

AGREEMENT
BETWEEN
AUSTRALIA AND THE HASHEMITE KINGDOM OF JORDAN
ON EXTRADITION

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The Government of Australia and the Government of the Hashemite Kingdom of Jordan, hereinafter referred to as “the Parties”

DESIRING to enhance their cooperation in combating serious crime, including organised crime and terrorism, and ensuring that criminals are not able to avoid justice by crossing borders

HAVE AGREED as follows:

ARTICLE 1

OBLIGATION TO EXTRADITE

Each Party agrees to extradite to the other, in accordance with this Agreement, any person who is wanted in the Requesting Party for prosecution, or the imposition or enforcement of a sentence, for an extraditable offence.

ARTICLE 2

CENTRAL AUTHORITY

The Central Authority for Australia shall be the Attorney-General’s Department, Canberra. The Central Authority of the Hashemite Kingdom of Jordan shall be the Ministry of Justice. Should either Party change its designated Central Authority, it shall inform the other Party of such a change by notice in writing transmitted through the diplomatic channels.

ARTICLE 3

EXTRADITABLE OFFENCES

1. For the purposes of this Agreement, extraditable offences are offences however described which are punishable under the laws of both Parties by imprisonment or other deprivation of liberty for a period of at least one year or by a more severe penalty.
2. Where the request for extradition relates to a person convicted of such an offence who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty, extradition shall be granted only if a period of at least 6 months of such penalty remains to be served or, if in respect of numerous extraditable offences where

numerous sentences are to be carried out, a period of at least 6 months in the aggregate remains to be served.

3. For the purposes of this Article, in determining whether an offence is an offence against the laws of both Parties:

- (a) it shall not matter whether the laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology; and/or
- (b) the totality of the acts or omissions alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Parties, the constituent elements of the offence differ.

4. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, foreign exchange control or other revenue matter, 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, duty, customs, or exchange regulation of the same kind as the law of the Requesting Party.

5. Extradition may be granted under this Agreement if:

- (a) the acts or omissions in respect of which extradition is requested constituted an offence in the Requesting Party at the time they occurred; and
- (b) the acts or omissions would, if they had taken place in the territory of the Requested Party at the time the request for extradition was received, have constituted an offence in that Party.

ARTICLE 4

REFUSALS TO EXTRADITION

1. Extradition shall be refused in any of the following circumstances:

- (a) if the Requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of that person's race, sex, religion, nationality or political opinion, or that person's position may be prejudiced for any of those reasons; or
- (b) if the offence for which extradition is requested is regarded by the Requested Party as an offence under military law, but not an offence under the ordinary criminal law of the Requested Party; or
- (c) if the extradition offence for which the person sought is accused or convicted, or any other offence that may be established from the acts or omissions giving rise to the extradition offence, in accordance with this Agreement carries the death penalty under the law of the Requesting Party

unless that Party undertakes that the death penalty will not be imposed or, if imposed, will not be carried out; or

- (d) if the Requested Party has substantial grounds for believing that the person whose extradition is requested would be in danger of being subjected to torture if extradited; or
- (e) if the offence for which extradition is requested is regarded by the Requested Party as a political offence. For the purpose of this Article, the following offences shall not be taken to be political offences:
 - (i) the taking or attempted taking of the life, or assault or attempted assault on, Australia's Head of State or Head of Government, or a member of their families, or His Majesty the King of the Hashemite Kingdom of Jordan, the Regent, or any member of their families; or
 - (ii) any offence in respect of which both Parties have an obligation to extradite under a multilateral agreement or to submit the case to its competent authorities for the purposes of prosecution; or
- (f) if the person has been acquitted or pardoned, or has undergone the punishment provided by the law of the Requested Party, in respect of the conduct constituting the offence for which the person's extradition is requested.

2. Extradition may be refused in any of the following circumstances:

- (a) if the person whose extradition is requested is a national of the Requested Party, unless the laws of that Party prohibit the extradition of its nationals. Where the Requested Party refuses to extradite a national of that Party, it shall, if the other Party so requests and the laws of the Requested Party allow, submit the case to its competent authorities to determine whether proceedings for the prosecution of the person in respect of all or any of the offences for which extradition has been sought may be taken. For this purpose, the Requesting Party shall provide the Requested Party with documents, materials and evidence relating to the case; or
- (b) if the offence for which extradition is requested is regarded under the law of the Requested Party as having been committed in whole or in part within the territories of that Party; or
- (c) if a prosecution in respect of the conduct constituting the offence for which extradition is requested is pending in the Requested Party against the person whose extradition is sought; or
- (d) if the competent authorities of the Requested Party have decided either not to institute or to terminate proceedings against the person for the conduct constituting the offence in respect of which extradition is requested; or
- (e) if the person whose extradition is requested would be liable to be tried or sentenced or has been sentenced in the Requesting Party by an extraordinary or ad hoc court or tribunal; or
- (f) if the Requested Party while taking into account the nature of the offence and the interests of the Requesting Party, considers that, in the circumstances of the case including the age, health or other personal

circumstances of the person whose extradition is requested, the extradition of that person would be unjust, oppressive, incompatible with humanitarian considerations or too severe a punishment.

ARTICLE 5

EXTRADITION PROCEDURE AND REQUIRED DOCUMENTS

1. A request for extradition shall be made in writing and shall be communicated through the diplomatic channels. All documents submitted in support of a request for extradition shall be authenticated in accordance with paragraph 2 of Article 6.
2. The request for extradition shall be accompanied:
 - (a) in all cases by:
 - (i) a statement of each offence for which extradition is requested; and
 - (ii) a statement of the acts and omissions which are alleged against the person in respect of each offence for which extradition is requested. However, the Requesting Party is not required to provide evidence of the acts and omissions constituting the extradition offence; and
 - (iii) the text of the laws establishing each offence and describing the penalty which may be imposed; and
 - (iv) a statement as to whether there is any time limitation under the laws of the Requesting Party in respect of proceedings or punishment; and
 - (v) the details necessary to establish the identity and nationality of the person sought including, when possible, photographs and fingerprints; and
 - (vi) a statement of the current location of the person, if known.
 - (b) if the person is accused of an offence – by a warrant for the arrest of the person or a copy thereof; and
 - (c) if a person has been convicted of an offence in absentia – a judicial or other document, or a copy thereof, authorising the apprehension of the person and a statement setting out the procedures available to that person to appeal against, or otherwise challenge, the conviction and the sentence imposed; and
 - (d) if the person has been convicted of an offence in his or her presence and has been sentenced – by documents providing evidence of the conviction and the sentence imposed, the fact that the sentence is immediately enforceable, and the extent to which the sentence has not been carried out; and
 - (e) if the person has been convicted of an offence in her or his presence but no sentence has been imposed – by documents providing evidence of the conviction and a statement affirming that it is intended to impose a sentence.

3. A copy of the request, supporting documents and translation shall also be provided. The copies do not require authentication.
4. The documents submitted in support of a request for extradition shall be accompanied by a translation into the official language of the Requested Party.
5. To the extent permitted by the law of the Requested Party, extradition of a person may be granted pursuant to this Agreement notwithstanding that the requirements of this Article have not been complied with, provided that the person consents to an order for extradition being made.

ARTICLE 6

AUTHENTICATION OF SUPPORTING DOCUMENTS

1. A document that, in accordance with Article 5, accompanies a request for extradition shall be admitted in evidence, if authenticated, in any extradition proceedings in the territory of the Requested Party.
2. A document is authenticated for the purposes of this Agreement if:
 - (a) it purports to be signed or certified by a competent judicial authority or an authorised official in or of the Requesting Party; or
 - (b) it purports to be authenticated by the official seal of a Minister of Government, or of a Department or an official of the Requesting Party; or
 - (c) it has been authenticated in such a manner as may be permitted by the law of the Requested Party.

ARTICLE 7

ADDITIONAL INFORMATION

1. If the Requested Party considers that the information provided in support of a request for extradition is insufficient in accordance with this Agreement to enable extradition to be granted, that Party may request that additional information be provided within such time as it specifies. Additional information must be provided in accordance with the requirements of Article 6.
2. If the person whose extradition is requested is under arrest and the additional information provided is insufficient in accordance with this Agreement, or is not received within the time specified, the person may be released from custody. Such release shall not preclude the Requesting Party from making a new request for the extradition of the person.
3. Where the person is released from custody in accordance with paragraph 2 of this Article, the Requested Party shall notify the Requesting Party promptly.

ARTICLE 8

PROVISIONAL ARREST

1. In case of urgency a Party may apply by means of the facilities of the International Criminal Police Organization (INTERPOL), the diplomatic channels or directly between the Central Authorities for the provisional arrest of a person sought, pending the presentation of the request for extradition through the diplomatic channels. The application shall be made in writing and transmitted by any means, including electronic means.
2. The application for the provisional arrest shall include:
 - (a) a statement about the reasons for urgency prompting the making of the application; and
 - (b) a description of the person sought including, if possible, a photograph or fingerprints; and
 - (c) the location of the person sought, if known; and
 - (d) a statement of the offences allegedly committed by the person, or of which he or she has been convicted; and
 - (e) a concise statement of the acts or omissions alleged to constitute each offence; and
 - (f) a statement of the existence of a warrant of arrest, or finding of guilt or judgment of conviction, against the person sought; and
 - (g) a statement of the punishment that can be, or has been imposed for the offences; and
 - (h) a statement that a request for the extradition of the person is to follow.
3. On receipt of such an application the Requested Party shall take the necessary steps to secure the arrest of the person sought and the Requesting Party shall be promptly notified of the result of its application.
4. A person arrested upon such an application may be released upon the expiration of 60 days from the date of that person's arrest if a request for extradition, supported by the documents specified in Article 5 has not been received.
5. The release of a person pursuant to paragraph 4 of this Article shall not prevent the institution of proceedings to extradite the person sought if the extradition request is subsequently received.

ARTICLE 9

CONCURRENT REQUESTS

1. Where requests are received from the Requesting Party and one or more other States for the extradition of the same person, the Requested Party shall determine to which of those States the person is to be extradited and shall notify the Requesting Party of its decision.
2. In determining to which State a person is to be extradited, the Requested Party shall have regard to all relevant circumstances and, in particular, to:
 - (a) if the requests relate to different offences – the relative seriousness of the offences; and
 - (b) the time and place of commission of each offence; and
 - (c) the respective dates of the requests; and
 - (d) the nationality of the person; and
 - (e) the ordinary place of residence of the person; and
 - (f) the possibility of any of the requesting States extraditing the person to another State.

ARTICLE 10

SURRENDER

1. The Requested Party shall, after a decision on the request for extradition has been made, promptly communicate that decision to the Requesting Party.
2. Where extradition is granted, the Requested Party shall surrender the person from a point of departure in its territory convenient to both Parties.
3. The Requesting Party shall remove the person from the territory of the Requested Party within 45 days, and if the person is not removed within that period, the Requested Party may refuse to extradite that person for the same offence.
4. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party. The Parties shall agree upon a new date of surrender, and the provisions of paragraph 3 of this Article shall apply.

ARTICLE 11

SURRENDER OF PROPERTY

1. To the extent permitted under the law of the Requested Party and subject to the rights of third parties, which shall be duly respected, all property found in the

Requested Party that has been acquired as a result of the offence or may be required as evidence shall be surrendered if extradition is granted and the Requesting Party requests.

2. Subject to paragraph 1 of this Article, the abovementioned property shall, if the Requesting Party requests, be surrendered to the Requesting Party even if the extradition cannot be carried out.
3. Where the law of the Requested Party or the rights of third parties require, any property or articles surrendered shall be returned to the Requested Party if that Party requests, at the expense of the Requesting Party.
4. If the abovementioned property is required for an investigation or prosecution of an offence in the Requested Party, then the delivery of that property may be delayed until the completion of the investigation or prosecution, or it may be delivered on condition that it shall be returned after the conclusion of the proceedings in the Requesting Party.

ARTICLE 12

POSTPONEMENT OF EXTRADITION AND TEMPORARY SURRENDER

1. The Requested Party may postpone the surrender of a person in order to proceed against that person, or so that the person may serve a sentence, for an offence other than an offence constituted by acts or omissions for which extradition is requested. In such case the Requested Party shall advise the Requesting Party.
2. When, in the opinion of the competent medical authority in the Requested Party, the person whose extradition is requested cannot be transported from the Requested Party to the Requesting Party without serious danger to the person's life due to grave illness, the surrender of the person shall be postponed until such time as the danger, in the opinion of the competent medical authority, has been sufficiently mitigated.
3. When the person is serving a sentence in the territory of the Requested Party for an offence other than an offence constituted by an act or omission for which extradition is requested, the Requested Party may temporarily surrender the person to the Requesting Party to be prosecuted for an offence for which extradition is requested. The person so surrendered shall be kept in custody in the Requesting Party and shall be returned to the Requested Party after proceedings against the person have concluded, in accordance with written conditions to be mutually determined by the Parties.

ARTICLE 13

RULE OF SPECIALITY

1. Subject to paragraph 2 of this Article, a person extradited under this Agreement shall not be detained, proceeded against or subjected to any other restriction of her or

his personal liberty in the territory of the Requesting Party for any offence committed before her or his extradition other than:

- (a) an offence for which extradition was granted; or
 - (b) any other extraditable offence of which the person could be convicted upon proof of the facts on which the request for extradition was based and punishable by the same or lesser penalty as the offence for which extradition was granted; or
 - (c) any other extraditable offence in respect of which the Requested Party consents. A request for consent shall be accompanied by such of the documents mentioned in Article 5 as are sought by the Requested Party, as well as a record of any statement made by the extradited person in relation to the offence.
2. Paragraph 1 of this Article does not apply if:
- (a) the person has had an opportunity to leave the territory of the Requesting Party and has not done so within 45 days of final discharge in respect of the offence for which the person was extradited; or
 - (b) the person has voluntarily returned to the territory of the Requesting Party after leaving it.

ARTICLE 14

SURRENDER TO A THIRD STATE

1. Where a person has been extradited to the Requesting Party by the Requested Party, the Requesting Party shall not extradite that person to any third State for an offence committed before that person's surrender unless:
 - (a) the Requested Party consents to the extradition; or
 - (b) the person has had an opportunity to leave the territory of the Requesting Party and has not done so within 45 days of final discharge in respect of the offence for which the person was surrendered by the Requested Party or has returned to the territory of the Requesting Party after leaving it.
2. Before acceding to a request pursuant to subparagraph (1) (a) of this Article, the Requested Party may request the production of the documents mentioned in Article 5.

ARTICLE 15

TRANSIT

1. Where a person is to be extradited to a Party from a third State through the territory of the other Party, the Party to which the person is to be extradited shall

request the other Party to permit the transit of that person through its territory. The request for transit may be transmitted in writing through the Central Authorities.

2. Permission for transit shall not be required when air transport is to be used and no landing is scheduled in the territory of the Party of transit. If an unscheduled landing occurs in the territory of that Party, it may require that other Party to furnish a request for transit as provided for in paragraph 1 of this Article.

3. Upon receipt of a request for permission for transit, the Requested Party shall grant permission unless it is satisfied that there are reasonable grounds for refusing to do so.

4. Permission for the transit of a person shall, subject to the law of the Requested Party, include permission for the person to be held in custody during transit.

5. Where a person is being held in custody pursuant to paragraph 4 of this Article, the Party in whose territory the person is being held may direct that the person be released if transportation is not continued within a reasonable time.

6. The Party to which the person is being extradited shall reimburse the other Party for any expense incurred by that other Party in connection with the transit.

ARTICLE 16

WAIVER

To the extent permitted by the law of the Requested Party, a person sought for extradition may be surrendered to the Requesting Party without a formal extradition proceeding if the person sought elects to waive the extradition process.

ARTICLE 17

EXPENSES

1. The Requested Party shall make all necessary arrangements for and meet the cost of any proceedings arising out of a request for extradition and shall otherwise represent the interests of the Requesting Party.

2. The Requested Party shall bear the expenses incurred in its territory in the arrest and detention of the person whose extradition is requested until that person is surrendered to a person nominated by the Requesting Party.

3. The Requesting Party shall bear the expenses incurred in conveying the person from the territory of the Requested Party.

ARTICLE 18

RELATIONSHIP WITH MULTILATERAL AGREEMENTS

This Agreement shall not affect any obligations of the Parties arising under multilateral conventions to which one or both Parties are parties.

ARTICLE 19

CONSULTATION

The Parties shall consult promptly at the request of either, concerning the interpretation and application of this Agreement either generally or in relation to a certain case.

ARTICLE 20

APPLICATION IN TIME

This Agreement applies to any requests presented after its entry into force even if the relevant acts or omissions occurred before the entry into force of this Agreement.

ARTICLE 21

ENTRY INTO FORCE AND TERMINATION

1. Each Party shall inform the other by a diplomatic note when all necessary steps have been taken for entry into force of this Agreement. This Agreement shall enter into force 30 days from the date of receipt of the later diplomatic note.
2. Either Party may terminate this Agreement at any time by notice in writing to the other Party through diplomatic channels. Termination shall take effect 6 months after the date on which the notice is given.

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

DONE at [PLACE] on the [DAY] day of [MONTH] Two Thousand and [YEAR] in English and Arabic, both texts being equally authentic.

**For the Government of
Australia**

**For the Government of the
Hashemite Kingdom of Jordan**

.....

.....

[name and title]

[name and title]