

EXTRADITION TREATIES

Extradition agreement between the Democratic Socialist Republic of Sri Lanka and the Republic of Maldives

The Democratic Socialist Republic of Sri Lanka and the Republic of Maldives desiring to regulate by agreement the mutual extradition of fugitive persons between the two countries, have agreed as follows:

Article I

The Parties to this Agreement undertake to extradite to each other, upon a request made in accordance with the provisions of this Agreement and the laws in force in their respective territories, those persons, who, being accused or convicted of an offence committed within the territory of the requesting Party or on board vessels or aircraft registered in the territory of that Party, shall be found within the territory of the Party to whom the request is made.

Article II

Each Party reserves the right to refuse or grant extradition of its own nationals to the other Party.

Article III

- (1) Extradition shall be granted on a reciprocal basis in accordance with this Agreement in respect of the following offences :
1. Murder
 2. Culpable homicide not amounting to murder.
 3. Causing death by doing a rash or negligent act.
 4. Causing miscarriage
 5. Voluntarily causing grievous hurt
 6. Voluntarily causing hurt
 7. Rape
 8. Carnal intercourse with a female between twelve and fourteen years
 9. Unnatural offences
 10. Procuring a girl or woman to become a common prostitute
 11. Bigamy
 12. Kidnapping, abduction, wrongful confinement

13. Exposure and abandonment of a child under twelve years
 14. Bribery
 15. Giving or fabricating false evidence
 16. Mischief by fire
 17. An offence concerning counterfeit currency
 18. Forgery
 19. Theft, criminal breach of trust, dishonest misappropriation of property, falsification of accounts, cheating, dishonestly receiving stolen property or any other offences in respect of property involving fraud
 20. House breaking or house trespass
 21. Robbery
 22. Extortion
 23. An offence against bankruptcy law or company law
 24. Mischief
 25. Acts done with the intention of endangering vehicles, vessels, or aircraft
 26. An offence against the law relating to dangerous drugs or narcotics
 27. Piracy
 28. Revolt against the authority of the master of a ship or the commander of an aircraft
 29. Jeopardising the safety of aircraft in flight or of the persons or property on board such aircraft
 30. Contravention of import or export prohibition relating to precious stones, gold and other precious metals.
 31. An offence against the law relating to Exchange Control.
- (2) Extradition shall also be granted on a reciprocal basis in respect of attempting or conspiring to commit, assisting, counselling or procuring the commission of or being accessory before or after the act of any of the offences listed herein, and of impeding the apprehension or prosecution of persons guilty of those offences.

Article IV

In no case shall either Party be bound to return any person accused of an offence except upon a request duly made by or under the authority of the Party in whose territory the offence is alleged to have been committed and also upon such evidence of criminality as according to the laws of the Party in whose territory the person shall be found, would justify the apprehension and sustain the charge if the offence had been committed there.

Article V

Extradition shall not be granted if the offence in respect of which it is requested is regarded by the Party to whom the request is made as being an offence of a political character.

For the purpose of this Article, an offence against the life or person of the Head of any State by whatsoever name or designation called, and any offence related thereto, as described in paragraph (2) of Article III, shall not be considered an offence of a political character,

Article VI

Extradition of a person shall not be granted where the request for his return, though purporting to be made on account of an offence listed in Article III, appears to the Party to whom it is made to be made for the purpose of prosecuting or punishing such person on account of his race, religion, nationality, or political opinions, or that such person might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty for those reasons.

Article VII

Extradition shall not be granted if it should appear that the person whose return is requested, if charged in the territory of either Party with the offence in respect of which return is requested, would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

Article VIII

Extradition shall not be granted in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence in the territory of the Party to whom the request for extradition has been made -

- (a) if that person is serving such a sentence, until the sentence has been served;
- (b) if that person is charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment, until the sentence has been served.

Article IX

- 1. A person extradited shall not be -
 - (a) detained, tried or punished in the requesting State for any offence that is alleged to have been committed, or was committed, before his extradition other than -
 - (i) an offence for which he was extradited; or
 - (ii) an offence for which he could be extradited under this Treaty and in respect of which the requested State consents to his extradition; or
 - (iii) any lesser offence proved by the facts established for the purpose of securing his return.

2. Paragraph 1 of this Article shall not apply to a person -
 - (i) who left the requesting State after his extradition and voluntarily returns to it; or
 - (ii) if he has not left the requesting State within sixty days after having been given an opportunity to do so.
3. A request for the consent of the requested State under this Article shall be accompanied by such information and documents as are required by that State.

Article X

If extradition is requested by a Party as well as by one or more other States, either for the same offence or different offences, the Party to whom the request for extradition is made shall decide which request shall have preference, having regard to all the circumstances of the case, and in particular the relative seriousness of the offence in question; the date on which each such request was made and the nationality, citizenship and ordinary residence of the person whose return is requested.

Article XI

Extradition shall not be granted if it appears to a court of competent jurisdiction in the territory of the Party to whom the request for return of a fugitive person is made that -

- (i) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- (ii) by reason of the passage of time since he is alleged to have committed it, or to have become unlawfully at large, as the case may be; or
- (iii) because the accusation against him is not made in good faith in the interests of justice; it would, having regard to all the circumstances, be unjust or oppressive to return him.

Article XII

A Party shall have the right to grant or refuse extradition where the offence for which extradition is requested is punishable by death under the law of the Party requesting extradition, but is not so punishable under the law of the Party to whom the request was made.

Article XIII

If a person whose extradition has been requested is in custody awaiting his return after the expiration of two months from the first day on which he could have been returned under the law of the Party from whom return is requested, or such further time as may be prescribed by such law, he may apply to a court of competent Jurisdiction in the territory of that Party for his discharge.

Article XIV

Where a person has been returned under the agreement, and either -

- (a) Proceedings against him for the offence for which he was returned are not begun within a period of 6 months commencing from the date of his arrival in the territory of the Party which requested his return; or
- (b) On his trial for that offence, he is acquitted or discharged by any court in the territory of that Party; the Party which requested his return may, in its discretion, return such person to the territory of the Party from which he was extradited,

Article XV

All Articles found in the possession of the person to be extradited at the time of his apprehension, and all Articles that may serve as proof of the offence in respect of which he is extradited, shall be delivered up with such person when the return takes place in so far as this may be permitted by the law of the Party granting the extradition.

Article XVI

All expenses connected with extradition under this Agreement shall be borne by the Party making the request for extradition.

Article XVII

- (1) This Agreement shall enter into force upon the exchange of instruments of ratification.
- (2) This Agreement may be terminated by either Party on giving to the other six months' notice of its intention to do so.

IN WITNESS WHEREOF the Parties hereto, acting through their representatives there unto duly authorised, have caused this Agreement to be signed and have affixed thereto their seals.

DONE at Male this Second day of September 1981 in the Sinhala and English languages, both texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

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

**For the Republic of
Maldives**

**Pakistan - Maldives Treaty on
Extradition Male; 12 July 1984**

The Government of the Islamic Republic of Pakistan and the Republic of Maldives:

Considering that the regulation of extradition would contribute to the further development of good and friendly relations between the two States.

Have decided to conclude a Treaty and have agreed as follows;-

ARTICLE I

The Contracting parties agree to extradite to each other, in the circumstances and subject to the conditions specified in this Treaty, any person within the territory of the requested Party, being accused or convicted of an offence which falls under the jurisdiction of the requesting Party and to which Article III of this Treaty applies.

Provided that the offence for which extradition requested is regarded by both the requesting and the requested Parties as an extraditable offence.

ARTICLE II

Each Party reserves the right to refuse or grant extradition of its own nationals to the other Party,

ARTICLE III

1. Extradition shall be granted, in respect of offences punishable under the laws of both Contracting parties by imprisonment for at least one year or by a more severe penalty.
2. Where a conviction has already taken place, extradition shall be granted if an offence falling under paragraph 1 a sentence of imprisonment of at least six months or a more severe penalty has been awarded.
3. If the request for extradition includes several separate offences each of which is punishable under the laws of both the Contracting Parties, but some of which are not covered by paragraph 1, extradition shall also be granted for the latter offences simultaneously.

ARTICLE IV

1. The request for extradition shall be communicated through diplomatic channels.
2. The request shall be supported by-
 - (a) The original or an authenticated copy of the order of conviction and sentence 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 statement of the offence(s) for which extradition is requested, the time and place of their commission, their legal description and a reference to the relevant legal provisions;
 - (c) a copy of the relevant legal provisions applied to the offence(s);
 - (d) as accurate a description as possible of the person claimed, together with any other information such as his photograph, finger-print, etc., which will help to establish his identity and nationality;
 - (e) copies of testimonies or statements made during trial or investigation certified by the judge or the prosecutor where a conviction has not taken place.
3. If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision, the requested Party may request the necessary supplementary information, which shall be supplied by the requesting Party within one month. This time limit may, by mutual consent, be extended by another month for valid reasons.

ARTICLE V

The Contracting Parties shall draw up documents relating to extradition according to their laws and regulations. The said documents shall be accompanied by translations made in the Language of the requested party or in English.

ARTICLE VI

Extradition shall not be granted if the offence in respect of which it is requested is regarded by the Party to whom the request is made as being an offence of a political character.

For the purpose of this Article, an offence against the life or person of the Head of any State by whatsoever name or designation called, or any person, and any offence related thereto shall not be considered an offence of a political character.

ARTICLE VII

Extradition shall not be granted if the person claimed has been previously convicted or acquitted in the territory of any State in respect of the offence for which extradition is requested.

ARTICLE VIII

1. Extradition shall not be granted in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence other than that for which extradition is requested in the territory of the party to whom the request for extradition has been made:-
- (a) if that person is serving such a sentence, until the sentence has been served;
 - (b) if that person is charged with an offence, until the charge is disposed off or withdrawn and, if it results in a sentence of imprisonment until the sentence has been served, pardoned or reprieved.

2. If the postponement of surrender may hinder gravely the proceedings or if special circumstances make it necessary, the requested Party may temporarily surrender the persons claimed in order that the prosecution may be completed and an eventual sentence may be awarded.
3. The person thus surrendered shall be kept under arrest in the territory of the requesting Party and shall be sent back to the requested party at the latest within three months of surrender.

ARTICLE IX

1. A person extradited shall not be detained, tried or punished in the requesting State for any offence that is alleged to have been committed, or was committed, before his extradition other than an offence for which he was extradited.
2. The immunity provided in paragraph 1 of this Article shall not apply:
 - (i) where the requested party expressly consents at the time of extradition or afterwards;
 - (ii) where the person concerned left the requesting state after his extradition and voluntarily returns to it; or
 - (iii) if the person concerned has not left the requesting state within sixty days after having been given an opportunity to do so.
3. A request for the consent of the requested state under this Article shall be accompanied by such information and documents as are required by the state.

ARTICLE X

If extradition is requested by a Party as well as by one or more other States, either for the same offence or different offences, the Party to whom the request for extradition is made shall decide which request shall have preference, having regard to all the circumstances of the case, and in particular the relative seriousness of the offence in question; the date on which each such request was made and the nationality, citizenship and ordinary residence of the person whose return is requested.

ARTICLE XI

If a person whose extradition has been requested is in custody awaiting his return after the expiration of two months from the first day on which he could have been returned under the law of the Party from whom return is requested, or such further time as may be prescribed by such law, he may apply to a court of competent jurisdiction in the territory of that Party for his discharge.

ARTICLE XII

Where a person has been returned under the agreement, and either-

- (a) Proceedings against him for the offence for which he was returned are not begun within a period of 6 months commencing from the date of his arrival in the territory of the Party which requested his return; or

- (b) on his trial for that offence, he is acquitted or discharged by any court in the territory of that Party;

the Party which requested his return may, in discretion return such person to the territory of the Party from which he was extradited.

ARTICLE XIII

1. The requested Party shall, at the request of the requesting Party, seize and hand over, in so far as its law permits, the articles and valuables-
 - (a) which have been employed in committing the offence or which may constitute evidence;
 - (b) which have been acquired as a result of the offence and which, at the time of the arrest, are found in the possession of the person claimed or are discovered subsequently
 - (c) which have obtained in exchange of the property acquired as a result of the offence.

The articles and valuables in question shall be handed over with the person surrendered or, if this is not possible, afterwards.

2. The articles and valuables mentioned in paragraph 1 of this Article shall be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the person claimed.
3. If handing over of articles and valuables entails these expenses shall be borne by the requesting Party.
4. The requested Party postpones handing over of the Articles and valuables mentioned in paragraph 1 of this Article, by reason of pending criminal proceedings or may hand them over on condition that they are returned.
5. Any rights which the requested party of third parties in the territory of the requested party may have acquired in the said articles or valuables shall be preserved. Where such rights exist, the articles and valuables shall be returned without charge to the requested party as soon as possible after the trial.

ARTICLE XIV

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 II and that the Contracting Part requested to permit transit does not consider the offence to be one covered by Article III.
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 V.
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 V 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 VIII. 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 VIII.
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 XV

1. Expenses incurred till the moment of surrender of the persons extradited shall be borne by the requested Party and the expenses incurred after this moment shall be borne by the requesting Party.
2. Expenses incurred by reason of transit shall be borne by the Party requesting the transit.

ARTICLE XVI

1. The requesting Party shall inform the requested Party of the result of the criminal proceedings taken against the person extradited.
2. In case of conviction, a certified copy of the final decision shall be communicated to the other Party.

ARTICLE XVII

1. This Agreement shall enter into force upon the exchange of instruments of ratification.
2. This Agreement may be terminated by either Party on giving to the other six months' notice of its intention to do so.

IN WITNESS WHEREOF, the the Parties hereto, acting through their representatives there unto duly authorized, have caused this Agreement to be signed and have affixed thereto their seals.

Done at Male, this twelfth day of July One Thousand Nine Hundred and Eighty-four.

Sd/-
**For the Government of the
Islamic Republic of Pakistan**

Sd/-
**For the Government of the
Republic of Maldives**

ANNEX

EXTRADITABLE OFFENCES UNDER ARTICLE I OF THE AGREEMENT.

1. Culpable homicide.
2. Maliciously or willfully wounding or inflicting grievous bodily harm.
3. Rape
4. Procuring or trafficking in women or young persons for immoral purposes.
5. Kidnapping, abduction or false imprisonment or dealing in slaves
6. Stealing, abandoning, exposing or unlawfully detaining a child.
7. Bribery.
8. Perjury or subornation of perjury of conspiring to defeat the justice.
9. Arson.
10. An offence concerning counterfeit currency.
11. An offence against the law relating to forgery.
12. Stealing, embezzlement, fraudulent conversion, fraudulent accounting, obtaining property or credit by false pretences, stolen property or any other offence in respect of property involving fraud.
13. Burglary, house-breaking or any similar offence.
14. Robbery.
15. Blackmail or extortion by means of threats or by abuse of authority.
16. An offence against bankruptcy law or company law.
17. Malicious or willful/damage to property.
18. Acts done with the intention of endangering vehicles, vessels or aircraft.
19. An offence against the law relating to dangerous drugs or narcotics
20. Piracy.
21. Revolt against the authority of the master of a ship or the commander of an aircraft.
22. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.
23. Aiding and abetting, or counseling or procuring the commission of, or being an accessory before or after the fact or attempting or conspiring to commit, any of the aforesaid offence.

