

EXTRADITION TREATIES

Memorandum of Understanding between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Italian Republic Modifying the Extradition Treaty Signed in Rome on February 5th 1873

The Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Italian Republic, hereinafter referred to as “the Parties”;

Recognising the importance of extradition to strengthen the juridical co-operation among States and to effectively combat criminal activity;

Stressing the common interest of the Parties to ensure that extradition procedures operate in an efficient manner;

Noting that the Extradition Treaty signed on 5th February 1873 between Italy and the United Kingdom of Great Britain and Ireland, and still in force between Italy and Sri Lanka needs to be made consistent with the present juridical system of the two countries and should reflect current developments in the law;

Further noting that the Parties have agreed to negotiate a Protocol to the aforesaid Extradition Treaty of 1873;

Hereby agree that:

- (1) Articles III, IV and last paragraph of article IX of the aforesaid Treaty are abrogated.
- (2) The provisions contained herein will operate on a temporary basis pending the conclusion of a Protocol to the 1873 Extradition Treaty between the Parties.
- (3) The present amendment will be implemented in accordance with the provisions of article XIX of the Treaty of 1873.
- (4) The present Memorandum of Understanding will enter into force for each Party as soon as such Party completes its internal procedures for implementation. Parties will notify each other of the completion of such procedures.

IN WITNESS THEREOF the undersigned Representatives, duly authorised by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Colombo on the **Eleventh day of August 1999**, in two originals in English language.

MR. LIONEL FERNANDO
Secretary/ Ministry of Foreign Affairs
For the Government of the Democratic
Socialist Republic of Sri Lanka

H.E. MR. MAURIZIO TEUCCI
Ambassador
For the Government of the
Italian Republic

**Extradition Treaty between the Government of the Democratic
Socialist Republic of Sri Lanka and the Government of
the United States of America**

The Government of the Democratic Socialist Republic of Sri Lanka and the Government of the United States of America,

Recalling the extradition treaty applicable between the Contracting States, the Treaty for the Mutual Extradition of Criminals between the United States of America and Great Britain, signed at London, December 22, 1931,

Noting that the Contracting States currently apply the terms of that Treaty, and

Desiring to provide for more effective cooperation between the two States in the suppression of crime, and, for that purpose, to conclude a new treaty for the extradition of offenders,

Have agreed as follows:

Article 1

Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought by the authorities in the Requesting State for trial or punishment for an extraditable offense.

Article 2

Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty.
2. An offense shall also be an extraditable offense if it consists of an attempt or a conspiracy to commit, aiding or abetting, counseling or procuring the commission of, or being an accessory before or after the fact to, any offense described in paragraph 1.
3. For the purposes of this Article, an offense shall be an extraditable offense:
 - (a) whether or not the laws in the Contracting States place the offense within the same category of offenses or describe the offense by the same terminology; or
 - (b) whether or not the offense is one for which United States federal law requires the showing of such matters as interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

4. Extradition shall be granted for an extraditable offense regardless of where the act or acts constituting the offense were committed.
5. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by less than one year's deprivation of liberty, provided that all other requirements are met.

Article 3

Nationality

Extradition shall not be refused on the ground that the person sought is a national of the Requested State.

Article 4

Political and Military Offenses

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.
2. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:
 - (a) a murder or other violent crime against the person of a Head of State or Head of Government of one of the Contracting States, or of a member of the Head of State's or Head of Government's family;
 - (b) aircraft hijacking offenses, as described in the Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on December 16, 1970;
 - (c) acts of aviation sabotage, as described in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on September 23, 1971;
 - (d) crimes against internationally protected persons, including diplomats, as described in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, done at New York on December 14, 1973;
 - (e) acts of violence at airports, as described in the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on February 24, 1988;
 - (f) any other offense for which both Contracting States have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and
 - (g) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

3. Notwithstanding paragraph 2 of this Article, extradition shall not be granted if the executive authority of the Requested State determines that the request was politically motivated.
4. The executive authority of the Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Article 5

Prior Prosecution

1. Extradition shall not be granted when the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.
2. Extradition shall not be precluded by the fact that the authorities in the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested, or to discontinue any criminal proceedings which have been instituted against the person sought for those acts.

Article 6

Lapse of Time

Extradition shall not be barred because of the laws relating to lapse of time of either the Requesting State or the Requested State.

Article 7

Capital Punishment

1. When the offense for which extradition is sought is punishable by death under the laws in the Requesting State and is not punishable by death under the laws in the Requested State, the Requested State may refuse extradition unless:
 - (a) the offense constitutes murder under the laws in the Requested State; or
 - (b) the Requesting State provides such assurances as the Requested State considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out.
2. In instances in which a Requesting State provides an assurance in accordance with paragraph (1) (b) of this Article, the death penalty, if imposed by the courts of the Requesting State, shall not be carried out.

Article 8

Extradition Procedures and Required Documents

1. All requests for extradition shall be submitted through the diplomatic channel.
2. All requests shall be supported by:
 - (a) documents, statements, or other types of information which describe the identity, and probable location of the person sought;

- (b) information describing the facts of the offense and the procedural history of the case;
 - (c) a statement of the laws describing the essential elements of the offense for which extradition is requested;
 - (d) a statement of the provisions of law prescribing punishment for the offense; and
 - (e) documents, statements, or other types of information specified in paragraph 3 or paragraph 4 of this Article, as applicable.
3. A request for extradition of a person who is sought for prosecution shall also be supported by:
- (a) a copy of the warrant or order of arrest, if any, issued by a judge or other competent authority of the Requesting State;
 - (b) a copy of the charging document, if any; and
 - (c) such information as would provide a reasonable basis to believe that the person to be extradited committed the offense for which extradition is requested and is the person named in the warrant of arrest.
4. A request for extradition relating to a person who has been found guilty of the offense for which extradition is sought shall also be supported by:
- (a) a copy of the judgment of conviction or, if such copy is not available, a statement by a judicial authority that the person has been found guilty;
 - (b) information establishing that the person sought is the person to whom the finding of guilt refers;
 - (c) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out; and
 - (d) in the case of a person who has been found guilty in absentia, the documents required by paragraph 3.

Article 9

Admissibility of Documents

The documents which accompany an extradition request shall be received and admitted as evidence in extradition proceedings if:

- (a) in the case of a request from the United States, they are signed or certified by a judge, magistrate, or an official of the United States, and sealed with the official seal of a competent authority of the United States;
- (b) in the case of a request from Sri Lanka, they are certified by the principal diplomatic or principal consular officer of the United States resident in Sri Lanka, as provided by the extradition laws of the United States; or
- (c) they are certified or authenticated in any other manner accepted by the law of the Requested State.

Article 10

Language

All documents submitted by the Requesting State shall be in English.

Article 11

Provisional Arrest

1. In case of urgency, a Contracting State may request the provisional arrest of the person sought pending presentation of the request for extradition. A request for provisional arrest may be transmitted through the diplomatic channel. In exceptional cases of unusual urgency, a request may be transmitted directly between the Sri Lankan Ministry of Justice and the United States Department of Justice. The facilities of the International Criminal Police Organization (INTERPOL) may be used to transmit such a request.
2. The application for provisional arrest shall contain:
 - (a) a description of the person sought;
 - (b) the location of the person sought, if known;
 - (c) a brief statement of the facts of the case, including, if possible, the time and location of the offense;
 - (d) a description of the laws violated;
 - (e) a statement of the existence of a warrant of arrest or a finding of guilt or judgment of conviction against the person sought; and
 - (f) a statement that a request for extradition for the person sought will follow.
4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the formal request for extradition and the supporting documents required in Article 8.
5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 of this Article shall not prejudice the subsequent rearrest and extradition of that person if the extradition request and supporting documents are delivered at a later date.

Article 12

Decision and Surrender

1. The Requested State shall promptly notify the Requesting State through the diplomatic channel of its decision on the request for extradition.
2. If the request is denied in whole or in part, the Requested State shall provide the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.

3. If the request for extradition is granted, the authorities of the Contracting States shall agree on the time and place for the surrender of the person sought.
4. If the person sought is not removed from the territory of the Requested State within the time prescribed by the law of that State, that person may be discharged from custody, and the Requested State may subsequently refuse extradition for the same offense.

Article 13

Temporary and Deferred Surrender

1. If the extradition request is granted in the case of a person who is being proceedings against that person, in accordance with conditions determined by mutual agreement of the Contracting States.
2. The Requested State may postpone the extradition proceedings against a person who is being prosecuted or who is serving a sentence in that State. The postponement may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

Article 14

Requests for Extradition Made by Several States

If the Requested State receives requests from the other Contracting State and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the executive authority of the Requested State, in consultation with the Requesting State, shall determine to which State it will surrender the person.

Article 15

Seizure and Surrender of Property

1. To the extent permitted under its law, the Requested State may seize and surrender to the Requesting State all articles, documents, and evidence connected with the offense in respect of which extradition is granted. The items mentioned in this Article may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.
2. The Requested State may condition the surrender of the property upon satisfactory assurances from the Requesting State that the property will be returned to the Requested State as soon as practicable. The Requested State may also defer the surrender of such property if it is needed as evidence in the Requested State.
3. The rights of third parties in such property shall be duly respected.

Article 16

Rule of Speciality

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for:
 - (a) the offense for which extradition has been granted or a differently denominated offense based on the same facts on which extradition was granted, provided such offense is extraditable, or is a lesser included offense;
 - (b) an offense committed after the extradition of the person; or
 - (c) an offense for which the executive authority of the Requested State consents to the person's detention, trial, or punishment. For the purpose of this subparagraph:
 - (i) the Requested State may require the submission of the documents called for in Article 8; and
 - (ii) the person extradited may be detained by the Requesting State for 90 days, or for such longer period of time as the Requested State may authorize, while the request is being processed.
2. A person extradited under this Treaty may not be extradited or surrendered to a third State or an international tribunal for an offense committed prior to that person's surrender unless the surrendering State consents.
3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the extradition or surrender of that person to a third State or an international tribunal, if:
 - (a) that person leaves the territory of the Requesting State after extradition and voluntarily returns to it; or
 - (b) that person does not leave the territory of the Requesting State within 10 days with respect to the territory of the United States and within 45 days with respect to the territory of Sri Lanka of the day on which that person is free to leave.

Article 17

Waiver of Extradition

If the person sought consents to surrender to the Requesting State, the Requested State may, subject to its laws, surrender the person as expeditiously as possible without further proceedings.

Article 18

Transit

1. Either Contracting State may authorize transportation through its territory of a person surrendered to the other State by a third State. A request for transit shall be transmitted through the diplomatic channel or directly between the Sri Lankan Ministry of Justice and the United States Department of

Justice. The facilities of INTERPOL may also be used to transmit such a request. It shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.

2. No authorization is required where air transportation is used and no landing is scheduled on the territory of the Contracting State. If an unscheduled landing occurs on the territory of the other Contracting State, the other Contracting State may require the request for transit as provided in paragraph 1. That Contracting State shall detain the person to be transported until the request for transit is received and the transit is effected, so long as the request is received within 96 hours of the unscheduled landing.

Article 19

Representation and Expenses

1. The Requested State shall advise, assist, appear in court, and represent the interests of the Requesting State, in any proceedings arising out of a request for extradition.
2. The Requesting State shall bear the expenses related to the translation of documents and the transportation of the person surrendered. The Requested State shall pay all other expenses incurred in that State by reason of the extradition proceedings.
3. Neither Contracting State shall make any pecuniary claim against the other Contracting State arising out of the arrest, detention, examination, or surrender of persons sought under this Treaty.

Article 20

Consultation

The Attorney General's Department of Sri Lanka and the United States Department of Justice may consult with each other directly in connection with the processing of individual cases and in furtherance of maintaining and improving procedures for the implementation of this Treaty.

Article 21

Application

This Treaty shall apply to offenses committed before as well as after the date it enters into force.

Article 22

Ratification and Entry into Force

1. This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible.
2. This Treaty shall enter into force upon the exchange of the instruments of ratification.

3. Upon the entry into force of this Treaty, the Treaty for the Mutual Extradition of Criminals between Great Britain and the United States of America, signed at London, December 22, 1931, shall cease to have any effect between the Sri Lanka and United States of America. Nevertheless, the prior Treaty shall apply to any extradition proceedings in which the extradition documents have already been submitted to the courts of the Requested State at the time this Treaty enters into force, except that Article 16 of this Treaty, relating to the Rule of Speciality, shall be applicable to such proceedings.

Article 23

Termination

Either Contracting State may terminate this Treaty at any time by giving written notice to the other Contracting State, and the termination shall be effective six months after the date of such notice.

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

DONE at Washington, in duplicate, in the English language, this thirtieth day of September, 1999.

FOR THE GOVERNMENT OF
THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA:

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

Treaty on Extradition between the Democratic Socialist Republic of Sri Lanka and the Republic of Turkey

The Democratic Socialist Republic of Sri Lanka and the Republic of Turkey (hereinafter referred to as “Contracting Parties”);

Desiring to make more effective the co-operation between the two countries in the suppression of crime by concluding a treaty on extradition,

Have agreed as follows:

ARTICLE 1

Obligation to Extradite

Each Contracting party agrees to extradite to the other, in accordance with the provisions of this treaty and their respective laws, all persons who are wanted for prosecution, trial, imposition or enforcement of a sentence, in the Requesting State for an extraditable offence.

ARTICLE 2

Extraditable Offences

1. An offence shall be an extraditable offence if it is punishable under the laws in both Contracting Parties by deprivation of liberty for a period of more than one year or by a more severe penalty.
2. Extradition for enforcement of a sentence shall be granted only for offences punishable with imprisonment and where the person has been sentenced to imprisonment for a period of more than six months or by a more severe penalty, under the laws of both Contract in;
3. For the purpose of extradition, it shall not matter whether the laws of the Contracting Parties place an offence within the same category of offences or describe an offence by the same terminology. The totality of the acts or omissions alleged against the person whose extradition is sought shall be taken into account.
4. When a request for extradition comprises several separate offences, and extradition has been granted for one of the offences, the Requested State may at its discretion also grant extradition for any other offence which could not otherwise fulfill the requirements of paragraph I and 2 above concerning the duration of imprisonment.
5. For offences in connection with taxes, duties;, customs, exchange or other revenue matters, extradition shall be granted in accordance with the provisions of this Treats if the law of the Requested party contains a similar offence.
6. Where the offence has been committed outside the territory of the Requesting Party, extradition shall be granted where the law of the Requested party provides for the punishment of an offence committed outside its territory in similar circumstances, Where the law of the Requested party does not so provide, the Requested party may, in its discretion, grant extradition.

ARTICLE 3

Grounds for Refusal

1. Extradition shall not be granted in any of the following circumstances
 - (a) If the offence for which extradition is sought is a political offence.
However the following shall not be considered as political offences
 - (i) an attack on the life of a Head of State, or a member of that person's family;
 - (ii) an offence relating to any law against genocide;
 - (iii) any offence in respect of which the Contracting Parties have assumed or will assume an obligation to establish jurisdiction for purposes of prosecution or trial or to extradite, pursuant to an international agreement to which they are both parties; or
 - (iv) an offence constituted by taking or endangering, attempting to take or endanger or participating in the taking or endangering of, the life of a person, being an offence committed in circumstances in which such conduct creates a collective danger, whether direct or indirect, to the lives of other persons.
 - (b) if the Requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has in fact been made for the purpose of prosecuting or punishing a person on account of his or her race, religion, nationality or political opinion, or that person's position may be prejudiced for any of those reasons;
 - (c) If the offence for which extradition is requested constitutes a purely military offence which is also not an offence under ordinary criminal law of the Contracting Parties.
 - (d) If final judgement has been passed in the Requested Party or in a third state in respect of the offence for which the person's extradition is sought;
 - (e) If the person whose surrender is sought has, according to the laws of either Contracting Party become immune by reason of lapse of time from prosecution or punishment for the offence for which extradition is requested; or
 - (f) If the offence for which or the offender in respect of whom extradition is requested has been or is subject to amnesty or pardon by either of the Contracting Parties.
2. Extradition may be refused in any of the following circumstances;
 - (a) If the person whose extradition is sought is a national of the Requested Party where (sic) the Requested Party does not extradite its own national, it shall, at the request of the Requesting Party and if the laws of the Requested Party allow, submit the case to its competent authorities in order that proceedings may be taken in respect of the offences for which extradition has been sought;
 - (b) if the person whose extradition is sought is being prosecuted in the Requested Party for the same offence,

- (c) If the Requested party has decided either not to prosecute or to terminate prosecution for the same offence,
 - (d) If the surrender is likely to have exceptionally serious consequences for the person whose extradition is sought particularly because of his or her age or state of health,
- 3 For purposes of proceedings referred to in sub-paragraph 2 (a) of this Article information, duly authenticated copies of documents and other evidence shall be submitted by the Requesting Party to the Requested Party, The Requesting Party shall be informed of the results of the said proceedings.
 - 4 This Article shall not affect any obligation of the Contracting Parties which has already been undertaken or subsequently may be undertaken by them under any multilateral agreement.

ARTICLE 4

Postponement of Extraditions

When the person whose extradition is sought is being prosecuted or is serving sentence in the territory of the Requested Party for an offence other than that for which extradition has been requested, surrender of this person may be postponed by the Requested Party until the conclusion of the prosecution and the full execution of any punishment that may be or may have been awarded. In this case, the Requested Party, shall inform the Requesting Party accordingly.

ARTICLE 5

Extradition Procedure and Required Documents

1. A request for extradition shall be made in writing and shall be communicated through the diplomatic channel. All documents submitted in support of a request for extradition shall be authenticated in accordance with Article 6.
2. The request for extradition shall be accompanied by
 - a) the original or an authenticated copy of the conviction and sentence or detention order immediately enforceable or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the Requesting Party;
 - b) a document setting out evidence including the manner of commission, place and date of each offence, its legal description and a copy of relevant enactments, or, where this is not possible, a statement of the relevant law, and if possible, where the person sought may be found;
 - c) as accurate a description of the person sought, together with any other information to establish that person's identity and nationality and, if possible, that person's fingerprints and photo; and
 - d) an explicit declaration of requesting authority seeking extradition and, if need be provisional arrest.
3. The request and its supporting documents shall be accompanied by certified translations into the language of the Requested party and if not feasible, in the English language.

ARTICLE 6

Authentication of Supporting Documents

1. A document that accompanies a request for extradition, in accordance with Article 5, shall be admitted in evidence, if authenticated, in any extradition proceedings in the territory of the Requested party.
2. A document is authenticated for the purpose of this Treaty if it purports to be both signed by a Judge, Public Prosecutor or other competent authority and sealed with an official seal, in accordance with the requirements of the Requested Party.

ARTICLE 7

Additional Information

1. If the Requested Party considers, that the information furnished in support of a request for extradition is not sufficient in accordance with this treaty to enable extradition to be granted, that Party may request additional information and may fix a time limit for the receipt thereof and, upon the Requesting Party's application, for which reasons shall be given, may grant a reasonable extension of the time limit.
2. If the person whose extradition is sought has been arrested and the additional information is not sufficient in accordance with this Treaty or is not received within the time specified, the person may be discharged. However, such discharge shall not preclude the Requesting Party from renewing its request for the extradition.
3. Where the person is discharged in accordance with paragraph 2 of this Article, the Requested Party shall notify the Requesting Party as soon as possible.

ARTICLE 8

Provisional Arrest

1. In case of urgency the competent authorities of the Requesting Party may apply, through the International Criminal Police Organisation (INTERPOL) or by any other means for the provisional arrest of the person sought, pending the presentation of the request for extradition through the diplomatic channel. The application may be transmitted by post or telegraph or by any other means affording a record in writing,
2. The application shall, so far as possible, give a description of the person sought together with any information to establish his or her identity and nationality and shall contain a statement of the existence of one of the documents mentioned in sub-paragraph 2 (a) of Article 5, a statement that extradition is to be requested through the diplomatic channel, a statement of the punishment that can be, or has been imposed for the offence and a statement of how the offence has been committed (modus operandi). A copy of the document mentioned in sub-paragraph 2 (a) of Article 5 shall be attached, in its original form, to the application.
3. On receipt of such an application the Requested party shall take the necessary steps to secure the arrest of the person sought and the Requesting party shall be promptly notified of the result of its request.

4. A person arrested upon such an application may be set at liberty upon the expiration of 45 days from the date of that person's arrest if a request for extradition, supported by the documents specified in Article 5, has not been received.
5. The release of a person pursuant to paragraph 4, shall not prevent the re-arrest and the institution of proceedings, with a view to extraditing the person sought, if the extradition request is subsequently received.

ARTICLE 9

Conflicting Requests

1. Where requests are received from two or more States for the extradition of the same person, the Requested party shall determine to which of those States the person is to be extradited and shall notify the Requesting States of its decision.
2. In determining to which State a person is to be extradited, the Requested party shall have regard to all relevant circumstances and in particular ;
 - a) if the requests relate to different offences, the relative seriousness of the offences;
 - b) to the time and place of commission of each offence;
 - c) to the respective dates of the requests;
 - d) to the nationality of the person; and
 - e) to the ordinary place of residences of the person.

ARTICLE 10

Surrender

1. The Requested party shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting party through the diplomatic channel. Reasons shall be given for any complete or partial rejection.
2. If the request is agreed to, the Requesting party shall be informed of the place and date of surrender and of the length of time (sic) for which the person sought was detained for the purposes of extradition.
3. Subject to the provisions of paragraph 1 of this Article, if the person sought has not been taken over on the appointed date, that person may be released after the expiry of 30 days, and shall in any case be released after the expiry of 45 days. The Requested party may refuse to extradite the person for the same offence.
4. If a party is prevented either from surrendering or taking over the person to be extradited due to circumstances beyond its control, it shall notify the other Party. The two Parties shall mutually decide upon a new date of surrender, or taking over and the provisions of paragraph 3 of this Article shall apply.

ARTICLE 11

Surrender of Property

1. Upon the request of the Requesting Party, the Requested Party, subject to its laws and interests of third parties, shall seize and surrender the following properties and valuables:
 - a) property which has been used in committing the crime or which may be required as evidence; and
 - b) property and valuables which have been acquired as a result of the offence and were found in the possession of the person sought at the time of arrest or detention, or which are discovered subsequently.
2. Whenever possible, the property specified in paragraph (1) of this Article shall be delivered to the Requesting Party at the same time as the surrender of the person extradited. Property and valuables seized under paragraph (1) shall be delivered even if extradition already granted cannot be carried out owing to death or escape if the person sought.
3. Where proceedings are pending in the territory of the Requested Party, the said property and valuables may be temporarily retained by the Requested Party or may be delivered under the condition of restitution.
4. Any rights with the Requested Party or third parties may have acquired in the property and valuables surrendered shall be preserved. Where such rights exist, the said property and valuables shall be returned upon request without any charge to the Requested Party as soon as possible, after the conclusion of legal proceedings in the Requesting State.

ARTICLE 12

Rule of Speciality

1. A person who has been extradited in accordance with the present Treaty shall not be prosecuted, punished or detained for the enforcement of a sentence or subjected to any other restriction on personal freedom or delivered to a third State for any offence committed prior to surrender from the territory of the Requested party other than that for which extradition was granted, except in the following cases:
 - a) If the party which surrendered the person consents. A request for consent shall be submitted, accompanied by the documents referred to in Article 5 and a record maintained by a competent authority of the statement made by the extradited person in respect of the request for consent;
 - b) If the person extradited, having had for a period of 45 days from the date of final release, an opportunity to leave the territory of (the party to which the person has been surrendered still remains in the territory of that party. This period does not include the time during which the released person could not voluntarily leave the territory of that party); or,
 - c) If, after having left the person has returned voluntarily to the territory of the party to which surrender was granted.

ARTICLE 13

Surrender to a Third State

1. Where a person has been surrendered to the Requesting party by the Requested Party. Requesting party shall not surrender that person to any third State for an offence committed before that person's surrender, unless:
 - a) the Requested party consents to that surrender; or
 - b) the person has had an opportunity to leave the territory of the Requesting party and has not done so within 45 days of final discharge in respect of the offence for which that person was surrendered by the Requested party or has returned to the territory of the Requesting party after leaving it.
2. Before acceding to a request pursuant to sub-paragraph (1) (a) of this Article, the requested party may request the production of the documents referred to in Article 5.

ARTICLE 14

Transit

1. The transit of a person who is the subject of extradition from a third State through the territory of one of the Contracting Parties to the territory of the other Contracting Party, shall be granted upon submission of a request, provided the offence involved is an extraditable offence under Article 2 and that the Contracting Part requested to permit transit does not consider the offence to be one covered by Article 3.
2. The request for transit shall be accompanied by the copies of documents referred to in sub-paragraphs (2) (a) and 2 (b) of Article 5.
3. The Requested Party shall not be bound to permit the transit of its nationals, nor of a person who may be prosecuted or required to serve a sentence in its territory.
4. If air transport is to be used, the following provisions shall apply
 - a) when no intermediate stop is scheduled, the Requesting Party shall notify the Requested Party that transit will occur, and that one of the documents referred to in paragraph 2 (a) of Article 5 exists at d state the name and nationality of the person in transit;
 - b) when an unscheduled landing occurs, notification as provided in the previous sub-paragraph shall have the effect of a request for provisional arrest as provided in Article 8. Thereupon, transit will be requested as provided for in paragraph (1) of this Article; or
 - c) when an intermediate stop is required, the Requesting party shall submit a request as provided to paragraph (1) of this Article.
5. If circumstances require the person to be held in custody during transit, the Requesting party may be required to follow the provisions in paragraph (2) of Article 8.
6. Where a person is being held in custody for the purposes of transit, the Contracting party in whose territory the person is being held may direct that the person be released if transportation is not continued within a reasonable time.

ARTICLE 15

Competent Authorities

For the purposes of Articles 6 and 8 of this Treaty, competent authorities are:

- a) for Turkey, a Judge, a competent Court or a Public Prosecutor; and
- b) for Sri Lanka, the Attorney-General, a Judge of a competent court.

ARTICLE 16

Expenses

- a. All expenses incurred in the territory of the Requested Party for dealing with the extradition request shall be borne by that Party until surrender.
- b. The expenses after surrender shall be borne by the Requesting Party.
- c. the expenses incurred by reason of transit shall be borne by the Requesting Party.

ARTICLE 17

Consultations

The Contracting Parties shall hold periodic consultations in furtherance of maintaining and improving procedures for the implementation of this Treaty.

ARTICLE 18

Entry into Force and Denunciation

1. This Treaty shall enter into force thirty days after the Contracting Parties have notified each other in writing that their respective Constitutional requirements for entry into force of this Treaty have been complied with.
2. Requests for extradition made after the entry into force of this Treaty shall be governed by its provisions including Article 2, whatever the date of commission of the offence.
3. Either Contracting Party may terminate this Treaty by notice in writing at any time and it shall cease to be in force on the one hundred and eightieth day after the notice.

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

DONE in Ankara on the Second day of the Month of December in the year 2008, in Sinhala, Turkish and English languages, all texts being equally authentic, in case of any divergence of interpretation, the English text shall prevail.

Rohitha Bogollagama M.P.
Minister of Foreign Affairs
FOR THE DEMOCRATIC
SOCIALIST REPUBLIC
OF SRI LANKA

Mehmet Ali Sahin
Minister of Justice
FOR THE REPUBLIC OF TURKEY

**Treaty on Extradition between the Government of
the Democratic Socialist Republic of Sri Lanka and
the Government of the United Arab Emirates**

The State of the United Arab Emirates and the Democratic Socialist Republic of Sri Lanka hereinafter referred to as “**the Parties**”;

Taking into account bilateral friendly ties;

Desirous of consolidating judicial cooperation in the field of extradition ;

Have agreed as follows :

Article 1

Obligation to extradite

Each Party agrees to extradite to the other, upon request, and in accordance with the provisions of this Treaty and the national laws of each Party, any person who is wanted in the Requesting Party, for investigation, prosecution or execution of a sentence for an extraditable offence.

Article 2

Extraditable offences

1. Extradition shall be granted if the act or omission for which extradition is requested constitutes an offence under the laws of both Parties.
2. Extradition for conducting criminal proceedings, against the person shall be granted in respect of offences punishable under the laws of both Parties by imprisonment for a period of at least one year or by a more severe penalty.
3. Extradition for carrying out of a sentence shall be granted if a period of sentence that remains to be served by the person sought to be extradited is at least six months at the time of receiving the request for extradition.
4. In determining whether an act or omission constitutes an offence punishable under the laws of both Parties in accordance with paragraph 1 of this Article, it shall not matter whether the laws of both Parties place the act or omission constituting the offence within the same category of offences or denominate the offence by the same terminology.
5. 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 fulfill the other conditions set out in paragraphs 2 and 3 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 extraditable offence.

Article 3

Mandatory grounds for refusal

Extradition shall not be granted in any of the following circumstances:

- a) if the offence for which extradition is requested is considered by the Requested Party as an offence of a political nature. In the application of the provisions of this Treaty, the following offences shall not be considered as an offence of a political nature:
 - i) attempted assault, assault attempted murder and murder against the President of the State or Deputy President or Head of the Government or any member of their families, or any member of the Supreme Council of the State of the United Arab Emirates or any member of their families; or
 - ii) any offence relating to terrorism; or
 - iii) any offence within the scope of a multilateral international convention to which both Parties are members and which obligates the Parties to extradite;
- b) if the Requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that person's position may be prejudiced for any of those reasons;
- c) if the offence for which extradition is requested is an offence under military law but not an offence under ordinary criminal law of the Requested Party;
- d) if the person sought to be extradited has been granted the right of a political asylum in the territory of the Requested Party;
- e) if the person sought has been finally acquitted or convicted in the Requested Party for the same offence for which extradition is requested;
- f) if the judgment of the Requesting Party has been rendered in absentia, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he or she has not had or will not have the opportunity to have the case retried in his or her presence;
- g) if according to the laws of either Party the person sought to be extradited has become Immune from the criminal prosecution or carrying out of a sentence by reason of lapse of time or any other legal ground;
- h) if the person sought to be extradited has been pardoned or granted amnesty by the Requested Party in respect of the offence for which extradition is requested.

Article 4

Discretionary grounds for Refusal

Extradition may be refused in the following circumstances;

- a) if the offence in respect of which extradition is requested has been committed in whole or in part in the territory of the Requested Party.
- b) if the Requested Party has jurisdiction over the offence for which extradition is Requested In accordance with its national laws.
- c) if the Requested Party denies extradition according to paragraph (a) and (b) of this Article, it shall submit the case to its competent authority for conducting the appropriate proceedings. The Requesting Party shall send all related documents or evidence to the Requested Party. The Requesting Party shall be notified of any action taken in this respect, upon its request.

Article 5

Nationality

1. No Party shall extradite its citizens to the other Party, unless it is permitted by its national laws.
2. If the Requested Party denies extradition of its citizens, it shall submit the case to its competent authority for conducting the appropriate proceedings. The Requesting Party shall send all related documents or evidence to the Requested Party. The Requesting Party shall be notified of any action taken in this respect, upon its request.

Article 6

Capital punishment

When the offence for which extradition is sought is punishable with death under the laws of the Requesting Party and is not punishable with death under the laws of the Requested Party, the Requested Party may refuse extradition unless the Requesting Party provides an assurance that the death penalty, if imposed will not be carried out.

Article 7

Central Authorities

1. For the purpose of this Treaty, the Parties shall communicate with each other through their Central Authorities via diplomatic channels;
 - The Central Authority on the part of the Government of the Democratic Socialist Republic of Sri Lanka is the Ministry in charge of the subject of Defence.
 - The Central Authority on the part of the State of the United Arab Emirates is the Ministry of Justice.
2. The Parties shall notify each other in writing as soon as practicable of any change in connection with the Central Authority through diplomatic channels.

Article 8

Procedure for request of extradition and required documents

1. Request for extradition shall be made in writing and shall be accompanied by:
 - a) the name of the Requesting Competent Authority;
 - b) the name of the Requested Authority;
 - c) the surname, name and other names, if any, including any alias of the person sought to be extradited, age, sex, citizenship, occupation, the place of residence or location, and other information which would help to establish his identity;
 - d) title of the case including a statement of the facts of the offence committed and its consequences;
 - e) the text of the relevant provisions of the law specifying the case and the penalty prescribed for and any time limit in relation with the prosecution or carrying out of a sentence.
 - f) description of the appearance of the person sought to be extradited, his photograph, fingerprints and a copy of the passport if (sic) it is available.
2.
 - a) if the request for extradition aimed at conducting criminal proceeding against the person sought to be extradited, it shall also be accompanied by a certified copy of the warrant of arrest issued by the competent authority of the Requesting Party;
 - b) if request for extradition aimed at carrying out of a sentence, it shall also be accompanied by a certified copy of the judgment imposing the sentence with the note that the sentence has come into force and specification of the duration of sentence which has already been served.
3. A request for extradition and its supporting documents shall be signed by the authorized person and officially sealed by the competent authority of the Requesting Party.
4. All requests, supporting documents and subsequent communications shall be accompanied by a translation into the language of the Requested Party or into the English Language, and shall be officially signed and sealed by the competent authorities, unless otherwise the parties agree.

Article 9

Extradition decision

1. The Requested Party shall deal with the request for extradition in accordance with its laws and shall promptly inform the Requesting Party of its decision.
2. In case of granting extradition, the Requesting Party shall, upon request, notify the Requested Party of the results of criminal proceedings against the extradited person. In case of conviction, the Requesting Party shall provide the Requested Party with an authenticated final judgment.
3. In case of refusal of extradition the Requested Party shall notify the Requesting Party of the reasons for refusal as soon as practicable.

Article 10

Supplementary information

If the Requested Party considers that the information provided in a request for extradition is insufficient in order to make a decision in accordance with this Treaty, it may request for additional information that should be submitted within a period of thirty (30) days. In the presence of valid reasons the said period may be extended for fifteen (15) days upon request of the Requesting Party. If the Requesting Party fails to submit the additional information within the said period, it shall be considered by the Requested Party as a revocation of the request of extradition. However, the Requesting Party shall not be precluded from making a fresh request for extradition for the same offence.

Article 11

Arrest and detention

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.

Article 12

Provisional arrest

1. In case of urgency a person sought to be extradited may be provisionally arrested and detained on the application of the Competent Authority of the Requesting Party pending the presentation of a formal request for extradition together with the required documents specified in Article 8 of this Treaty. Such application can be sent by fax or through the National Central Bureau of International Criminal Police Organization (INTERPOL), or through other channels agreed by the competent authorities of the Parties.
2. The said application shall contain the information specified in paragraph 1 of Article 8 of this Treaty; a statement of existence of a warrant of arrest issued by the competent authority of the Requesting Party or a sentence that has come into force, and, in addition, an indication that a formal request for extradition of the person sought to be extradited shall be forwarded.
3. The Requested Party shall inform without delay the Requesting Party of the result of its handling of the request for provisional arrest.
4. A person provisionally arrested and detained, may be released if, within a period of forty (40) days after arrest, the competent authority of the Requested Party has not received the request for his extradition and documents required in Article 8 . Such time limit may be extended to fifteen (15) days if, prior to its expiration, a further application for extension (sic) has been received from the competent authority of the Requesting Party.
5. The expiration of the period stipulated in paragraph 4 of this Article, shall not prevent the subsequent re-arrest and extradition of the person if the formal request for his extradition and the supporting documents have been received later.

Article 13

Remittance of the detention period

If the request for extradition is granted, the detention period served in the Requested Party shall be remitted from any sentence imposed in the Requesting Party against the person sought to be extradited.

Article 14

Concurrent Requests

1. If extradition of the same person is Requested concurrently by one of the Parties and a third State or more, for the same offence or for different offences, the Requested Party shall determine to which State it will extradite the person, having regard to all the circumstances, especially the gravity and place of the commission of the offence(s), the respective dates of the requests, the nationality of the person sought and the possibility of subsequent extradition to another State.
2. The Requested Party shall promptly notify the Requesting Party of its determination.

Article 15

Rule of Specialty

The person extradited in accordance with the provisions of this Treaty shall not be proceeded against or subject to the execution of a sentence in the Requesting Party for any offence committed prior to his extradition other than that for which he was extradited nor shall be re-extradited to a third State, except in (sic) the following cases:

- a) if the Requested Party consents, with a view to such consent, the Requested Party may request the submission of the documents and information specified in Article 8 of this Treaty and a statement that the extradited person is concerned with such offence;
- b) if the person who has been extradited has not left the territory of the Requesting Party within thirty (30) days of his final discharge. Such period shall not include the period of time during which that person fails to leave the territory of the Requesting Party for reasons beyond his control.
- c) if that person has voluntarily returned to the territory of the Requesting Party after leaving it.

Article 16

Surrender of property

1. The Requested Party may, at the request of the Requesting Party and to the extent permitted by its national laws, seize, proceeds of crime, instrumentalities of crime and other property found in the territory of the Requested Party that may be used as evidence, and if the extradition has been granted, may hand over such property to the Requesting Party.
2. The property mentioned in paragraph 1 of this Article may be handed over even if the extradition of the person sought to be extradited cannot be carried out due to the death, disappearance or escape of such person.

3. The Requested Party may, for the purpose of conducting any other pending criminal proceedings, postpone handing over the property mentioned above until the completion of proceedings or temporarily hand it over on condition that it is returned by the Requesting Party.
4. The provisions of this Article shall not prejudice the rights of the Requested Party or bona fide third parties to that property.
5. The Requesting Party shall promptly return the property referred to in this Article to the Requested Party after completion of proceedings, unless the latter waives its right to such property.

Article 17

Surrender of the Person to be extradited

1. If the extradition has been granted, the Parties shall agree as to date, place and time of surrender of the person to be extradited and other matters relevant to the execution of the request for extradition. The Requested Party shall inform the Requesting Party of the period of time for which the person to be extradited has been detained prior to his surrender.
2. If the Requesting Party has not taken over the person to be extradited within thirty (30) days after the date specified for the surrender, the Requested Party shall release that person immediately and may refuse any further request by the Requesting Party for extradition of that person for the same offence unless otherwise provided for in paragraph 3 of this Article.
3. If either of the Parties fails to surrender or take over the person to be extradited within the agreed period for circumstances beyond its control, the other Party shall be promptly notified thereof. In such a case the Parties shall once again agree on the matters relevant to the execution of the request for extradition and the provisions of paragraph (1) and (2) of this Article shall apply thereupon.

Article 18

Postponed or conditional surrender

1. If the person sought to be extradited is being proceeded against or serving a sentence in the Requested Party for an offence other than that for which extradition is requested, that Party may postpone his extradition until the conclusion of the proceedings or the service of the sentence or indemnity of the person. The Requested Party shall inform the Requesting Party of the postponement of the extradition.
2. If the postponement of the extradition stipulated in paragraph 1 of this Article may cause a lapse of time for criminal prosecution or impede the criminal proceedings in relation to the offence for which extradition is requested, the Requested Party may, subject to the agreed conditions, temporarily transfer the person sought to be extradited to the Requesting Party. Such temporarily extradited person shall be returned to the custody of the Requested Party upon conclusion of the proceedings.

Article 19

Transit

1. When either of the Parties is to extradite a person from a Third State through the territory of the other Party, the former Party should request permission for such transit from the latter.
2. The Requested Party shall, to the extent permitted by its laws, and without prejudice to Article 5 of this Treaty, approve the request for transit made by the Requesting Party.
3. Permission is not required if air transport is used and no landing is scheduled in transit.
4. In the event of an unscheduled landing, the Party authorized to permit transit may, at the request of the escorting officer, hold the person in custody for forty eight (48) hours, pending receipt of the transit request to be made in accordance with paragraphs 1 and 2 of this Article.

Article 20

Expenses

1. The requesting Party shall bear all expenses necessary for the execution of the extradition request and also pay all expenses related to the return of the extradited person to the Requested Party, in case of extraordinary expenses, the Parties shall consult with each other to settle the same.
2. Notwithstanding paragraph 1 of this Article, the Requested Party shall bear the expenses incurred in its territory for the arrest and detention of the person whose extradition is sought until that person is surrendered to the Requesting Party.
3. The Requesting Party shall bear all expenses related to the delivery of the seized property and the return thereof to the Requested Party.

Article 21

International Conventions and treaties

The provisions of this Treaty shall not affect the rights and obligations of the Parties arising from other international conventions and treaties to which they are parties.

Article 22

Settlement of disputes

Any dispute arising from implementation or interpretation of this Treaty shall be settled by consultations between the Parties through the diplomatic channels.

Article 23

Ratification, Entry into Force, Amendment and Termination

1. This Treaty shall be ratified in accordance with the constitutional procedures of the Parties and the instruments of ratification shall be exchanged through diplomatic channels.
2. This Treaty shall enter into force thirty (30) days after the date of exchange of the instruments of ratification.
3. This Treaty may be amended through the mutual written consent of the Parties in accordance with the same requirements of the ratification of this Treaty.
4. Either Party may terminate this Treaty at any time upon a written notice to the other Party. Termination shall take effect six (6) months following the notification. However, any request received up to the date of receipt of the notice to terminate shall continue to be governed by this Treaty until the request is executed.

IN WITNESS WHEREOF the authorized representatives of the Parties hereby sign this Treaty. This Treaty has been done in two original copies in the Sinhala, Arabic and English languages, both texts being equally authentic. In the case of any divergence of interpretation of this Treaty, the English text shall prevail.

Done at Abu Dhabi on this 27th day of January in the year 2014.

**For the Government of the
Democratic Socialist Republic of
Sri Lanka**

Prof. G.L. Peiris

Minister of External Affairs

**For the Government of the
United Arab Emirates**

Sheikh Abdulla bin Zayed
Al Nahyan

Minister of Foreign Affairs

Treaty on Extradition between the Democratic Socialist Republic of Sri Lanka and the Socialist Republic of Vietnam

The Socialist Republic of the Democratic Socialist Republic of Sri Lanka and Vietnam (sic) (hereinafter referred individually to as the Party and collectively as the Parties),

Desiring to provide for more effective cooperation between the two countries in the prevention and suppression of crime, and to facilitate relations between the two countries in the area of extradition by concluding a treaty on extradition,

Have agreed as follows:

ARTICLE 1

Obligation to Extradite

Each Party agrees to extradite to the other Party, in accordance with the provisions of this Treaty and the laws of countries concerned, any person who is found in its territory and sought by the other Party for prosecution, trial, or execution of sentence for an extraditable offence, whether such offence was committed before or after the entry into force of this Treaty.

ARTICLE 2

Extraditable Offences

1. For the purposes of this Treaty, extraditable offences are offences which, at the time of the request, are punishable under the laws of both Parties by an imprisonment for a period of at least one (01) year or by a more severe penalty.
2. An offence shall also be an extraditable offence if it involves an attempt to conspire, aiding or abetting the commission of or being an abettor to, an offence described in paragraph 1 of this Article.
3. Where the request for extradition relates to a person sentenced to imprisonment by a court of the Requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six (06) months of the sentence remains to be served.
4. For the purposes of this Article, in determining whether an offence is an offence against the laws of both Parties:
 - a) it shall not matter whether the laws of the Parties place the conduct constituting the offence within the same category of offence or denominate the offence by the same terminology;
 - b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account under the laws of the Parties.

5. Where extradition of a person is sought for an offence against a law relating to taxation, foreign exchange control or other revenue matters, extradition shall not be refused on the grounds that the law of the Requested Party does not impose the same kind of tax or does not contain a tax or exchange regulation of the same kind as the law of the Requesting Party.
6. Where the offence has been committed outside the territory of the Requesting Party, extradition shall be granted where the law of the Requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the Requested Party does not so provide, the Requested Party may, in its discretion, grant extradition.
7. If the request for extradition refers to several 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 paragraphs 1 and 2 of this Article, extradition may be granted for the offences, provided that the person is to be extradited for at least one extraditable offence.

ARTICLE 3

Refusal of Extradition

1. Extradition shall not be granted in any of the following circumstances:
 - a) the person whose extradition is requested is a citizen of the Requested Party;
 - b) the person whose extradition is requested cannot be prosecuted due to the lapse of time under the statute of limitations of the Requested Party;
 - c) the person whose extradition is requested for prosecution has been convicted under a final judgment by a competent court for the conduct to which the request relates or the case has been set aside according to the criminal procedural law of the Requested Party;
 - d) where the request for extradition relates to more than one offense and each of which is punishable under the law of the Requesting Party but does not fall under Article 2 of this Treaty;
 - e) an offence for the request of extradition is in the field of military;
 - f) in the opinion of the Requested Party, there are reasonable grounds to believe that the request for extradition has been presented with a view to prosecuting or punishing the person sought by reason of race, religion, sex, citizenship, social status, or political opinions.
2. Extradition can be refused in any of the following circumstances:
 - a) the Requested Party in accordance with its law has jurisdiction over the offence for which the request for extradition is made. In this case, the competent authority of the Requested Party shall institute proceeding against the person sought;
 - b) the person whose extradition is requested is being prosecuted in the Requested Party for the offence for which extradition is requested.
3. In the case of refusal of extradition, the Requested Party is required to inform the Requesting Party of this in writing within a reasonable time with reasons for such refusal.

ARTICLE 4

Postponement of Extradition and Temporary Extradition

1. When the person sought is being investigated, prosecuted or has been tried or is serving a sentence in the Requested Party for an offence other than that for which extradition is requested, the Requested Party may postpone the extradition of the person sought until the conclusion of the proceeding or the service of the whole or any part of the sentence imposed. The Requested Party shall inform the Requesting Party of any postponement. When the conditions of the postponement no longer exist, the Requested Party shall inform as soon as practicable the Requesting Party and resume the process for extradition unless otherwise informed by the Requesting Party.
2. When the postponement of extradition referred to in the paragraph 1 would bar the criminal proceedings due to the lapse of time or create a serious difficulty for the proceedings, the Requested Party may, at the request of the Requesting Party and pursuant to its laws, grant temporary extradition of the person whose extradition is sought.
3. The person whose temporary extradition is granted shall be returned as soon as the criminal proceedings are completed or the mutually agreed time permitted for the request for temporary extradition ends. The Requested Party may extend, upon request, the time period initially agreed, if it deems that reasonable grounds for such extension exist.

ARTICLE 5

Extradition of Citizens

1. Neither of the Parties shall be bound to extradite its own citizens under this Treaty.
2. If extradition is refused solely on the basis of the citizenship of the person sought, the Requested Party shall, at the request of the Requesting Party, submit the case to its authorities for prosecution in accordance with the national laws of both Parties.
3. Citizenship shall be determined at the time of the commission of the offence for which extradition is requested.

ARTICLE 6

Extradition Procedures

1. The request for extradition under this Treaty shall be made in writing and exchanged through the Central Authorities defined in Article 17 of this Treaty. The request for extradition shall include the following particulars:
 - a) date and place of the request;
 - b) reasons for requesting extradition;
 - c) name and address of the competent authority requesting extradition;
 - d) name and address of the competent authority to which the request for extradition is made; and

- e) necessary information about the person whose extradition is requested, particularly his or her name, sex, date of birth, citizenship and residence.
2. The request shall be accompanied by the following documents:
 - a) a statement of facts of the case;
 - b) a statement of the laws describing the essential elements and the designation of the offence, the punishment for the offence, and the time limit for prosecution or enforcement of the sentence imposed;
 - c) documents certifying the citizenship and residence of the person whose extradition is requested (if any); and
 - d) documents which describe the identity and the photo of the person (if available) whose extradition is requested.
 3. If the request relates to an accused person, it must also be accompanied by:
 - a) a copy of the warrant of arrest or detention issued by a competent authority in the Requesting Party; and
 - b) a document certifying that the person sought is the person to whom the warrant of arrest or detention refers.
 4. If the request relates to a person already convicted and sentenced, it shall also be accompanied by:
 - a) a copy of the judgment of conviction imposed by a court in the Requesting Party; and
 - b) a statement that the judgment is final and no further proceedings are pending and showing how much of the sentence has not been carried out.
 5. The extradition request and supported documents shall, be signed and sealed by the competent official and authority of the Requesting Party. The original documents or true copies of such documents are exempted from authentication.
 6. In relation to a convicted person who was not present at his/her trial, the person shall be treated for the purposes of paragraph 4 of this Article as if he/she had been accused of the offence of which he/she was convicted.
 7. If the Requested Party 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 Party shall require.
 8. The request for extradition and its supported documents must be accompanied by a certified translation into the official language of the Requested Party or the language of English.

ARTICLE 7

Supplementary Information

1. If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that Party may request that supplementary information be furnished within such time as it may specify.
2. If the person whose extradition is sought is under arrest and the supplementary 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. Such release shall not preclude the Requesting Party from making a new request for the extradition of the person.
3. When the person is released from custody in accordance with paragraph 2, the Requested Party shall notify the Requesting Party as soon as practicable.

ARTICLE 8

Provisional Arrest

1. In case of urgency, a Party may apply by means of the facilities of the International Criminal Police Organisation (INTERPOL), diplomatic channels and directly between the Central Authorities for the provisional arrest of the person sought, pending the presentation of the request for extradition through the Central Authorities. The application shall be made in writing and transmitted by any means including electronic means.
2. The application shall contain:
 - a) statement about the reasons for urgency prompting the making of the application;
 - b) a description of the person sought, including, if possible, a photo or fingerprints;
 - c) the location of the person sought, if known;
 - d) a statement of the offences allegedly committed by the person, or of which he or she has been convicted;
 - e) a concise statement of the conduct alleged to constitute each offence;
 - f) a statement of the existence of a warrant of arrest, or finding of guilt or judgment of conviction, against the person sought;
 - g) a statement of the sentence that can be, or has been, imposed for the offences; and
 - h) a statement that a request for the extradition of the person is to follow.
3. On receipt of such an application the Requested Party shall take the necessary steps to secure the arrest of the person sought and the Requesting Party shall be notified as soon as practicable of the result of its application.
4. A person arrested upon such an application may be set at liberty upon the expiration of sixty (60) days from the date of that person's arrest if a request for extradition, supported by the documents specified in Article 6 of this Treaty, has not been received.
5. The release of a person pursuant to paragraph 4 of this Article shall not prevent the institution of proceedings to extradite the person sought, if the extradition request is subsequently received.

ARTICLE 9

Concurrent Requests

1. Where requests are received from two or more States for the extradition of the same person either for the same offence or for different offences, the Requested Party shall determine to which of those States the person is to be extradited and shall notify those States of its decision.
2. In determining to which State a person is to be extradited, the Requested Party shall consider all relevant factors, including but not limited to:
 - a) the citizenship and the ordinary place of residence of the person sought;
 - b) whether the requests were made pursuant to treaty;
 - c) the time and place where each offence was committed;
 - d) the respective interests of the requesting States;
 - e) the gravity of the offences;
 - f) the citizenship of the victim;
 - g) the possibility of further extradition between the requesting States; and
 - h) the respective dates of the requests.

ARTICLE 10

Surrender

1. The Requested Party shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Central Authority of the Requesting Party through diplomatic channels. Reasons shall be given for refusal of a request for extradition.
2. The Requested Party shall surrender the person sought to the competent authorities of the Requesting Party at a location in the territory of the Requested Party acceptable to both Parties.
3. The Requesting Party shall remove the person from the territory of the Requested Party within such reasonable period as the Requested Party specifies and, if the person is not removed within that period, the Requested Party may set that person at liberty and shall inform the Requesting Party and may refuse extradition of the same person for the same offence.
4. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party, and in this case the provisions of paragraph 3 of this Article shall not apply. The Parties shall mutually decide upon a new date of surrender or removal, which shall not be later than sixty (60) days from the date of the decision.

ARTICLE 11

Surrender or Temporary Transfer of Property Relating to an Extradited Person

1. To the extent permitted under the law of the Requested Party and subject to the rights of third States which shall be duly respected, all property found in the Requested Party that has been acquired as a result of the offence or may be required as evidence shall be surrendered if extradition is granted and the Requesting Party so requests.
2. Subject to paragraph 1 of this Article, the abovementioned property shall, if the Requesting Party so requests, be surrendered to the Requesting Party even if the extradition cannot be carried out, including but not limited to circumstances where the extradition cannot be carried out because of the death, disappearance or escape of the person sought.
3. Where the law of the Requested Party or the rights of third States so require, any articles so surrendered shall be returned to the Requested Party free of charge if that Party so requests.
4. If the abovementioned property is required for an investigation or prosecution of an offence in the Requested Party, then the delivery of that property may be delayed until the completion of the investigation or prosecution, or it may be delivered on condition that it shall be returned after the conclusion of the proceedings in the Requesting Party.

ARTICLE 12

Re-extradition

Where the person extradited has absconded the criminal proceeding against him/her in the requesting State and returned to the territory of the Requested Party, the Requesting Party may submit a request for re-extradition of that person for the same offence.

ARTICLE 13

Rule of Speciality

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting Party except for:
 - a) the offence for which extradition has been granted or a differently denominated offence based on the same facts, on which such extradition was granted, provided such offence is extraditable or is a lesser included offence;
 - b) an offence in respect of which he/she was extradited, or another offence in respect of which he/she could be convicted based on the proven facts used to support the request for his/her extradition; or
 - c) an offence for which the competent authority according to the domestic law of the Requested Party consents to the person's detention, trial, or punishment for an offence.

For the purposes of this subparagraph:

- i) the Requested Party may require to submit the documents called for in Article 6 of this Treaty;
 - ii) a copy of the statement, if any, made by the person in respect of whom the extradition is requested shall be submitted to the Requested Party; and
 - iii) the person extradited may be detained by the Requesting Party for such period of time as the Requested Party may authorize, while the request is being processed.
2. A person extradited under this Treaty may not be extradited to a third State for an offence committed prior to his/her extradition unless the Requested Party consents.
 3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or sentence of an extradited person or the extradition of that person to a third State, if:
 - a) that person leaves the territory of the Requesting Party after extradition and voluntarily returns to it; or
 - b) that person does not leave the territory of the Requesting Party within sixty (60) days of the day on which that person is free to leave.

ARTICLE 14

Notification of the Results

The Requesting Party shall notify the Requested Party in advance of the information relating to the proceedings against or the execution of sentence upon the person extradited or the re-extradition of that person to a third State.

ARTICLE 15

Transit

1. To the extent permitted by its laws, transferring of a person surrendered to one Party by a third State through the territory of the other Party shall be authorized on the request in writing made through the Central Authorities.
2. Authorization for transit shall not be required when air transport is to be used and no landing is scheduled in the territory of the Party of transit. If an unscheduled landing occurs in the territory of that Party, it may require the other Party to furnish a request for transit as provided in paragraph 1 of this Article. That Party shall detain the person to be transferred until the request for transit is received and the transit is effected, so long as the request is received within four (04) days (96 hours) of the unscheduled landing.

ARTICLE 16

Costs

1. The Requested Party shall meet the costs of any proceedings in its jurisdiction arising out of a request for extradition.
2. The Requested Party shall bear the costs incurred in its territory in connection with the arrest and detention of the person whose extradition is sought, or the seizure and surrender of property.
3. The Requesting Party shall bear the costs incurred in conveying the person whose extradition is granted from the territory of the Requested Party and the costs of transit.

ARTICLE 17

Central Authorities

1. For the purpose of this Treaty, the Parties shall communicate directly through their Central Authorities except provided otherwise in this Treaty.

The Central Authority for the Socialist Republic of Vietnam (sic) shall be the Ministry of Public Security.

The Central Authority for the Democratic Socialist Republic of Sri Lanka shall be the Ministry in charge of the subject of Defence.

2. In case either Party changes its Central Authority, it shall, as soon as practicable, notify the other Party of the same through diplomatic channels.

ARTICLE 18

Settlement of Disputes

1. The Central Authorities shall endeavour to mutually resolve any dispute arising out of the interpretation, application or implementation of this Treaty.
2. If the Central Authorities are unable to resolve the dispute mutually, it shall be resolved through diplomatic channels.

ARTICLE 19

Consultation

1. The Parties shall consult, at the request of either Party, concerning the interpretation and the application of this Treaty.
2. The Ministry of Public Security of the Socialist Republic of Viet Nam and the Ministry in charge of the subject of Defence of the Democratic Socialist Republic of Sri Lanka may consult with each other directly in connection with the processing of individual requests and in furtherance of maintaining and improving procedures for the implementation of this Treaty.

ARTICLE 20

Obligations under other International Agreements

The present Treaty shall not affect the rights and obligations of the Parties arising from other international Agreements to which they are parties.

ARTICLE 21

Amendments

Any amendment or modification to this Treaty agreed to by the Parties shall come into force in the same manner as the Treaty itself.

ARTICLE 22

Entry into Force and Termination

1. This Treaty shall be subject to ratification under the laws of each Party. Each Party shall notify the other as soon as practicable, in writing, through diplomatic channels, upon the completion of its legal procedures required for the entry into force of this Treaty. The Treaty shall come into force on the first day of the second month of the date of the last notification.
2. The Treaty shall remain in force for an indefinite period. It may, however, be terminated by either of the Parties giving a written notice of termination to other Party. The termination shall come into effect six (06) months after the date on which such notice is received by the other Party.
3. Notwithstanding any termination, this Treaty shall continue to apply to the extradition requests made before the date on which such termination takes effect.

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

Done in duplicate at Colombo on the 7th day of the month of April in the year 2014, in the Sinhala, Vietnamese and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**FOR THE SOCIALIST
REPUBLIC OF VIET NAM**