

المرسوم الاتحادي رقم 33 لسنة 2000

في شأن اتفاقية التعاون القانوني و
القضائي في المسائل المدنية و التجارية
و اتفاقية حول المساعدة القانونية
المتبادلة في المسائل الجنائية – واتفاقية
في شأن تسليم المجرمين
بين حكومة
دولة الامارات العربية المتحدة
وحكومة جمهورية الهند

AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED ARAB EMIRATES

AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
ON JURIDICAL AND JUDICIAL COOPERATION IN
CIVIL AND COMMERCIAL MATTERS FOR
THE SERVICE OF SUMMONS, JUDICIAL
DOCUMENTS, JUDICIAL COMMISSIONS,
EXECUTION OF JUDGEMENTS AND
ARBITRAL AWARDS

The Government of the United Arab Emirates and the Government of the Republic of India hereinafter referred to as the "contracting parties".

Being desirous of strengthening the bonds of friendship between the two countries and promoting fruitful cooperation in the judicial and legal spheres.

Recognising the need to facilitate the widest measure of legal assistance in civil and commercial matters.
Have agreed as follows:

SCOPE OF APPLICATION

Article I

1. The contracting parties grant each other under this Agreement the widest measure of mutual legal assistance in civil and commercial matters in accordance with their national laws.
2. Assistance under this Agreement shall apply in :
 - a. service of summons and other judicial documents or processes;
 - b. the taking of evidence by means of Letters of Request or commissions;
 - c. execution of decrees, settlements and arbitral awards.
3. This Agreement shall be without prejudice to any rights and obligations of the parties pursuant to other treaties or arrangements.

- by the Requesting State, unless such a method is incompatible with the Law of the Requested State.
3. The Summons and other judicial documents served in pursuance of this Agreement shall be deemed to have been served in the territory of the Requesting State.
4. The provisions of paragraph 1 of this Article shall not preclude the right of the contracting parties to effect such service, through its diplomatic or consular representatives, of summons and other judicial documents on its nationals residing in the territory of the other contracting party without application of any compulsion. Service in such cases shall entail no responsibility for the State of accreditation.
5. Subject to the provisions of paragraph 2 of this Article, summons and other judicial documents may be served directly through Postal channels or by delivery to an addressee who accepts it voluntarily without application of any compulsion.
6. Any claim about the addressee being a national of the State in whose jurisdiction the service is to be effected shall be determined in accordance with the law of State.

Article IV

The Request for the service of summons and other judicial documents shall furnish all particulars concerning the name and title, place of residence or business of the addressee and a list of documents and papers to be served on that person. Where any special mode of service is desired, this should also be indicated in the request.

Article V

1. A Request for service of summons and other judicial documents, which is in conformity with the provisions of this Agreement, may not be refused, unless the Requested Party considers that compliance with the request would infringe its sovereignty, security or public policy.
2. Service may not be refused on the ground that the request does

4. This Agreement shall apply to any requests for mutual legal assistance relating to any civil or commercial matters arising either prior to or after its entry into force.

CENTRAL AUTHORITIES AND AUTHENTICATION OF DOCUMENTS

Article II

1. Requests for legal assistance shall be made through the Central Authorities of the Contracting Parties.
2. In the Republic of India the Central Authority is the Ministry of Law, Justice and Company Affairs. In the United Arab Emirates the Central Authority is the Ministry of Justice.
3. Unless otherwise stated all the documents in connection with the legal assistance shall be officially signed by the court under its seal, which shall be authenticated by the Central Authority of the requesting party.
4. All requests and supporting documents shall be furnished in duplicate and shall be accompanied by a translation into one of the official languages of the Request party.

SERVICE OF SUMMONS, JUDICIAL DOCUMENTS AND PAPERS

Article III

1. Summons and other judicial documents in the Contracting Parties shall be served:
 - I- In the case of India, through the court in whose jurisdiction the concerned person resides.
 - II- In the case of the United Arab Emirates, through the Ministry of Justice.
2. The service of summons and other judicial documents shall be effected in accordance with the procedure provided for in the Laws of the Requested State, or by a particular method desired

- the taking of evidence in civil and commercial matters by means of letter of Request addressed to the competent judicial authorities of the other Party.
2. For the purpose of this Agreement, taking of evidence shall be deemed to cover:
 - a) the taking of the statement, on oath or otherwise, of a witness;
 - b) the submission of oath to a witness, with regard to any legal proceedings;
 - c) the production, identification or examination of documents, records, samples relevant to the evidence requested and submitted by the person whose evidence is taken under sub - paras (a) & (b) above.
 3. A letter of Request shall specify:
 - a. the judicial or other competent authority requesting the evidence;
 - b. the nature of the proceedings for which the evidence is required and all necessary information related thereto;
 - c. the names and addresses of the parties to the proceeding;
 - d. the evidence to be obtained; and
 - e. the names and addresses of the persons to be examined.
 4. Where deemed necessary, the Letters of Request shall be accompanied by a list of interrogatories to be put to the witnesses or other persons involved or a statement of the subject about which they are to be examined and the documents relevant to such evidence or statement.
 5. The Letters of Request shall indicate whether the evidence required is to be taken on oath or affirmation.

Article IX

The judicial proceedings performed by way of a Commission in pursuance of the provisions this Agreement shall have the same legal effect as if it is performed by a competent authority in the Requesting State.

- not show sufficient legal grounds supporting the merits of the case.
3. Whenever the service is not effected, the Requested Party shall forthwith notify the Requesting Party of the reasons therefor.

Article VI

1. The competent authority in the State requested shall serve the said documents and papers in accordance with the laws and rules applicable in this regard. No fees and costs may be levied for effecting such service.
2. Service may be effected in a special mode or manner specified by Requesting Party, provided that it does not contravene the laws of the Requested State and further subject to the payment of costs of such special mode of service.

Article VII

1. The powers of the competent authority in the Requested Party shall be limited to the delivery of the judicial documents and papers to the addressee.
2. Delivery shall be proved either by the signature of the addressee on the copy of the judicial document or paper, or by a certificate issued by the competent authority stating the name of the addressee, the date and mode of delivery, and where such delivery could not be effected, and the reasons for such non-delivery.
3. A copy of the judicial document or paper signed by the addressee or a certificate proving delivery shall be sent to requesting authority through the Central Authority.

TAKING OF EVIDENCE

Article VIII

1. The judicial authorities of a Contracting Party may in accordance with the provision of the Law of that Party, request for

internal law the Requested Party claims exclusive jurisdiction over the subject matter of the action or that its internal law would not admit a right of action on it.

Article XII

The execution of Letters of Request and the taking of evidence by the Requested Party shall not give rise to any reimbursement of charges, expenses or costs, under whatever description by the Requesting Party. However, the Requested Party shall have the right to seek reimbursement of:

- a. any expenses and charges paid to the witnesses, experts or interpreters,
- b. any costs incurred to secure the attendance of witness who have not appeared voluntarily, and
- c. any costs and expenses occasioned by the use of a special procedure on request.

Article XIII

A diplomatic officer or Consular Agent of either Contracting Party may, in the territory of the other Party take the evidence, without compulsion of nationals of the Party which he represents, in aid of judicial processings commenced in the courts of the contracting Party which he represents.

Article XIV

A person duly appointed as a Commissioner by the courts of either Contracting Party may, without compulsion, take evidence in the territory of the other Contracting Party, in accordance with the laws of that Party.

Article X

1. The competent authorities of the Requested Party shall execute the Letters of Request in accordance with the provisions of its own laws and obtain the evidence required by applying the same methods and procedures as are permissible under its laws, including the same appropriate methods of compulsion.
2. The Requested Party shall follow any special method or procedure, which has been expressly specified by the Letter of Request insofar as it is not incompatible with its laws and practices.
3. The Letters of Request shall be executed as expeditiously as possible.
4. The Requesting Party shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representatives if any, may be present. This information shall be sent directly to the parties or their representatives when the Requesting Party so requests.
5. When the Letter of Request has been executed, the necessary documents establishing its execution shall be sent to the Requesting Party.
6. In every instance where the Letter of Request is not executed in whole or in part, the Requesting Party shall be informed immediately and advised of the reasons.

Article XI

1. The execution of a Letter of Request may be refused only to the extent that:
 - a. the execution of the letter does not fall within the functions of the judiciary;
 - b. the Requested State considers that its sovereignty or security would be prejudiced by its execution.
2. Execution may not be refused solely on the ground that under its

place or a branch of commercial or industrial nature or works for gain in the territory of that state and the suit relates to such activity.

- c. or by an express or implied agreement between the plaintiff and the defendant, the contractual obligations giving rise to the litigation are or have to be performed in the territory of that State.
- d. or in case of non-contractual liability the act is committed in the territory of that State.
- e. or the defendant expressly or impliedly submitted to the jurisdiction of the courts of that State, and the law of that State allows such submission.
- f. or any application for provisional measures, if the courts of such State are deemed competent to hear the principal dispute, by virtue of the provisions of this Agreement.

Article XIX

Subject to the provisions of this Agreement, the court of the State requested to recognise or execute a decree shall, when examining the grounds of jurisdiction exercised by the Courts of the other Contracting State, be bound by the facts stated in that decree and on which jurisdiction is based, unless the said decree had been passed in absentia.

Article XX

A decree shall not be recognised or executed in the following cases:

- a. If it is not conclusive and executable;
- b. Or it has not been pronounced by a Court of competent jurisdiction.
- c. or it has not been given on the merits of the case;
- d. or it appears on the face of the proceedings to be founded

RECOGNITION AND EXECUTION OF DECREES AND ARBITRAL AWARDS

Article XV

1. Each of the Contracting Parties shall, in accordance with its laws, recognise and / or execute decrees passed by the Courts of the other Contracting Party in civil, commercial and personal matters and by criminal courts in civil matters.
2. The term "Decree" as used in this Agreement, whatever its designation, means any decision rendered in judicial proceedings by a competent court of the contracting States.
3. This Agreement shall not apply to interim or provisional measures, except matters relating to taxation and allowances.

Article XVI

In disputes involving the question of capacity or status of a person, the courts of the State of which that person is a national at the time of institution of the suit shall be competent in those matters.

Article XVII

The courts of the State where immovable property is situated shall be competent to determine the rights connected with such property.

Article XVIII

In matters other than capacity or status of a person or immovable property, the courts of a Contracting Party shall have jurisdiction in the following cases:

- a. if the defendant has his domicile or residence in the territory of that State at the time of institution of the suit.
- b. or the defendant has at the time of institution of the suit, a

2. The competent judicial authority in the Requested State shall, when necessary, in executing the decree, take the necessary action to notify the decree in the same manner as it would have done had it been passed in its own territory.
3. The order for execution may be made for the whole or part of the decree, if the execution of such part of the decree is severable.

Article XXIII

The Central Authority of the Contracting Party requesting recognition or execution of a decree in the other Contracting Party, shall submit the following:

- a. An official copy of the decree.
- b. A certificate showing that the decree is final and executable, unless that is provided for in the decree itself.
- c. In case of a decree in absentia and authenticated copy of the summons or any other document showing that the defendant was duly summoned.
- d. If the request is only for execution of a decree, an official copy in properly executable form.

Article XXIV

1. The settlement of a claim which is made and filed before a judicial authority of either Contracting Party competent to consider the claim according to its national law shall be recognised and enforced in the territory of the other Contracting Party, after ascertaining that it is executable in the State in which it was concluded and that it does not contain any provisions contravening the constitutional rules or public policy of the requested State.
2. The party requesting recognition or execution of a settlement must submit an official copy and a certificate from the judicial

- e. or the proceedings in which the judgment was obtained are opposed to natural justice;
- f. or it has been obtained by fraud;
- g. or it sustains a claim founded on a breach of any law in force, or is contrary to the constitutional rules or the principles of public order in the Requested State;
- h. or it contravenes the rules concerning the legal representation of persons suffering from lack of capacity in the requested State.
- i. or it is passed in absentia and the defaulting party was not duly summoned in accordance with the rules applicable in his country;
- j. or the dispute in which the decree was passed is pending in a suit before one of the courts in the Requested State, between the same parties and involving the same cause of action, and the suit was raised before one of the courts of the latter State, at a date prior to the raising of that dispute in the court of the State which passed the decree, and provided that the court before which the suit was raised, is competent to hear and decide upon it.

Article XXI

Procedures relating to recognition or execution of a decree shall be subject to the laws of the requested State.

Article XXII

1. The competent judicial authority in the State Requested to recognise or execute a decree shall, without reviewing the merits of the case, confine itself to ascertaining the compliance of the decree with the conditions provided for in this Agreement.

**RATIFICATION
AND TERMINATION**

Article XXVI

This Agreement is subject to ratification and the instruments of ratification shall be exchanged as soon as possible. It shall come into force on the date of exchange of instruments of ratification.

Either of the Contracting Parties may terminate this Agreement by giving six months notice through diplomatic channels. Upon the expiry of such notice, the Agreement shall cease to have any force or effect.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective governments, have signed this Agreement.

Done at New Delhi on 25 Oct. 1999 in two originals each in Hindi, Arabic and English language, each text is being equally authentic, However, in case of difference, the English text shall prevail.

For the Government of
The United Arab Emirates
Minister of Justice,
Islamic Affairs and Aungaf
Mohammed Bin Nakhira Al Dhahiri

For the Government of
The Republic of India

authority stating the extent, if any, to which the decree has been satisfied or adjusted.

ARBITRAL AWARDS

Article XXV

1. Without prejudice to the provision of Article XXIV and XXVI of this Agreement, arbitral awards given in the territory of either Party shall be recognised and enforced in the other Party provided that:
 - a. The award of arbitrators is based on a written agreement of the parties to the dispute to submit to arbitrators for determination of any specific or future dispute arising out of legal relations.
 - b. The award is made on matters arbitrable according to the law of the State requested to recognise its enforcement unless it is contrary to the public policy of the Requested State.
 2. The party requesting the recognition and enforcement of an award shall produce a copy of the award accompanied by a certificate of the competent judicial authority in Requesting Party to the effect that the award is executable.
 3. A certified copy of the Agreement between the disputant Parties empowering the arbitrators to decide the dispute shall also be produced.

AGREEMENT BETWEEN
THE GOVERNMENT OF THE
UNITED ARAB EMIRATES
AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
ON MUTUAL LEGAL ASSISTANCE IN
CRIMINAL MATTERS

The Government of the United Arab Emirates and the government of the Republic of India (hereinafter referred to as the contracting Parties).

Guided by the traditional friendly relations between the two countries.

Recognizing the need to facilitate the widest measures of mutual assistance in the service of summons, execution of warrants and other judicial documents and commissions.

Desiring to improve the effectiveness of both countries in the investigation, prosecution and suppression of crime, including crime related to terrorism and tracing, restraint, forfeiture or confiscation of the proceeds and instruments of crime, through cooperation and mutual legal assistance in criminal matters.

Have agreed as follows:

ARTICLE I
Scope of application

- 1- Under this agreement, the contracting Parties shall grant each other the widest measure of mutual legal assistance in criminal matters.
- 2- For the purpose of this agreement mutual legal assistance shall be granted irrespective of whether the assistance is sought or to be provided by a court or some other authority.
- 3- This agreement shall be without prejudice to other obligations between the parties pursuant to other treaties or arrangements or otherwise, and shall not prevent the parties or their law enforcement agencies from providing assistance to each other

immovable, tangible or intangible property, and includes any interest in such property.

c) "confiscation" means any measure resulting in the deprivation of property.

d) "instruments of crime" means any property which is or is intended to be used in connection with the commission of an offence.

e) "the restraint of property" means any measure for the prevention of dealing in or transfer or disposal of property.

ARTICLE 3

Central Authorities

1. Requests for assistance under this Agreement shall be made through the Central authorities of the Contracting parties.

2. In the Republic of India the Central authority is the Ministry of Home Affairs. In the United Arab Emirates the central authority is the Ministry of interior.

ARTICLE 4

Contents of Requests

1- Requests for assistance under this agreement shall be made in writing. However, in urgent circumstances, or where otherwise permitted by the Requested party, requests may be made orally but shall be confirmed in writing immediately thereafter.

2- Requests for assistance shall include a statement of:

- a) the name of the competent authority conducting the investigation or proceedings to which the request relates,
- b) the matters, including the relevant facts and laws, to which the investigation or proceedings relate,
- c) the purpose for which the request is made and the nature of the assistance sought,
- d) details of any particular procedure or requirement that the Requesting Party wishes to be followed,
- e) any time limit within which compliance with the request is

pursuant to other treaties or arrangements.

4- This Agreement shall also apply to any requests for mutual legal assistance relating to acts or omissions committed before entry into force.

ARTICLE 2

Definitions

For the purpose of this Agreement:

1- a) "Criminal matters" means investigations, inquiries, trials or other proceedings relating to an offence created by law.

b) Criminal matters shall also include investigations or proceedings relating to offences concerning taxation, duties, customs and international transfer of capital or payments.

c) Assistance shall include:

- (I) measures to locate, restrain, forfeit or confiscate the proceeds and instruments of crime,
 - (II) taking of evidence and obtaining of statements of persons, providing of information, documents and other records, including criminal and judicial records,
 - (IV) location of persons and objects, including their identification,
 - (V) search and seizure,
 - (VI) delivery of property, including lending of exhibits,
 - (VII) making detained persons and others available to give evidence or assist investigations,
 - (VIII) service of documents, including documents seeking the attendance of persons, and,
 - (IX) other assistance consistent with the objects of this agreement.
- 2- a) "Proceeds of crime" means any property that is derived or realised directly or indirectly by any person from an offence or the value of such property and;
- b) "property" includes money and all kinds of movable or

needed to enable the request to be dealt with, that Party may request such additional information.

ARTICLE 5

Execution of Request

- 1- Requests for assistance shall be executed in accordance with the law of the Requested Party, and may be executed in any manner specified in the request if not incompatible with the law of the Requested Party.
- 2- The Requested Party shall inform the Requesting party of any circumstances which are likely to cause a significant delay in execution of the request.
- 3- The Requested Party shall promptly inform the Requesting Party of a decision of the Requested Party not to comply in whole or in part with a request for assistance, or to postpone execution and shall give reasons for that decision.

ARTICLE 6

Refusal of assistance

- 1- The requested Party may refuse the assistance if:
 - a) the execution of the request would impair its sovereignty, security, public order or other essential interests.
 - b) the execution of the request would be contrary to the domestic law of the Requested Party.
 - c) if the request seeking restraint, forfeiture or confiscation of proceeds or instruments crime which had it occurred within the jurisdiction of the Requested Party, would not have been a crime in respect of which a confiscation order could have been made.
 - d) the request relates to an offence in respect of which the accused person had been finally acquitted or pardoned.
- 2- Before refusing to grant a request for assistance, the Requested Party shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party

- f) desired,
- f) the identity, nationality and location of the person or persons who are the subject of the investigation or proceedings,
- g) in the case of requests for the taking of evidence or search and seizure, a statement indicating the basis for belief that evidence may be found in the jurisdiction of the Requested State,
- h) in the case of requests to take evidence from a person, a statement as to whether sworn or affirmed statements are required, and a description of the subject matter of the evidence or statement sought,
- i) in the case of lending of exhibits, the person or class of persons who will have custody of the exhibit, the place to which the exhibit is to be removed, any tests to be conducted and the date by which the exhibit will be returned.
- j) in the case of making detained persons available, the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the date of that person's return,
- k) the need, if any for confidentiality and the reasons therefor, and,
- L) in the case of requests for restraint or forfeiture of proceeds or instruments of crime, where possible.
- (I) a detailed description of the proceeds or instruments including their location,
- (II) a statement describing the basis for belief that the moneys or property are the proceeds or instruments of crime,
- (III) a statement describing the evidence that would be available for a proceeding in the Requested State.
- 3- The Requested State shall not refuse to execute the request solely because it does not include all of the information described under this article if it can otherwise be executed according to the law of the Requested State.
- 4- If the Requested Party considers that additional information is

make such a verbatim transcript if allowed by the court or competent authority.

ARTICLE 9

Availability of persons to give evidence or assist in investigation in the Requesting Party

- 1- The Requesting Party may request that a person be made available to testify or to assist in an investigation.
- 2- The Requested Party shall invite the person to assist in the investigation or to appear as a witness in the proceedings and seek that person's concurrence thereto. That person shall be informed of any expenses and allowances payable.

ARTICLE 10

Making Detained Persons Available to Give Evidence or Assist in Investigations

- 1- A person in custody in the Requested Party may, at the request of the Requesting Party, be temporarily transferred to Requesting Party to assist in investigations or proceedings, provided that the person consents to that transfer and there are no overriding grounds against transferring the person, if the person objects to the transfer, Article "8" applies.
- 2- Where the person transferred is required to be kept in custody under the law of the Requested Party, the Requesting Party shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.
- 3- Where the sentence imposed expires, or where the Requested Party advises the Requesting Party that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the Requesting Party pursuant to a request seeking that person's attendance.

accepts assistance subject to conditions, it shall comply with them.

ARTICLE 7

Transmission of Documents and Objects

- 1- When the request of assistance concerns the transmission of records and documents, the Requested Party may transmit certified true copies thereof, unless the Requesting Party expressly requests the originals.
- 2- The original records or documents and the objects transmitted to the Requesting Party shall be returned to the Requested Party as soon as possible, upon the latter's request.
- 3- Insofar as not prohibited by the law of the Requested Party, documents, objects and records shall be transmitted in a form accompanied by such certification as may be requested by the Requesting Party in order to make them admissible according to the law of the Requesting Party.

ARTICLE 8

Taking evidence in the Requested Party

- 1- A person, including a person in custody, requested to testify and produce documents, records or other articles in the Requested Party may be compelled by summons/warrants or any other order of a competent authority to appear and testify and produce such documents, records and other articles, in accordance with the law of the Requested Party.
- 2- Subject to the law of the Requested Party, commissioners, other officials of the Requesting Party and persons concerned in the proceedings in the Requesting Party shall be permitted to be present when evidence is taken in the Requested Party and to participate in the taking of such evidence.
- 3- The right to participate in the taking of evidence includes the right of counsel present to pose questions. The persons present at the execution of a request may be permitted to make a verbatim transcript of the proceedings and the use of technical means to

State by whatever means appropriate. This may include giving effect to an order made by a court or other competent authority in the Requesting Party or submitting the request to a competent authority for the purpose of seeking a forfeiture or confiscation order in the Requested Party.

3- A request may be made for assistance in the restraint of property for the purpose of ensuring that it is available to satisfy an order for the recovery of proceeds or instruments.

4- Proceeds or instruments forfeited or confiscated pursuant to this agreement shall accrue to the Requesting Party, unless otherwise agreed.

5- Where action has been taken in the Requested Party pursuant to a request for assistance under paragraph "1" or "2" of this Article, and there is a representation in either of the contracting parties as the case may be by a person affected by the order, the relevant party shall inform the other party as soon as possible and shall also inform it promptly of the outcome of that representation.

ARTICLE 13 **Confidentiality and** **Limitation of Use**

1- The Requested Party may require, after consultation with the Requesting Party, that information or evidence furnished or the source of such information or evidence be kept confidential or be disclosed or used only subject to such terms and conditions as it may specify.

2- The Requesting Party shall, to the extent requested, keep confidential a request, its contents, supporting documents and any action taken pursuant to the request except to the extent necessary to execute it.

3- The Requesting Party shall not disclose or use information or evidence furnished for purposes other than those stated in the request without the prior consent of the Requested Party.

ARTICLE 11 **Safe Conduct**

1- A person present in the Requesting party in response to a request seeking that person's attendance shall not be prosecuted, detained or subjected to any other restriction of personal liberty in the territory of that party for any acts or omissions which preceded that person's departure from the Requested party, nor shall that person be obliged to give evidence in any proceeding other than the proceedings to which the request relates.

2- A person, who is present in the Requesting Party by consent as a result of a request for the person's attendance to answer before a judicial authority any acts of omission or commission shall not be prosecuted or detained or subjected to any other restriction of personal liberty for acts of omission or commission which preceded that person's departure from the Requested Party, not specified in the request.

3- Paragraphs "1" and "2" of this Article shall cease to apply if a person, being free to leave the Requesting Party, has not left it within a period of "30" days after being officially notified that person's attendance is no longer required or, having left the territory, has voluntarily returned.

4- Any person who fails to appear in the Requesting Party may not be subjected to any sanction or compulsory measure in the Requested Party.

ARTICLE 12 **Proceeds and Instruments of Crime**

1- The Requested Party shall, upon request endeavour to ascertain whether any proceeds or instruments of a crime are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries.

2- A request may be made for assistance in securing the forfeiture or confiscation of proceeds or instruments of crime. Such assistance shall be given in accordance with the law of the Requested

ARTICLE 14
Authentication

Evidence or documents transmitted pursuant to this agreement, shall not require any form of authentication, save as is specified in Article "17".

ARTICLE 15
Language

Requests and supporting documents shall be accompanied by a translation into one of the official languages of the Requested Party.

ARTICLE 16
Costs

- 1- The Requested Party shall meet the cost of executing the request for assistance, except that the Requesting Party shall bear:
 - 1) the expenses associated with conveying any person to or from the territory of the Requested Party at the request of the Requesting Party, and any allowance or expenses payable to that person while in the Requesting party pursuant to a request under Articles "9" or "10" of this Agreement, and
 - 2) the expenses and fees of experts either in the Requested party or the Requesting Party.
- 2- If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the contracting parties shall consult to determine the terms and conditions under which the requested assistance can be provided.

ARTICLE 17
Entry into Force

This Agreement is subject to ratification and the instruments of authentication shall be exchanged as soon as possible. It shall come into force from the date of exchange of instruments of ratification.

**EXTRADITION TREATY
BETWEEN
THE UNITED ARAB EMIRATES
AND
THE REPUBLIC OF INDIA**

The Government of the United Arab Emirates and the Government of the Republic of India, hereinafter referred to as the Contracting States.

Being desirous to promote the bonds of fruitful cooperation between the two countries.

Recognizing that concrete steps are necessary to combat terrorism and other crimes.

Determined to make more effective the cooperation between the two countries in the suppression of crime by entering into an extradition treaty.

Have agreed as follows:

ARTICLE 1

The Contracting States shall extradite any person found in their respective territories who is accused or convicted of an extraditable offence in the territory of the other contracting State, in accordance with the rules and stipulations contained in the subsequent Articles, whether such offence was committed before or after the entry into force of this Treaty.

ARTICLE 2

The following persons shall be extradited:

- a) persons accused of an offence punishable under the laws of both the contracting States by imprisonment for a period of at least one year or more.
- b) Persons sentenced by the Courts of the Requesting State with the imprisonment for at least six months in respect of an extraditable offence.

ARTICLE 6

1- Extradition may be refused:

If the offence for which the extradition is requested is a political offence. In the application of this Treaty, the following shall not be regarded as political offences.

- a) Assault against the president or the vice president of either Contracting State, or any member of their families, or the member of the Federal Supreme Council of the United Arab Emirates or any of their families, and the members of the Council of Ministers of the two countries, or any member of their families;
- b) Murder, culpable homicide not amounting to murder or robbery.
- c) Offences relating to terrorism, including murder, culpable homicide not amounting to murder, assault causing bodily harm, kidnapping, hostage-taking, offences involving serious damage to property or disruption of public facilities and offences relating to firearms or other weapons, or explosives, or dangerous substances.
- d) Any offence within the scope of an international Convention to which both Contracting States are parties and which obligates the parties to prosecute or grant extradition.
- e) An attempt or conspiracy to commit or incite or participate in the commission of any of the above offences.

2- Extradition may also be refused:

- a) If the person sought to be extradited was previously tried for the same offence for which extradition is requested and was acquitted or was convicted and had completed the sentence or is undergoing it.
- b) If the criminal proceedings had expired or the sentence lapsed by time, in pursuance of the law of the requesting State, when the request for extradition was received.
- c) If the offence was committed outside the territory of the Requesting State, by an alien, and if it is not an offence under the law of the Requested State.

ARTICLE 3

- 1- For offences in connection with taxes, fiscal charges and customs duties extradition shall be effected in accordance with the provisions of this Treaty only if the said offence corresponds to an offence of a similar nature under the law of the Requested State.
- 2- An attempt or conspiracy to commit or incite or participate in the commission of an extraditable offence shall also be regarded as an extraditable offence.

ARTICLE 4

- 1- Extradition shall be granted in respect of an extraditable offence committed outside its territory but within the jurisdiction as asserted by the requesting State if the Requested State would in corresponding circumstances, have jurisdiction over such an offence. In such cases, the Requested State shall have regard to all the circumstances of the case including the seriousness of the offence.
- 2- Extradition shall be available for an extraditable offence if committed in a third State by a national of the Requesting State who is present in the Requested State and provided that it would be an extraditable offence under the laws of the Requested State had the offence been committed in the Requested State.
- 3- Extradition shall also be available for an extraditable offence not withstanding the conduct of the person sought occurred wholly or partly in the Requested State, if under the law of that State his conduct and its effects or its intended effects, taken as a whole, would be regarded as constituting the commission of an extraditable offence in the territory of the requesting State.

ARTICLE 5

The nationals of the Contracting State shall not be extradited to the other Contracting State provided that the requested State shall submit the case to its competent authorities for prosecution if the act committed is considered as an offence under the laws of both Contracting States.

mitted within the jurisdiction of the requested State. All documents referred to above shall be translated into English and authenticated by the Requesting State,

ARTICLE 9

1. In case of urgency, a person to be extradited may be provisionally arrested and remanded in custody until the request for extradition, together with the documents referred to in the preceding Article are received.
2. The request for provisional arrest and remand shall be communicated in writing to the competent authority of the requested State, either directly or through the International Criminal Police Organization (INTERPOL) channels.
3. The same request shall be confirmed through the diplomatic channels, and shall contain a reference to the existence of any of the documents, enumerated in the preceding Article, and intimating the intention of the requesting State to transmit a request for extradition, a statement of the offence for which extradition is requested, the sentence specified for that offence or the sentence imposed, the time and place of the commission of the offence and a detailed description of the person extradited, as far as possible. The Requesting State shall forthwith be notified of any action taken in respect of the request.
4. The provisional arrest and remand shall be made in accordance with the legal procedures of the Requested State.

ARTICLE 10

1. The competent authority in the Requested State may, if the documents required under this Treaty are not delivered within forty five days from the date of the arrest of the person to be extradited, release that person.
2. The period of the provisional detention shall not, in any case, exceed sixty days from the date of its commencement.
3. The person to be extradited may at any time be released on bail,

d) If the offence for which extradition is requested was committed in the Requested state, provided the Requested State prosecutes the person.

e) If a person whose extradition is sought is being investigated or tried in the requested State for the same offence for which his extradition is requested.

ARTICLE 7

Where the Requested State refuses a request for extradition for the reasons set out under this Treaty it shall submit the case to its competent authorities for prosecution. Those authorities shall take their decision in the same manner as in the case of any offence of a similar nature under the law of that State.

ARTICLE 8

The request for extradition shall be made in writing and dispatched through the diplomatic channels with the under mentioned documents and particulars appended.

- a) If the request to a person already convicted and sentenced an official copy of the sentence passed against the person to be extradited.
- b) The warrant of arrest, or remand or any document having the same effect, by a competent authority, if the person to be extradited is under investigation.
- c) particulars as to identity, description and a photograph of the person to be extradited, if possible.
- d) The date, the place of the commission of the acts for which extradition is requested, the legal characterization of those offences and a certified copy of the applicable legal Provisions and a statement by the prosecuting authorities as to evidence against the person to be extradited.
- e) In case of the person not yet sentenced, such other evidence, as according to the laws of the requested State, would justify his arrest and committal for trial had the offence been com-

ARTICLE 14

- 1- The competent authorities in each Contracting State shall determine the request for extradition in accordance with the law in force at the time of the request.
- 2- In the event of accepting the extradition request, the Requesting State shall be notified of the date and place of the extradition.
- 3- In case the request is rejected, the requested State shall communicate to the Requesting State, through diplomatic channels, the decision taken giving reasons thereof.
- 4- The Requesting State shall, within thirty days from the date of its notification of the extradition, receive the person to be extradited, otherwise the Requested State may discharge him, and in such event no second request for extradition may be accepted for the same offence.

ARTICLE 15

- 1- If the person to be extradited is under investigation or standing trial or is convicted in the Requested State for an offence other than that for which his extradition is requested, then the Requested State shall decide on the request and communicate the decision made, to the Requesting State.
- 2- If the request for extradition is accepted, then the surrender of the person concerned, shall be postponed until his trial in the requested State is completed and the punishment passed is executed.
- 3- The provisions of this Article shall not preclude the possibility of the provisional surrender of the person concerned to appear before the judicial authorities of the Requesting State, provided that the Requesting State expressly undertakes to return him to the other Contracting State, after the completion of the judicial proceedings pertaining thereto, subject to the law of the Requested State.

if the requested State takes all necessary measures to prevent his escape. The release, of such person shall not prevent his re-arrest and extradition, if the request for extradition is completed afterwards.

ARTICLE 11

If the Requested State needs additional clarifications to ensure the compliance with the conditions embodied in this Treaty it shall notify, the Requesting State through diplomatic channels, before rejecting the request, and may fix a date for receiving such clarifications.

ARTICLE 12

- 1- If numerous requests from Contracting States for extradition are made for the same offence, priority shall be given to the State whose security or interest or its nationals or their interests are affected by the offence, and then to the State on whose territory the offence is committed, and lastly to the State of which the person to be extradited is a national.
- 2- If the circumstances are identical then the State which made the first request shall have preference. If the requests for extradition are for several offences, then preponderance is accorded to the circumstances of the offence and its gravity.

ARTICLE 13

Without prejudice, to the right of others acting in good faith, and to the laws in force in the requested State everything found in possession of the person to be extradited, at the time of his arrest or remand or at a later stage, whether being the proceeds of the offence or used in the commission of, or connected with it, or relevant as evidence, shall be attached and may be handed over to the Requesting State, even if the offender is not extradited due to his death or his absconding.

ARTICLE 19

The term of provisional remand shall be remitted from any sentence passed in the Requesting State against the person to be extradited.

ARTICLE 20

1- Transit of a person who is the subject of extradition from a third State through the territory of a contracting state to the territory of the other Contracting State shall be granted on submission of a request, provided that the offence concerned is an extraditable offence under Article (2), and that the Contracting State requested to grant transit does not consider the offence to be one covered by Article (3) or (4).

2- Transit of a national of the Requested State may be refused if, in the opinion of that State, it is inadmissible under its law.

3- The request for transit must be accompanied by documents as mentioned in this Treaty.

4- The documents mentioned in para (3) above, shall be delivered to the Requested State within forty five days.

ARTICLE 21

1- Each Contracting State shall reciprocally bear all the expenses necessitated by the extradition of the concerned, except transportation expenses which shall be borne by the Requesting State.

2- The Requesting State shall pay the expenses of the return of the extradited person to the place, he was in at the time of his extradition if his commission of the offence or complicity is not proved.

ARTICLE 22

Each Contracting State shall in accordance with national laws and bilateral agreements afford the other the widest measure of mutual assistance in criminal matters in connection with the offence for which extradition has been requested.

ARTICLE 16

1- The competent authorities of the requested State shall admit as evidence, in any proceedings for extradition, any statement taken on oath or by way of affirmation, any warrant or any certificate or judicial document stating the fact of conviction, if it is authenticated:

a) In the case of a warrant being signed, or in the case of any original document being certified by a judge, magistrate or other competent authority of the requesting State; and

b) In the case of deposition or statements either by oath of some witness or by being sealed with the official seal of the appropriate authority of the requesting State; or

c) In such other manner as may be permitted by the law of the Requested State.

ARTICLE 17

1- The person to be extradited shall not be tried or punished in the Requesting State except for the offence for which his extradition is sought or for offences connected therewith, or offences committed after his extradition. If the characterization of the offence is modified during the proceedings taken against the person extradited, he shall not be charged or tried, unless the ingredients of the offence in its new characterisation, permit extradition in conformity with the provisions of this Agreement.

2- If the person extradited had the liberty and means to leave the territory of the State to which he was extradited, and he did not leave within thirty days subsequent to his final release or left during that period, but voluntarily returned, he may be tried for the other offences.

ARTICLE 18

1- The Contracting State to which the person is extradited shall not extradite him to a third State, without the consent of the other Contracting State.

2- The person may be extradited to a third State if the conditions under Article 17 (2) exist

ARTICLE 23

This Treaty shall be ratified in accordance with the constitutional procedures in force in each of the Contracting State.

ARTICLE 24

Either of the Contracting Parties may terminate this Agreement by giving six months notice thereof through diplomatic channels. Upon the expiry of such notice, the agreement shall cease to have any force or effect.

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

Done at New Delhi On this the 25-October - One thousand and Nine Hundred Ninety Nine, all the texts being equally authentic. In the event of any differences the English text shall prevail.

For the Government of
The United Arab Emirates
Minister of Justice,
Islamic Affairs and Aungaf
Mohammed Bin Nakhira Al Dhahiri

For the Government of
The Republic of India