sought. The Requested Party shall inform the Requesting Party of any action taken and the outcome of the proceedings. Nationality shall be determined at the time of the commission of the crime for which extradition is requested.

Article 5

The following shall not be regarded as political crimes:

- a. Crime of assault or attempted assault against the President of the State, Head of Government or any member of their families. Crimes of assault or attempted assault against a member of the Supreme Council of the United Arab Emirates or any member of his family;
- b. Acts of terrorism.

Article 6

The Requesting Party shall not, except in any of the following circumstances, detain, prosecute, try or punish a person surrendered under this Agreement for an offence other than that for which extradition has been granted:

- a. when the extradited person commits a offence during his prosecution, trial, or during the interim period of serving the sentence;
- b. when he has not left the territory of the Requesting Party within forty-five days from the day when he has been set free to do so;
- c. when he has left the territory of the Requesting Party after his extradition and has voluntarily returned to it.

Article 7

- 1 - All requests for extradition shall be supported by:
 - a. documents, statements, or other types of information which describe the identity, nationality and probable location of the person sought.
 - b. a statement of facts of the crime and the procedural history of the case.
 - c. a statement of the provision of the law describing the essential elements of the crime for which extradition is requested;
 - d. a statement of the provisions of law describing the punishment for the crime.
 - e. a statement of the provisions of the law describing any time limit on the prosecution or the execution of punishment for the crime, and.
- 2- In addition to the documents referred to in subparagraph (a) of paragraph (1) request for extradition of a person who is sought for prosecution shall be accompanied by such evidence as, according to the law of the Requested Party would provide probable cause for his arrest and committal for trial, if the crime had been committed there and:
 - a. a copy of the warrant or order of arrest issued by a judge or other competent authority, and.
 - b. a copy of the charging document.
- 3- A request for extradition relating to a person who has been convicted of the crime for which extradition is sought shall also be supported by:
 - a. a copy of the judgment (sic) of conviction or if such copy is not available, statement by a judicial authority that the person has been convicted.
 - b. information establishing that the person sought is the person to whom the conviction refers.

- c. a copy of the sentence imposed, and a statement establishing to what extent the sentence has been carried out, and
 - d. in the case of a person who has been convicted in absentia, the documents required in paragraph 2.
- 4- The documents which accompany an extradition request shall be received and admitted as evidence in extradition proceedings if:
- a. they are certified by the diplomatic or consular officers of the Requested Party resident in the Requesting Party, or.
 - b. they are certified or authenticated in any other manner accepted by the law of the Requested Party.
- 5- If the competent authority in the Requested Party considers the information given in support of the request is not satisfactory to fulfill the conditions required by this Agreement, the Requesting Party should be informed of the same so as to submit additional information before a decision is taken on the extradition request. An extension of time limit may be mutually agreed for providing such information, if there are satisfactory reasons for the extension of time limit.

Article 8

- 1- The authorities concerned in the Requested Party shall inform the authorities concerned in the Requesting Party preferably within a period of two months from receipt of the extradition request of the decision taken in respect to the extradition whether negative or positive through the diplomatic channels or by any other means agreed upon.
- 2- In case the extradition is granted, the Requested Party shall determine the suitable means, notify the Requesting Party of the time, and place where and how the extradition shall take place.

Article 9

- 1- Upon receipt of the request for extradition, the Requested Party shall arrest and detain the person sought in accordance with its laws, until the Requested Party decides on the request for extradition. If the request for extradition is granted, the detention period shall continue until the person sought is handed over to the authorities of the Requesting Party. The detention period shall be remitted from the sentence passed against him.
- 2- If an order to surrender has been issued by the competent authorities of the Requested Party, it shall specify therein the place and the date of surrender and the length of time the person sought has already been kept in custody and give to the Requesting Party reasonable notice thereof. If the Requesting Party fails to take custody of the requested person within such time as may be stipulated by laws of the Requested Party, the Requested Party may set the person at liberty and may subsequently refuse to extradite such person.

Article 10

If extradition is requested concurrently by more than one State, of the same person, either for the same offence or for different offences, the Requested Party shall make its decision to which of such State it will extradite the person, having regard to all the circumstances especially the relative seriousness and place of commission of the offence(s), the respective dates of the requested, the nationality of the person claimed and the possibility of subsequent extradition to another State.

Article 11

- 1- In case of urgency and on a request by the competent authority in the Requesting Party, the Requested Party shall take prompt and appropriate action, pending the receipt of documents referred to Article (7).
- 2- The competent authority in the Requested Party shall terminate the action taken under paragraph (1), if the documents referred to in Article (7) are not delivered to the Requested Party within thirty days from the date of such request.

Article 12

- 1- The Requested Party, within the authority of the law and without prejudice to the rights of others, shall seize the materials stated below and deliver the same to the Requesting Party at the time of extradition of the person or immediately after that:
 - a- things used to commit the crime or which constitute an evidence of the crime;
 - b- things obtained by committing the crime if in the possession of the wanted person or found at the time of his arrest;
 - c- things exchanged with other things obtained from the crime.
- 2- The Requesting Party shall pay all expenses incurred on the delivery of the seized materials.
- 3- If the seized materials, as in Paragraph (1) of this Article are still required for the investigation of the crime pending in the Requesting Party, then the delivery of those materials may be delayed, or be delivered on condition that they shall be returned after the conclusion of the proceedings in the case in the Requesting Party.
- 4- If the Requested Party or any other country has any legal rights in the seized materials, these rights shall not be affected due to delivery. The Requesting Party shall be obliged to return those materials without any charges wherever the purposes for the delivery are completed.

Article 13

- 1- When either of the Parties is to have a person extradited from a third State through the territory of the other Party, the former shall request the latter for the permission of such transit.
- 2- The Requesting Party shall, in so far as it is not contrary to its national laws, approve the request for transit made by the Requesting Party.
- 3- No permission is required where air transport is used and no landing is scheduled for.
- 4- In case of an un-scheduled landing, the Requesting Party in whose territory landing occurs shall assist in effecting the transit. If the person who is being extradited, is a national of the Party in whose territory such landing occurs, that person shall be handed over to that Party which shall in turn comply with the provisions of Article (4) of this Agreement.

Article 14

- 1- Each of the Parties undertakes to grant, in accordance with its laws, passage across its territory to the person to be extradited under the provisions of Article 13 on a request to that effect made through the diplomatic channels.
- 2- The request shall be supported by the documents pertaining to crime for which extradition may be granted under the provisions of this Agreement.

Article 15

The Requesting Party shall bear all expenses necessary for the implementation of the extradition request and also pay all expenses for the return of the extradited person to the Requested Party, in case the said expenses are excessive the parties shall consult with each other to settle the same.

Article 16

- 1- The Requesting Party shall notify the Requested Party of the outcome of the proceedings against the extradited person.
- 2- In case of conviction, the Requesting Party shall provide the Requested Party with an authenticated copy of the final judgement.

Article 17

- 1- The Central Authority of each Party shall make and receive requests pursuant to this Agreement:
For The Islamic Republic of Afghanistan, the Central Authority- shall be the Ministry of Justice.
For the State of the United Arab Emirates the Central Authority shall be the Ministry of Justice.

- 2- The Central Authorities shall communicate with one another through diplomatic channels for the purpose of this Agreement.
- 3- All requests and supporting documents shall be done in duplicate in the language of the Requested Party or in English language, and shall be officially signed and sealed by the competent authorities and authenticated by the central authority in the Requested Party unless otherwise the Parties agree.

Article 18

- 1- This Agreement is subject to ratification, the instruments of ratification shall be exchanged. This Agreement shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.
- 2- Either Party may terminate this Agreement by notice in writing through diplomatic channels at any time. Termination shall take effect six months after the date on which the notice is given. However, proceedings already commenced before notification shall continue to be governed by this Agreement until conclusion therein.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, have signed this Agreement.

DONE at Abu Dhabi on Sunday the 19th of October 2008, in duplicate in the Dari, Arabic and English languages, all texts being equally authentic. In the event of any differences in interpretation of this Agreement, The English text shall prevail.

**FOR THE
ISLAMIC REPUBLIC OF
AFGHANISTAN**

**Rangin Dadfar Spanta
Minister of Foreign Affairs**

**FOR THE
STATE OF THE UNITED ARAB
EMIRATES**

**Hadef Bin Jouan Al Dhaheri
Minister of Justice**