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Extradition Treaty

between the United Kingdom of Great Britain and Northern Ireland and the
United Arab Emirates on Extradition

London, 6 December 2006

[Instruments of Ratification were exchanged on 3rd March 2008
and the Treaty entered into force on 2nd April 2008]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 2008*

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EXTRADITION TREATY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED ARAB EMIRATES

The Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United Arab Emirates hereinafter referred to as “the Parties”:

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

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in international instruments on human rights;

Mindful of the guarantees under their respective legal systems which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law;

Deeply concerned at the magnitude of and rising trend in acts of international terrorism and organised crime; and

Desirous of strengthening and reinforcing co-operation between the two countries in combating crime;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Obligation to extradite

The Parties agree to extradite to each other, any person sought by the authorities in the Requesting Party for trial or punishment for extraditable offences, in accordance with the provisions of this Treaty.

ARTICLE 2

Extraditable offences

Extradition may be granted under this Treaty in the following cases:

- (a) If the conduct on which the offence is based is punishable under the laws of both Parties by deprivation of liberty for a period of at least one year or by a more severe penalty.

- (b) If the conduct on which the offence is based is punishable under the laws of both Parties by deprivation of liberty for a period of at least one year or by a more severe penalty, and a competent court in the Requesting Party has convicted the accused and sentenced him to deprivation of liberty for a period of at least six months.

ARTICLE 3

Nationality

1. Either Party may extradite its nationals to the other Party as permitted by its domestic law.
2. If the Requested Party refuses to extradite one of its nationals on the grounds of nationality, it undertakes, upon request, in accordance with its domestic law, to prosecute that person if he or she has committed an offence which is defined in both states as a criminal offence. In such a case the Requesting Party shall send a request for prosecution accompanied by the relevant files and documents in its possession, through the diplomatic channels.
3. The Requesting Party shall be informed of the result of its request.

ARTICLE 4

Grounds for refusal of extradition

1. Extradition shall not be granted under this Treaty in any of the following cases:
 - (a) If the Requested Party has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex or status.
 - (b) If the person sought has been tried and convicted or acquitted by a final judgement in either State or in a third state of the offence for which extradition is requested.
 - (c) When the prosecution of the person sought would be barred by lapse of time under the domestic law of the Requested Party.
 - (d) If the offence for which extradition has been requested is a military offence and not also an offence under ordinary domestic criminal law.
 - (e) Where extradition would breach the person's human rights in accordance with the domestic law of the Requested Party.

- (f) If the person has been convicted in absentia, unless an assurance is provided that the person will be entitled to a retrial or appeal amounting to retrial under the domestic law of the Requesting Party.
 - (g) Where extradition is barred for any other reason under the domestic law of the Requested Party.
2. Extradition may be refused under this Treaty:
- (a) If the person has been granted political asylum by the Requested Party.
 - (b) When the person sought is under investigation or has been prosecuted and is undergoing punishment in the Requested Party. In that case the Requested Party may instead defer his extradition until he completes his sentence or is discharged.

ARTICLE 5

Temporary surrender

The provisions of Article 4(2) (b) shall not preclude the possibility of the temporary surrender of the person sought for the purpose of prosecution in the Requesting State, in accordance with conditions to be determined by mutual agreement. The Requesting Party shall return that person to the Requested Party after the conclusion of the proceedings against that person. The Requested Party may seek further assurances in any individual case.

ARTICLE 6

Capital punishment

When the offence for which extradition is sought is punishable by death under the laws of the Requesting Party and is not punishable by 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 will not be imposed or, if imposed, will not be carried out.

ARTICLE 7

Extradition procedures and required documents

1. All requests for extradition shall be submitted through the diplomatic channels.
2. All requests for extradition shall be supported by:
 - (a) As accurate a description as possible of the person sought, together with any other information that would help to establish identity and probable location;
 - (b) A statement of the facts of the offence(s);
 - (c) The relevant text of the law(s) describing the essential elements of the offence for which extradition is requested;
 - (d) The relevant text of the law(s) prescribing the punishment for the offence for which extradition is requested; and
 - (e) Documents, statements, or other types of information specified in paragraphs 3 or 4 of this Article, as applicable.
3. In addition to the requirements in paragraph 2 of this Article, a request for extradition of a person who is sought for prosecution shall be supported by:
 - (a) Such evidence as would justify committal for trial under the laws of the Requested Party;
 - (b) A copy of the warrant or order of arrest issued by a judge or other competent authority; and
 - (c) A copy of the charging document.
4. In addition to the requirements in paragraph 2 of this Article, a request for extradition relating to a person who has been convicted of the offence for which extradition is sought shall be supported by:
 - (a) Information that the person sought is the person to whom the finding of guilt refers;
 - (b) A copy of the judgement or memorandum of conviction or, if a copy is not available, a statement by a judicial authority that the person has been convicted;

- (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 convicted *in absentia*, the assurance provided for in Article 4 (1) (f).

5. If the requested Party requires additional information to enable a decision to be taken on the request for extradition, the Requesting Party shall respond to the request within such time as the Requested Party requires.

ARTICLE 8

Authentication of documents

The documents that support an extradition request shall be deemed to be authentic if they are certified or authenticated in any manner acceptable under the law of the Requested Party.

ARTICLE 9

Translation of documents

All requests and supporting documents provided by the Parties in accordance with this Treaty shall be accompanied by a translation into the official language of the Requested Party.

ARTICLE 10

Remand of the person

Upon receipt of the request for extradition, the Requested Party shall arrest the person sought in accordance with its domestic laws. The person shall be held on remand until the Requested Party decides on the request for extradition. If the request for extradition is granted, the remand period shall continue until the person sought is handed over to the authorities of the Requesting Party.

ARTICLE 11

Provisional arrest

1. In case of urgency, a person to be extradited may be provisionally arrested and held on remand until the request for extradition, together with the documents referred to in Article 7 are received.

2. The request for provisional arrest shall be communicated in writing to the competent authority of the Requested Party, either directly or through the International Criminal Police Organization (INTERPOL) channels.

3. The request for provisional arrest shall contain:

- (a) As accurate a description as possible of the person sought, together with any other information that would help to establish identity and probable location;
- (b) A brief statement of the facts of the case including, if possible, the date and location of the offence(s);
- (c) A description of the law(s) violated;
- (d) A statement of the existence of a warrant or order of arrest or a finding of guilt or judgement of conviction against the person sought; and
- (e) A statement that the supporting documents for the person sought will follow within the time specified in this Treaty.

4. The Requesting Party shall be notified without delay of the outcome of its request for provisional arrest or the reasons for any inability to proceed with the request.

5. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty days from the date of provisional arrest pursuant to this Treaty if the Requested Party has not received the formal request for extradition and the documents supporting the extradition request as required in Article 7.

6. The fact that the person sought has been discharged from custody pursuant to paragraph 5 of this Article shall not prejudice the subsequent re-arrest and extradition of that person if the extradition request and supporting documents are delivered at a later date.

ARTICLE 12

Concurrent requests

If extradition is requested concurrently by more than one state, for the same person, either for the same offence or for different offences, the Requested Party shall make its decision to which state, if any, it will extradite the person, having regard to all circumstances, including the relative seriousness and place of commission of the offence(s), the respective dates of the requests, the dates on which the requests were received, the dates the offences were committed, whether the person is accused or convicted and the possibility of subsequent extradition to another state.

ARTICLE 13

Decision and surrender

1. The Requested Party shall promptly notify the Requesting Party of its decision on the request for extradition. Such notification should be transmitted directly to the competent authority of the Requesting Party and through diplomatic channels.
2. If the request is refused in whole or in part, the Requested Party shall provide reasons for the refusal together with copies of relevant decisions.
3. If the request for extradition is granted, the Parties shall agree on the time, place and manner of the person's surrender.
4. If the person is not removed from the territory of the Requested State within the time period prescribed by its domestic law, that person may be discharged from custody, and the Requested Party may subsequently refuse extradition for the same offence(s).

ARTICLE 14

Seizure and surrender of property

1. The Requested Party shall, within the authority of its domestic law and without prejudice to the rights of others, seize the materials stated below and deliver the same to the Requesting Party at the time of extradition of the person or immediately thereafter:
 - (a) Items used in the commission of the offence or which constitute evidence of the offence;
 - (b) Items obtained during the commission of the offence if they are in the possession of the person sought at the time of the arrest.
2. If the seized materials, as in paragraph (1) of this Article are required for an investigation or prosecution of an offence in the Requested Party, then the delivery of those materials may be delayed, or they may be delivered on condition that they shall be returned after the conclusion of the proceedings in the Requesting Party.
3. Where the law of the Requested Party or the protection of the rights of third parties so requires, any property so surrendered shall be returned to the Requested Party free of charge after the completion of the proceedings, if that Party so requests.

ARTICLE 15

Transit

1. Where a person is to be extradited to a Party from a third state through the territory of the other Party, the Party to which the person is to be extradited shall request the other Party to permit the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other Party is scheduled.
2. The Party through which the transit will occur may approve the request for transit in conformity with its domestic law.
3. The request for transit shall be made directly to the competent authorities of the Party through whose territory transit is sought and thereafter notified through diplomatic channels.
4. The request shall be supported by sufficient information to enable the Party through whose territory the transit is sought to consider the request.
5. In the case of an unscheduled landing, the Party in whose territory the landing occurs shall, subject to its domestic law, assist in effecting the transit. If the person who is being extradited is a national of the Party in whose territory such landing occurs, that person may be handed over to that Party. In that case the provisions of Article 3 of this Treaty shall apply.

ARTICLE 16

Expedited extradition

The Requested Party may, in accordance with its law, grant expedited extradition provided that the person sought explicitly consents before a competent authority.

ARTICLE 17

Rule of speciality

1. A person extradited under this Treaty may not be detained, tried or punished in the Requesting Party except for:
 - (a) Any offence for which extradition was granted, or a differently denominated equivalent or lesser offence based on the same facts as the offence on which extradition was granted, provided such offence is extraditable;
 - (b) Any offence committed after the extradition of the person; or

- (c) Any offence for which the Requested Party waives the rule of speciality and thereby consents to the person's detention, trial, or punishment. For the purpose of this sub-paragraph the Requested Party may require the submission of the documentation called for in Article 7.
- 2. A person extradited under this Treaty may not be the subject of onward extradition or surrender to a third state for any offence committed prior to extradition to the Requesting Party unless the Requested Party consents.
- 3. Paragraphs 1 and 2 of this Article shall not prevented the detention, trial, or punishment of an extradited person, or the extradition of the person to a third state, if the person:
 - (a) Leaves the territory of the Requesting Party after extradition and returns to it; or
 - (b) Does not leave the territory of the Requesting State within forty five days of the day on which that person is free to leave.

ARTICLE 18

Representation and expenses

- 1. The Requested Party shall advise, assist and appear on behalf of the Requesting Party in any proceedings in the courts of the Requested Party arising out of a request for extradition or make all necessary arrangements for the same.
- 2. The Requesting Party shall pay all the expenses related to the translation of extradition documents and the transportation of the person surrendered. The Requested Party shall pay all other expenses incurred in that State in connection with the extradition proceedings.
- 3. Neither Party shall make any pecuniary claim against the other Party arising out of the arrest, detention, examination, or surrender of persons under this Treaty.

ARTICLE 19

Notification

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

ARTICLE 20

Application

1. This Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
2. This Treaty shall apply:
 - (a) In relation to the United Kingdom of Great Britain and Northern Ireland; and to the Channel Islands, the Isle of Man, and to any other territory for whose international relations the United Kingdom is responsible and to which this Treaty has been extended by agreements of the Parties; and
 - (b) To the United Arab Emirates.
3. The application of this Treaty to any territory in respect of which extension has been made in accordance with paragraph 2 (a) of this Article may be terminated by either Party giving six months' written notice to the other through the diplomatic channel.
4. A request by the United Arab Emirates for the extradition of an offender who is found in any of the territories to which this Treaty applies in accordance with paragraph 2 (a) of this Article may be made to the Governor or other competent authority of that territory, who may take the decision himself or refer the matter to the Government of the United Kingdom for its decision. A request on the part of any of the territories to which this Treaty applies in accordance with paragraph 2 (a) of this Article for the extradition of an offender who is found in the United Arab Emirates may be made to the Government of the United Arab Emirates by the Governor or other competent authority of that territory.

ARTICLE 21

Ratification and entry into force

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 days after the receipt of the last Instrument of Ratification.
3. This Treaty may be terminated by either Party at any time upon giving six months' notice to the other. However, the procedures already initiated for an extradition request by either of the Parties shall continue to be governed by this Treaty until their conclusion.

ARTICLE 22

Dispute Settlement

Any dispute arising from the interpretation and implementation of this Treaty shall be resolved by consultation through diplomatic channels.

IN WITNESS WHEREOF the authorised representatives of the Contracting Parties hereby sign this Treaty.

DONE in duplicate at London, this 6th day of December 2006 in the English and Arabic languages, both texts being equally authentic.

For the Government of the United Kingdom
of Great Britain and Northern Ireland:

For the Government of the
United Arab Emirates:

JOHN REID

**MOHAMMED NEKHAIRA
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