



ASEAN TREATY ON EXTRADITION

TABLE OF CONTENTS

Article 1	Obligation to Extradite
Article 2	Extraditable Offences
Article 3	Basis for Extradition
Article 4	Central Authority
Article 5	Mandatory Grounds of Refusal
Article 6	Discretionary Grounds of Refusal
Article 7	Extradition of Nationals
Article 8	The Request and Supporting Documents
Article 9	Provisional Arrest
Article 10	Additional Information
Article 11	Confidentiality
Article 12	Authentication
Article 13	Language
Article 14	Execution of Requests
Article 15	Concurrent Requests
Article 16	Decision and Arrangements for Surrender
Article 17	Simplified Extradition Procedure
Article 18	Postponement and Temporary Surrender

Article 19	Rule of Specialty and Re-extradition
Article 20	Handing Over of Property
Article 21	Transit
Article 22	Representation and Expenses
Article 23	Consultation
Article 24	Settlement of Disputes
Article 25	Amendments
Article 26	Reservations
Article 27	Depositary
Article 28	Relationship with Other International Instruments
Article 29	Entry into Force and Denunciation

The Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN") - Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Democratic Republic of Timor-Leste, and the Socialist Republic of Viet Nam, hereinafter referred to singularly as the "Party" and collectively as the "Parties"; and

DESIRING to strengthen ASEAN's resilience and capacity to combat crime, particularly transnational crime, by enhancing effective legal cooperation in the field of extradition within ASEAN to ensure respect for the rule of law,

HAVE AGREED AS FOLLOWS:

Article 1

Obligation to Extradite

1. The Parties agree to extradite to one another, in accordance with the provisions of this Treaty, any person who is found in the territory of a Requested Party and is wanted in a Requesting Party for the purpose of prosecution or imposition or enforcement of a sentence, in respect of an extraditable offence, as provided in Article 2 of this Treaty.
2. The provisions of this Treaty shall apply to requests for extradition, including requests for provisional arrest, made after its entry into force, regardless of the date of the commission of the offence or act or omission constituting the offence set out in the request.

Article 2

Extraditable Offences

1. For the purposes of this Treaty, extraditable offences are offences that are punishable under the laws of the Requesting Party and the Requested Party by imprisonment or other deprivation of liberty for a maximum period of at least one year, or if required by the Requested Party, two years, or by a more severe penalty. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least six months of such sentence remains to be served.
2. An extraditable offence means an offence against the laws of the Requesting Party and the act or omission constituting the offence or the equivalent act or omission would, in similar circumstances, if it takes place in or within the jurisdiction of the Requested Party, constitute an offence against the laws of the Requested Party.

3. For the purposes of paragraph 1 of this Article, an extraditable offence shall be an offence punishable according to the laws of the Requesting Party and the Requested Party if the act or omission constituting the offence is an offence for which extradition could be granted under the laws of the Requesting Party and the Requested Party.

4. If the request for extradition includes several separate offences, each of which is punishable under the laws of the Requesting Party and the Requested Party, but some of which do not fulfil the other conditions set out in paragraph 1 of this Article, the Requested Party may grant extradition for the latter offences provided that the requested person is to be extradited for at least one extraditable offence.

Article 3

Basis for Extradition

A requested person shall, subject to the provisions of this Treaty, be extradited if there is evidence in support of the request for extradition which meets the evidentiary standards of the Requested Party for extradition.

Article 4

Central Authority

1. For the purposes of implementing this Treaty, each Party shall designate a Central Authority or Competent Authority that shall have the power to process requests for extradition.

2. Each Party shall notify the Secretary-General of ASEAN of its Central Authority or Competent Authority at the time of the deposit of its instrument of ratification, acceptance, or approval to this Treaty.

3. Each Party shall notify any change or update of its Central Authority or Competent Authority to the Secretary-General of ASEAN who shall promptly notify all Parties of such change or update.

Article 5

Mandatory Grounds of Refusal

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

- (a) where the Requested Party determines that the offence for which extradition is requested is an offence of a political nature;
- (b) where the requested person has been convicted by a final judgment and has undergone punishment, or has been pardoned or acquitted, under the laws of any State for that offence or for another offence constituted by the same act or omission constituting the offence for which that person's extradition is requested;
- (c) where the requested person is liable to be tried by a court or tribunal that is especially established for the purpose of trying the requested person's case or is only occasionally, or under exceptional circumstances, authorised to try such cases or the extradition is requested for the purpose of serving a sentence imposed by such a court or tribunal;
- (d) if the offence for which extradition is requested is a military offence under the laws of the Requested Party, and not an offence under ordinary criminal law of the Requested Party;
- (e) where the Requested Party has substantial grounds for believing that the request for

extradition of the requested person has in fact been presented with the purpose of prosecuting or punishing the requested person on account of that person's race, religion, nationality, ethnic origin, sex, status, or political opinions;

- (f) where the Requested Party has substantial grounds for believing that the requested person, if returned, may be prejudiced at trial or punished, detained, or restricted in personal liberty by reason of that person's race, religion, nationality, ethnic origin, sex, status, or political opinions;
- (g) if the extradition of a requested person is sought for the purpose of carrying out a sentence, and the requested person has been convicted *in absentia* in the Requesting Party, unless the requested person:
 - i. had the opportunity of being present or represented by a legal representative at trial, and had absented himself or herself from trial; or
 - ii. has the opportunity to seek re-trial in his or her presence.
- (h) if the requested person has, under the laws of the Requesting Party, become immune from prosecution or punishment for any reason, including lapse of time, or amnesty; or
- (i) if, in the view of the Requested Party, the requested person has not received or would not receive the minimum fair trial guarantees in criminal proceedings in the Requesting Party.

2. For the purposes of subparagraph 1(a) of this Article, the following shall not be held to be offences of a political nature:

- (a) an offence against the life or person of any Head of State or any Head of Government, or a member of his or her immediate family;
- (b) an offence for which the Requesting Party and the Requested Party have an obligation pursuant to a multilateral treaty, the purpose of which is to prevent or repress a specific category of offences, to either extradite the requested person or submit the case without undue delay to their competent authorities for the purpose of prosecution;
- (c) serious offences involving an act of violence against the life of a person;
- (d) offences relating to terrorist acts; or
- (e) any attempt, abetment, assistance, counsel, facilitation, or conspiracy to commit any of the offences referred to in subparagraphs (a) to (d).

3. If any question arises as to whether an offence is an offence of a political nature, the decision of the Requested Party shall be determinative.

Article 6

Discretionary Grounds of Refusal

1. Extradition may be refused under this Treaty in any of the following circumstances:

- (a) where extradition would significantly affect the interests of the Requested Party in matters of national security or foreign affairs;

- (b) where the Requested Party has decided either not to institute or to terminate proceedings against the requested person for the act or omission constituting an offence for which extradition is sought, not being an offence against laws relating to terrorist acts or which occurred within the territory of the Requesting Party;
- (c) where the offence for which extradition is requested is an offence, not being an offence against laws relating to terrorist acts, which has been committed in whole or in part within the territory of the Requested Party, provided that harm (damage or injury) intended or arising from the commission of the offence does not or is not intended to occur within the territory of the Requesting Party;
- (d) where the requested person has been sentenced or would be liable to be tried or sentenced in the Requesting Party by any court or other tribunal constituted primarily to enforce religious or customary laws;
- (e) where the act or omission constituting the offence for which extradition is requested was alleged to have been committed outside the territory of the Requesting Party but within the Requesting Party's jurisdiction, and the laws of the Requested Party do not provide for the Requested Party to exercise criminal jurisdiction over such act or omission if committed outside the territory of the Requested Party;
- (f) where the requested person is concerned in or subject to an investigation that is in progress or a prosecution that is pending in the Requested Party in respect of any offence that is alleged to have

been committed within the jurisdiction of the Requested Party;

- (g) where the requested person is detained or under enforcement of a sentence under the laws of the Requested Party;
- (h) where the surrender of the requested person is likely to violate obligations arising from international agreements or arrangements to which the Requested Party is a party;
- (i) where a substantial amount of time has passed since the offence was alleged to have been committed or was committed, and the offence to which the request relates is not sufficiently serious in nature; or
- (j) where having regard to the circumstances under which the offence was alleged to have been committed or was committed, the extradition of the requested person would be incompatible with humanitarian considerations in view of age and health.

2. A Requested Party may refuse to extradite a requested person to the Requesting Party, where the offence for which extradition is requested may be punishable by a penalty not provided for in the laws of the Requested Party, unless the conditions as may be agreed upon by the Requesting Party and the Requested Party are met.

Article 7

Extradition of Nationals

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

2. If the requested person is a national of the Requested Party, and where extradition is refused on this ground, the Requested Party shall, if allowed or if not prohibited by its laws and the Requesting Party so requests, submit the case to its competent authorities with a view to taking appropriate action against the requested person in respect of the offence for which extradition had been requested.

3. The nationality of the requested person shall be determined as at the date of the commission of the offence for which the extradition is sought.

Article 8

The Request and Supporting Documents

1. Requests for extradition and supporting documents shall be conveyed through diplomatic channels. Subsequent communications may be conveyed through diplomatic channels or the designated Central Authorities or Competent Authorities, as notified to the Secretary-General of ASEAN pursuant to Article 4 of this Treaty.

2. The request shall be accompanied by:

- (a) as accurate a description as possible of the requested person, together with any other information which would help to establish that person's identity, nationality, and probable location, such as a recent photograph or fingerprint records, where available;
- (b) a statement of each offence for which extradition is sought and a statement of the acts and omissions which are alleged against the requested person in respect of each offence, including the date, time, and location of the commission of the offence; and

- (c) the text of the legal provisions creating the offence, the designation of the offence for which extradition is requested, and a statement of the punishment which the offence carries, including any laws relating to the limitation on the institution of proceedings, or on the execution of any punishment for that offence.

3. If the request relates to a requested person who is an accused person, it shall, in addition to the information required in paragraph 2 of this Article, be accompanied by:

- (a) the warrant of arrest issued by a judge, magistrate, or competent authority of the Requesting Party, or an authenticated copy thereof;
- (b) any document containing the charge for the prosecution of the requested person, such as the prosecution order or the charging document, or an authenticated copy thereof; and
- (c) statements, or sworn statements, if required by the Requested Party, of witnesses concerning their knowledge of the offence, and by such evidence as would meet the evidentiary standards of the Requested Party for extradition.

4. If the request relates to a requested person who has already been convicted or sentenced by the Requesting Party, it shall, in addition to the information required in paragraph 2 of this Article, be accompanied by the warrant of arrest issued by a judge, magistrate, or competent authority of the Requesting Party, or an authenticated copy thereof, an authenticated copy of the decision of the conviction, and

- (a) if the requested person has been convicted but not sentenced, a statement to that effect by the appropriate court; or

- (b) if the requested person has been sentenced, an authenticated copy of the decision of the sentence, and a statement by the competent authority indicating that the sentence is enforceable and the extent to which the sentence remains to be served.

Article 9

Provisional Arrest

1. In urgent cases, the requested person may, at the discretion of the Requested Party and subject to its laws, be provisionally arrested at the request of the Requesting Party, pending presentation of the request for extradition. Such a request for provisional arrest shall be made in writing and be transmitted by means acceptable to the Requested Party, which may include:

- (a) diplomatic channels;
- (b) directly between the Central Authorities or Competent Authorities as designated under Article 4 of this Treaty; or
- (c) facilities of the International Criminal Police Organization (INTERPOL).

2. The request for provisional arrest shall contain:

- (a) a statement that a request for the extradition of the requested person shall be made;
- (b) a description of the requested person, and information concerning that person's identity, such as a recent photograph or fingerprint records, where available, nationality, and probable location in the territory of the Requested Party;

- (c) original, authenticated, or certified copy of a warrant of arrest and, where applicable, a decision of conviction or sentence against the requested person;
- (d) a brief description of the offence and copy of a document containing the charge for the prosecution of the requested person, such as the prosecution order or the charging document;
- (e) a statement setting out the facts of the case, including the sentence that can be or has been imposed for the offence for which extradition is requested and, where applicable, the extent to which the sentence remains to be served; and
- (f) the reason(s) why the request is urgent and provisional arrest is sought.

3. The Requesting Party shall be promptly notified of the result of its request.

4. The provisional arrest of the requested person shall be terminated upon the expiration of 60 days, or other period subject to the requirements of the Requested Party, from the date of the provisional arrest if the request for extradition and supporting documents specified in Article 8 of this Treaty have not been received. If the requested person is released, the Requested Party shall promptly notify the Requesting Party.

5. The release of the requested person pursuant to paragraph 4 of this Article shall not prevent a re-arrest and institution of proceedings with a view to the extradition of the requested person if the request for extradition and supporting documents are subsequently received.

Article 10

Additional Information

1. If the Requested Party considers that the information furnished in support of a request for extradition is insufficient to allow the Requested Party to make a decision pursuant to this Treaty, the Requested Party shall request that additional information be provided. The Requested Party may fix a time-limit for the submission of such information, subject to further extension of time to be granted at the discretion of the Requested Party.
2. If the requested person is under arrest and the additional information provided is insufficient to allow the Requested Party to make a decision pursuant to this Treaty, or is not received within the time-limit specified in paragraph 1 of this Article, the requested person may be released. Such release shall not preclude the Requesting Party from making a new request for the extradition of the requested person.
3. Where the requested person is released from custody in accordance with paragraph 2 of this Article, the Requested Party shall promptly notify the Requesting Party.

Article 11

Confidentiality

The Requested Party shall, subject to its laws, make its best efforts to keep confidential the fact that a request has been made, the contents of the request and its supporting documents, and other relevant information concerning the execution of the request if such confidentiality is requested by the Requesting Party.

Article 12

Authentication

1. Documents supporting a request for extradition shall be admitted in evidence if duly authenticated in the following manner:

- (a) certified by a judge, magistrate, or competent authority of the Requesting Party to be the original document containing or recording that evidence or a true copy of such document and sealed with the official seal of the competent authority of the Requesting Party; or
- (b) in such a manner as may be permitted by the laws of the Requested Party.

2. An authenticated translation of documents submitted by the Requesting Party in support of a request for extradition shall be admissible in proceedings for extradition.

Article 13

Language

1. All documents submitted under this Treaty shall be in the English language. The Requested Party may request for translation into its official language.

2. Each Party shall notify the Secretary-General of ASEAN of its official language at the time of the deposit of its instrument of ratification, acceptance, or approval to this Treaty.

3. The costs of supplying the translation shall be borne by the Requesting Party.

Article 14

Execution of Requests

The execution of any request for extradition shall be subject to the domestic procedural laws of the Requested Party.

Article 15

Concurrent Requests

1. Where the Requested Party receives requests from two or more States for the extradition of the same requested person, the Requested Party shall determine, at its discretion, to which State the requested person is to be extradited.

2. In making a determination under paragraph 1 of this Article, the Requested Party shall consider all the circumstances of the case, including but not limited to:

- (a) the existence of any extradition treaty, or arrangement for the surrender of requested persons with the Requesting States;
- (b) the relative seriousness or gravity of the offences;
- (c) the time and place of the commission of the offences;
- (d) the dates on which the requests were made or received;
- (e) the citizenship or permanent, habitual, or ordinary residence of the requested person; and
- (f) the citizenship or nationality of the victim.

Article 16
Decision and Arrangements for Surrender

1. The Requested Party shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting Party through diplomatic channels or the designated Central Authority or Competent Authority in accordance with paragraph 1 of Article 8 of this Treaty.
2. Where the request for extradition is refused, the Requested Party shall inform the Requesting Party of the reasons for refusal in accordance with this Treaty.
3. When a requested person is to be surrendered, that requested person shall be delivered, under the custody of the authorities of the Requested Party, to the last point of departure within that Party's territory. The Requesting Party and the Requested Party shall agree on the time and place of the surrender of the requested person.
4. Subject to the provisions of paragraph 5 of this Article, the Requesting Party shall remove the requested person within the period specified by the Requested Party. If the requested person is not removed within that period, the requested person may be released from custody and the Requested Party may subsequently refuse to surrender that requested person for the same offence.
5. If circumstances beyond its control prevent either the Requested Party or the Requesting Party from surrendering or removing the requested person, it shall notify the other Party. In that case, the Requesting Party and the Requested Party shall agree on a new time and place for surrender and the provisions of paragraphs 3 and 4 of this Article shall apply.

Article 17

Simplified Extradition Procedure

Notwithstanding that the requirements of Article 8 of this Treaty have not been met, the Requested Party, if not precluded by its laws, may grant extradition of the requested person to the Requesting Party after receipt of a request for provisional arrest, or for extradition, as the case may be, provided that the requested person explicitly consents before a competent authority.

Article 18

Postponement and Temporary Surrender

1. The Requested Party, after having made a decision to grant extradition, may postpone the surrender of the requested person in order to proceed against that person, or so that that person may serve a sentence or testify in an investigation or prosecution in the Requested Party, for any offence other than that for which extradition is requested, until the conclusion of the proceedings, the execution of any sentence imposed, or the conclusion of the investigation or prosecution, as the case may be.
2. The Requested Party may, instead of postponing surrender, temporarily surrender the requested person to the Requesting Party in accordance with the conditions to be determined between the Requesting Party and the Requested Party.

Article 19

Rule of Specialty and Re-extradition

1. A requested person who has been extradited shall not be tried, sentenced, detained, or subjected to any other

restriction of personal liberty by the Requesting Party for any offence committed prior to that person's surrender other than:

- (a) the offence in respect of which the extradition was granted;
- (b) an offence disclosed by the facts in respect of which the extradition was granted, provided such offence is one for which the requested person could be extradited under this Treaty, and provided further that such offence is punishable by a penalty no more severe than the penalty for the offence for which the extradition was granted; or
- (c) any other extraditable offence under this Treaty in respect of which the Requested Party may consent to.

2. Paragraph 1 of this Article shall not apply if the requested person has:

- (a) first had an opportunity to exercise that person's right to leave the territory of the Requesting Party and had not done so within the timeframe prescribed in the laws of the Requested Party, or in the absence of such laws, within 45 days; or
- (b) voluntarily returned to the territory of the Requesting Party having left it.

3. A requested person who has been extradited to the Requesting Party by the Requested Party shall not be re-extradited by the Requesting Party to a third jurisdiction for an offence committed prior to that person's extradition to the Requesting Party, unless the Requested Party consents to that re-extradition.

Article 20

Handing Over of Property

1. The Requested Party may, in accordance with its laws, hand over to the Requesting Party, upon a written request, any property seized from the person of the requested person at the time of that person's arrest which is relevant as proof of the offence in respect of which extradition is granted.
2. The Requesting Party shall endeavour to submit the request for the handing over of the property referred to in paragraph 1 of this Article no later than the request seeking the extradition of the requested person.
3. The handing over of the property referred to in paragraph 1 of this Article shall be subject to such terms and conditions as may be imposed by the Requested Party.
4. Notwithstanding paragraph 2 of this Article, the Requested Party may temporarily retain any property referred to in paragraph 1 of this Article in connection with pending proceedings in its jurisdiction.
5. The handing over of the property referred to in paragraph 1 of this Article shall not prejudice the rights of the Requested Party or of any third party to those items.

Article 21

Transit

1. A Party may authorise transit through its territory of a person surrendered to another Party by a third State. A request for transit shall be transmitted through diplomatic channels, or directly between the Central Authorities or Competent Authorities. It shall contain a description of the person being transited, accompanied by a copy of the document granting the extradition.

2. No authorisation is required where a Party is transiting a person surrendered to it by a third State using air transport and no landing is scheduled in the territory of another Party.

Article 22

Representation and Expenses

1. The Requested Party, in accordance with its laws, shall make all necessary arrangements for assistance to the Requesting Party, including legal representation in any proceedings arising out of requests for extradition.
2. In the event that the Requesting Party is permitted by the laws of the Requested Party to arrange its own assistance and legal representation, the Requesting Party shall bear any expenses incurred thereof.
3. The Requested Party shall bear the expenses incurred within its territory arising from the request for, or by reason of, extradition. If it becomes apparent that expenses of an extraordinary nature are likely to be incurred, the Requesting Party and the Requested Party shall consult each other to determine how these expenses will be met.
4. The Requesting Party shall bear the costs incurred in transferring the requested person from the territory of the Requested Party, including transit costs.

Article 23

Consultation

1. For the purposes of promoting the most effective use and implementation of this Treaty, the Parties may consult at times mutually agreed upon by them.

2. The Parties may develop such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 24 Settlement of Disputes

Any difference or dispute between the Parties arising from the interpretation or implementation of the provisions of this Treaty shall be settled amicably through consultation or negotiation between the Parties through diplomatic channels or any other peaceful means for the settlement of disputes as agreed between the Parties.

Article 25 Amendments

1. This Treaty may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment shall enter into force on such date as shall be mutually agreed upon by the Parties and shall form an integral part of this Treaty.

2. Any modification or amendment shall not affect the rights and obligations of the Parties arising from, or based on, the provisions of this Treaty before the entry into force of such modification or amendment.

Article 26 Reservations

This Treaty shall not be subject to reservations.

Article 27

Depositary

1. This Treaty, and any amendment(s) thereto, shall be deposited with the Secretary-General of ASEAN who is designated as the Depositary of this Treaty. The Depositary shall promptly provide a certified copy of this Treaty and any amendment(s) thereto to all Parties.
2. The Depositary shall promptly notify the Parties and provide them with the date and copy of the notification under Article 29 of this Treaty.
3. The Depositary shall register this Treaty with the Secretariat of the United Nations, pursuant to Article 102 of the Charter of the United Nations.

Article 28

Relationship with Other International Instruments

The provisions of this Treaty shall not affect any other agreement or arrangement, bilateral or multilateral, concluded by any Party that governs or will govern, in whole or in part, extradition.

Article 29

Entry Into Force and Denunciation

1. This Treaty shall be subject to ratification, acceptance, or approval by each signatory State in accordance with its laws. The instrument of ratification, acceptance, or approval of a signatory State shall be deposited with the Depositary.
2. This Treaty shall enter into force for those signatory States that have deposited their instruments of ratification, acceptance, or approval 30 days after the date on which at

least six signatory States have deposited their instruments of ratification, acceptance, or approval with the Depositary.

3. For each signatory State that deposits its instrument of ratification, acceptance, or approval with the Depositary after the deposit of the sixth instrument of ratification, acceptance, or approval, this Treaty shall enter into force 30 days from the date of deposit by that State of its instrument of ratification, acceptance, or approval with the Depositary.

4. Any Party may denounce this Treaty by written notification to the Depositary. Denunciation of this Treaty shall have effect 180 days following the date on which notification is received by the Depositary.

5. The denunciation of this Treaty shall have effect only as regards the Party that has notified it. The Treaty shall remain in force for the other Parties.

6. Denunciation of this Treaty shall be without prejudice to the rights and obligations arising from, or based on, this Treaty, and to the completion of any requests made pursuant to this Treaty before or up to the date of denunciation.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective States have signed this Treaty.

DONE at Manila, Philippines, this Fourteenth Day of November in the Year of Two thousand and Twenty-Five in a single original copy in the English language.