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Treaty On Extradition Between Ukraine And The Republic Of India

Ukraine and the Republic of India (hereinafter referred to as "the Contracting Party/ies") concluded a treaty on Extradition (hereinafter referred as "the Treaty") of a person who is suspected, prosecuted or condemned for an extraditable offence according to the treaty.

Entry into force / validity:

The Treaty was *signed* in new Delhi on October 3, 2002. The Treaty *entered into force* on January 18, 2007.

Any Contracting Party may terminate this Treaty at any time by notifying the other Party therein through diplomatic channels. In case of such notification the Treaty shall become ineffective six months after its receipt by the other Contracting Party.

Subject matter/summary:¹⁾

The Contracting Parties agree to extradite to each other, subject to the provisions of the present Treaty, any person who is suspected, prosecuted or condemned for an extraditable offence by the competent institutions of the requesting Contracting Party, regardless whether such offence was committed before or after this Treaty comes into effect, as well as if it is committed in the third state by the citizen of the requesting Contracting Party and the requesting Contracting Party grounds its jurisdiction on the basis of criminal's citizenship.

For the purposes of the present Treaty, extraditable offence is an offence that is punishable under the laws of both Contracting Parties by deprivation of liberty for a period of at least one year. Offence may be extraditable irrespective of whether it refers to taxation or income, or has exclusively fiscal nature. In determining whether an offence is extraditable essentials of the offence shall be taken into account, but not only the terms used.

Extradition may take place, pursuant to this Treaty, for the extraditable offence regardless whether the act of the person to be extradited was committed fully or partially on the territory of the requested Contracting Party, if this act and its consequences or expected consequences on the whole may be treated as such that comprise commitment of extraditable offence in compliance with the legislations of both Contracting Parties.

Citizens of one Contracting Party shall not be extradited to the other Contracting Party. Where extradition is refused on this ground, the requested State shall, submit the materials and proofs to its competent authorities with a view to conducting criminal prosecution, if the act committed is an offence according to the legislation of both Contracting Parties. The requested Party may refuse extradition, if the offence, for which extradition is requested, is regarded as an offence of a political nature.

Extradition shall not be granted in any of the following circumstances:

- if the person, whose extradition is requested, is a national of the requested State;
- if the person, whose extradition is requested, has, under the law of the requested Party, become immune from prosecution or punishment due to lapse of time;
- if the offence, for which extradition is requested, is an offence under military law, which is not also an offence under ordinary criminal law;
- if the person condemned for commitment of extraditable offence is punished by deprivation of liberty or other imprisonment for four months or less;
- if the person prosecuted on the territory of the requested Contracting Party for the crime with respect to which request for extradition has been received, would be freed according to the legislation of the requested party due to preliminary justification or conviction.

The request for extradition, pursuant to this Treaty, shall be transmitted through the diplomatic channels. For the purposes of the present Treaty the Contracting Parties shall maintain relations through their central bodies. The central bodies in Ukraine are the General Prosecutor's Office and the Ministry of Justice. The central body in the Republic of India is the Ministry of Foreign Affairs.

Without the consent of the requested Contracting Party the extradited person shall not be brought to criminal responsibility or be subject to punishment in the requesting Contracting Party for the crime other than the one s/he was extradited thereof, or for any less grave crime investigated according to the facts that prove the grounds for his/her extraditions. Such person shall not be extradited to the third state without the consent of the requested Contracting Party.

The documents that were worded or certified by the competent bodies or other competent institutions according to the set form on the territory of one Contracting Party in compliance with its legislation shall not require any other certification on the territory of the other Contracting Party. The documents that are public on the territory of one Contracting Party shall also be proving public documents on the territory of the other Contracting Party.

If pursuant to the legislation of the requesting Contracting Party the person, for whom extradition is requested, shall be subject to the death penalty for the offence, for which extradition is requested, but under the law of the requested Contracting Party death penalty is not imposed in such cases, the extradition may be refused, unless the requesting Contracting Party gives such assurance as the requested Contracting Party considers sufficient that the death penalty will not be carried out.

Expenses that arose on the territory of the requested Contracting Party due to the request for extradition shall be covered by this Contracting Party.

1) Summary is prepared by Yaroslav the Wise Institute of Legal Information.

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