

TREATY
ON
THE EXTRADITION
BETWEEN
THE UNITED ARAB EMIRATES
AND
THE KINGDOM OF DENMARK

The United Arab Emirates and the Kingdom of Denmark hereinafter referred to as the
“Parties”,

Desiring to promote an effective judicial cooperation between their two Countries with the intent of preventing crime on the basis of mutual respect for sovereignty, equality and mutual benefit,

Considering that this purpose may be achieved by the conclusion of a bilateral treaty establishing a joint action in extradition matters,

HAVE AGREED as follows:

Article 1

Obligation to extradite

Each Party, in compliance with the provisions of this Treaty and upon request of the Requesting Party, undertakes to extradite to the other Party any person who is on its territory and is wanted by the Requesting Party for the purpose of carrying out criminal proceedings or executing a final custodial sentence.

Article 2

Extraditable offences

1. For the purposes of this Treaty, extradition shall be granted when:
 - a. the request for extradition is made to carry out criminal proceedings and the offence is punishable, pursuant to the laws of both Parties, with a custodial sentence of at least one (1) year;
 - b. the request for extradition is made for executing an enforceable custodial judgment for an offence punishable pursuant to the laws of both Parties and, at the moment of submission of the request, the length of sentence or restriction still to be served is of at least six (6) months.
2. When determining whether, in compliance with paragraph 1 of this Article, an act constitutes an offence pursuant to the laws of both Parties, it shall not matter whether the laws in both Parties place the act within the same category of offence or describe the offence by the same terminology.
3. In respect of offences relevant to taxes and duties, customs duties and foreign exchange, extradition shall not be refused only on the ground that the laws of the Requested Party do not impose the same kind of taxes and duties or do not contain the same type of provisions in connection with taxes, duties, customs duties and foreign exchange as the laws of the Requesting Party.
4. Extradition shall be granted also if the offence for which it is requested was committed outside of the territory of the Requesting Party, provided that the laws of the Requested Party allow the prosecution of an offence of the same nature committed outside of its territory.
5. If the request for extradition concerns two or more offences, each of which constitutes an offence pursuant to the laws of both Parties, and provided that one of them fulfils the conditions provided for in paragraphs 1 and 2 of this Article, the Requested Party may grant extradition for all of those offences.

Article 3

Mandatory grounds for refusal

Extradition shall not be granted if:

- a. the offence for which it is requested is an offence of a political nature. In the application of the provisions of this Treaty the following offences shall not be considered as political offences:

- i. assault on the President or his Deputy or Head of Government of either Party or any member of such a person's family or any member of the Supreme Council of the State of the United Arab Emirates or of a Member of such a person's family;
 - ii. terrorist offences;
 - iii. any other offence not considered as a political offence under any international treaty, convention or agreement to which the Requested Party adheres;
- b. the Requested Party has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing the person sought for reasons of race, sex, religion, social condition, nationality or political opinion, or that person's position in the criminal proceedings may be prejudiced for any of those reasons;
- c. the offence for which extradition is requested could be punished by the Requesting Party with a punishment prohibited by the laws of the Requested Party;
- d. when the offence for which extradition is sought is punishable by death under the laws of the Requesting Party and is not punishable by death under the laws of the Requested Party, the Requested Party shall refuse to grant extradition unless capital punishment is not imposed on the requested person or, if imposed, the Requesting Party undertakes that it will not be enforced. If the Requesting Party accepts extradition under the conditions of this paragraph it shall comply with such conditions;
- e. the Requested Party has substantial grounds for believing that the person whose extradition is requested has been or would be subjected in the Requesting Party to torture or cruel, inhuman or degrading treatment, to proceedings which do not ensure the respect of basic defense rights;
- f. the judgment of the Requesting Party has been rendered in absentia and the convicted person has not had sufficient notice of the trial or he is not given the opportunity to arrange for his or her defense and has not had or will not have the opportunity to have the case retried in his/her presence;
- g. in respect of the offence for which extradition is requested, the person sought has already been tried with a final judgment by the competent Authorities of the Requested Party, or if said person has been pardoned for the final judgment by the competent authorities of the Requested Party;
- h. the offence for which extradition is requested falls within the jurisdiction of the Requested Party under its own criminal law and the criminal prosecution or punishment of the requested person is statute-barred according to the law of the Requested Party;
- i. the offence for which extradition is requested constitutes solely a military offence under the laws of the Requested Party;
- j. the Requested Party has granted political asylum to the person sought;

- k. the Requested Party deems that granting extradition could jeopardize its sovereignty, security, public order or other essential interests of the Party or cause effects in contrast with the fundamental principles of its domestic law.
1. The execution of the request for extradition would be contrary to the principles of ne bis in idem.

Article 4

Optional grounds for refusal

Extradition may be refused in any of the following circumstances:

- a) the offence for which extradition is requested is subject to the jurisdiction of the Requested Party in accordance with its domestic law and the person sought is being prosecuted or is going to be prosecuted by the competent Authorities of that Party for the same offence for which extradition is requested;
- b) the Requested Party, while taking into consideration the seriousness of the offence and interests of the Requesting Party, considers that the extradition would not be compatible with humanitarian considerations in view of the age and health conditions.

Article 5

Extradition of Nationals

1. Each Party may extradite its nationals to the other Party as permitted by its domestic law.
2. In case of refusal of the extradition, the Requested Party shall, at the request of the Requesting Party, submit the case to its competent authority for the purpose of institution of criminal proceedings in accordance with its national law. For this purpose, the Requesting Party shall provide the Requested Party with documents and evidences relating to the case. The Requesting Party shall be notified of any action taken in this respect, upon its request.

Article 6

Central Authorities

1. Each Party shall designate a Central Authority for the purpose of the implementation of this Treaty.
2. The respective Central Authorities are:
 - For the United Arab Emirates, the Central Authority is the Ministry of Justice.

- For the Kingdom of Denmark the Central Authority is the Director of Public Prosecutions.
3. In case any Party changes its Central Authority, it shall notify in writing the other Party of such change, through diplomatic channels.

Article 7

Submission of the 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 and description, if available, 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 and a legal statement describing the offence;
 - 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) if the request for extradition relates to a person who has been convicted of the offence for which extradition is sought, the request shall also be supported by:
 - i. a copy of the sentence or conviction imposed;
 - ii. a statement establishing to what extent the sentence or conviction has been carried out and the remainder of the sentence to be served.
2. If the request for extradition is 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 a 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 signed and stamped by a competent or Central Authority of the sending Party, require no legalization or authentication in any other manner.

Article 8

Additional information

1. If the information provided by the Requesting Party in support of a request for extradition is not sufficient to enable the Requested Party to reach a decision under this Treaty, such latter Party may request that the necessary additional information be submitted within thirty (30) days unless the requesting party notifies the requested party that additionally fifteen (15) days are needed due to special circumstances.
2. Failure to submit the additional information within the time limit indicated in paragraph 1 of this Article amounts to renouncing the request for extradition.
3. However, the Requesting Party shall not be precluded from making a new request for extradition of the same person and for the same offence.

Article 9

Decision

1. The Requested Party shall decide on the request for extradition in compliance with the procedures provided for in its domestic law and shall inform promptly the Requesting Party of its decision.
2. If the Requested Party refuses the whole or any part of the request for extradition, the reasons for refusal shall be notified to the Requesting Party.

Article 10

Rule of speciality

1. The person extradited in compliance with this Treaty shall not be prosecuted, tried, detained for the purpose of executing a sentence in the Requesting Party, nor subjected to any other measure restricting personal liberty, for any offence committed before being surrendered and different from the one for which extradition is granted, unless:
 - a. the person extradited, after having left the territory of the Requesting Party, voluntarily returns to it;

- b. the person extradited does not leave the territory of the Requesting Party within forty-five days (45) after having had the opportunity to do so. However, such period of time shall not include the time during which said person fails to leave the Requesting Party for reasons beyond his/her control;
 - c. the Requested Party consents to the extradition; in this case, the Requested Party, upon specific request by the Requesting Party, may agree to prosecute the person extradited or execute a sentence against him/her for an offence different from that for which the request for extradition has been made, in compliance with the conditions and restrictions set by this Treaty. In this respect:
 - 1) The Requested Party may ask the Requesting Party to transmit the documents and information indicated in Article 7;
 - 2) While awaiting the decision on the request made, the person extradited may be kept in detention by the Requesting Party according to its national laws.
2. Except as provided for in letter (c) of the paragraph above, the Requesting Party may adopt any measure necessary, under its laws, to interrupt the period of limitation.
 3. When the legal classification of the offence charged is modified during the proceedings, the person extradited may be prosecuted and tried for the offence differently denominated, provided that extradition is permitted under this Treaty also for this new offence.

Article 11

Re-extradition to a Third Party

Except in the cases provided for in paragraph 1, letters a) and b) of Article 10, the Requesting Party cannot surrender to a third Party, without the consent of the Requested Party, the person that has been surrendered to it and is requested by the third Party for offences committed before such surrender. The Requested Party may ask for the submission of the documents and information indicated in Article 7.

Article 12

Provisional arrest

1. In case of urgency, the Requesting Party may ask for the provisional arrest of the person sought in view of presenting the request for extradition. The request for provisional arrest shall be made in writing through the Central Authorities designated pursuant to Article 6 of this Treaty, the International Criminal Police Organization (INTERPOL) or other channels agreed upon by both Parties.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 7, paragraph 1 (a, b and f or g) exists and that it is intended to send a request for extradition. It shall

also state for what offence extradition will be requested and when and where such offence was committed and shall so far as possible give a description of the person sought.

3. Once the request for provisional arrest is received, the Requested Party shall take the measures necessary to ensure the custody of the person sought and shall inform promptly the Requesting Party of the outcome of its request.
4. Provisional arrest and any coercive measure that might have been imposed become ineffective if, within thirty (30) days after the arrest of the person sought, the Central Authority of the Requested Party does not receive the formal request for extradition. Upon a motivated request by the Requesting Party, such time limit may be extended by thirty (30) days under special circumstances.
5. A provisional arrest ineffective pursuant to paragraph 4 of this Article shall not prejudice the extradition of the person sought if the Requested Party subsequently receives the formal request for extradition in compliance with the conditions and restrictions of this Treaty.

Article 13

Concurrent requests

If the Requested Party receives from the Requesting Party and from one or more third States a request for extradition of the same person, for the same offence or for different offences, the Requested Party, in determining to which State the person is to be extradited, shall consider all the relevant circumstances, in particular:

whether the requests were made pursuant to a treaty;

the seriousness of the different offences;

the time and place of commission of the offence;

the nationality and the usual place of residence of the person sought;

the respective dates of submission of the requests.

Article 14

Surrender of the person

1. If the Requested Party grants the extradition, the Parties shall agree promptly on the time, place and any other relevant matter relating to the surrender of the person sought. The Requesting Party shall also be informed of the length of the detention suffered for extradition purposes by the person sought.

2. The time limit for surrendering the person sought shall be thirty (30) days from the date on which the Requesting Party is informed that the extradition has been granted.
3. If, within the time limit indicated in paragraph 2 of this Article, the Requesting Party does not take over the person to be extradited, the Requested Party shall immediately release him from custody and may refuse a new request for extradition made by the Requesting Party for that person for the same offence, except as otherwise provided for in paragraph 4 of this Article.
4. If one of the Parties fails to surrender or take over the person to be extradited within the agreed time limit for reasons beyond its control, the Party concerned shall inform the other Party and they shall agree together upon a new date for surrender. The provisions indicated in paragraph 3 of this Article shall continue to apply.
5. When the person to be extradited escapes back to the Requested Party before the criminal proceedings are concluded or the sentence is served in the Requesting Party, that person may be extradited again upon a new request for extradition made by the Requesting Party for the same offence. The Requesting Party does not need to submit the documents provided for in Article 7 of this Treaty.
6. The time spent in custody, even under house-arrest, between the date of arrest and the date of surrender, shall be counted by the Requesting Party for the purposes of pretrial custody within the criminal proceedings or of the sentence to be served in the cases provided for in Article 2, paragraph 1.

Article 15

Postponed surrender and temporary surrender

1. If the person sought is being prosecuted or is serving a sentence in the Requested Party for an offence other than that for which extradition is requested, the Requested Party may, after having decided to grant extradition, postpone the surrender until the conclusion of the criminal proceedings or the completion of the execution of the sentence. The Requested Party shall inform the Requesting Party of such postponement.
2. However, upon request of the Requesting Party, the Requested Party may, in compliance with its domestic law, temporarily surrender the person sought to the Requesting Party in order to enable it to carry out of the ongoing criminal proceedings, agreeing together upon the time and modalities of such temporary surrender. The person so surrendered shall be kept in detention while staying in the territory of the Requesting Party and shall be returned to the Requested Party within the agreed time. The time spent in detention shall be calculated for the purposes of the sentence to be served in the Requested Party.
3. In addition to the case provided for in paragraph 1 of this Article, surrender may be postponed when the transfer, due to the health condition of the person sought, may endanger his/her life.

Article 16

Simplified extradition procedure

The Requested Party, in so far as its law permits, may grant simplified extradition after the receipt of a request for provisional arrest, provided that the person sought explicitly consented and is advised that he or she is entitled to the extradition proceedings and to the protection that such right entails.

Article 17

Surrender of items

1. Upon request of the Requesting Party, the Requested Party shall, in compliance with its domestic law, seize the items found on its territory and which the person sought has at his disposal and, when extradition is granted, shall surrender those items to the Requesting Party. For the purposes of this Article the following items are subject to seizure and subsequent surrender to the Requesting Party:
 - a) the items used to commit the offence or any other item or instrumentality that may serve as evidence;
 - b) the items that, deriving from the offence, have been found to at the disposal of the person sought or have been discovered later,
2. The surrender of any of the items indicated in paragraph 1 of this Article shall be made even when extradition, although already granted, cannot be effected due to the death, disappearance or escape of the person sought.
3. The Requested Party may, for the purpose of carrying out any other pending criminal proceedings, postpone the surrender of the above-mentioned items until the conclusion of such proceedings or temporarily surrender them on condition that the Requesting Party undertakes to return them.
4. The surrender of the items indicated in this Article shall not prejudice any legitimate rights or interests over those items of the Requested Party or any third party. Where these rights or interests exist, the Requesting Party shall return free of charge to the Requested Party or third party the surrendered items, as soon as possible after the conclusion of the proceedings.

Article 18

Transit

1. Each Party may authorise transit through its territory of a person surrendered to the other Party by a third State in compliance with the provisions of this Treaty, unless reasons of public interest or the national law of the Requested Party prevent it.

2. The Party requesting the transit shall submit to the State of transit, through the Central Authorities, or in particularly urgent cases through the International Criminal Police Organization (INTERPOL), a request containing the personal details of the person in transit and a concise statement of the facts of the case, including the time and the place of the offense, a description of the offense and the relevant provisions. The request for transit shall be accompanied by a copy of the document granting the extradition.
3. The State of transit shall hold in custody the person in transit while said person is on its territory.
4. If air transport is used, the following shall apply:
 - a) When it is not intended to land, the Requesting Party shall notify the Party over whose territory the flight is to be made and shall certify that one of the documents mentioned in Article 7, paragraph 1 (f-g) of this treaty exists. In the case of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as provided for in Article 12 of this treaty, and the requesting Party shall submit a formal request for transit;
 - b) when it is intended to land, the requesting Party shall submit a formal request for transit.

Article 19

Expenses

1. Expenses incurred in the territory of the Requested Party for the execution of an extradition request shall be borne by that Party. All other expenses shall be borne by the Requesting Party including the transportation of the surrendered person.
2. If it is apparent that exceptional expenses may be incurred as a result of a request for extradition, the Parties shall consult with a view to deciding how those expenses will be met.

Article 20

Subsequent information

The Requesting Party, upon request by the Requested Party, shall provide promptly to the Requested Party information on the proceedings or execution of the sentence imposed on the person extradited or information on the extradition of said person to a third Party.

Article 21

Compatibility with other treaties

1. This Treaty shall not prevent the Parties from cooperating with one another on extradition in compliance with other treaties which both Parties have adhered to.
2. This Treaty shall not prevent each Party from complying with its international obligations.

Article 22

Confidentiality

1. The Parties agree to keep the documents confidential and any information used in the extradition procedure, as well as any other information relevant to that extradition and acquired after the surrender of the person extradited.
2. Both Parties undertake to respect and maintain the confidentiality or secrecy of the documents or information received from or given to the other Party when there is an explicit request to do so by the Party concerned.

Article 23

Settlement of disputes

Any dispute arising from the interpretation or application of this Treaty shall be settled by consultation through diplomatic channels.

Article 24

Ratification, entry into force, amendment and termination

1. This Treaty is subject to ratification, the instruments of ratification shall be exchanged.
2. This Treaty shall enter into force on the thirtieth (30) day after the date of the exchange of the instruments of ratification.
3. This Treaty may be amended by mutual consent of the Parties and the provisions of this Article shall be applied thereof.
4. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is given. However, proceedings already commenced before notification shall continue to be governed by this Treaty until conclusion therein.
5. This Treaty shall apply to any request submitted after its entry into force, even if the relevant offences were committed before its entry into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty in two original texts, in the Arabic, Danish and English languages, all texts being equally authentic. If there is any divergence of interpretation, the English text shall prevail.

DONE at..... this..... day of.....20...

FOR
THE UNITED ARAB EMIRATES

FOR
THE KINGDOM OF DENMARK