

DRAFT
TREATY ON EXTRADITION
BETWEEN
THE UNITED ARAB EMIRATES
AND
THE REPUBLIC OF LITHUANIA

THE UNITED ARAB EMIRATES and THE REPUBLIC OF LITHUANIA (hereinafter referred to as “The Parties”)

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

Desirous of consolidating judicial cooperation in the field of extradition,

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 conducting a criminal prosecution or investigation or executing a custodial sentence for extraditable offences, in accordance with the provisions of this Treaty.

Article 2

Extraditable Offences

1. Extradition shall be granted if the act for which extradition is requested constitutes an offence under the laws of both Parties, under the provisions of this Treaty.

2. Extradition for conducting a criminal prosecution against the person shall be granted in respect of offences punishable under the law 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 custodial sentence shall be granted if a period of the sentence that remains to be served by the person sought to be extradited is at least six months at the moment of receiving the request for extradition.

4. An offence shall also be an extraditable offence if it consists of an attempt or a conspiracy to commit, or participation in the commission of or being an accessory before or after the fact to any offence described in paragraph 1 of this Article.

5. In determining whether an act constitutes an offence punishable under the law of both Parties in accordance with paragraph 1 of this Article, it shall be irrelevant whether the laws of both Parties place the act constituting the offence within the same category of offences or denominate the offence by the same terminology.

6. For the purpose of this Article, an offence shall be an extraditable offence where extradition of a person is sought for offences against a law relating to taxes or duties, customs and exchange. Extradition shall not be refused on the ground that the law of the requested Party does not impose the same kind of tax or duty or does not contain the same type of rules as regards taxes, duties and customs and exchange regulations as the law of the requesting Party.

7. If extradition has been granted for an extraditable offence, it shall also be granted for any other offence specified in the request even if the latter offence is punishable by less than one year's deprivation of liberty, provided that all other requirements for extradition are met.

Article 3

Refusal of Extradition

1. Extradition shall not be granted:
 - a) if the offence for which it is requested is an offence of a political nature;
 - 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 race, religion, nationality or political opinion, or that person's position may be prejudiced for any of these reasons;
 - c) if the requested Party, according to its law, has granted the right of asylum to the person sought;
 - d) if the offence for which extradition is requested is exclusively a military offence under the law of the requested Party;
 - e) if the person sought has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment;
 - f) if the requested Party has already rendered a final judgment against the person sought to be extradited in respect of the offence for which extradition is requested;
 - g) if the request for extradition is made by the requesting Party pursuant to a judgment rendered in absentia and the requesting Party does not guarantee to have the case retried after extradition;
 - h) if the requesting Party does not accept the conditions regarding capital punishment laid down in Article 4;
 - k) If there are reasonable grounds to believe that the person whose extradition is requested has been or would be subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment or if that person has not received or would not receive the minimum guarantees in criminal proceedings.

2. Extradition may be refused:

- a) a prosecution in respect of the offence for which extradition is requested is pending in the requested Party against the person whose extradition is requested;
- b) if the requested Party has jurisdiction over the offence for which extradition is requested in accordance with its law.
- c) if the requested Party considers that the extradition of the person would impair its sovereignty, security, public order or any other essential interests.

Before refusing extradition pursuant to the provisions of this Paragraph, the Central authority of the requested Party may consult with the Central authority of the requesting Party.

3. For the purpose of application of this Treaty, the following shall not be regarded as political offences:

- a) For the United Arab Emirates assault against the president of the State or his deputy or head of the government or any member of their families, or any member of the Federal Supreme Council or any member of their families;

For the Republic of Lithuania assault against the president of the State;

- b) terrorist offences;
- c) murder;
- d) any offence specified in an international Treaty to which both Parties are members which obligates the Parties to prosecute or extradite for such offence.

Article 4

Capital Punishment

Where the offence for which extradition is sought is punishable by death under the laws in the requesting Party and not punishable by death under the laws in the requested Party, the requested Party may grant extradition on the condition that the capital punishment if imposed shall not be carried out. If the requesting Party accepts extradition subject to conditions pursuant to this paragraph, it shall comply with the conditions. If the requesting Party does not accept the conditions, the request for extradition shall be denied.

Article 5

Extradition of Nationals

1. Each Party shall refuse extradition of its nationals.
2. The requested Party, at the request of the requesting Party, shall submit the case to its competent authority for the purpose of institution of the criminal proceeding in accordance with its national law. For this purpose, the requesting Party shall provide the requested Party

with documents and evidence relating to the case. The requesting Party shall be notified of any action taken in this respect, upon its request.

Article 6

Communication

For the purpose of this Treaty, the Parties shall communicate with each other through their Central authorities via diplomatic channels.

Article 7

Central Authorities

1. The Central authority of the United Arab Emirates is the Ministry of Justice.
2. The Central authorities of the Republic of Lithuania are:
 - a. the Ministry of Justice for extradition requests for the purpose of carrying out a custodial sentence and
 - b. the Prosecutor General's Office for extradition requests for the purpose of conducting a criminal prosecution.
3. The Parties shall, without delay, through diplomatic channels communicate to each other contact data and changes of the Central authorities. The Central authorities shall directly inform each other of any change relating to their contact data as soon as possible.
4. The Central authorities of the States may consult with each other to promote the effectiveness of this Treaty. The Central authorities may also take any practical measures that may be necessary for facilitating the implementation of this Treaty.

Article 8

The Request and Supporting Documents

1. The request for extradition shall be made in writing and submitted with the related document through the diplomatic channels and contain:
 - a) the name of the requesting Central authority;
 - b) the name of the requested Central authority;
 - c) the surname and name, age, gender, citizenship, occupation, the place of residence or location of the person sought to be extradited, and other information which would help to establish the identity of that person;
 - d) a summary description of the offence committed and its consequence including the material damage incurred;
 - e) the text of the relevant provision of the law establishing the offence; a statement of the penalty that can be imposed for the offence; and the text of the relevant provisions of the

law concerning lapse of time on prosecution or execution of custodial sentence for the offence;

f) where available, the description of the appearance, photograph and fingerprints of the person sought to be extradited.

2. The request for extradition aimed at conducting criminal prosecution against the person sought to be extradited shall also be accompanied by a certified copy of warrant of arrest issued by the competent authority of the requesting Party.

3. The request for extradition aimed at carrying out of a custodial sentence shall also be accompanied by a certified copy of the judgement with the note that the judgement has come into force and specification of the period of the sentence which has already been served.

4. 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.

5. All documents mentioned above shall also be translated officially into the official language of the requested Party or into the English language.

Article 9

Execution of the Request and Provisional Measures

1. The requested Party shall deal with the request for extradition and arrest the person sought or apply other provisional measures in accordance with its laws and shall promptly inform the requesting Party of its decision.

2. In case of refusal of extradition the requested Party shall notify the requesting Party of the reason for refusal.

Article 10

Additional Information

If the requested Party considers that the information provided in a request for extradition is insufficient in order to make a decision according to this Treaty, it may request additional information that should be submitted within a period of forty five days. In the presence of valid reasons the said period may be extended for fifteen days at a duly request of the requesting Party. In the event that 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 new request for extradition for the same offence.

Article 11

Sensitive Information in a Request

Where the requesting Party contemplates the submission of particularly sensitive information in support of its request for extradition, it may consult the requested Party to determine the extent to which the information can be protected by the requested Party. If the requested Party cannot protect the information in the manner sought by the requesting Party, the requesting Party shall determine whether the information shall nonetheless be submitted.

Article 12

Provisional Arrest

1. In case of urgency a person sought to be extradited may be provisionally arrested on the application of the competent authority of the requesting Party before the receiving of the request for extradition together with the documents specified in Article 8 of this Treaty. Such application can be sent by fax or email directly to the Central authority of the requested Party or through the International Criminal Police Organisation (Interpol), or through other channels agreed by the Central authorities of the Parties.

2. The request for provisional arrest shall contain the data 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 judgement that has come into force, and an indication that a formal request for extradition of the person sought to be extradited will follow in due course.

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 shall be released if, within a period of forty five days after arrest, the Central authority of the requested Party has not received the request for his or her extradition together with the supporting documents specified in Article 8 of this Treaty. Such time limit may be extended for fifteen days if, prior to its expiration, a corresponding application for prolongation has been received from the Central authority of the requesting Party.

5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 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 13

Deduction of the Period of Detention Served in the Requested Party

If the request for extradition is granted, the detention period served in the territory of the requested Party for the purpose of extradition shall be deducted from any sentence imposed in the requesting Party against the person sought to be extradited.

Article 14

Concurrent Requests

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, for the purpose of determining to which of those states the person is to be extradited, the requested Party shall consider all relevant factors, including but not limited to:

- a. whether the request was made pursuant to a treaty;
- b. the gravity of the offences;
- c. the time and place of the commission of the offence;
- d. the nationality and habitual residence of the person sought;
- e. respective dates of the Requests;
- f. the possibility of subsequent extradition to another state;
- g. whether the request relates to prosecution or execution of a custodial sentence.

Article 15

Rule of Speciality

A person extradited under the present Treaty shall not be proceeded against, sentenced, detained in the territory of the requesting Party or re-extradited to a third State for any offence committed prior to surrender other than:

- 1) 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 6 of this Treaty and any statement made by the extradited person in respect of the offence concerned;
- 2) the person who has been extradited has not left the territory of the requesting Party within thirty days of his or her final discharge, or has returned to that territory after leaving it. 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 or her control;
- 3) that person has voluntarily returned to the territory of the requesting Party after leaving it.

Article 16

Simplified extradition procedure

1. When the person whose extradition is requested declares to agree to it, and there is a consent of the competent authority of the requested Party, if such consent is required under the national laws of the requested Party, extradition may be granted on the sole basis of the request for provisional arrest without it being necessary to submit the documents indicated in Article 8 of this Treaty. However, the requested Party may request any further information it deems necessary to grant the extradition.

2. The declaration of consent by the person sought shall be valid if:

a) made with the assistance of a defence counsel, before a competent authority of the requested Party, who has the obligation to inform the person sought of the right to avail itself of a formal extradition procedure, and of the protection conferred by the principle of speciality, and

b) the person has confirmed this declaration of consent before a competent authority according to the national law of the requested Party.

3. The declaration shall be reported in a legal record in which it is acknowledged that the conditions for its being valid have been complied with.

Article 17

Seizure and Surrender of Property

1. The requested Party may, at the request of the requesting Party and in so far as its law permit, seize proceeds of crime, instruments 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 this 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 owing to the death, disappearance or escape of this person.

3. The requested Party may, for 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 third parties to that property mentioned in paragraph 1 of this Article. Where such rights exist, the requesting Party shall promptly return that property free of charge to the requested Party after completion of proceedings.

Article 18

Surrender of the Person to be Extradited

1. If the extradition has been granted, the Parties shall agree as to the date, place and time of surrender of the person to be extradited and other relevant matters relating 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 with a view to his or her surrender.

2. If the requesting Party has not taken over the person to be extradited within twenty days after the date specified for the surrender, the requested Party shall release that person immediately and may refuse to execute a new 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 due to the circumstances beyond its control, the other Party shall be

promptly notified thereof. In such a case the Parties shall agree on a new date of surrender and the provisions of paragraph 2 of this Article shall apply thereupon.

Article 19

Postponed or Conditional Surrender

1. If the person sought is being proceeded against or is serving a sentence in the requested Party for any offence other than that for which the extradition is requested, the requested Party may, after having made a decision to grant extradition, postpone the extradition until the conclusion of the proceedings and the completion of the sentence.

2. Instead of postponing surrender, the requested Party according to its laws may, subject to the agreed conditions, temporarily transfer the person sought to be extradited to the requesting Party. Temporarily extradited person shall be returned to the requested Party upon conclusion of the relevant proceedings.

Article 20

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 should request the latter for the permission of such transit. A request for transit shall be submitted through the Central authorities. The facilities of the International Criminal Police Organization (Interpol) may also be used to transmit such a request to the above-mentioned authorities. The request for transit shall contain a description of the person being transported and a brief statement of the case.

2. The requested Party shall, in so far as it is not contrary to its laws, approve the request for transit made by the requesting Party.

3. No permission is required where air transport is used and no landing is scheduled for on the territory of the other Party.

4. In the event of an unscheduled landing, the Party in which the unscheduled landing occurs may, require a request for transit pursuant to paragraph 1 of this Article, and it may detain the person until the request for transit is received and the transit is effected, as long as the request is received within 48 hours of the unscheduled landing.

Article 21

Expenses

1. All expenses related to the extradition shall be borne by the Party in which territory they were incurred.

2. The expenses incurred by reason of transit shall be borne by the requesting Party.

3. In case the said expenses are of an extraordinary nature, the Parties shall consult with each other to settle the same.

Article 22

Obligations under International Treaties

1. The provisions of this Treaty shall not affect the rights and obligations of the Parties arising from other international treaties to which one or both of them are parties.

Article 23

Settlement of Disputes

Any dispute arising from implementation or interpretation of this Treaty shall be settled by consultations or negotiations through diplomatic channels if the central Authorities of the Parties are themselves unable to reach agreement.

Article 24

Final Provisions

1. The present Treaty shall enter into force on the thirtieth day after the latter of the dates on which each of the Parties has notified the other through diplomatic channels that the procedures required by its law have been complied with.

2. By the agreement of both Parties this Treaty may be subject to amendments, which shall form the inseparable part of it and shall be drawn in the form of Protocols, which shall enter into force as established in paragraph 1 of this Article.

3. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six months after the date on which the notice is given. However, proceedings already commenced before the notification shall continue to be governed by this Treaty until conclusion therein.

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

Done at this (day)..... (month) of 20..., in duplicate, each in Arabic, Lithuanian and English languages, all texts being equally authentic. In the event of any difference in interpretation of this Treaty, the English text shall prevail.

For the United Arab Emirates

For the Republic of Lithuania