

**TREATY BETWEEN THE PEOPLE'S REPUBLIC OF CHINA
AND THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA
ON EXTRADITION**

The People's Republic of China and the Federal Democratic Republic of Ethiopia (hereinafter jointly referred to as "the Parties ", and separately as "Party")

Desiring to make more effective the cooperation of the two countries in the suppression of crime on the basis of mutual respect for sovereign equality and mutual benefit,

Have resolved to conclude this Treaty and agreed as follows:

Article 1

Obligation to Extradite

Each Party undertakes to extradite to the other, in accordance with the provisions of this Treaty and their respective national laws at the request of the Requesting Party, persons who are found in its territory and wanted in the Requesting Party for instituting a criminal proceeding against or executing sentence imposed on those persons.

Article 2

Extraditable Offences

1. For the purpose of this Treaty, extraditable offences are offences

which are punishable under the laws of both Parties and meet one of the following conditions:

(a) where the request for extradition is made for instituting criminal proceedings, the offence is punishable under the laws of both Parties by imprisonment for a period of at least one year or by a more severe penalty;

(b) where the request for extradition is made for executing a sentence of imprisonment, a period of at least six months of such sentence remains to be served by the person sought at the time of request.

2. In determining whether an offence is punishable under the laws of both Parties in accordance with Paragraph 1 of this Article, it shall not matter whether:

(a) the laws of both Parties place the acts or omissions constituting the offences within the same category of offence or describe the offence by the same terminology;

(b) under the laws of both Parties the constituting elements of the offence differ, it being understood that the totality of acts or omissions alleged against the person sought by the Requesting Party shall be taken into account.

3. If the request for extradition concerns two or more acts or omissions each of which constitutes offence under the laws of both Parties and so long as one of which fulfills the conditions provided for in

Paragraph 1 of this Article, the Requested Party may grant extradition for all of those acts or omissions.

4. Where extradition of a person sought for an offence against a law relating to taxation, customs, exchange control, extradition may not be refused on the ground that the law of the Requested Party does not impose the same kind of tax or duty or does not contain a tax, custom duty or exchange regulation to the same kind as the law of the Requesting Party.

5. Subject to Paragraph 1 of this Article, where the offence has been committed outside the territory of the Requesting Party, such an offence is also extraditable where the law of the Requested Party provides for the punishment of an offence committed outside its territory in similar circumstances.

Article 3

Mandatory Grounds for Refusal

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

(a) If the Requested Party considers that the offence for which the extradition is requested is a political offence. But any offence, which is not an offence of a political character for the purpose of extradition under any multilateral convention to which both are parties, shall not be treated

as a political offence;

(b) If 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 on account of that person's race, sex, religion, nationality, ethnic origin, political opinion, or status or that that person's position may be prejudiced for any of those reasons;

(c) If the offence for which the extradition is requested is solely a military offence;

(d) If the person sought has become, under the laws of either Party, immune from prosecution or execution of sentence for any reason, including lapse of time or pardon;

(e) If a final judgment has been rendered or the criminal proceeding against the person sought has been terminated for the same offence;

(f) If the person sought has been or would be subjected to torture or other cruel, inhuman or degrading treatment or punishment in the Requesting Party;

(g) If the request for extradition is made by the Requesting Party pursuant to a judgment rendered in absentia unless the convicted person has had sufficient notice in advance and the Requesting Party guarantees that the person sought has the opportunity to have the case retried or appeal in his presence.

2. Each Party shall have the right to refuse extradition of its

nationals. In case of refusal, the Requested Party shall, if the Requesting Party so requests, submit the case to its competent authorities with a view to taking action against the person under its national law. For this purpose, the Requesting Party shall provide the Requested Party with documents and evidence relating to the case. The Requested Party shall inform the Requesting Party of the decision.

Article 4

Discretionary Grounds for Refusal

Extradition may be refused in any of the following circumstances:

(a) if the Requested Party has criminal jurisdiction over the offence for which the extradition is requested in accordance with its national law, and is instituting or contemplates to institute a criminal proceeding against the person sought for that offence;

(b) if the Requested Party, while taking into account the seriousness of the offence and the interests of the Requesting Party, considers that the extradition would be incompatible with humanitarian considerations in view of that person's age, health or other personal circumstances.

Article 5

Channels of Communication

1. For the purpose of this Treaty, the Parties shall communicate

through diplomatic channels.

2. The Central Authorities for the application of the present Treaty are, for the People's Republic of China, the Ministry of Foreign Affairs, and for the Federal Democratic Republic of Ethiopia, the Ministry of Justice.

Article 6

Request for Extradition and Required Documents

1. The Requesting Party shall present a letter of request for extradition which shall include or be accompanied by:

(a) the name of the requesting authority;

(b) the name, age, sex, nationality, number of identification documents, occupation, domicile or residence of the person sought and other information that may help to establish that person's identity and possible location; and if available, the description of that person's appearance, the photographs and fingerprints of that person;

(c) a statement of the facts of the offence, including the time, place, conduct and consequences of the offence;

(d) the text of the relevant provisions of the laws governing criminal jurisdiction over, criminalization of and penal punishment for the offence;

(e) the text of the relevant provisions of the laws describing limitation period for the prosecution or time limit for the execution of

sentence.

2. In addition to the provisions of Paragraph 1 of this Article,

(a) the request for extradition which is aimed at instituting a criminal proceeding against the person sought shall also be accompanied by a copy of the warrant of arrest issued by the competent authority of the Requesting Party;

(b) the request for extradition which is aimed at executing a sentence imposed on the person sought shall also be accompanied by a copy of effective judgment and a description of period of sentence which has already been executed.

3. The letter of request for extradition and other relevant documents submitted by the Requesting Party in accordance with Paragraphs 1 and 2 of this Article shall be officially signed or sealed by the competent authority of the Requesting Party and be accompanied by translations into the language of the Requested Party or the English language.

Article 7

Supplementary Information

1. If the Requested Party considers that the information provided in support of a request for extradition is not sufficient, it may request that supplementary information be furnished within thirty days. At a request duly made by the Requesting Party, the time limit may be extended for

fifteen days. If the Requesting Party fails to submit supplementary information within that period, it shall be considered as having renounced its request voluntarily. However, the Requesting Party shall not be precluded from making a new request for extradition of the same person for the same offence.

2. Where the person is released from custody under Paragraph 1 of this Article, the Requested Party shall promptly notify the Requesting Party of the situation.

Article 8

Authentication

A request for extradition and documents in support thereof, as well as documents or other materials provided in Articles 6 and 7 shall be duly authenticated, certified or signed in accordance with the laws of the Requesting Party.

Article 9

Provisional Arrest

1. In case of urgency, the Requesting Party may apply for the provisional arrest of the person sought before submitting the request for extradition. Such request may be submitted in writing through the channels provided for in Article 5 of this Treaty, the International

Criminal Police Organization (INTERPOL) or other channels agreed by the both Parties.

2. The request for provisional arrest shall contain the contents indicated in Paragraph 1 of Article 6 of this Treaty, a statement of the existence of documents indicated in Paragraph 2 of Article 6 and a statement that a formal request for extradition of the person sought will follow.

3. On receipt of such an application, the Requested Party shall take necessary measures and the Requesting Party shall be promptly notified of the result of consideration of the application.

4. Provisional arrest shall be terminated if, within a period of thirty days after the arrest of the person sought, the Requested Party has not received the formal request for extradition. At a duly request by the Requesting Party, such time limit may be extended for fifteen days.

Article 10

Decision on the Request for Extradition

1. The Requested Party shall deal with the request for extradition in accordance with the procedures provided for by its national law, and shall promptly inform 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

Article 11

Surrender of the Person

1. If the extradition has been granted by the Requested Party, the Parties shall consult and agree on time, place and other relevant matters relating to the execution of the extradition. Meanwhile, the Requested Party shall inform the Requesting Party of the period of time for which the person to be extradited has been detained prior to the surrender.

2. If the Requesting Party has not taken over the person to be extradited within fifteen days after the date agreed for the execution of the extradition, the Requested Party shall release that person immediately and may refuse a new request by the Requesting Party for extradition of that person for the same offence, unless otherwise provided for in Paragraph 3 of this Article.

3. If one Party fails to surrender or take over the person to be extradited within the agreed period for reasons beyond its control, the other Party shall be notified promptly. The Parties shall once again agree on the relevant matters for the execution of the extradition, and the provisions of Paragraph 2 of this Article shall apply.

Article 12

Re-Extradition

Where the person under extradition escapes back to the Requested Party before criminal proceedings are terminated or his sentence is served in the Requesting Party, that person may be re-extradited upon a fresh request in respect of the same offence and the Requesting Party may not be required to submit the documents and material provided for in Article 6 of this Treaty.

Article 13

Postponed or Temporary Extradition

1. Where criminal proceedings against the person sought is pending or the criminal has already been convicted for an offence other than for which extradition is sought, the Requested Party may, after having made a decision to grant extradition, postpone the extradition until the conclusion of the proceeding or the completion of the sentence. The Requested Party shall inform the Requesting Party of the postponement.

2. The Requested Party may, instead of postponing extradition, upon request, temporarily surrender the person to the Requesting Party, in accordance with conditions to be determined between the Parties.

Article 14

Requests for Extradition made by Several States

Where requests are made by two or more States including one Party for extradition of the same person either for the same offence or for different offences, the Requested Party, in determining to which State the person is to be extradited, shall take a decision considering all the relevant factors, including, inter alia, the following:

- (a) whether the requests were made pursuant to a treaty;
- (b) the gravity of different offences;
- (c) the time and place of the commission of the offence;
- (d) the nationality and the ordinary residence of the person sought;
- (e) respective dates of the requests;
- (f) the possibility of subsequent extradition to a third State;
- (g) citizenship of the victims.

Article 15

Rule of Speciality

The person extradited in accordance with this Treaty shall not be subject to criminal proceedings or the execution of sentence in the Requesting Party for an offence committed by that person before his extradition other than that for which the extradition is granted, nor shall that person be extradited to a third State, unless:

(a) the Requested Party has consented. For the purpose of such consent, the Requested Party may require the submission of the documents and information mentioned in Article 6 of this Treaty, and any other necessary documents;

(b) that person has not left the Requesting Party within thirty days after having been free to do so. However, this period of time shall not include the time during which that person fails to leave the Requesting Party for reasons beyond his control;

(c) that person left the territory of the Requesting Party after the extradition, and then returned.

Article 16

Handing over of Property

1. If the Requesting Party so requests, the Requested Party shall, to the extent permitted by its national law, seize the proceeds and instrumentality of the offence and other property which may serve as evidence found in its territory, and when extradition is granted, shall hand over such property to the Requesting Party.

2. When the extradition is granted, the property mentioned in Paragraph 1 of this Article may nevertheless be handed over even if the extradition cannot be carried out owing to the death, disappearance or escape of the person sought.

3. The Requested Party may, for conducting any other pending criminal proceedings, postpone the handover of above-mentioned property until the conclusion of such proceedings, or temporarily hand over that property on condition that the Requesting Party undertakes to return it or on any other conditions agreed upon by the Parties.

4. The handover of such property shall not prejudice any legitimate rights or interests of the Requested Party or any third party to that property. Where these rights or interests exist, the Requesting Party shall return the handed-over property to the Requested Party as soon as possible after the conclusion of the proceedings.

Article 17

Transit

1. The Parties shall, upon request, grant each other transit through their respective territories of persons who are being extradited to one of the Parties by the third state, insofar as it is compatible with its national law, and provided that the persons concerned are not nationals of the Requested Party or the national interest of the Requested Party is not prejudiced thereby.

2. The Party, through whose territory transit is requested, shall assist to keep the person extradited under custody during transit in accordance with its own laws.

3. The Party through whose territory transit is requested shall not, during the transit, take any measures of prosecution or execution of penalty against the person extradited for his/her previous offence.

4. A request for transit shall be submitted and dealt with like a request for extradition.

Article 18

Notification of Result

The Requesting Party shall, upon request, provide the Requested Party promptly with the information on the proceedings or the execution of sentence against the extradited person or information concerning the extradition of that person to a third State.

Article 19

Expenses

1. Expenses arising from the procedures for extradition in the Requested Party shall be borne by that Party.

2. The Requesting Party shall bear the expenses of transportation, the transit expenses in connection with the surrender or taking over of the extradited person and returning the property handed over under Paragraph 4 of Article 16.

3. If it becomes apparent that extraordinary expenses may be

incurred by the Requested Party as result of a request of extradition, the Parties may consult how these expenses will be covered.

Article 20

Relationship with Other Treaties

This Treaty shall not prevent the Parties from cooperating with each other on extradition in accordance with other treaties to which both are contracting parties.

Article 21

Settlement of Disputes

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

Article 22

Entry into Force, Amendment and Termination

1. This Treaty is subject to ratification. This Treaty shall enter into force on the thirtieth day after the date of receipt of the last diplomatic note by which the Parties inform each other of the ratification of this Treaty.

2. This Treaty may be amended at any time by written agreement between the Parties. Any such amendment will enter into force in

accordance with the same procedure prescribed in Paragraph 1 of this Article and will form part of this Treaty.

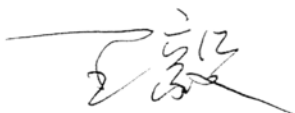
3. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect on the one hundred and eightieth day after the date on which the notice is given. Termination of this Treaty shall not affect the extradition proceedings commenced prior to the termination.

4. This Treaty applies to any request presented after its entry into force even if the relevant offences occurred before the entry into force of this Treaty.

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

DONE in duplicate at Addis Ababa on this 4th day of May (month) 2014 (year), in the Chinese, Amharic and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**For the People's Republic
of China**



**For the Federal Democratic
Republic of Ethiopia**

