

## **Treaty between the People's Republic of China and the Islamic Republic of Iran on Extradition**

The People's Republic of China and the Islamic Republic of Iran,  
hereinafter referred to as "the Parties",

Desirous to promote the effective cooperation between the two  
countries in the suppression of crime on the basis of mutual respect for  
sovereignty and equality and mutual benefit,

Have resolved to conclude this Treaty and agreed as follows:

### Article 1

#### Obligation to Extradite

Each Party undertakes, in accordance with the provisions of this  
Treaty and at the request of the other Party, to extradite to each other persons  
found in its territory and wanted by the other Party for the purpose of  
conducting criminal proceedings against or executing sentence imposed on  
that person.

## Article 2 Extraditable Offences

1. Extradition shall not be granted unless the act for which the extradition is requested constitutes an offence under the laws of both Parties and meets one of the following conditions:

(a) where the request for extradition is aimed at conducting a criminal proceeding, the offence is punishable under the laws of both Parties by the penalty of imprisonment for a period of more than one year or by any heavier penalty; or

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

2. In determining whether an act constitutes an offence under the laws of both Parties in accordance with paragraph 1 of this Article, it shall not matter whether the laws of both Parties place the act within the same category of offence or denominate the offence by the same terminology.

3. If the request for extradition concerns two or more acts each of which constitutes offence under the laws of both Parties and at least 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.

### Article 3

#### Channels of Communication

Any communications between competent authorities of the Parties regarding extradition cases shall take place through diplomatic channels.

### Article 4

#### Request for Extradition and Required Documents

1. A request for extradition shall be made in writing and shall include or be accompanied by:

(a) the name of the requesting authority;

(b) the name, age, sex, nationality, identification documents, occupation and domicile or residence of the person sought and other information that may help to determine 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 case including the summary of the criminal act and its outcome;

(d) the text of the relevant provisions of the laws relating to establishing criminal jurisdiction, determining the offence and prescribing the penalty that can be imposed for the offence; and

(e) the text of the relevant provisions of the laws describing any time limit on the prosecution or execution of sentence.

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

(a) the request for extradition which is aimed at conducting 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; or

(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 court judgment and a description of period of sentence which has already been executed.

3. A request for extradition and its supporting documents shall be signed or sealed and shall be accompanied by translations in the language of the Requested Party or in the English language.

## Article 5

### Additional Information

If the Requested Party considers that the information furnished in support of a request for extradition is not sufficient, that Party may request that additional information be furnished within thirty days. At a duly request by the Requesting Party, the time limit may be extended for fifteen days. If the Requesting Party fails to submit additional 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 fresh request for extradition for the same offence.

## Article 6

### Mandatory Grounds for Refusal

Extradition shall be refused if:

(a) the Requested Party considers that the offence for which the extradition is requested is a political offence, or that the Requested Party has granted asylum to the person sought;

(b) 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 or political opinion, or that that person's position in judicial proceedings may be prejudiced for any of those reasons;

(c) the offence for which the extradition is requested only constitutes a military offence;

(d) The person sought is a national of the Requested Party at the time the request for extradition is received by the Requested Party;

(e) the person sought is, under the laws of either Party, immune from criminal responsibility for any reasons such as lapse of time or pardon;

(f) the Requested Party has already rendered an effective judgment or terminated the criminal proceeding against the person sought in respect of the offence for which the extradition is requested; or

(g) the request for extradition is made by the Requesting Party pursuant to a judgment rendered *in absentia*, unless the Requesting Party undertakes that the person sought has the opportunity to have the case retried at his presence.

## Article 7

### Discretionary Grounds for Refusal

Extradition may be refused if:

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

(b) extradition is incompatible with humanitarian considerations in view of that person's age, health or other conditions of the person sought.

## Article 8

### Obligation to Institute Criminal Proceedings in the Requested Party

If extradition is not granted pursuant to subparagraph (d) of Article 6, the Requested Party shall, at the request of the Requesting Party, submit the case to its competent authority for the purpose of institution of a criminal proceeding in accordance with its national law. For this purpose, the Requesting Party shall provide the Requested Party with documents and evidence relating to the case.

## Article 9

### Provisional Arrest

1. In case of urgency, one Party may make a request to the other Party for the provisional arrest of the person sought before making a request for extradition. Such request may be submitted in writing through the channels provided for in Article 3, the International Criminal Police Organization (INTERPOL) or other channels agreed to by both parties.

2. The request for provisional arrest shall contain the contents indicated in paragraph 1 of Article 4, a statement of the existence of documents indicated in Paragraph 2 of that Article and a statement that a formal request for extradition of the person sought will follow.

3. The Requested Party shall promptly inform the Requesting Party of the result of its handling of the request.

4. Provisional arrest shall be terminated if, within a period of thirty days after the arrest of the person sought, the competent authority of 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.

5. The termination of provisional arrest pursuant to paragraph 4 of this Article shall not prejudice the extradition of the person sought if the Requested Party has subsequently received the formal request for extradition.

## 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 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 Party.

## Article 11

### Surrender of the Person to be Extradited

1. If the extradition has been granted by the Requested Party, the Parties shall 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 fresh 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

### Postponed Extradition and Temporary Extradition

1. If the person sought is being proceeded against or is serving a sentence in the Requested Party for an offence other than that for which the extradition is requested, 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. If the postponement of the surrender mentioned in paragraph 1 of this Article would cause the lapse of time for prosecution or impede the investigation by the Requesting Party on the offence for which the extradition is requested, the Requested Party may, to the extent permitted by its national law, temporarily transfer the person sought to the Requesting Party according to the terms and conditions agreed to by both Parties. The Requesting Party shall promptly return that person to the Requested Party upon conclusion of relevant proceedings.

### Article 13

#### Requests for Extradition made by Several States

If extradition is concurrently requested by more than one state for the same offence or different offences, the Requested Party shall make the decision taking into consideration all the circumstances, particularly the relative gravity of the offence, the place of commission of the offence, the respective dates of requests, nationality of the person sought and the possibility of subsequent extradition to another state.

### Article 14

#### Rule of Speciality

1. The person extradited in accordance with this Treaty shall not be proceeded against or subject to the execution of sentence in the Requesting Party for an offence committed by that person before his surrender other

than that for which the extradition is granted, nor shall that person be re-extradited to a third state, unless

(a) the Requested Party has consented in advance. For the purpose of such consent, the Requested Party may require the submission of the documents and information mentioned in Article 4;

(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; or

(c) that person has voluntarily returned to the Requesting Party after leaving it.

2. If the criminal description of the committed offence changes during the proceedings, the extradited person shall not be subject to prosecution or execution of the sentence unless the offence under its new description continues to fulfill the conditions mentioned in Article 2.

## Article 15

### Re-extradition

If the extradited person returns to the territory of the Requested Party prior to the termination of prosecution, proceedings or execution of sentence, that person shall be re-extradited upon the request of the Requesting Party. In such cases, submission of documents and information mentioned in Article 4 is no longer required.

Article 16  
Surrender 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 surrender such property to the Requesting Party.

2. When the extradition is granted, the property mentioned in paragraph 1 of this Article may nevertheless be surrendered even if the extradition can not 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 surrender of above-mentioned property until the conclusion of such proceedings, or temporarily surrender that property on condition that the Requesting Party undertakes to return it.

4. The surrender of such property shall not prejudice any legitimate right of the Requested Party or any third party to that property. Where these rights exist, the Requesting Party shall, at the request of the Requested Party, return the surrendered property without charge to the Requested Party as soon as possible after the conclusion of the proceedings.

Article 17  
Transit

1. When one Party is to extradite a person from a third state through the territory of the other Party, it shall request the other Party for the

permission of such transit. No such request is required where air transportation is used and no landing in the territory of the other Party is scheduled.

2. The Requested Party shall, insofar as not contrary to its national law, grant the request for transit made by the Requesting Party.

## Article 18

### Notification of Result

The Requesting Party shall provide the Requested Party promptly with the information on the proceedings or the execution of sentence against the extradited person or information concerning the re-extradition of that person to a third state.

## Article 19

### Expenses

Expenses arising from the procedures for extradition in the Requested Party shall be borne by that Party. Expenses of transportation and the transit expenses in connection with the surrender or taking over of the extradited person shall be borne by the Requesting Party.

## Article 20

### Relationship with Other Treaties

This Treaty shall not affect any right enjoyed and any obligation undertaken by the Parties under any other treaties.

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 the exchange of the instruments of ratification.

2. This Treaty may be amended at any time by written agreement between the Parties.

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 Tehran on this 10<sup>th</sup> day of September (month) 2012 (year), corresponding to 1391.6.20, in the Chinese, Persian 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 Islamic Republic of Iran

