

SUB-SECTION 2

Conditions of Extradition

Article 569. Conditions of Extradition in relation to Acts

An extradition may be made only if the acts charged against the wanted person is also an offense under both the laws of the requesting state and the law of Kingdom of Cambodia, even though:

- The act of offense is determined differently; or
- The name of the offense, use of terminology, or definition or determination of characteristics of offense is different; or
- Elements of crime under the laws of the requesting State are different from those under the laws of the Kingdom of Cambodia, provided that the whole set of elements of the acts presented by the requesting state is considered as an offense under the provisions of laws in force in Cambodia.

Article 570. Attempt of Offense and Conspiracy

If the act charged under laws of the requesting state is considered as an attempt of committing an offense, the extradition is possible only if the attempt of committing such offense can be prosecuted under the laws of the Kingdom of Cambodia.

The provisions of this Article shall also apply to accomplices.

Article 571. Conditions in relation to Imprisonment Sentence

An extradition shall be possible only if the act charged against the wanted person carries the maximum imprisonment sentence of at least 2 (two) years according to the law of the requesting state.

However, the extradition shall also be possible if the wanted person was sentenced by the court of the requesting state to imprisonment of at least 6 (six) months and this sentence has come into effect regardless of the length of the sentence as defined by laws.

Article 572. Conditions in relation to the Place of Committing an Offense

When the act charged against any wanted person was committed in the territory of the requesting state, extradition shall also be possible even the wanted person is not the citizen of the requesting state.

When the act charged against the wanted person was committed outside the territory of the requesting state, extradition shall be possible if the wanted person is the citizen of the requesting state.

Article 573. Political Acts

An extradition shall not be possible if the act charged is political.

However, political offense shall not be considered for any violence which caused danger to life, physical integrity or individual freedom.

Article 574. Offense that was Committed in the Territory and was Completely Tried

An extradition shall not be possible if the act charged was committed in Cambodia's territory and was completely tried in Cambodia.

Article 575. Extinction of Criminal Actions

An extradition shall not be possible if the criminal action is extinguished under the law of the requesting State.

If an act charged was committed in Cambodia, an extradition shall not be possible if the criminal action is extinguished under the laws of Cambodia.

Article 576. Several Extradition Requests against the Same Person

When there is more than one foreign state requesting an extradition of the same person, and if the extradition is possible, the following circumstances shall be considered:

- The obligations under relevant treaties;
- The seriousness of the offense;
- The time and place where the offense was committed;
- The date and the order of the receipt of requests;
- The nationality, domicile, residence of the wanted person and the victim;
- The possibility of the requesting state in returning the wanted person.

Article 577. Conditions of Extradition in relation to the Request

An extradition shall be possible only if the requesting state promises not to make any other charge other than that specified in the extradition request and when such offense was committed before the arrest of the wanted person.

However, the charge may be made if there is an approval from the Kingdom of Cambodia.

In this case, the requesting state shall make an additional request to the Cambodian authorities.

Article 578. Suspension of an Extradition

If the wanted person was charged by the court in the Kingdom of Cambodia, the extradition shall be postponed while the prosecution is underway or the extradition shall also be suspended when the sentence is made but it is not served.

However, the Kingdom of Cambodia may temporarily agree with the transfer of the wanted person to the requesting state for trial in that state. The requesting state shall promise to return the concerned person to the Cambodian authorities after the completion of the trial procedures.