

**No. 25282**

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**GREECE  
and  
EGYPT**

**Extradition Convention. Signed at Cairo on 24 February 1986**

*Authentic texts: Greek, Arabic and French.*

*Registered by Greece on 15 September 1987.*

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**Convention d'extradition. Signé au Caire le 24 février 1986**

*Textes authentiques : grec, arabe et français.*

*Enregistrée par la Grèce le 15 septembre 1987.*

## [TRANSLATION — TRADUCTION]

EXTRADITION CONVENTION<sup>1</sup> BETWEEN THE HELLENIC REPUBLIC AND THE ARAB REPUBLIC OF EGYPT

The Government of the Hellenic Republic and the Government of the Arab Republic of Egypt,

Desiring to promote friendly relations and co-operation between the two States in the legal field and anxious to regulate, by agreement, matters relating to extradition,

Have decided to conclude this convention and to that end have appointed as their plenipotentiaries:

The Government of the Hellenic Republic: Mr. Karolos Papoulias, Minister for Foreign Affairs;

The Government of the Arab Republic of Egypt: Mr. Ahmed Mamdouh Attia, Minister of Justice;

who, having exchanged their full powers, found in good and due form, have agreed as follows:

## CHAPTER I

*Article 1.* The two States undertake to surrender to each other, in accordance with the rules and conditions laid down in the following articles, persons in the territory of either State who are the subject of proceedings or have been sentenced by the judicial authorities of the other State.

*Article 2.* Extradition shall be granted:

(a) In respect of an act or acts which, under the laws of the two States, constitute crimes or offences punishable under the laws of the two States:

- either by a penalty entailing deprivation of liberty for at least two years;
- or by a heavier penalty, on condition that the latter is provided for in the scale of penalties of each of the two States;

(b) In respect of sentences imposed by the courts of the requesting State for the offences referred to in the preceding subparagraph and calling for:

- either a penalty entailing deprivation of liberty for at least six months;
- or a heavier penalty, on condition that the latter is provided for in the scale of penalties of the two States.

*Article 3.* Extradition shall be refused:

1. If the person whose extradition is requested is a national of the requested State. The status of national shall be determined on the basis of the nationality held at the time of the offence for which extradition is requested. However, that

<sup>1</sup> Came into force on 11 July 1987, i.e., the sixtieth day following the date of the last of the notifications (effected on 12 May 1987) by which the Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 21.

State, at the request of the requesting State, shall submit the case to its competent authorities for the institution of criminal action. It shall have the right, to that end, to refer to the inquiries made by the requesting State;

2. If the offence for which it is requested is regarded by the requested State as a political offence or as an offence connected with a political offence. An attempt on the life of the head of State of either country or of a member of his family shall not be regarded as a political offence;

3. If the offence for which it is requested consists solely of a breach of military obligations;

4. If the offence for which it is requested was committed, partly or wholly, in the territory of the requested State or in a place subject to the jurisdiction of that State;

5. If final judgement on the offence for which it is requested has been rendered in the requested State or if the authorities competent to institute criminal action in the requested State have decided not to institute proceedings or to terminate the proceedings which they have instituted in respect of those acts;

6. If prosecution or punishment is barred by statutory limitation under the laws of either the requesting State or the requested State when the request is received;

7. If the offence was committed outside the territory of the requesting State by a person not a national of that State and the law of the requested State does not allow prosecution for such an offence when committed outside its territory by an alien;

8. If an amnesty has been declared in the requesting State or in the requested State, provided, in the latter case, that the offence is one for which a prosecution may be instituted in that State when it has been committed outside the territory of that State by an alien;

9. Extradition may be refused if the offence for which it is requested is the subject of proceedings in the requested State or has been the subject of a judgement in a third State.

*Article 4.* Extradition shall not be granted if the requesting State has substantial grounds for believing that the request for extradition for an offence under ordinary law has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality or political opinions or that that person's position may be prejudiced for any of these reasons.

*Article 5.* Extradition may be refused if the offence concerned is punishable by death under the law of only one of the two States.

*Article 6.* 1. The request for extradition shall be made in writing and shall be transmitted through the diplomatic channel.

2. The following documents shall be produced in support of the request:

- (a) The original or a certified copy of a sentence, a warrant of arrest or any other document having the same force issued in the manner prescribed by the laws of the requesting State;
- (b) A description of the acts in respect of which extradition is requested, stating the time and place of their commission and their designation and mentioning

the legal provisions applicable thereto, together with a copy of those provisions;

- (c) As accurate a description as possible of the person sought and any other information which will help to establish his identity and nationality.

*Article 7.* 1. In an emergency, the judicial authorities of the requesting State may, for the purpose of extradition, request the provisional arrest of the person sought.

2. A request for provisional arrest shall state that one of the documents mentioned in article 6, paragraph 2 (a), exists. It shall state the offence committed, the duration of the penalty incurred or imposed and the time and place at which the offence was committed, and shall give as much information as possible to help to identify and locate the person sought.

3. It shall be transmitted to the judicial authorities of the requested State either directly by post or telegraph or by any other means constituting a written record.

4. If the request seems to be in order, the judicial authorities of the requested State shall act on it in accordance with the legislation of that State. The requesting authority shall be informed without delay of the action taken.

*Article 8.* 1. Provisional arrest may be terminated if, within a period of 20 days after the arrest, the requested State has not received the request for extradition or the documents mentioned in article 6, paragraph 2.

2. Provisional arrest shall in no event be continued beyond 40 days after the date of the arrest.

3. Provisional release may be effected at any time, subject to the requested State taking such steps as it deems necessary to prevent the person sought from absconding.

4. Release shall not prevent re-arrest and extradition if a request for extradition is received subsequently.

*Article 9.* When supplementary information is essential to the requested State in order to ensure that all the conditions laid down in this chapter are fulfilled, that State, if it believes that the omission can be rectified, shall so advise the requesting State through the diplomatic channel. A time limit may be set by the requested State for the receipt of such information.

*Article 10.* If extradition is requested concurrently by more than one State, either for the same offence or for different offences, the requested State shall make its decision independently, having regard to all the circumstances and especially the possibility of subsequent extradition, the respective dates of the requests, and the relative seriousness and the place of commission of the offence.

*Article 11.* 1. Without prejudice to the rights of the requested State or the rights of third parties and upon the demand of the requesting State, the requested State shall seize and hand over, in the manner prescribed in its criminal legislation, any articles:

- (a) Which may serve as evidence;
- (b) Which are associated with the offence and were found before or after the surrender of the person sought;
- (c) Which were acquired in exchange for articles associated with the offence.

2. The articles shall be handed over even if extradition cannot be carried out because of the death or escape of the person sought.

3. When the requested State or third parties have acquired rights in respect of the said articles, the latter shall be returned without charge to the requested State as soon as possible after the completion of the proceedings in the territory of the requesting State.

*Article 12.* 1. The requested State shall inform the requesting State through the diplomatic channel of its decision with regard to extradition.

2. Reasons shall be given for any complete or partial rejection.

3. If the request is agreed to, the requested State shall, in the most appropriate manner, determine the date and place of surrender of the person to be extradited and shall inform the requesting State accordingly in good time.

4. Except as provided for in paragraph 5 of this article, if the person sought has not been taken over on the date set, he may be released after 15 days have elapsed since that date and shall in any case be released after 30 days. The requested State may refuse to extradite him for the same offence.

5. If exceptional circumstances prevent the person who is to be extradited from being surrendered or taken over, the State concerned shall so inform the other State before the period expires. The two States shall agree on another date and, if necessary, another place for surrender. The provisions of the preceding paragraph shall apply in such circumstances.

*Article 13.* 1. If the person sought is the subject of proceedings or has been sentenced in the requested State for an offence other than that giving rise to the request for extradition, the latter State shall none the less take a decision on the request and inform the requesting State of its decision regarding extradition, in the manner prescribed in article 12, paragraphs 1 and 2. If the request is agreed to, however, the surrender of the person sought shall be deferred until the requirements of justice have been satisfied in the requested State. Surrender shall then take place on a date to be determined in accordance with article 12, paragraph 3, and paragraphs 4 and 5 of the said article shall apply.

2. The provisions of this article shall not prevent the person sought from being handed over temporarily in order to appear before the judicial authorities of the requesting State, on the express condition that he shall be kept in custody and returned once those authorities have rendered their judgement.

*Article 14.* A person who has been extradited may not be the subject of proceedings or a judgement or be detained for the purpose of carrying out a sentence or be subjected to any other restriction of his personal liberty in respect of an offence committed prior to his surrender other than that which has given rise to the extradition, except in the following cases:

(a) When the State which has surrendered him consents. In such cases, a request for consent shall be submitted, accompanied by the documents referred to in article 6 and by a legal record reproducing any statements by the extradited person on the extension of the extradition and mentioning the opportunity given to him to submit a memorandum in his defence to the authorities of the requested State;

(b) When the person extradited, having been free to leave the territory of the requesting State to which he has been surrendered, has not done so within 30 days of his final release or has returned to that territory after leaving it.

*Article 15.* When the designation of the offence is altered in the course of the proceedings, the person extradited may be prosecuted or judged only in so far as the factors constituting the newly designated offence would provide grounds for extradition.

*Article 16.* Except in the case provided for in article 14 (b), the consent of the requested State shall be required for the handing over by the requesting State to a third State of the person surrendered to it. To that end, the requesting State shall transmit to the requested State a request accompanied by copies of the documents produced by the third State.

*Article 17.* 1. Extradition involving transit through the territory of one of the two States of a person surrendered to the other party by a third State shall be granted on an application transmitted through the diplomatic channel. The documents required to establish that the offence is one giving grounds for extradition shall be furnished in support of the application. However, the transit of a national may be refused.

2. If air transport is used, the following provisions shall apply:

(a) When no intermediate landing is scheduled, the requesting State shall notify the State over whose territory the flight is to be made and shall certify that one of the documents mentioned in article 6, paragraph 2 (b), exists. In the case of an unscheduled landing, such notification shall produce the same effects as the request for provisional arrest referred to in article 7 and the requesting State shall submit a normal application for transit;

(b) When an intermediate landing is scheduled, the requesting State shall submit an application to the requested State of transit in accordance with the provisions of paragraph 1 of this article.

3. When the requested State of transit also requests extradition, transit may be interrupted until such time as the person sought has satisfied the requirements of justice in that State.

*Article 18.* 1. All the costs incurred as a result of the extradition procedure in the territory of the requested State shall be borne by that State.

2. The costs incurred as a result of transit through the territory of the requested State shall be borne by the requesting State.

*Article 19.* Requests for extradition and the documents to be produced in pursuance of this chapter shall be drawn up in the French or English language. The requesting State may, if it sees fit, attach translations in the language of the requested State.

## CHAPTER II. FINAL PROVISIONS

*Article 20.* Any difficulties of interpretation which arise in connection with the application of this Convention shall be resolved through the diplomatic channel.

*Article 21.* Each Contracting Party shall notify the other of the completion of the procedures required by its Constitution for the entry into force of this

Convention, which shall take effect on the sixtieth day following the date of the last such notification.

*Article 22.* This Convention shall be concluded for an indefinite period. It may be denounced at any time by either of the Contracting States and such denunciation shall take effect six months from the date on which the notice of denunciation is received by the other State.

IN WITNESS WHEREOF the representatives of the two Governments, being duly authorized for this purpose, have signed this Convention and have thereto affixed their seals.

DONE at Cairo, on 24 February 1986, in two copies in the Greek, Arabic and French languages, the three texts being equally authentic. In the case of any divergence of interpretation, the French text shall prevail.

For the Government  
of the Hellenic Republic:

[Signed]

KAROLOS PAPOULIAS  
Minister for Foreign Affairs

For the Government  
of the Arab Republic of Egypt:

[Signed]

AHMED MAMDOUH ATTIA  
Minister of Justice