

TREATY ON EXTRADITION

BETWEEN

THE REPUBLIC OF TURKEY

AND

THE PEOPLE'S REPUBLIC OF CHINA

The Republic of Turkey and The People's Republic of China, hereinafter referred to as "the Parties", through their respective Governments,

Desirous to develop and strengthen the existing cooperation relating to extradition between the two countries on the basis of mutual respect for sovereignty and equality and mutual benefit,

Have agreed as follows:

Article 1

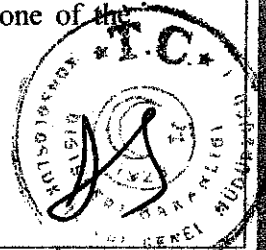
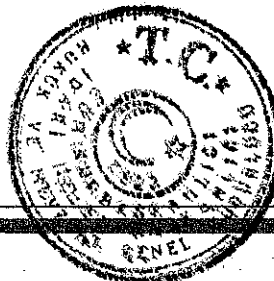
Obligation to Extradite

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

Article 2

Extraditable Offences

1. Extradition shall be granted if the act for which the extradition is requested constitutes an offence under the laws of both Parties and provided that one of the following conditions has been met:



a) where the request for extradition is aimed at conducting a criminal proceeding, the offence should be punishable under the laws of both Parties by imprisonment for a maximum period of at least one year or by a more severe penalty; or

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

2. For the purpose of extradition, it shall not matter whether the laws of both Parties place the offence within the same category or describe the offence by the same terminology.

3. When a request for extradition comprises several separate offences and extradition has been granted for one of those offences, it may also be granted for other offences which could not otherwise fulfill the requirements of paragraphs 1(a) and 1(b) of this Article.

Article 3

Mandatory Grounds for Refusal

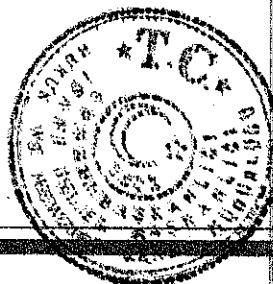
Extradition shall be refused if:

a) the Requested Party considers that the offence for which extradition is requested is a political offence, or that the Requested Party has granted asylum to the person sought. However, the following shall not be considered as political offence:

i) the taking or attempted taking of the life of a Head of State, a Head of Government, or a member of his/her family;

ii) the offences which are not regarded as political offence under any international convention to which both Parties are parties;

b) the Requested Party has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing the person sought on account of that person's race, sex, religion, nationality or political opinion, or that that person's position in judicial proceedings may be prejudiced for any of those reasons;



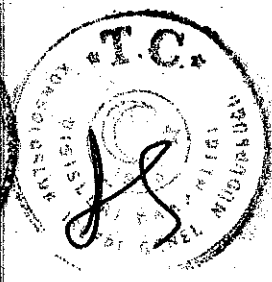
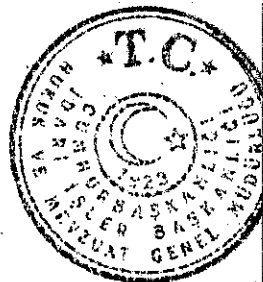
- c) the offence for which extradition is requested is a pure military offence;
- d) the person sought is a national of the Requested Party;
- e) the person sought has, under the laws of either Party, become immune from prosecution or punishment for the offence for which extradition is requested by reason of lapse of time, pardon or amnesty;
- f) the Requested Party has already rendered a final judgment against the person sought in respect of the offence for which extradition is requested;
- g) the request for extradition is made by the Requesting Party pursuant to a judgment in absentia, and that Party does not guarantee that the person sought has the opportunity to have the case retried in his presence after extradition; or
- h) the penalty that may be imposed or executed in the Requesting Party for the offence for which extradition is requested is in conflict with the fundamental principles of the laws of the Requested Party, unless the Requesting Party provides such assurances, as the Requested Party considers sufficient that these principles shall not be violated.

Article 4

Discretionary Grounds for Refusal

Extradition may be refused if:

- a) the Requested Party has jurisdiction over the offence for which extradition is requested in accordance with its national law, and is conducting or contemplates to institute a proceeding against the person sought for that offence;
- b) the Requested Party have decided either not to institute prosecution or to terminate proceedings in respect of the same offence; or
- c) the Requested Party, while taking into account the seriousness of the offence and the interests of the Requesting Party, considers that extradition would be incompatible with humanitarian considerations in view of that person's age, health or other personal circumstances.



Article 5

Obligation to Take Action in the Requested Party

1. If extradition is not granted pursuant to subparagraphs (d) and (h) of Article 3 and (c) of Article 4 of this Treaty, the Requested Party shall, upon the request of the Requesting Party, submit the case to its competent authorities with a view to taking appropriate action against the person in accordance with its national law. For this purpose, the Requesting Party shall provide the Requested Party with documents and evidence relating to the case.

2. The Requesting Party shall be informed of the result of its request.

Article 6

Channels of Communication

For the purpose of this Treaty, the Parties shall communicate with each other through diplomatic channels unless otherwise provided for in this Treaty.

Article 7

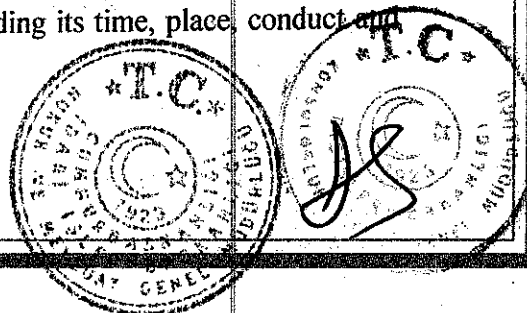
Request for Extradition and Required Documents

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

a) the name of the requesting authority;

b) the name, age, sex, nationality, identification documents, if available, occupation and domicile or residence of the person sought and other information that may help to determine that person's identity and possible location, and also the description of that person's appearance, the photographs and fingerprints of that person;

c) a statement of the facts of the offence, including its time, place, conduct and



consequences;

d) the provisions of the laws relating to criminalization and penalty of the offence;

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

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

a) the request for extradition which is made for the purpose of prosecution shall be accompanied by a copy of arrest warrant;

b) the request for extradition which is made for the purpose of execution of a sentence shall be accompanied by a copy of final judgment and a statement showing the remaining imprisonment to be served.

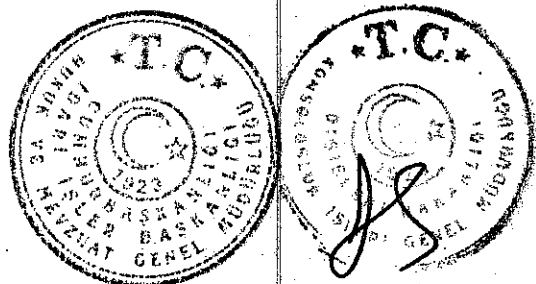
3. A request for extradition and its supporting documents shall be signed or sealed and shall be accompanied by translations in the language of the Requested Party.

Article 8

Supplementary Information

1. If the information communicated by the Requesting Party is found to be insufficient to allow the Requested Party to make a decision pursuant to this Treaty, the latter Party may request necessary supplementary information be furnished within thirty days. The period can be extended for fifteen days upon mutual agreement of the Parties.

2. If extradition is not granted because of failure to provide the supplementary information in accordance with paragraph 1 of this Article, it shall not prevent the Requesting Party from making a fresh extradition request for the same person for the same offence.



Article 9

Provisional Arrest

1. In case of urgency, either Party may apply for provisional arrest of the person sought before the request for extradition has been transmitted to the Requested Party. Such application may be submitted in writing through diplomatic channels, the International Criminal Police Organization (INTERPOL) or other channels agreed to by both Parties.

2. The application for provisional arrest shall contain the information and documents indicated in paragraph 1 of Article 7 of this Treaty, a statement of the existence of documents indicated in paragraph 2 of that Article and a statement that a formal request for extradition of the person sought will follow.

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

4. Provisional arrest shall be terminated if, within a period of forty days after the arrest of the person sought, the competent authority of the Requested Party has not received the formal request for extradition. Upon request by the Requesting Party, such time limit may be extended for twenty days.

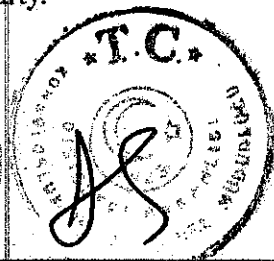
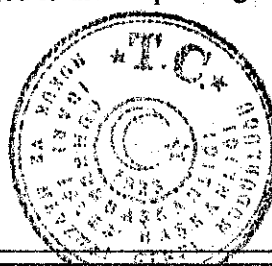
5. The termination of provisional arrest pursuant to Paragraph 4 of this Article shall not prejudice the extradition of the person sought if the Requested Party has subsequently received the formal request for extradition.

Article 10

Decision on Extradition

1. The Requested Party shall deal with the request for extradition in accordance with the procedure provided for by its national law, and shall promptly inform the Requesting Party of its decision.

2. If the Requested Party refuses the whole or any part of the request for extradition, the reasons for refusal shall be notified to the Requesting Party.



Article 11

Expedited Extradition

If the person sought explicitly and voluntarily consents to be extradited to the Requesting Party, the Requested Party may take all measures permitted under its national law to expedite the extradition.

Article 12

Surrender of the Person

1. If extradition has been granted by the Requested Party, the Parties shall agree on the time, place and other relevant matters relating to the surrender of the person sought. Meanwhile, the Requested Party shall inform the Requesting Party of the period of time for which the person to be extradited has been detained prior to the surrender.

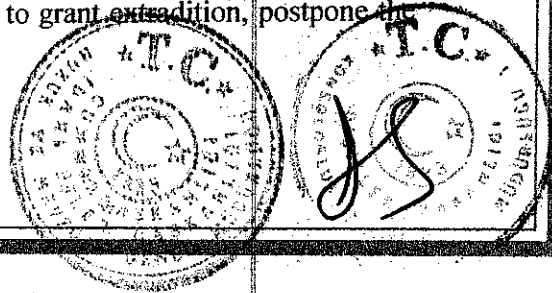
2. If the Requesting Party has not taken over the person to be extradited within thirty days after the date agreed for the surrender of the person sought, the Requested Party shall release that person immediately and may refuse a fresh request by the Requesting Party for extradition of that person for the same offence, unless otherwise provided for in Paragraph 3 of this Article.

3. If one Party fails to surrender or take over the person to be extradited within the agreed period for reasons beyond its control, the other Party shall be notified promptly. The Parties shall once again agree on the relevant matters for the surrender of the person sought, and the provisions of paragraph 2 of this Article shall apply.

Article 13

Postponed and Temporary Surrender

1. If the person sought is being proceeded against or is serving a sentence in the Requested Party for an offence other than that for which extradition is requested, the Requested Party may, after having made a decision to grant extradition, postpone the



surrender until the conclusion of the proceeding or the service of the sentence. The Requested Party shall inform the Requesting Party of the postponement of the surrender.

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

Article 14

Concurrent Requests

If requests for extradition of the same person are made by one Party and one or more third states, the Requested Party shall, at its own discretion, decide whether to accept the request of the other Party or a third state.

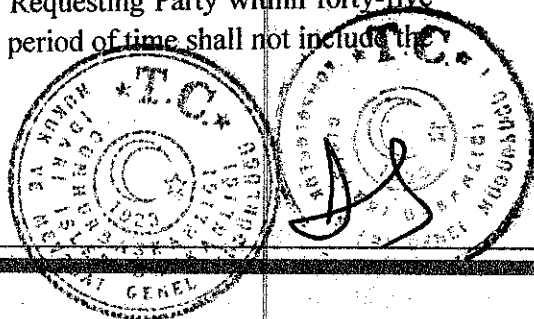
Article 15

Rule of Speciality

The person extradited in accordance with this Treaty shall not be proceeded against or subject to the execution of a sentence in the Requesting Party for an offence committed by that person before his/her surrender other than that for which extradition is granted, nor shall that person be re-extradited to a third State, unless

a) the Requested Party has consented in advance. For the purpose of such consent, the Requested Party may require the submission of the documents and information mentioned in Article 7, and a statement by the extradited person with respect to the offence concerned. With regard to prosecution or execution of a sentence in the Requesting Party, consent shall be given when the offence concerned is itself subject to extradition in accordance with the provisions of this Treaty;

b) that person has not left the territory of the Requesting Party within forty-five days after having been free to do so. However, this period of time shall not include the



time during which that person fails to leave the territory of the Requesting Party for reasons beyond his/her control; or

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

Article 16

Surrender of Property

1. If the Requesting Party so requests, the Requested Party shall, to the extent permitted by its national law, seize the proceeds and instrumentality of the offence and other property which may serve as evidence found in its territory, and when extradition is granted, shall surrender these property to the Requesting Party.

2. When extradition is granted, the property mentioned in Paragraph 1 of this Article may nevertheless be surrendered even if the extradition can not be carried out owing to the death, disappearance or escape of the person sought.

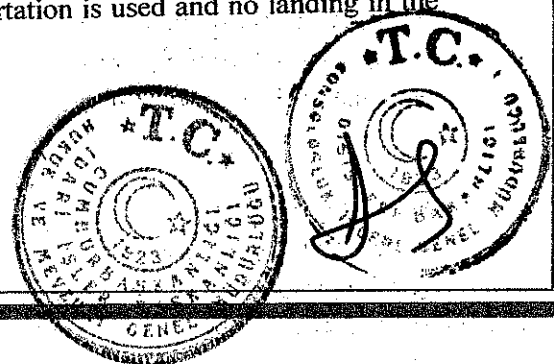
3. The Requested Party may, for conducting any other pending criminal proceedings, postpone the surrender of above-mentioned property until the conclusion of such proceedings, or temporarily surrender those property on condition that it is returned by the Requesting Party.

4. The surrender of such property shall not prejudice any legitimate right of the Requested Party or any third party to those property. Where these rights exist, upon request, the property shall be returned promptly without charge to the Requested Party as soon as possible after the conclusion of the proceedings.

Article 17

Transit

1. When one Party is to extradite a person from a third state through the territory of the other Party, the former shall request the latter for the permission of such transit. No such permission is required where air transportation is used and no landing in the territory of the latter is scheduled.



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

3. The request for transit shall contain the following information:

- a) the identity of the person to be extradited, including his/her nationality;
- b) the existence of an arrest warrant or a final judgment;
- c) a statement of the facts of the offence; and
- d) the provisions of the laws relating to criminalization and penalty of the offence.

Article 18

Notification of Result

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

Article 19

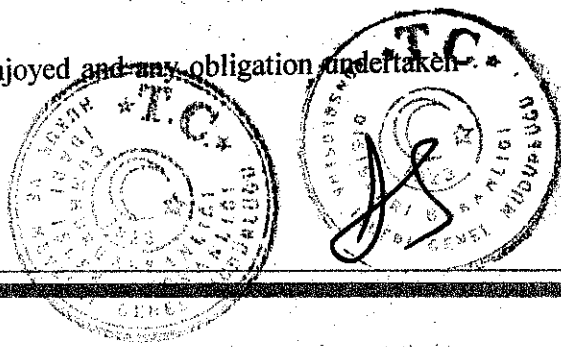
Costs

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

Article 20

Relationship with Other Treaties

1. This Treaty shall not affect any right enjoyed and any obligation undertaken



by the Parties under any other treaties.

2. This Treaty shall not prevent the Parties from cooperating with each other on extradition in accordance with other treaties to which both Parties are parties.

Article 21

Settlement of Disputes

Any dispute arising from the implementation or interpretation of this Treaty shall be settled by consultation through diplomatic channels.

Article 22

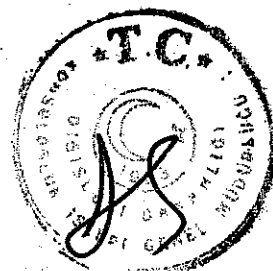
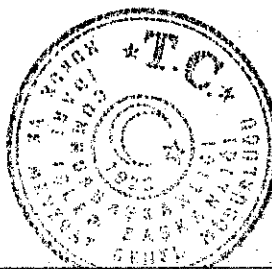
Entry into Force, Amendment and Denunciation

1. This Treaty is subject to ratification. Each Party shall inform the other by diplomatic note that all necessary steps have been taken under its laws for entry into force of this Treaty. This Treaty shall enter into force upon the thirtieth day from the date on which the later diplomatic note is received.

2. This Treaty may be amended at any time by written agreement between the Parties. Any such amendment will enter into force in accordance with the same procedure prescribed in Paragraph 1 of this Article and will form part of this Treaty.

3. Either Party may denounce this Treaty by notice in writing through diplomatic channels at any time. Denunciation shall take effect on the one hundred and eightieth day after the date on which the notice is given. Denunciation of this Treaty shall not affect the extradition proceedings commenced prior to the denunciation.

4. This Treaty applies to any requests presented after its entry into force even if the relevant offences occurred before the entry into force of this Treaty.



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

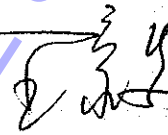
DONE in duplicate at Beijing on this 13th day of May 2017, in the Turkish, Chinese and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Republic of Turkey

For the People's Republic of China


Bekir Bozdag

Minister of Justice



Wang Yi

Minister of Foreign Affairs

