

**EXPLANATORY MEMORANDUM ON THE EXTRADITION TREATY BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF THE STATE OF KUWAIT**

TITLE OF TREATY

Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Kuwait

Command Paper Number: 9657

SUBJECT MATTER

The Extradition Treaty between the United Kingdom of Great Britain and Northern Ireland and the State of Kuwait provides a basis for extradition between the two states. The Agreement allows extradition to be requested for any offence which attracts a maximum penalty of at least 12 months' imprisonment in the UK and Kuwait. Extradition can also be sought where a person has been convicted and a sentence of imprisonment of a term of 4 months or more has been imposed and the conduct is punishable under the laws of the requested State by a maximum sentence of at least 12 months' imprisonment or more. The evidential requirements set out in the Agreement mean that the requesting state must establish a prima facie evidential case in respect of any person whom they wish to extradite. The Agreement specifically refers to a number of grounds on which extradition may be refused; these include where extradition would breach the human rights of the person whose extradition is sought.

MINISTERIAL RESPONSIBILITY

The Secretary of State for the Home Department has overall responsibility for policy on judicial co-operation. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for UK policy relating to the UK's relations with the State of Kuwait.

POLICY CONSIDERATIONS

GENERAL

The Agreement will provide a comprehensive framework which should streamline and speed up the extradition processes between the UK and Kuwait. The introduction of a formal bilateral basis for extradition for conduct covered by the Agreement will lead to a more efficient and effective process for extradition between the two countries. The State of Kuwait is an important partner for the UK and this package of measures will enhance our ability to work with Kuwait on important issues.

FINANCIAL

The Agreement is not expected to pose any additional financial burden on the United Kingdom

RESERVATIONS AND DECLARATIONS

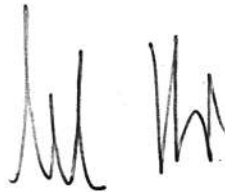
None

IMPLEMENTATION

No additional primary legislation is required in order to implement the Agreement. Secondary legislation, which will be subject to the affirmative resolution procedure, will, however, be needed in order to provide that requests for extradition received from the State of Kuwait are dealt with directly in accordance with Part 2 of the Extradition Act 2003.

CONSULTATION

The Agreement was negotiated on behalf of the United Kingdom by the Home Office and on behalf of the State of Kuwait by officials from the Ministry of Foreign Affairs. The Home Office consulted across government before negotiating the Agreement. This included discussions with the Devolved Administrations, law enforcement partners and the Foreign and Commonwealth Office.



Rt Hon Nick Hurd MP

Minister for Policing and the Fire Service

HOME OFFICE