

**ACT ON EXTRADITION BETWEEN THE KINGDOM OF THAILAND
AND THE PEOPLE'S REPUBLIC OF BANGLADESH B.E.2543**

BHUMIBOL ADULYADEJ, REX.

**Given on the 27st Day of October B.E. 2543;
Being the 55th Year of the Present Reign**

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to have a law governing the extradition between the Kingdom of Thailand and the People's Republic of Bangladesh.

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the Parliament, as follows:

Section 1 This Act shall be called the "Act on Extradition Between The Kingdom of Thailand and The People's Republic of Bangladesh B.E. 2543".

Section 2¹ This Act shall come into force as from the date following the date of its publication in the Government Gazette.

Section 3 The extradition between the Kingdom of Thailand and the People's Republic of Bangladesh shall be in accordance with Treaty Between The Kingdom of Thailand and The People's Republic of Bangladesh Relating to Extradition annexed to this Act.

Section 4 The Prime Minister, the Minister of Foreign Affairs, the Minister of Interior and the Minister of Justice shall take charge under this Act in accordance with the part of power and duty of each Ministry.

Counter-Signature:

Mr. Chuan Leekpai

Prime Minister

¹ The Government Gazette, Volume 117 Section 99A Page 4 dated 3th November 2000.

TREATY
BETWEEN
THE KINGDOM OF THAILAND
AND
THE PEOPLE'S REPUBLIC OF BANGLADESH
RELATING TO EXTRADITION

The Government of the Kingdom of Thailand and the Government of the People's Republic of Bangladesh, hereinafter referred to as the Contracting States;

Desiring to provide for more effective cooperation between the two States in the suppression of crimes;

Desiring also to conclude a Treaty for the reciprocal extradition of offenders;

Have agreed as follows:

ARTICLE 1
Obligation to Extradite

(1) The Contracting States agree to extradite to each other, subject to the provisions of this Treaty, persons found in the territory of one of the Contracting States who have been proceeded against for, have been charged with, have been found guilty of, or are wanted for the enforcement of a judicially pronounced penalty for committing an extraditable offence, by the judicial authority of the other Contracting State. The term "judicial authority" shall include the police and public prosecution authority for the purpose of proceeding against or charging such persons in accordance with the laws of each Contracting State.

(2) With respect to an extraditable offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if its laws would provide for the punishment of such an offence in comparable circumstances.

ARTICLE 2
Extraditable Offences


(1) An offence shall be an extraditable offence for prosecution or for the imposition of a penalty or detention order only if it is punishable under the laws of both Contracting Parties by imprisonment or other form of detention for a period of more than one year or by any greater punishment.

For the enforcement of a penalty or detention order for such an extraditable offence, extradition shall be granted if the duration of the penalty or detention order still to be served amounts to at least six months.

(2) An offence shall be an extraditable offence if it consists of preparing or attempting to commit, aiding or abetting, assisting, counseling or procuring the commission of, or being an accessory before or after the fact of an offence described in paragraph (1) of this Article provided that such offences are punishable under the laws of both Contracting States by imprisonment or other form of detention for a period of more than one year or by any greater punishment.

(3) For the purposes of this Article, an offence shall be an extraditable offence, whether or not the laws of the Contracting States place the offence within the same category of offences or denominate the offence by the same terminology.

(4) When extradition has been granted with respect to an extraditable offence, it may also be granted in respect of any other offence specified in the extradition request that meets all other requirements for extradition except for periods of penalty or detention order set forth in paragraph (1) of this Article.



ARTICLE 3
Political and Military Offences

- (1) Extradition shall not be granted when:
- (a) the offence for which extradition is sought is a political offence; or
 - (b) it is established that extradition is requested for political purposes; or
 - (c) the offence for which extradition is sought is exclusively a military offence.

(2) For the purpose of this Treaty, a murder or willful crime against the life or physical integrity of a Head of State of one of the Contracting States or of a member of that person's family, including attempts to commit such offences, shall not be deemed to be offences within the meaning of paragraph (1) of this Article.

ARTICLE 4
Dual Jurisdiction

The Requested State may refuse to extradite a person claimed for a crime which is regarded by its laws as having been committed in whole or in part in its territory or in a place treated as its territory, provided it shall proceed against the person for that crime according to its laws.

ARTICLE 5
Prior Jeopardy for the Same Offence

(1) Extradition shall not be granted when the person sought has been tried and convicted or acquitted in the Requested State for the offence for which extradition is requested.

(2) Extradition may be denied when the person sought is being or has been proceeded against in the Requested State for the offence for which extradition is requested.

(3) Extradition may be granted even if the competent authorities of the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested.

ARTICLE 6
Lapse of Time

Extradition shall not be granted when the prosecution or the enforcement of the penalty for the offence for which extradition has been sought has become barred by lapse of time according to the laws of the Requesting State.

ARTICLE 7
Nationality

(1) Neither Contracting State shall be bound to extradite its own nationals.

(2) If extradition is not granted pursuant to paragraph (1) of this Article, the Requested State shall, at the request of the Requesting State, submit the case to its competent authority for prosecution. For this purpose, the Requesting State shall submit the files, information, and exhibits relating to the case to the Requested State. If the Requested State requires additional documents or evidence, such documents or evidence shall be submitted without charge to that State.

(3) Notwithstanding paragraph (2) of this Article, the Requested State shall not be required to submit the case to its competent authority for prosecution if the Requested State has no jurisdiction over the offence.



ARTICLE 8
Extradition Procedures and Required Documents

- (1) The request for extradition shall be made through the diplomatic channels.
 - (2) The request for extradition shall be accompanied by:
 - (a) documents, statements, or other evidence which describe the identity and probable location of the person sought;
 - (b) a statement of the facts of the case, including, if possible, the time and location of the crime;
 - (c) the provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;
 - (d) the provisions of the law describing the punishment for the offence; and
 - (e) the provisions of the law describing any time limit on the prosecution or the execution of punishment for the offence.
 - (3) A request for extradition relating to a person who is sought for prosecution also shall be accompanied by:
 - (a) a copy of the warrant of arrest issued by a judge or other competent authority of the Requesting State;
 - (b) such evidence as, according to the law of the Requested State, would justify that person's arrest and committal for trial, including evidence establishing that the person sought is the person to whom the warrant of arrest refers.
 - (4) When the request for extradition relates to a convicted person, in addition to the items required by paragraph (2) of this Article, it shall be accompanied by:
 - (a) a copy of the judgment of conviction by a court of the Requesting State; and
 - (b) evidence providing that the person sought is the person to whom the conviction refers.
- If the person has been convicted but not sentenced, the request for extradition shall also be accompanied by a statement to that effect. If the convicted person has been sentenced, the request for extradition shall also be accompanied by a copy of the sentence imposed and a statement showing to what extent the sentence has been carried out.
- (5) All documents submitted by the Requesting State shall be translated into the language of the Requested State.
 - (6) Documents transmitted through the diplomatic channels shall be admissible in extradition proceedings in the Requested State without further authentication, or other legalization.

ARTICLE 9
Provisional Arrest

- (1) In case of urgency, either Contracting State may request the provisional arrest of any accused or convicted person. The request for provisional arrest shall be made through the diplomatic channels or directly between the Ministry of Home Affairs in Bangladesh and the Ministry of Interior in Thailand, in which case the communication facilities of Interpol may be used.
 - (2) The request shall contain: a description of the person sought; the location of that person, if known; a brief statement of the facts of the case including, if possible, the time and location of the offence; a statement of the existence of a warrant of arrest or a judgment of conviction against that person, as referred to in Article 8; and a statement that a request for extradition of the person sought will follow.
 - (3) The Requesting State shall be notified without delay of the result of its request.
- 10

(4) Provisional arrest shall be terminated if, within a period of 60 days after the arrest of the person sought, the competent authority of the Requested State has not received the formal request for extradition and the supporting documents required by Article 8.

(5) The termination of provisional arrest pursuant to paragraph (4) of this Article shall not prejudice the extradition of the person sought if the extradition request and the supporting documents mentioned in Article 8 are delivered at a later date.

ARTICLE 10
Decision and Surrender

(1) The Requested State shall communicate without delay through the diplomatic channels to the Requesting State its decision on the request for extradition.

(2) The Requested State shall provide reasons for any partial or complete rejection of the request for extradition.

(3) If the extradition has been granted, surrender of the person sought shall take place within such time as may be prescribed by the laws of the Requested State. The competent authorities of the Contracting States shall agree on the time and place of the surrender of the person sought. If, however, that person is not removed from the territory of the Requested State within the prescribed time, that person may be set at liberty and the Requested State may subsequently refuse extradition for the same offence.

ARTICLE 11
Deferred Surrender

If the extradition request is granted in the case of a person who is being proceeded against or is serving a sentence in the territory of the Requested State for a different offence, the Requested State may defer the surrender of the person sought until the conclusion of the proceedings against that person, or the full execution of any punishment that may be or may have been imposed.

ARTICLE 12
Requests for Extradition Made by Several States

If the Requested State receives requests from the other Contracting State and from one or more third States for the extradition of the same person, either for the same offence or for different offences, it shall determine to which State it will extradite that person. In making its decision it shall consider all relevant factors, including but not limited to:

- (a) the State in which the offence was committed;
- (b) in cases involving different offences, the State seeking the individual for the offence which is punishable by the most severe penalty in accordance with the law of the Requested State;
- (c) in cases involving different offences that the Requested State considers of equal gravity, the order in which requests were received from the Requesting States;
- (d) the nationality of the offender; and
- (e) the possibility of re-extradition between the Requesting States.

ARTICLE 13
Rule of Speciality

(1) A person extradited under this Treaty shall not be detained, tried, or punished in the territory of the Requesting State for an offence other than that for which extradition has been granted, nor be extradited by that State to a third State, unless:

- (a) that person has left the territory of the Requesting State after extradition and has voluntarily returned to it;
- (b) that person has not left the territory of the Requesting State within 45 days after being free to do so; or
- (c) the Requested State has consented to detention, trial, or punishment of that person for an offence other than that for which extradition was granted, or to extradition to a third State. For this purpose, the Requested State may require the submission of any document or statement mentioned in Article 8, including any statement made by the extradited person with respect to the offence concerned.

These stipulations shall not apply to offences committed after extradition.

(2) If the charge for which the person was extradited is legally altered in the course of proceedings by virtue of a new statute, or the charging, pleading, or finding of a lesser offence, that person may be prosecuted or sentenced accordingly, provided the altered charge is:

- (a) based on the same set of facts contained in the extradition request and its supporting documents; and
- (b) punishable by the same maximum penalty as, or a lesser maximum penalty than, the offence for which that person was extradited.

ARTICLE 14 Simplified Procedure

If the person sought irrevocably agrees in writing to extradition after personally being advised by the competent authority of his right to formal extradition proceedings and the protection afforded by them, the Requested State may grant extradition without formal extradition proceedings.

ARTICLE 15 Handing Over of Property

(1) The Requested State shall, insofar as its law permits and at the request of the Requesting State, seize and upon the granting of the extradition hand over property:

- (a) which may be required as evidence; or
- (b) which has been acquired as a result of the crime and which, at the time of the arrest, is found in the possession of the person claimed or is subsequently discovered.

(2) The property mentioned in paragraph (1) of this Article shall be handed over even if extradition, having been granted, cannot be carried out due to the death, disappearance, or escape of the person claimed.

(3) When the said property is liable to seizure or confiscation in the territory of the Requested State, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it be returned.

(4) Any right which the Requested State or any State or individual may have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the Requested State at its request as soon as possible after the trial.

2

10

ARTICLE 16

Transit

(1) Either Contracting Party may authorize transit through its territory of a person surrendered to the other by a third State. The Contracting State requesting transit shall provide the transit State, through diplomatic channels, with a request for transit which shall contain a description of the person being transited and a brief statement of the facts of the case. No such authorisation is required where air transportation is used and no landing is scheduled on the territory of the other Contracting State.

(2) If an unscheduled landing on the territory of the other Contracting Party occurs, transit shall be subject to the provisions of paragraph (1) of this Article. That Contracting State may detain the person to be transited for a period up to 96 hours while awaiting the request for transit.

ARTICLE 17

Expenses and Assistance

(1) Expenses incurred in the territory of the Requested State by reason of extradition, up to the moment of surrender of the person to be extradited, shall be borne by that State.

(2) The Requested State shall appear on behalf of the Requesting State and conduct and carry out any proceedings arising out of a request for extradition.

(3) No pecuniary claim arising out of the arrest, detention, examination, and surrender of persons sought under the terms of this Treaty shall be made by the Requested State against the Requesting State.

ARTICLE 18

Scope of Application

This Treaty shall apply to extraditable offences under this Treaty committed before as well as after the date this Treaty enters into force.

ARTICLE 19

Ratification and Entry into Force

(1) This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Bangkok as soon as possible.



(2) This Treaty shall enter into force upon the exchange of the instruments of ratification.

ARTICLE 20

Denunciation

Either Contracting State may terminate this Treaty at any time by giving written notice to the other Party and the termination shall be effective six months after the date of receipt of such notice. Such termination shall not prejudice any extradition proceedings commenced prior to the giving of such notice.

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



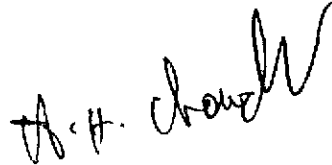
Done in duplicate at Dhaka on 9 July 1998 in the Thai, Bangla and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of the
Kingdom of Thailand



(M.R. SUKHUMBHAND PARIBATRA)
DEPUTY MINISTER
OF FOREIGN AFFAIRS

For the Government of the
People's Republic of Bangladesh



(ABUL HASAN CHOWDHURY, M.P.)
MINISTER OF STATE FOR
FOREIGN AFFAIRS

Instrument of Ratification

WHEREAS the Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh Relating to Extradition was signed at Dhaka on 9 July 1998 by the duly authorized Representatives of the Governments of the Kingdom of Thailand and of the People's Republic of Bangladesh; and

WHEREAS Article 19 of the Treaty provides that this Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Bangkok as soon as possible and this Treaty shall enter into force upon the exchange of the instruments of ratification;

THE GOVERNMENT OF THE KINGDOM OF THAILAND, having considered the aforesaid Treaty, hereby confirms and ratifies the same and undertakes to faithfully perform and carry out all the stipulations contained therein.

IN WITNESS WHEREOF, this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of the Kingdom of Thailand.

DONE at the Ministry of Foreign Affairs, Bangkok, this 4th day of December in the Year Two thousand Five hundred and Forty-three of the Buddhist Era, corresponding to the Year Two thousand of the Christian Era.



(Surin Pitsuwan)
Minister of Foreign Affairs
of the Kingdom of Thailand

PROCES – VERBAL OF THE EXCHANGE
OF
INSTRUMENTS OF RATIFICATION

The undersigned have met today for the purpose of exchanging the Instruments of Ratification of the Treaty between the Kingdom of Thailand and the People's Republic of Bangladesh Relating to Extradition, signed at Dhaka on 9 July 1998.

According to Article 19 (2) of the above-mentioned Treaty, the Treaty shall enter into force upon the exchange of the instruments of ratification.

These Instruments, having been examined and found to be in due form, have been exchanged today.

IN WITNESS WHEREOF, the undersigned have signed the present Procès – Verbal.

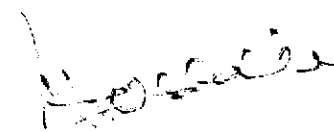
DONE at Bangkok, in duplicate in English, this Nineteenth Day of March in the Year Two thousand Five hundred and Forty-four of the Buddhist Era, corresponding to the Year Two thousand and One of the Christian Era.

FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND

FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF BANGLADESH



(Surakiart Sathirathai)
Minister of Foreign Affairs



(Suhrab Hossain)
Ambassador Extraordinary and
Plenipotentiary