

**TREATY
BETWEEN
THE KINGDOM OF CAMBODIA
AND
THE RUSSIAN FEDERATION
ON
EXTRADITION**

The Kingdom of Cambodia and The Russian Federation, hereinafter referred to as the "Parties",

Wishing to facilitate more efficient crime control cooperation between the Parties,

Aspiring to strengthen the relationship between the Parties as pertaining to extraditions by concluding this Treaty,

On the basis of the principles of sovereignty, equality and mutual benefit,

Hereby agree as follows:

Article 1

Subject of the Treaty

The Parties undertake, subject to and in accordance with the terms and conditions of this Treaty, to extradite any person to each other on request for criminal prosecution or execution of sentences.

Article 2

Scope of the Treaty

This Treaty shall apply to all requests for extradition, made upon commencement hereof, even if they relate to any crimes committed prior to such commencement.

Article 3

Central Authorities

1. According to this Treaty, the central authorities are:
 - For the Kingdom of Cambodia – The Ministry of Justice.
 - For the Russian Federation – The Prosecutor General's Office of the Russian Federation;
2. Each Party shall communicate directly with each other through central authorities or diplomatic channels.
3. Either Party may change its Central Authority and shall notify the other Party of this and any other changes in respect of the Central Authority through diplomatic channels.

Article 4

Crimes Entailing Extradition

1. For the purposes of this Treaty, crimes entailing extradition shall mean any acts that, as defined by applicable laws of both Parties, are penal acts and entail punishment in the form of imprisonment for a term of not less than 1(one) year or more severe punishment.
2. Should any request for extradition include a number of different acts, punishable pursuant to applicable laws of both Parties, however, some of them do not meet the requirement of the punitive measure specified in Paragraph 1 of this Article, the Requested Party may at its discretion extradite a relevant person in connection with such acts as well.
3. In case any such request for extradition is made in respect of any person, convicted in the Requesting Party for punishment in the form of imprisonment for committing a crime, which is subject to this Treaty, such

extradition may take place only if an unexpired term of punishment on the date of the decision of extradition is not less than 6(six) months. In exceptional cases the Parties may agree upon extradition, if an unexpired term of punishment is less than 6 (six) months.

4. In case the qualification of the alleged act changes in the course of the criminal prosecution, the extradited person may be brought to criminal liability or convicted to the extent to which such new qualification will correspond to the conditions of extradition.

5. Any differences in the legal terminology shall not hinder fulfillment of the request for extradition, if the act, for which extradition is requested, is a penal act as defined in applicable laws of both Parties.

Article 5

Reasons for Refusal to Extradite

1. Extradition shall not take place in the following cases:

- a) if the person, sought for extradition, is a national of the Requested Party;
- b) if the act, for which extradition is requested, is not a crime, entailing extradition pursuant to Paragraphs 1-3 of Article 4 hereof;
- c) if the Requested Party has sufficient grounds to assume that a request for extradition is made with the aim to persecute or punish a person due to his/her race, sex, religion, nationality, ethnic origin or in connection with his/her political beliefs, or if such person may suffer any damage for any of these reasons;
- d) in case any judicial proceedings have taken place in respect of the requested person and such person has been acquitted or sentenced in Requested Party for the same act, which is the ground for such request for extradition;
- e) if any offence, for which extradition is requested, is subject to capital punishment pursuant to applicable laws of Requesting Party, unless such

Party presents a sufficient, in the opinion of the Requested Party, guarantee that a person, sought for extradition, will not incur capital punishment;

f) pursuant to applicable laws of the Requested Party, if no criminal case may be initiated or no sentence may be executed by reason of lapse of time or for any other legal reason,

g) if the Requested Party considers that the extradition of the person would impair its sovereignty, security, public order or other essential interests.

2. Any request for extradition may be rejected:

a) if any offence, for which extradition is requested, pursuant to applicable laws of the Requested Party, was fully or partially committed in its territory;

b) if in respect of the person, sought for extradition, any investigation or judicial proceedings is/are pending in the Requested Party in connection with an offence, specified in such request for extradition;

3. Should any request for extradition be rejected for the reason stipulated under subparagraphs "a" of paragraph 1 or subparagraph "a" of paragraph 2 of this Article, the Requested Party, on request of the Requesting Party, shall deliver all received materials to its competent authorities for considering criminal prosecution of such person pursuant to its applicable laws. For this purpose, the Requesting Party shall gratuitously furnish the Requested Party with duly certified copies of documents, evidencing the fact of any investigation performed, and any other documents relating to the offence, for which extradition was requested. All materials of the case, received in connection with the investigation performed in the Requesting Party, may be used in criminal proceedings in the Requested Party. The Requested Party shall not, without prior consent of the Central Authority of the Requesting Party, use any evidence, submitted under this Treaty in investigation or other procedural actions other than specified in the request.

The Requested Party notifies the Requesting Party of all results of such proceedings.

Article 6

Postponed or Temporary Surrender

1. In case any person, sought for extradition, is a party to any judicial proceedings or serves sentence for any other offence in the territory of the Requested Party, the consent to extradition may be given. However surrender of such person may be postponed until the time when such judicial proceedings are completed, and if such person is convicted – until he/she serves the term of sentence or is released from imprisonment, in which case the Requesting Party is to be notified of this.

2. In case of the postponed surrender of the person stipulated for in Paragraph 1 of this Article may incur lapse of time or affect the investigation of an offence, the Requested Party may temporarily extradite the person, whose extradition was requested. The temporarily extradited person shall be returned to the Requested Party as soon as the proceedings for which he/she was extradited are complete, but not later than 90 (ninety) days since his/her transfer. If necessary, this term may be prolonged by the Requested Party.

Article 7

Request for Extradition

1. Any request for extradition shall be made in writing and sent by the Central Authority of either Party directly to the Central Authority of the other Party or through diplomatic channels and shall include the following documents and information:

- a) name of the requesting authority;
- b) full name of the person, sought for extradition, details of his/her nationality, place of residence or location, description, as far as possible, of his/her appearance with photos, fingerprints and any other details, enabling to search for and identify such person;
- c) statement of the facts of the case, which is a ground for such request for extradition, specifying more exactly the time and place of the

criminally punishable act, its qualification, as well as certified copies of any procedural documents, evidencing guilt of such person;

d) a certified copy of the text of any provisions of any law, which qualify committed acts as offences and contain information of any punishments prescribed for committing them;

e) a certified copy of the text of any provisions of any law, relating to the applicable lapse of time.

2. Any request for extradition for criminal prosecution, along with the documents and information specified in Paragraph 1 of this Article, shall be accompanied by a copy of a warrant of arrest issued by a competent authority of the Requesting Party.

3. Any request for extradition for execution of a sentence, along with the documents and information specified in Paragraph 1 of this Article, shall be accompanied by a copy of an effective sentence and a certificate of the unserved term of punishment.

4. Any documents for the purposes of this Treaty shall be drawn up in the language of the Requesting Party and shall be accompanied by translation into the language of the Requested Party or into the English language.

5. Any requests for extradition and all documents attached thereto, as well as any documents furnished in response to such request, which are sealed by a competent or Central Authority of the sending Party, require no legalization or authentication in any other manner.

Article 8

Provisional arrest

1. If necessary, the Requesting Party may apply for provisional arrest of any person prior to making a relevant request for extradition of this person. Such application for provisional arrest of the person shall be sent directly to the Central Authority of the Requested Party in writing, by fax or by any other communication means, provided that the original application is sent immediately after that.

2. Such application shall contain:

- a) a statement about the reasons for urgency prompting the making of application;
- b) a description of the person sought, including, if possible, a photograph or fingerprints;
- c) the location of the person sought, if known;
- d) statements of the facts of the offence committed by the person;
- e) the provisions of the law describing the offence for which the provisional arrest is requested, and the punishment for the offence;
- f) a warrant of arrest, or a final judgement of conviction, against the person sought. In urgent cases the Requesting Party may provide the statement that a warrant of arrest or final judgment in respect of the person sought exists and that it is intended to send the request for extradition;
- g) a statement of the punishment that can be, or has been imposed for the offences; and
- h) a statement clearly ensuring that a request for the extradition of the person is to follow.

3. The Requested Party shall consider such application in accordance with its applicable laws and shall notify the Requesting Party of its decision without delay.

4. The person, detained by virtue of such application, shall be released, if the Requesting Party fails, within 40 (forty) days from the date of taking of such person into custody, to make a request for extradition accompanied by all documents specified in Article 7 hereof.

5. Release of such person pursuant to Paragraph 4 of this Article shall not hinder any subsequent detention of this person, as well as extradition of this person, if a relevant request for his/her extradition is subsequently made.

Article 9

Supplementary Information

1. In case the Requested Party considers that any information provided by the request is insufficient, it may request any supplementary information, setting a reasonable term for furnishing it pursuant to applicable laws. In exceptional cases, by reasoned request of the Requesting Party, this term may be extended by the Requested Party.

2. If the person, sought for extradition, is detained, and such supplementary information furnished is insufficient or is not received within a term as set by the Requested Party, such person may be released from detention. However, such release of this person shall not hinder any subsequent detention of this person upon receipt of sufficient supplementary information or a request for extradition in connection with any other offence. The Requested Party shall promptly inform the Requesting Party of such release from detention.

Article 10

Requests for Extradition Made by Several States

If extradition is requested concurrently by more than one state, either for the same offence or for any different offences, the Requested Party shall make its decision on these requests, taking into consideration all circumstances, in particular, gravity and place of such offence, dates of requests, international treaties on extradition, nationality and principal place of residence of the person, sought for extradition, as well as possibility of subsequent extradition of such person to any other requesting states.

Article 11

Decision in respect to Request for Extradition and Notification of the Outcome

1. The Requested Party shall consider any request for extradition in accordance with a procedure as established by applicable laws, and shall notify the Requesting Party of its decision without delay.
2. Any complete or partial refusal to satisfy any such request is to be reasoned.
3. The Central Authority of the Requesting Party shall promptly provide the Central Authority of the Requested Party with information on the outcome of criminal proceedings or the enforcement of sentence against the person extradited, as well as of subsequent extradition of that person to any other State.

Article 12

Surrender of a Person

1. If the request is granted the Requesting Party shall be informed of the place and date of surrender of the person, subject to extradition, as well as of the term, for which such person was detained by virtue of such request for extradition.
2. In case of a favourable decision regarding extradition, the Requesting Party shall receive such surrendered person within 30 (thirty) days from a day of notification of such decision. If no surrender takes place within the set term, such person shall be released from detention. The Requested Party may refuse the extradition for the same offence.
3. If either Party is unable, for any circumstances beyond its control, to surrender or receive the person, subject to extradition, it shall inform the other Party thereof. In this case, the provisions of paragraph 2 of this article shall not apply and the term of surrender may be extended for not more than 15 days. If no surrender takes place within the set term, such person shall be released from detention.

4. In case transportation of the person, subject to extradition, to the territory of the Requesting Party may pose any risk to his/her life or health, the surrender shall be postponed until his/her state of health allows to effect such surrender.

Article 13

Surrender of Items

1. To the extent admissible by applicable laws of the Requested Party, and with due consideration of third persons' rights, items, located in the territory of the Requested Party, which have been acquired as a result of an offence or may be required as evidence, shall be surrendered on request of the Requesting Party, if extradition has been granted.

2. Subject to paragraph 1 of this Article, the above mentioned items shall, if the Requesting Party so requests, be surrendered to the Requesting Party even if the extradition cannot be carried out including but not limited to circumstances where the extradition cannot be carried out because of death, missing or escape of the person sought.

3. The Requested Party may defer surrender of any items, mentioned in Paragraph 1 of this Article, if they are required for judicial proceedings of any other case till such proceedings are completed.

4. If so required by applicable laws of the Requested Party or protection of third persons' rights, any items, handed over in such manner, shall be gratuitously returned to the Requested Party on its request as soon as possible upon completion of the criminal proceedings in the Requesting Party.

Article 14

Rule of Speciality

1. Any person, extradited under this Treaty shall not be detained, prosecuted or punished in the territory of the Requesting Party, and shall not be extradited to any other State, and his/her personal freedom shall not be for any reason restricted for an offence committed prior to extradition of this person, if

such offence is other than the offence in connection with which such person has been extradited, unless:

a) the Requested Party on request gives its consent to detain, prosecute, punish, extradite to any other state or restrict personal freedom for any reason of this person. In this case the Requesting Party shall provide the Requested Party with all information and documents necessary for giving such consent, as specified in Article 7 hereof;

b) such person, having an opportunity to leave the territory of the Requesting Party, has not done so within 30 (thirty) days upon completion of the criminal proceedings in respect of such person or, upon serving a sentence, or voluntarily returned to the territory of the Requesting Party after leaving it.

2. The Requesting Party may take any measures as necessary to remove the extradited person from its territory, or any other necessary measures under its applicable laws in order to prevent any legal effects of lapse of time.

Article 15

Transit

1. According to the applicable law of both Parties either Party may permit transit transportation of any person, extradited by any third State to the other Party through its territory.

2. The Party, which applies for such transit transportation, shall send a request for transit containing all documents and information specified in Article 7 hereof to the Party, through the territory of which such transit transportation is to be carried out.

3. Such permit is not required, if such transit transportation is carried out by air and no landing in the territory of the other Party is expected.

4. In case of an unforeseen landing of an aircraft, the Party, subject to receive such request for transit, may detain the person, subject to extradition, for 72 (seventy two) hours on request of the accompanying officer till the request for transit, made pursuant to Paragraph 2 of this Article, is received.

5. Such request for transit may be rejected in cases, specified in Paragraphs 1 and 2 of Article 5 herein.

Article 16

Confidentiality and Limitation of Use of Information

1. The Requested Party upon request of the Central Authority of the Requesting Party shall provide in accordance with its legislation and/or established practices for the confidentiality of the fact of the receipt of the request for extradition, its contents or any action taken pursuant to the request, excluding the cases when the breach of confidentiality of the request is necessary for its execution. If the execution of the request makes it necessary to remove this limitation, the Requested Party shall in writing seek the permission of the Requesting Party, without which the request will not be executed.

2. The Requested Party shall not use the information or evidence obtained under this Treaty without the prior written consent of the Requesting Party for purposes other than those indicated in the request for extradition.

Article 17

Expenses

Expenses connected with extradition of a person, prior to surrender of such person, shall be borne by the Party which incurred them. Transportation expenses and any other costs, connected with transit transportation of the extradited person, as well as with surrender and return of any items, pursuant to Article 13 hereof, shall be borne by the Requesting Party.

Article 18

Settlement of Disputes

Any disputes, arising between the Parties from interpretation and implementation of this Treaty, shall be settled through consultations and negotiations.

Article 19

Amendments to the Treaty

1. This Treaty may be amended by mutual consent of the Parties. Either Party may initiate amendments to this Treaty.
2. Any approved amendments hereto shall take effect in accordance with the procedure specified in Paragraph 1 of Article 20 hereof.

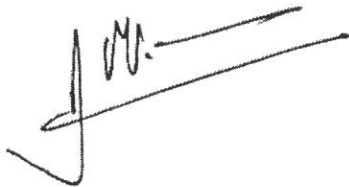
Article 20

Final provisions

1. This Treaty is valid for an indefinite period and becomes binding upon expiry of 30 (thirty) days from the date of receipt of the last written notice from the Parties through diplomatic channels of completion of all internal procedures as required for its commencement according to applicable laws thereof.
2. This Treaty terminates upon expiry of 180 (one hundred and eighty) days from the date of receipt of the other Party's written notice of its intention to terminate it through diplomatic channels.
3. The termination of this Treaty shall not impede completion of execution of any requests for extradition, received prior to a termination date.

Done in Moscow this "01" day of February 2017 in duplicate, each in Khmer, Russian and English languages, all texts being equally authentic. In case of interpretation discrepancies, the English text shall prevail.

For the Kingdom of Cambodia



For the Russian Federation

