

TREATY

Between The Russian Federation And The United Arab Emirates

On Extradition

THE RUSSIAN FEDERATION and THE UNITED ARAB EMIRATES,
hereinafter referred to as the "Parties",

WISHING to facilitate more efficient crime control cooperation
between the two Parties,

ASPIRING to strengthen the relationship between the two Parties
as pertaining to extradition by concluding this Treaty,

ON THE BASIS of the principles of sovereignty, equality and non-
intervention in the internal affairs of the Parties,

Have agreed as follows:

Article 1

Obligation to Extradite

The Parties agree to extradite to each other, upon request
and in accordance with the provisions of this Treaty, any person for prosecution
or execution of sentence for an extraditable offence in the Requesting Party.

Article 2

Central Authorities

1. The central authorities authorized to perform this Treaty shall be:

For the Russian Federation – The General Prosecutor's Office
of the Russian Federation;

For the United Arab Emirates - The Ministry of Justice.

2. Each Party shall immediately notify the other Party of any changes,
connected with its respective central authority, through diplomatic channels.

3. For the purpose of this Treaty the Central Authorities of the Parties shall communicate through diplomatic channels or directly in urgent circumstances.

Article 3

Extraditable Offences

1. For the purposes of this Treaty, offence entailing extradition shall mean any acts that, as defined by applicable laws of both Parties, are penal acts and entail punishment in the form of imprisonment for a term of not less than 1 year or more severe punishment.

2. Should any request for extradition include a number of different acts, punishable pursuant to applicable laws of both Parties and if some of the acts do not meet the requirement of the punitive measure specified in Paragraph 1 of this Article, the Requested Party may extradite a relevant person only in connection with the offences mentioned in Paragraph 1 of this Article.

3. In case any such request for extradition is made in respect of any person, convicted in the Requesting Party for punishment in the form of imprisonment for committing an offence, which is subject to this Treaty, such extradition may take place only if an unexpired term of punishment on the date of the decision of extradition is not less than 6 months.

4. In case the qualification of the alleged act changes in the course of the criminal prosecution, the extradited person may be brought to criminal liability or convicted to the extent to which such new qualification will correspond to the conditions of extradition.

5. Any differences in the legal terminology shall not hinder fulfillment of the request for extradition, if the act, for which extradition is requested, is a penal act as defined in applicable laws of both Parties.

Article 4

Ground for Refusal of Extradition

1. Extradition shall not be granted in any of the following circumstances:

(a) if the act, for which extradition is requested, is not an extraditable offence pursuant to Paragraphs from 1 to 3 of Article 3 hereof;

(b) if the offence for which extradition is requested is considered by the Requested Party as an offence of a political nature. In the application of the provisions of this Treaty the following offences shall not be considered as an offence of a political nature:

i. murder and attempted murder or other offence against the life, the physical integrity or liberty of Head of a Party, a member of the Government of a Party or a member of the Federal Supreme Council of the United Arab Emirates, as well as their family members;

ii. any offence relating to terrorism;

(c) if there are substantial grounds for believing that a request for extradition for a criminal offence has been made for the purpose of prosecuting or punishing a person on account of that person's gender, ethnic origin, race, religion, nationality or political beliefs;

(d) if the offence for which extradition is requested is an offence against military service, which is not an offence under the ordinary criminal law of the Requesting Party;

(e) if the person sought has been finally acquitted or convicted in the Requested Party for the same offence for which extradition is requested;

(f) if the prosecution or enforcement of the sentence in connection with the offence specified in the request for extradition is barred by lapse of time or for any other reason in accordance with the national law of the Requested Party.

2. Extradition may be refused in any of the following circumstances:

(a) if the Requested Party has the jurisdiction to prosecute the person for the offence for which extradition is requested;

(b) if the offence for which extradition is requested is punishable by death under the law of the Requesting Party, and if in respect of such offence the death penalty is not provided for by the law of the Requested Party, extradition shall be refused unless the Requesting Party gives assurances that the death penalty will not be carried out if it is imposed;

(c) if the person sought has been finally acquitted or convicted in a third state for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable; or

(d) if the Requested Party considers that the extradition of the person would impair its sovereignty, security, public order or any other essential interests.

Article 5

Non-Extradition of Citizens

1. No Party shall extradite its citizens.

2. If the Requested Party refuses extradition of its citizens, it shall submit the case to its competent authority for the purpose of prosecution according to its laws. The Requesting Party shall hand over gratuitously all related documents and evidence to the Requested Party. All materials received in connection with the prosecution in the Requesting Party can be used in proceedings in the Requested Party.

3. The Requesting Party shall be notified of any decision taken in this respect and the outcome of the proceedings.

Article 6

Deferral and Temporary Extradition

1. In case any person, sought for extradition, is a party to any criminal proceedings or serves sentence for any other offence committed in the territory of the Requested Party, the consent to extradition may be given, however surrender of such person shall be deferred until the time when such proceedings are completed, and if such person is convicted until he/she serves the term of sentence or is released from imprisonment, in which case the Requesting Party is to be notified thereof.

2. In case the deferral of extradition stipulated for in Paragraph 1 of this Article may incur expiration of limitation period or affect the investigation of an offence, the Requested Party may temporarily extradite the person, whose extradition was requested. The temporarily extradited person shall be returned to the Requested Party as soon as the proceedings for which he/she was extradited are complete, but not later than 90 days since his/her transfer. If necessary, this term may be prolonged by the Requested Party.

Article 7

Request for Extradition

1. Any request for extradition shall be made in writing, sent by the Central Authority of either Party to the Central Authority of the other Party through diplomatic channels, and shall include the following documents and information:

- (a) name of the requesting authority;
- (b) full name of the person, sought for extradition, details of his/her citizenship, place of residence or location, description, as far as possible, of his/her appearance with photos, fingerprints and any other details, enabling to search for and identify such person;

(c) statement of the facts of the case, which is a ground for such request for extradition, specifying more exactly the time and place of the criminally punishable act, legal statement describing the offence, as well as certified copies of any procedural documents, containing information on the offence of this person;

(d) a certified copy of the text or texts of any provisions of any law, which qualify committed acts as offences and contain information of any punishments prescribed for committing them;

(e) a certified copy of the text of any provisions of any law, relating to the applicable limitation period;

(f) a copy of a warrant of arrest issued by a competent authority of the Requesting Party in case of extradition request for prosecution;

(g) a copy of an effective verdict and a certificate of the unserved term of punishment in case of extradition request for execution of a sentence.

2. If request for extradition for executing a sentence rendered in absentia in the Requesting Party, the Requesting Party shall guarantee the right for retrial in accordance with applicable legislation.

3. Any documents for the purposes of this Treaty shall be drawn up in the language of the Requesting Party and shall be accompanied by translation into the language of the Requested Party or into the English language.

4. Any requests for extradition and all documents attached thereto, any documents furnished in response to such request, as well as translations thereof which are sealed by a competent or Central Authority of the sending Party, require no legalization or authentication in any other manner.

Article 8

Provisional Arrest

1. The Requesting Party may apply for provisional arrest of any person prior to making a relevant request for extradition of this person. In case of urgency, such application for provisional arrest of the person shall be sent directly to the Central Authority of the Requested Party in writing by fax or by any other communication means, provided that the original application shall be sent immediately through diplomatic channels.

2. Such application shall contain all relevant information, including any data required for identification of the person concerned, and shall state that a request for extradition will be made. This application shall make a reference to a relevant warrant of arrest or an effective sentence, and shall contain any other information as necessary for identification of and search for the person concerned, including details of his citizenship, if known. It shall also give information of an offence, for which extradition is requested, where and when such offence was committed and what punishment may be or has been awarded to this person for committing this offence, including information of an unserved term of punishment.

3. The Requested Party shall consider such application in accordance with its applicable laws and shall promptly notify the Requesting Party of its decision.

4. The person, detained by virtue of such application, shall be released, if the Requesting Party fails, within 60 days from the date of taking of such person into custody, to make a request for extradition accompanied by all documents specified in Article 7 hereof.

5. Release of such person pursuant to Paragraph 4 of this Article shall not hinder any subsequent detention of this person, as well as extradition of this person, if a relevant request for his/her extradition is subsequently made.

Article 9

Supplementary Information

1. In case the Requested Party considers that any information provided by the request is insufficient, it may request any supplementary information, setting a reasonable term for furnishing it pursuant to its laws.

2. If the person, sought for extradition, is detained, and such supplementary information furnished is insufficient or is not received within a term as set by the Requested Party, such person shall be released from detention. However, such release of this person shall not hinder any subsequent detention of this person upon receipt of sufficient supplementary information or a request for extradition in connection with any other offence.

Article 10

Confidentiality and Limitation of Use

1. The Requested Party upon request of the Central Authority of the Requesting Party shall provide in accordance with its legislation and/or established practices for the confidentiality of the fact of the receipt of the request for extradition, its contents or any action taken pursuant to the request, excluding the cases when the breach of confidentiality of the request is necessary for its execution. If the execution of the request makes it necessary to remove this limitation, the Requested Party shall in writing seek the permission of the Requesting Party, without which the request will not be executed.

2. The Requested Party shall not use the information or evidence obtained under this Treaty without the prior written consent of the Requesting Party for purposes other than those indicated in the request for extradition.

3. In cases where the Requested Party needs to disclose and use fully or partially the information or evidence for purposes other than those stated

in the request, it shall seek the consent of the Requesting Party, which may either agree or refuse, fully or partially, such permission, as the case may be.

Article 11

Conflicting Requests for Extradition

If extradition is requested concurrently by more than one State, either for the same offence or for any different offences, the Requested Party shall make its decision on these requests, taking into consideration all circumstances, in particular, gravity and place of such offence, dates of requests, international treaties on extradition, citizenship and principal place of residence of the person, sought for extradition, as well as possibility of subsequent extradition of such person to any other State.

Article 12

Decision in respect of Request for Extradition

1. The Requested Party shall consider any request for extradition in accordance with a procedure as established by applicable laws, and shall notify the Requesting Party of its decision without delay.

2. Any complete or partial refusal to satisfy any such request is to be accompanied by reasons.

Article 13

Surrender of the Person

1. If the request is agreed to, the Central Authorities of the Parties shall agree upon the place and date of surrender of the person. The Requested Party informs the Requesting Party of the term, for which such person was detained by virtue of such request for extradition, with a view to taking this term into account while determining the total term of imprisonment for this person.

2. In case of a favourable decision regarding extradition, the Requesting Party shall receive such surrendered person within 30 days from the day of notification of such decision. If no taking over by the Requesting Party takes place within such period, such person shall be released from detention.

3. If either Party is unable, for any circumstances beyond its control, to surrender or receive the person, subject to extradition, it shall inform the other Party thereof, and the term of surrender may be extended for not more than 15 days. If no surrender takes place within the set term, such person shall be released from detention.

4. In case transportation of the person, subject to extradition, to the territory of the Requesting Party may pose any risk to his/her life or health the surrender shall be postponed until according to the Central Authority of the Requested Party his/her state of health allows to effect such surrender.

Article 14

Surrender of Items

1. To the extent admissible by applicable laws of the Requested Party, and with due consideration of third persons' rights, items, located in the territory of the Requested Party, which have been acquired as a result of an offence or may be required as evidence, shall be surrendered on request of the Requesting Party, if extradition has been agreed to.

2. Such items shall also be handed over to the Requesting Party where surrender of a person, in respect of whom the decision of extradition has been made, cannot be carried out owing to the death or escape of such person, or for any other circumstances.

3. The Requested Party may defer surrender of any objects, mentioned in Paragraph 1 of this Article, if they are required for judicial proceedings of any other case until such proceedings are completed.

4. If so required by applicable laws of the Requested Party or protection of third persons' rights, any items, handed over in such manner, shall be gratuitously returned to the Requested Party on its request as soon as possible upon completion of such judicial proceedings.

Article 15

Rule of Speciality

Any person, extradited under this Treaty, shall not be detained, proceeded against or punished in the territory of the Requesting Party, and shall not be extradited to any other State for an offence committed prior to extradition of this person, if such offence is other than the offence in connection with which such person has been extradited; nor shall he/she be for any reason restricted in his/her personal freedom, unless:

(a) the Requested Party on request gives its consent. In this case, the Requesting Party shall provide the Requested Party with all information and documents necessary for giving such consent, as specified in Article 7 hereof;

(b) such person, having an opportunity to leave the territory of the Requesting Party, has not done so within 30 days upon completion of the criminal proceedings in respect of such person or, having served a sentence, has returned to the territory of the Requesting Party after leaving it.

Article 16

Transit

1. Either Party may permit transit transportation of any person, extradited by any third State to the other Party through its territory.

2. The Party, which applies for such transit transportation, shall send a request for transit containing all documents and information specified

in Article 7 hereof to the Party, through the territory of which such transit transportation is to be carried out.

3. Such permit is not required, if such transit transportation is carried out by air and no landing in the territory of the other Party is expected.

4. In case of an unforeseen landing, the Party in whose territory the landing occurs, may detain the person, subject to extradition, for 72 hours on request of the accompanying officer until the request for transit, made pursuant to Paragraph 2 of this Article, is received.

5. Such request for transit shall be rejected in cases, specified in Paragraph 1 of Article 4 and Paragraph 1 of Article 5 herein. A request for transit may be rejected in cases, specified in Paragraph 2 of Article 4 herein.

Article 17

Expenses

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

2. The expenses of transportation and the transit expenses in connection with the surrender or taking of the extradited person, as well as surrender and return items under Article 14 hereof, shall be borne by the Requesting Party.

3. If the execution of the request demands extraordinary expenses, the Central Authorities of the Parties shall consult in advance in order to determine the conditions of the execution of the request and also the manner of paying those expenses.

Article 18

Consultations and Settlement of Disputes

Any dispute arising from the interpretation or implementation of this Treaty shall be resolved by consultations between the Parties or through

diplomatic channels, if the Central Authorities of the Parties are themselves unable to reach agreement.

Article 19

Relation to Other International Treaties

This Treaty shall not affect any rights and obligations of the Parties arising from other international treaties to which they are both parties.

Article 20

Final Provisions

1. This Treaty shall enter into force thirty (30) days after the date of receipt of the last written notice from the Parties through diplomatic channels of completion of all internal procedures as required for its commencement according to applicable laws thereof.

2. This Treaty may be amended at any time by mutual consent of the Parties, such amendments shall enter into force in accordance with the order provided for in Paragraph 1 of this Article.

3. This Treaty shall apply to requests for extradition, presented after entry of this Treaty into force even if corresponding act or omission took place before this date.

4. The present Treaty shall be terminated six (6) months after the date either of the Parties has received through the diplomatic channels the written notification of the other Party with its intention to terminate it.

5. Termination of this Treaty does not prevent execution of the requests for extradition received within the period of its action.

IN WITNESS THEREOF, the undersigned, being duly authorised by the Parties, have signed this Treaty.

Done at Abu Dhabi on the 25th day of November 2014 in two originals each in Russian, Arabic and English, all texts being equally authentic. In case of any interpretational difference the English text shall prevail.

For the Russian Federation

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'S' and 'D'.

For the United Arab Emirates

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke with a small upward tick at the end.