

## **On Ratification of the Agreement between Ukraine and Islamic Republic of Iran on Extradition of Convicts**

**Date of entry into force:  
August 9, 2005**

The Law ratifies the Agreement between Ukraine and Islamic Republic of Iran on Extradition of Convicts. The law was signed May 11, 2004 in Tehran.

Ukraine and Islamic Republic of Iran have concluded the present Agreement with the objective of development of cooperation in the sphere of criminal law and observing international law standards.

For fulfillment of the provisions of this Agreement, the Parties shall interact through their central bodies or diplomatic channels.

In accordance with the provisions of this Agreement, the convicted persons, who are serving a sentence on the territory of the sentencing State, shall be extradited to the administering State for serving the term of the sentence, which is left. Statement of such person or their close relatives or legal representative sent to one of the Contracting Parties and also a request of one of the Contracting Parties can be a ground for starting the procedure of extradition of the convict. The request on extradition of the convicted person is done in writing.

The administering State must inform the sentencing State and also close relatives or legal representative of the convicted person about accepting the convicted person and place where such person is serving the sentence.

The conditions of the extradition of convicted persons include:

- convicted person must have citizenship of the administering State;
- the judgment must be final and such that must be executed in accordance with the legislation of the sentencing State;
- as of the time of request for extradition the convicted person must serve in prison for no less than six months longer;
- the convicted person, or taking into account their physical or psychic condition, their legal representative must give consent to such extradition;
- action for which the judgement was delivered must qualify as a crime in accordance with the legislation of the administering State;
- damage caused by the crime must be compensated or guarantees of compensation must be provided;
- other.

Extradition of the convicted person shall not take place in the following cases:

- in case as a result of the length of extradition procedure, the convict served the full sentence or if the punishment cannot be fulfilled due to the end of term of time limitation established by the current legislation of the Country, the citizen of which the convicted person is;
- in case the request for extradition of the convicted person does not comply with the conditions stipulated by this Agreement.

The Parties shall exchange necessary information in writing about delivering the judgement as to the citizens of the other Party and place of serving the sentence. The administering State must inform the sentencing State and also close relatives or legal representative of the convicted person about accepting the convict and place of serving the sentence.

The sentencing State ensures that the person, who must agree to extradition, did it freely with full understanding of legal consequences of such consent.

During one month upon receipt of the documents, the administering State must approve the decision on refusal or approval of the extradition of the convict. The convicted person or their legal representative or close relatives and also the sentencing State must be informed in writing about the results of consideration.

Place, date and procedure of extradition of the convicted person shall be established upon agreement between competent bodies of the Parties.

All expenses in connection with extradition of the convicted person from the date of extradition shall be covered by the administering State.

The administering State cannot increase punishment of the convicted person. The Parties have the right to pardon the convicted person, apply amnesty or reduce the sentence in accordance to their internal legislation. Only the sentencing State has the right to reconsider the judgement delivered for the extradited person.

The sentencing State shall be responsible for compensation of the damage inflicted on the convicted person as a result of illegal criminal persecution. This provision shall be equally applied in cases, when the court of the sentencing State rules to discharge the convicted person.

Provisions of this Agreement spread on judgement of courts of the Parties delivered prior to this Agreement taking force.

The Agreement is subject to ratification and comes into force on the 30<sup>th</sup> day after exchange of ratification documents.

Any Contracting Party can denounce this Agreement. This Agreement becomes in valid six months after the date, when the other Party was notified about it.

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