

## **Model Treaty on Extradition\***

(Adopted by General Assembly resolution 45/116,  
subsequently amended by General Assembly resolution 52/88)

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**A/RES/45/116**

**68th plenary meeting**

**14 December 1990**

The General Assembly,

*Bearing in mind* the Milan Plan of Action, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

*Bearing in mind also* the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

*Recalling* resolution 1 of the Seventh Congress, on organized crime, in which Member States were urged, *inter alia*, to increase their activity at the international level in order to combat organized crime, including, as appropriate, entering into bilateral treaties on extradition and mutual legal assistance,

*Recalling also* resolution 23 of the Seventh Congress on criminal acts of a terrorist character, in which all States were called upon to take steps to strengthen co-operation, *inter alia*, in the area of extradition,

*Calling attention* to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

*Acknowledging* the valuable contributions of Governments, non-governmental organizations and individual experts, in particular the Government of Australia and the International Association of Penal Law,

*Gravely concerned* by the escalation of crime, both national and transnational,

*Convinced* that the establishment of bilateral and multilateral arrangements for extradition will greatly contribute to the development of more effective international co-operation for the control of crime,

*Conscious* of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

*Conscious* that in many cases existing bilateral extradition arrangements are outdated and should be replaced by modern arrangements which take into account recent developments in international criminal law,

*Recognizing* the importance of a model treaty on extradition as an effective way of dealing with the complex aspects and serious consequences of crime, especially in its new forms and dimensions,

1. *Adopts* the Model Treaty on Extradition contained in the annex to the present resolution as a useful framework that could be of assistance to States interested in

negotiating and concluding bilateral agreements aimed at improving co-operation in matters of crime prevention and criminal justice;

2. *Invites* Member States, if they have not yet established treaty relations with other States in the area of extradition, or if they wish to revise existing treaty relations, to take into account, whenever doing so, the Model Treaty on Extradition;

3. *Urges* all States to strengthen further international co-operation in criminal justice;

4. *Requests* the Secretary-General to bring the present resolution, with the Model Treaty, to the attention of Member States;

5. *Urges* Member States to inform the Secretary-General periodically of efforts undertaken to establish extradition arrangements;

6. *Requests* the Committee on Crime Prevention and Control to review periodically the progress attained in this field;

7. *Also requests* the Committee on Crime Prevention and Control, where requested, to provide guidance and assistance to Member States in the development of legislation that would enable giving effect to the obligations in such treaties as are to be negotiated on the basis of the Model Treaty on Extradition;

8. *Invites* Member States, on request, to make available to the Secretary-General the provisions of their extradition legislation so that these may be made available to those Member States desiring to enact or further develop legislation in this field.

## **A/RES/52/88**

### **70th plenary meeting**

**12 December 1997**

The General Assembly,

*Acknowledging* the benefits of the enactment of national laws providing the most flexible basis for extradition, and bearing in mind that some developing countries and countries with economies in transition may lack the resources for developing and implementing treaty relations on extradition, as well as appropriate national legislation,

*Bearing in mind* that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

*Convinced* that existing arrangements governing international cooperation in law enforcement must be continuously reviewed and revised to ensure that the specific contemporary problems of fighting crime are being effectively addressed at all times,

*Convinced also* that reviewing and revising the United Nations model treaties will contribute to increased efficiency in combating criminality,

*Commending* the work of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996,<sup>1</sup> to implement, in part, Economic and Social Council resolution 1995/27 of 24 July 1995 by reviewing the Model Treaty on Extradition<sup>2</sup> and by proposing complementary provisions for it, elements for model legislation in the field of extradition and training and technical assistance for national officials engaged in the field of extradition,

*Commending also* the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences for providing support for the Expert Group Meeting and the Governments of Finland, Germany and the United States of America and the United Nations Interregional Crime and Justice Research Institute for their cooperation in its organization,

*Recognizing* that the work of the Intergovernmental Expert Group could not be fully completed given the limited amount of time available and that its work was therefore ultimately limited to the field of extradition,<sup>3</sup>

*Determined* to implement section I of Economic and Social Council resolution 1995/27, in which the Council requested the Secretary-General to convene a meeting of an intergovernmental expert group to explore ways of increasing the efficiency of extradition and related mechanisms of international cooperation,

[...]

## II

### EXTRADITION

1. *Welcomes* the report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996;<sup>1</sup>
2. *Decides* that the Model Treaty on Extradition<sup>2</sup> should be complemented by the provisions set forth in the annex to the present resolution;
3. *Encourages* Member States, within the framework of their national legal systems, to enact effective extradition legislation, and calls upon the international community to give all possible assistance in achieving that goal;
4. *Requests* the Secretary-General to elaborate, in consultation with Member States and subject to extrabudgetary resources, for submission to the Commission on Crime

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<sup>1</sup> E/CN.15/1997/6 and Corr.1, annex.

<sup>2</sup> Resolution 45/116, annex.

<sup>3</sup> See E/CN.15/1997/6 and Corr.1, annex, section IV.

Prevention and Criminal Justice, model legislation to assist Member States in giving effect to the Model Treaty on Extradition in order to enhance effective cooperation between States, taking into account the contents of model legislation<sup>4</sup> recommended by the Intergovernmental Expert Group Meeting;

5. *Invites* States to consider taking steps, within the framework of national legal systems, to conclude extradition and surrender or transfer agreements;

6. *Urges* States to revise bilateral and multilateral law enforcement cooperation arrangements as an integral part of the effort to effectively combat constantly changing methods of individuals and groups engaging in organized transnational crime;

7. *Urges* Member States to use the Model Treaty on Extradition as a basis in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

8. *Also urges* Member States to continue to acknowledge that the protection of human rights should not be considered inconsistent with effective international cooperation in criminal matters, while recognizing the need for fully effective mechanisms for extraditing fugitives;

9. *Invites* Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the use and application of extradition treaties or other arrangements:

(a) Establishing and designating a national central authority to process requests for extradition;

(b) Undertaking regular reviews of their treaty or other extradition arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating new and complex forms of crime;

(c) Simplifying and streamlining procedures necessary to execute and initiate requests for extradition, including the provision to requested States of information sufficient to enable extradition;

(d) Reducing the technical requirements, including documentation, necessary to satisfy the tests for extradition in cases where a person is accused of an offence;

(e) Providing for extraditable offences to extend to all acts and omissions that would be criminal offences in both States carrying a prescribed minimum penalty and not to be individually listed in treaties or other agreements, particularly with respect to organized transnational crime;

(f) Ensuring effective application of the principle of *aut dedere aut judicare*;

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<sup>4</sup> E/CN.15/1997/6 and Corr.1, annex, section I, appendix II.

(g) Paying adequate attention, when considering and implementing the measures mentioned in subparagraphs 9 (b) to (f) above, to furthering the protection of human rights and the maintenance of the rule of law;

10. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to facilitate extradition, such as specialized training and, whenever possible, secondment and exchanges of personnel, as well as the appointment in other States of representatives of prosecuting agencies or of judicial authorities, in accordance with national legislation or bilateral agreements;

11. *Reiterates* its invitation to Member States to provide the Secretary-General with copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to extradition, as well as updated information on central authorities designated to deal with requests;

12. *Requests* the Secretary-General:

(a) Subject to extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 11 above;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in the development, negotiation and implementation of bilateral, subregional, regional or international treaties on extradition, as well as in the drafting and application of appropriate national legislation, as necessary;

(c) To promote regular communication and exchanges of information between central authorities of Member States dealing with requests for extradition and to promote meetings of such authorities on a regional basis for Member States wishing to attend;

(d) To provide, taking into account the recommendations for a training programme<sup>5</sup> contained in the report of the Intergovernmental Expert Group Meeting, in cooperation with relevant intergovernmental organizations, with the participation of interested Member States at the intergovernmental organizational meeting referred to in the recommendations and subject to extrabudgetary resources, training for personnel in appropriate governmental agencies and central authorities of requesting Member States on extradition law and practice designed to develop necessary skills and to improve communications and cooperation aimed at enhancing the effectiveness of extradition and related practices;

13. *Also requests* the Secretary-General, subject to extrabudgetary resources and in cooperation with other relevant intergovernmental organizations, the United Nations Interregional Crime and Justice Research Institute and the other institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

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<sup>5</sup> Ibid., appendix III.

14. *Commends* the International Institute of Higher Studies in Criminal Sciences for its offer to organize and host a coordination meeting for the purpose of developing the training material referred to in paragraph 13 above, as well as training courses on extradition law and practice;

15. *Requests* the Secretary-General to ensure the full implementation of the provisions of the present resolution, and urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

16. *Also requests* the Secretary-General to submit the report of the Intergovernmental Expert Group Meeting on Extradition together with the present resolution to the Preparatory Committee on the Establishment of an International Criminal Court for consideration.

## ANNEX

### Model Treaty on Extradition

The \_\_\_\_\_ and the \_\_\_\_\_

*Desirous* of making more effective the co-operation of the two countries in the control of crime by concluding a treaty on extradition,

*Have agreed* as follows:

#### Article 1

##### Obligation to extradite

Each Party agrees to extradite to the other, upon request and subject to the provisions of the present Treaty, any person who is wanted in the requesting State for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.<sup>6</sup>

#### Article 2

##### Extraditable offences

1. For the purposes of the present Treaty, extraditable offences are offences that are punishable under the laws of both Parties by imprisonment or other deprivation

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<sup>6</sup> Reference to the imposition of a sentence may not be necessary for all countries.

of liberty for a maximum period of at least [one/two] year(s), or by a more severe penalty. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least [four/six] months of such sentence remains to be served.

2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:

(a) The laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;

(b) Under the laws of the Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the requesting State shall be taken into account.

3. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or other revenue matters, extradition may not be refused on the ground that the law of the requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the requesting State.<sup>7</sup>

4. If the request for extradition includes several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 of the present article, the requested Party may grant extradition for the latter offences provided that the person is to be extradited for at least one extraditable offence.

### Article 3

#### Mandatory grounds for refusal

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

(a) If the offence for which extradition is requested is regarded by the requested State as an offence of a political nature. **Reference to an offence of a political nature shall not include any offence in respect of which the Parties have assumed an obligation, pursuant to any multilateral convention, to take prosecutorial action where they do not extradite, or any other offence that the Parties have agreed is not an offence of a political character for the purposes of extradition;**<sup>8</sup>

(b) If the requested State 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,

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<sup>7</sup> Some countries may wish to omit this paragraph or provide an optional ground for refusal under article 4.

<sup>8</sup> **Countries may wish to exclude certain conduct, e.g., acts of violence, such as serious offences involving an act of violence against the life, physical integrity or liberty of a person, from the concept of political offence.**

sex or status, or that that person's position may be prejudiced for any of those reasons;

(c) If the offence for which extradition is requested is an offence under military law, which is not also an offence under ordinary criminal law;

(d) If there has been a final judgment rendered against the person in the requested State in respect of the offence for which the person's extradition is requested;

(e) If the person whose extradition is requested has, under the law of either Party, become immune from prosecution or punishment for any reason, including lapse of time or amnesty;<sup>9</sup>

(f) If 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, as contained in the International Covenant on Civil and Political Rights, article 14;<sup>10</sup>

(g) If the judgment of the requesting State has been rendered *in absentia*, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he has not had or will not have the opportunity to have the case retried in his or her presence.<sup>11</sup>

#### Article 4

##### Optional grounds for refusal

Extradition may be refused in any of the following circumstances:

(a) If the person whose extradition is requested is a national of the requested State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person in respect of the offence for which extradition had been requested;<sup>12</sup>

(b) If the competent authorities of the requested State have decided either not to institute or to terminate proceedings against the person for the offence in respect of which extradition is requested;

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<sup>9</sup> Some countries may wish to make this an optional ground for refusal under article 4. **Countries may also wish to restrict consideration of the issue of lapse of time to the law of the requesting State only or to provide that acts of interruption in the requesting State should be recognized in the requested State.**

<sup>10</sup> See General Assembly resolution 2200 A (XXI), annex.

<sup>11</sup> Some countries may wish to add to article 3 the following ground for refusal: "If there is insufficient proof, according to the evidentiary standards of the requested State, that the person whose extradition is requested is a party to the offence"(see also footnote 16).

<sup>12</sup> **Some countries may also wish to consider, within the framework of national legal systems, other means to ensure that those responsible for crimes do not escape punishment on the basis of nationality, such as, *inter alia*, provisions that would permit surrender for serious offences or permit temporary transfer of the person for trial and return of the person to the requested State for service of sentence.**

(c) If a prosecution in respect of the offence for which extradition is requested is pending in the requested State against the person whose extradition is requested;

(d) If the offence for which extradition is requested carries the death penalty under the law of the requesting State, unless that State gives such assurance as the requested State considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out. **Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person for the offence for which extradition had been requested;**<sup>13</sup>

(e) If the offence for which extradition is requested has been committed outside the territory of either Party and the law of the requested State does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;

(f) If the offence for which extradition is requested is regarded under the law of the requested State as having been committed in whole or in part within that State.<sup>14</sup> Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person for the offence for which extradition had been requested;

(g) If the person whose extradition is requested has been sentenced or would be liable to be tried or sentenced in the requesting State by an extraordinary or *ad hoc* court or tribunal;

(h) If the requested State, while also taking into account the nature of the offence and the interests of the requesting State, considers that, in the circumstances of the case, the extradition of that person would be incompatible with humanitarian considerations in view of age, health or other personal circumstances of that person.

## Article 5

### Channels of communication and required documents<sup>15</sup>

1. A request for extradition shall be made in writing. The request, supporting documents and subsequent communications shall be transmitted through the diplomatic channel, directly between the ministries of justice or any other authorities designated by the Parties.

2. A request for extradition shall be accompanied by the following:

(a) In all cases,

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<sup>13</sup> Some countries may wish to apply the same restriction to the imposition of a life, or indeterminate, sentence.

<sup>14</sup> Some countries may wish to make specific reference to a vessel under its flag or an aircraft registered under its laws at the time of the commission of the offence.

<sup>15</sup> **Countries may wish to consider including the most advanced techniques for the communication of requests and means which could establish the authenticity of the documents as emanating from the requesting State.**

(i) As accurate a description as possible of the person sought, together with any other information that may help to establish that person's identity, nationality and location;

(ii) The text of the relevant provision of the law creating the offence or, where necessary, a statement of the law relevant to the offence and a statement of the penalty that can be imposed for the offence;

(b) If the person is accused of an offence, by a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the alleged offence, including an indication of the time and place of its commission;<sup>16</sup>

(c) If the person has been convicted of an offence, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by the original or certified copy of the judgment or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable, and the extent to which the sentence remains to be served;

(d) If the person has been convicted of an offence in his or her absence, in addition to the documents set out in paragraph 2 (c) of the present article, by a statement as to the legal means available to the person to prepare his or her defence or to have the case retried in his or her presence;

(e) If the person has been convicted of an offence but no sentence has been imposed, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by a document setting out the conviction and a statement affirming that there is an intention to impose a sentence.

3. The documents submitted in support of a request for extradition shall be accompanied by a translation into the language of the requested State or in another language acceptable to that State.

#### Article 6

#### Simplified extradition procedure<sup>17</sup>

The requested State, if not precluded by its law, may grant extradition after receipt of a request for provisional arrest, provided that the person sought explicitly consents before a competent authority.

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<sup>16</sup> Countries requiring evidence in support of a request for extradition may wish to define the evidentiary requirements necessary to satisfy the test for extradition and in doing so should take into account the need to facilitate effective international cooperation.

<sup>17</sup> Countries may wish to provide for the waiver of speciality in the case of simplified extradition.

Article 7

Certification and authentication

Except as provided by the present Treaty, a request for extradition and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.<sup>18</sup>

Article 8

Additional information

If the requested State considers that the information provided in support of a request for extradition is not sufficient, it may request that additional information be furnished within such reasonable time as it specifies.

Article 9

Provisional arrest

1. In case of urgency the requesting State may apply for the provisional arrest of the person sought pending the presentation of the request for extradition. The application shall be transmitted by means of the facilities of the International Criminal Police Organization, by post or telegraph or by any other means affording a record in writing.
2. The application shall contain a description of the person sought, a statement that extradition is to be requested, a statement of the existence of one of the documents mentioned in paragraph 2 of article 5 of the present Treaty, authorizing the apprehension of the person, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and a concise statement of the facts of the case, and a statement of the location, where known, of the person.
3. The requested State shall decide on the application in accordance with its law and communicate its decision to the requesting State without delay.
4. The person arrested upon such an application shall be set at liberty upon the expiration of [40] days from the date of arrest if a request for extradition, supported by the relevant documents specified in paragraph 2 of article 5 of the present Treaty, has not been received. The present paragraph does not preclude the possibility of conditional release of the person prior to the expiration of the [40] days.
5. The release of the person pursuant to paragraph 4 of the present article shall not prevent rearrest and institution of proceedings with a view to extraditing the person sought if the request and supporting documents are subsequently received.

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<sup>18</sup> The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

Article 10

Decision on the request

1. The requested State shall deal with the request for extradition pursuant to procedures provided by its own law, and shall promptly communicate its decision to the requesting State.
2. Reasons shall be given for any complete or partial refusal of the request.

Article 11

Surrender of the person

1. Upon being informed that extradition has been granted, the Parties shall, without undue delay, arrange for the surrender of the person sought and the requested State shall inform the requesting State of the length of time for which the person sought was detained with a view to surrender.
2. The person shall be removed from the territory of the requested State within such reasonable period as the requested State specifies and, if the person is not removed within that period, the requested State may release the person and may refuse to extradite that person for the same offence.
3. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party. The two Parties shall mutually decide upon a new date of surrender, and the provisions of paragraph 2 of the present article shall apply.

Article 12

Postponed or conditional surrender

1. The requested State may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is sought. In such a case the requested State shall advise the requesting State accordingly.
2. The requested State may instead of postponing surrender, temporarily surrender the person sought to the requesting State in accordance with conditions to be determined between the Parties.

Article 13

Surrender of property

1. To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all property found in the requested State that has been acquired as a result of the offence or that may be

required as evidence shall, if the requesting State so requests, be surrendered if extradition is granted.

2. The said property may, if the requesting State so requests, be surrendered to the requesting State even if the extradition agreed to cannot be carried out.

3. When the said property is liable to seizure or confiscation in the requested State, it may retain it or temporarily hand it over.

4. Where the law of the requested State or the protection of the rights of third parties so require, any property so surrendered shall be returned to the requested State free of charge after the completion of the proceedings, if that State so requests.

#### Article 14

##### Rule of speciality

1. A person extradited under the present Treaty shall not be proceeded against, sentenced, detained, re-extradited to a third State, or subjected to any other restriction of personal liberty in the territory of the requesting State for any offence committed before surrender other than:

(a) An offence for which extradition was granted;<sup>19</sup>

(b) Any other offence in respect of which the requested State consents. Consent shall be given if the offence for which it is requested is itself subject to extradition in accordance with the present Treaty.<sup>20</sup>

2. A request for the consent of the requested State under the present article shall be accompanied by the documents mentioned in paragraph 2 of article 5 of the present Treaty and a legal record of any statement made by the extradited person with respect to the offence.<sup>21</sup>

3. Paragraph 1 of the present article shall not apply if the person has had an opportunity to leave the requesting State and has not done so within [30/45] days of final discharge in respect of the offence for which that person was extradited or if the person has voluntarily returned to the territory of the requesting State after leaving it.

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<sup>19</sup> Countries may also wish to provide that the rule of speciality is not applicable to extraditable offences provable on the same facts and carrying the same or a lesser penalty as the original offence for which extradition was requested.

<sup>20</sup> Some countries may not wish to assume that obligation and may wish to include other grounds in determining whether or not to grant consent.

<sup>21</sup> Countries may wish to waive the requirement for the provision of some or all of these documents.

## 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. Upon receipt of such a request, which shall contain relevant information, the requested State shall deal with this request pursuant to procedures provided by its own law. The requested State shall grant the request expeditiously unless its essential interests would be prejudiced thereby.<sup>22</sup>
3. The State of transit shall ensure that legal provisions exist that would enable detaining the person in custody during transit.
4. In the event of an unscheduled landing, the Party to be requested to permit transit may, at the request of the escorting officer, hold the person in custody for [48] hours, pending receipt of the transit request to be made in accordance with paragraph 1 of the present article.

## Article 16

### Concurrent requests

If a Party receives requests for extradition for the same person from both the other Party and a third State it shall, at its discretion, determine to which of those States the person is to be extradited.

## Article 17

### Costs

1. The requested State shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition.
2. The requested State shall also bear the costs incurred in its territory in connection with the seizure and handing over of property, or the arrest and detention of the person whose extradition is sought.<sup>23</sup>

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<sup>22</sup> Some countries may wish to agree on other grounds for refusal, which may also warrant refusal for extradition, such as those related to the nature of the offence (e.g. political, fiscal, military) or to the status of the person (e.g. their own nationals). **However, countries may wish to provide that transit should not be denied on the basis of nationality.**

<sup>23</sup> Some countries may wish to consider reimbursement of costs incurred as a result of withdrawal of a request for extradition or provisional arrest. **There may also be cases for consultation between the requesting and requested States for the payment by the requesting State of extraordinary costs, particularly in complex cases where there is a significant disparity in the resources available to the two States.**

3. The requesting State shall bear the costs incurred in conveying the person from the territory of the requested State, including transit costs.

Article 18

Final provisions

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which such notice is received by the other Party.

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

DONE at \_\_\_\_\_  
on \_\_\_\_\_ in  
the \_\_\_\_\_ and  
\_\_\_\_\_ languages, [both/all]  
texts being equally authentic.