

**Pakistan- China Treaty on Extradition Beijing;
3 November 2003**

The Islamic Republic of Pakistan and the People's Republic of China (hereinafter referred to individually as "a Party" , " the other Party", "the Requesting Party" or "the Requested Party" and collectively as "the Parties"),

Recalling the friendly relations that exist between the two countries,

Affirming their mutual respect for sovereignty, equality and mutual benefit,

Deeply concerned at the magnitude of and rising trend in acts of international terrorism and organized crime,

Desiring to make more effective their cooperation in the prevention and suppression of crime by concluding a Treaty on Extradition,

Have agreed as follows:-

ARTICLE – 1

OBLIGATION TO EXTRADITION

The Parties agree, in accordance with the provisions of this Treaty, to extradite any person found within the territory of the Requested Party, who is wanted by the Requesting Party for prosecution or for enforcement of a sentence for an extradition offence committed within the jurisdiction of that Party.

ARTICLE – 2

EXTRADITABLE OFFENCES

1. For the purposes of this Treaty, extradition shall be granted for the conduct which constitutes an offence under the laws of the Parties and is punishable by imprisonment for a period of at least one year or by a more severe penalty.
2. Where the request for extradition relates to a person sentenced by a court of the Requesting Party for an extraditable offence, extradition for the purpose of enforcing the sentence shall be granted if a period of at least six months of the sentence remains to be served.
3. For the purpose of this Article, in determining whether the conduct is an offence against the laws of the Requested Party, it shall not matter, subject to the provisions of paragraph 1 of this Article, whether the laws of the Parties describe the conduct constituting an offence by the same or different terminology.
4. If the request for extradition relates to a number of offences, each of which is punishable under the laws of both the Parties, but some of which do not meet the other requirements of paragraphs 1 and 2 of this Article, the Requested Party may grant extradition for at least one extraditable offence.

ARTICLE – 3

MANDATORY REFUSAL OF EXTRADITION

1. Extradition shall be refused where:
 - a) The offence for which extradition is requested is considered by the Requested Party to be a political offence. Assault or attempted assault against the Head of State or Government or any member of his family shall not be regarded as political offence;
 - b) The person whose extradition is requested is a national of the Requested Party under the laws of the Requested Party;
 - c) 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, sex or political opinion or that person might receive unjust treatment for any of the above reasons;
 - d) The person whose extradition is requested had, under the laws of either Party, become immune from prosecution or punishment because of lapse of time, pardon or amnesty;
 - e) The offence for which extradition is requested constitutes only a military offence;
 - f) The person sought has been acquitted or convicted or is otherwise exempted from further prosecution for the offence for which extradition is requested,
 - g) The person has already undergone punishment for the offence for which extradition is requested;or

The person is granted asylum in the Requested Party.

ARTICLE – 4

DISCRETIONARY REFUSAL OF EXTRADITION

Extradition may be refused where:

- a) The offence for which extradition is requested is also subject to the jurisdiction of the Requested Party and the person sought is being prosecuted or will be prosecuted by that Party;
- b) In exceptional cases, the Requested Party, while also taking into account the seriousness of the offence and the interests of the Requested Party, considers that because of the personal circumstances of the person sought, the extradition will be incompatible with humanitarian considerations.

ARTICLE – 5

CHANNEL OF COMMUNICATION

The request for extradition shall be made in writing and communicated through diplomatic channels:

- a) In case of the People's Republic of China to the Ministry of Foreign affairs; and;
- b) In the case of the Islamic Republic of Pakistan, to the Ministry of Foreign Affairs.

ARTICLE – 6

DOCUMENTS AND INFORMATION TO BE SUBMITTED

1. The following documents shall be submitted in support of a request for extradition:
 - a) In all cases;
 - The name of the requesting authority;
 - information about the person sought including, but not limited to, his or her name, age, sex, nationality, occupation or location that may help to identify and trace that person,
 - A statement prepared by a competent authority, which describes briefly the conduct constituting the offence for which the extradition is requested, indicating the place and the date of the commission of the offence and which provides a description or a copy of the text of the legal provisions describing the offence and the applicable penalty,
 - A copy of the text of the relevant legal provisions concerning any time limit on the prosecution of the offence in question.
 - b) In the case of a person sought for prosecution:
 - The original or a certified true copy (sic copy) of the order of arrest or any document having the same force and effect, issued by a competent authority of the Requesting Party;
 - A copy of the indictment, charge sheet or other charging document, if any and
 - A document issued by a competent authority in charge of the prosecution of the case containing a summary of the available evidence and a statement certifying that the evidence is sufficient under the laws of the Requesting Party to warrant the prosecution of the person sought.
 - c) In the case of a person who has been convicted:
 - A statement by the competent authority describing the conduct for which the person was convicted and a certified copy of the documents that records the conviction and, where applicable, sentence of the person; and
 - If a portion of the sentence has already been served, a statement by a competent authority specifying the portion of the sentence, which remains to be served.
2. Any documents submitted in accordance with this Treaty shall be in the official language of the Requesting Party or be accompanied by a certified translation into the official language of that Party.

ARTICLE – 7

ADDITIONAL INFORMATION

If the Requesting Party considers that the information furnished in support of a request for extradition is not sufficient, that Party may request that additional information be furnished within thirty days. If requested by Requesting Party, that time limit may be extended for another fifteen days. If the

Requesting Party fails to submit the additional information within the stipulated time, it may be deemed to have renounced its request. However, in that event the Requesting Party shall not be precluded from (sic from) making a fresh request for extradition for the same offence.

ARTICLE – 8

DETENTION AND OTHER COMPULSORY MEASURES

The Requesting Party shall arrest and detain the person sought or take other compulsory measures in accordance with its laws, until the Requesting Party decides on the request for extradition, if extradition is granted, the detention period shall continue until the person sought is handed over to the authorities of the Requesting Party.

ARTICLE – 9

MULTIPLE REQUESTS FOR EXTRADITION

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 Requesting Party shall determine to which of those State the person is to be extradited and shall notify those States of its decision.

ARTICLE – 10

DECISION AND NOTIFICATION

The Requested Party shall process the request for extradition in accordance with the procedures provided for in its laws and as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting Party. The reasons shall be given for any complete or partial refusal of an extradition request.

ARTICLE – 11

SURRENDER

1. Where extradition is granted, the Requested Party shall surrender the person in accordance with arrangements agreed to by the Parties.
2. The Requesting Party shall receive the person within such reasonable period as the Requested Party specifies. If the person is not received by the Requesting Party within that period, the Requested Party may refuse to extradite that person for the same offence unless the Parties otherwise agree.
3. If circumstances beyond its control prevent a Party from surrendering or receiving the person to be extradited, it shall notify the other Party. The Parties shall decide upon a new date of surrender and the provisions of paragraph 2 of this Articles shall apply.
4. At the time of the surrender of the person, the Requested Party shall inform the Requesting Party of the total period of time the person had been detained with a view to his or her extraditions.

ARTICLE – 12

POSTPONEMENT OF SURRENDER

Where the person sought is being proceeded against 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 surrender until the conclusion of the proceedings or the service of the sentence imposed. The Requested Party shall inform the Requesting Party of such postponement.

ARTICLE – 13

DELIVERY AND RETURN OF CASE PROPERTY

1. The Requested Party shall, insofar as its laws permit and at the request of the Requesting Party, seize property reasonably suspected to be involved in the commission of the offence or required for the proof of the offence for which the extradition of the person is requested. The Requested Party shall deliver the property to the Requesting Party when extradition is granted.
2. The property mentioned in paragraph 1 of this Article shall be delivered even if extradition, having been granted, cannot be carried out owing to the death, disappearance or escape of the person sought.
3. Where the property referred to in paragraph 1 and 2 of this Article is required in Requested Party in connection with civil or criminal proceedings, the Requested Party may temporarily retain it until the conclusion of such proceedings or deliver it on condition that it is returned.
4. Any right that the Requested Party or a third party may have acquired in the property shall be preserved. Where such right exists, the property shall, at the request of the Requested Party, be returned without charge to the Requested Party as soon as possible after the conclusion of the proceedings.

ARTICLE – 14

RULE OF SPECIALITY

1. A person who has been extradited shall not be prosecuted, sentenced or detained for any offence committed prior to the surrender other than that for which that person was extradited, nor shall the person's liberty be restricted for any other reason, except where:
 - a) the Requested Party consents;
 - b) the person, having had an opportunity to leave the Requesting Party, has not done so within thirty days of final discharge. However, this period shall not include the time, for reasons beyond his or her control, that person was unable to leave the territory of the Requesting Party; or
 - c) that person has voluntarily returned to the Requesting Party after having left it.
2. A request for the consent of the Requested Party under paragraph 1 of this Article shall, if required by the Requested Party, be accompanied by the relevant documents required under Article 6 as well as a record of any statement made by the person extradited in respect of the offence concerned.
3. If the charge for which the person was extradited is subsequently changed, that person may be prosecuted or sentenced provided the offence under its revised description is based on substantially the same facts contained in the extradition request and its supporting documents; and
Punishable by imprisonment for a period of at least one year or by a more severe penalty.

ARTICLE – 15

RE-EXTRADITION TO A THIRD STATE

1. Where a person has been extradited to the Requesting Party, that Party shall not extradite the person to any third State for an offence committed before that person's extradition except where;
 - a) The Requested Party consents;
 - b) The person, having had an opportunity to leave the Requesting Party, has not done so within thirty days of final discharge. However, this period shall not include the time for reasons beyond his or her control, that person was unable to leave the territory of the Requesting Party; or
 - c) The person has voluntarily returned to the Requesting Party after having left it.
2. The Requested Party may retest the Requesting Party for the production of the documents submitted to it by the third State in relation to any consent sought pursuant to sub-paragraph 1 (a) of this Article.

ARTICLE – 16

TRANSIT

1. In so far as is permitted by its laws, transit through the territory of a Party shall be granted upon a request made by the other party through diplomatic channels supported by documents.
2. No authorizations for transit shall be necessary when air travel is used and no landing is scheduled in the territory of the Transit State. In the case of an unscheduled landing, the Transit State may require a request for transit provided for in paragraph 1. Insofar as is permitted by its laws, the Transit State shall detain the person in transit until the transit is carried out. The request shall be made immediately following the unscheduled landing.
3. Transit shall not be granted in the case of nationals of the Transit State.

All expenses incurred on the transit shall be borne by the Requesting Party.

ARTICLE – 17

EXPENSES

1. Unless otherwise agreed,
 - a) the Requested Party shall make all necessary arrangements for, and meet the expenses of, proceedings arising out of a request for extradition,
 - b) the Requested Party shall bear the expenses incurred in its territory on the arrest of the person sought and his maintenance until surrendered to the Requesting Party and the expenses associated with the seizure of property.
2. The Requesting Party shall bear the expenses incurred in conveying the person to be extradited and transporting any property seized by the Requested Party to the Requesting Party.

ARTICLE – 18

NOTIFICATION OF RESULT

The Requesting Party shall promptly provide the Requested Party with information on the outcome of the criminal proceedings or the enforcement of sentence against the person extradited.

ARTICLE – 19

CONSULTATION

The Ministry of Foreign Affairs of the People's Republic of China and the Ministry of Foreign Affairs of the Islamic Republic of Pakistan or persons respectively designated by the Parties, may consult with each other directly in connection with the processing of individual cases and in furtherance of efficient implementation of this Treaty.

ARTICLE – 20

SETTLEMENT OF DISPUTES

Any dispute between the Parties arising from (sic from) the interpretation and application of this Treaty shall be settled by consultation through diplomatic channels.

ARTICLE – 21

ENTRY INTO FORCE. AMENDMENT AND TERMINATION

1. This Treaty is subject to ratification. The instruments of ratification shall be exchanged at a place mutually agreed between the Parties. The Treaty shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.
2. This Treaty may be amended by mutual consent,
3. Either Party may, by notice in writing through diplomatic channels terminate this Treaty at any time. The termination shall take effect on the one hundred and eightieth day after the date on which it is notified to the other Party. Termination shall not affect the processing of any extradition request received prior to such termination.

In Witness Whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

Done in duplicate at Beijing on this 3rd day of November 2003 in English and Chinese languages, both texts being equally authentic.

Sd/-

**For the Islamic
Republic of Pakistan**

Sd/-

**For the People's
Republic of China**