



Judicial Agreement **between the Lebanese Republic and the Syrian Arab Republic** [Informal Translation]

Chapter One **Extradition and Enforcement of Penal Judgments**

Article 1:

Extradition of persons between Lebanon and Syria and enforcement of penal judgments rendered by the judicial authorities of either State in the territory of the other State shall be carried out in conformity with the provisions of the present chapter.

Article 2:

Extradition is due to take place if the following conditions are met:

- a. If the claimed person is prosecuted for, accused or convicted of a punishable criminal offence under the law of the requesting State, or prosecuted for, or suspect of a misdemeanor which entails, under the law of the requesting State, a penalty of deprivation of liberty for a term greater than one year, or sentenced to prison for a minimum period of two months.
- b. If the criminal offence was committed in the territory of the requesting State or if, although committed outside the territory of both States, it is punishable under the law of both States when committed outside their territories.

Article 3:

The requested State may refuse to grant extradition:

- a. If the claimed person was one of its nationals at the time of the crime commission, provided it take upon itself this person's trial by virtue of a judicial file prepared by the judicial authorities of the requesting State. The requested Government shall notify the outcome of the judgment to the requesting Government so that its competent judicial authority takes the decision to stay definitively the pursuit, or to stay the judgment enforcement if the case had already been adjudicated.
- b. If the offence was committed within the territory of the requesting State, the claimed person not being a national of the requesting State and the acts imputed to him not being punishable according to the law of the requested State.
- c. If the offence has been committed outside the territory of both States and is not punishable by the law of the requested State when committed outside its territory, and the claimed person not being a national of the requesting State.
- d. If the offence or sentence have lapsed according to the laws of the requested State unless the claimed person is a national of the requesting State.

Article 4:

Extradition will not be allowed:

1. If the offence is of a political nature.
2. If the offence was committed in the territory of the requested State.
3. If the claimed person belongs to the diplomatic corps which enjoys diplomatic immunity.
4. If the claimed person is a civil servant entrusted with an official mission outside his country and the offence for which extradition is required has been committed while he was carrying out his mission or because of it.

In both previous cases, the person shall be surrendered to the country to which he belongs or that he represents if the conditions set out in this Agreement for extradition have been met.



5. If the sentence provided for in the law of the requesting State has not been defined by its nature in the law of the requested State.
6. If the claimed person has already been judged or is under investigation or trial by reason of the offence for which extradition is required, whether in the requested State or in the State - other than the requesting one - on the territory of which the infraction was committed.
7. If the offence or the sentence has lapsed by virtue of the requesting State's law or that of the State on the territory of which the offence was committed.

Article 5:

Shall not be deemed political:

- a. Offences of murder, theft and robbery committed by a person alone or by a gang against individuals or against local authorities or railways or any other means of transport and communication.
- b. Any aggression against both States presidents.
- c. Military offences.

Article 6:

If the claimed person is under examination or prosecution for another offence in the requested State, his extradition shall be postponed until the trial termination.

Article 7:

Where the requested State has received from different states several demands for the extradition of the same person in respect of the same offence, priority shall be given to this person's extradition to the State whose interests have been prejudiced or to the one on the territory of which the offence was committed.

Where extradition demands are based on various offences, priority shall be decided depending on the circumstances and facts, particularly on the offence gravity, the place where it was committed, the dates of the demands and the commitment of one of the requesting States to return the extradited person.

Article 8:

Each contracting Party shall enforce for the other Party judgments entailing an imprisonment sentence for a term lesser than two months or a penalty payment with fees and judicial charges

As for judgments pronouncing heavier sentences, they may be enforced in the State where the sentenced person resides, upon the request of the State issuing the sentence and the approval of the other State.

Article 9:

The file of requisition for extradition shall contain the following:

- I. A statement including precise details on the identity and particulars of the person whose extradition, or against whom the enforcement of the sentence, are demanded.
- II.
 - a. Where the requisition for extradition concerns a person not prosecuted yet, a warrant of arrest issued by a competent judicial authority shall be attached to the file. The judge who issued it shall specify the type of offence, sign it and seal it with the official seal of its department; the requisition shall also include an official copy of the statements and evidences substantiating his conviction, legalized by the judicial authority that carried out the investigation or the judicial authority examining the case.
 - b. Where extradition concerns a judged person whose judgment is not final, an official copy of such judgment and an official copy of statements and evidences on which it was based for incrimination, certified by the adjudicating judicial authority or the authority hearing the case, shall be attached to the application.



- c. Where extradition concerns a person whose judgment is final, a copy thereof shall be attached to the requisition bearing a footnote which indicates that it has acquired the *res judicata* and has to be enforced.

As to the judicial file to be prepared in conformity with the provisions of Article 3, paragraph (a), it should include the following:

1. A legalized copy of the claimant's request or the public prosecution's request.
2. A copy of the statements and evidences substantiating the conviction, legalized by the judge hearing the case.
3. A detailed statement by the judge hearing the case on: the type of offence, its circumstances, its happening date and evidences establishing the defendant's conviction.

Article 10:

Requisitions for extradition are submitted by the competent attorney general in the State requesting extradition or issuing the judgment to the attorney general in the other State, in the area of whom resides the person whose extradition or the enforcement of the sentence against him are demanded.

The attorney general issues a motivated decision about the request submitted to him.

The decision meeting the request does not bear any remedy at law and the attorney general who issued it shall seek to have it enforced upon its delivery.

As for the decision denying the request, it shall not be enforced before it is submitted to the Minister of Justice who may either notify it to his counterpart in the requesting State or refer it, within a period of 15 days, to the Commission of extradition in each of the two countries.

This period shall start the day following the date of receipt of the attorney general's decision by the ministry's cabinet.

The decision of denial shall be notified to the Minister of justice in the requesting State by his counterpart in the other State, whereas the decision acceding to the requisition shall be referred to the competent attorney general for enforcement of its provisions.

Article 11:

Both Contracting States shall cooperate in investigating on criminals and shall provisionally detain persons requested for prosecution or those sentenced for extraditable offences. In view of this cooperation, they shall adopt the official telecommunication means, post, telegraph or telephone, or other means, provided they indicate therein the offence of which the concerned person is accused, and the legal provisions applying to such offence.

The provisional detention in the requested State shall not exceed fifteen days, following which the detainee shall be released in application of the attorney general's decision if the extradition file has not been received within this period by the requested government.

Provisional detention in the requested State may be extended for an additional fifteen days if the requesting State is so willing for failure to prepare such a file or for its being incomplete.

The duration of provisional detention shall be deducted from the imprisonment period that will be adjudicated in the requesting country.

If the attorney general rejects the requisition for extradition or its enforcement against a detainee, the latter may be released only upon approval of the Minister of Justice.

The attorney general shall have to order extradition if the detainee recognizes that he is the claimed person and admits being the author of the offence of which he is accused, and if the prosecution department finds such offence extraditable according to the provisions of this Agreement and the claimed person accepts to be extradited without the file of requisition for extradition being transferred to the requesting Government.

**Article 12:**

The requesting State, subject to the protection of third persons rights and depending on the competent authority's appreciation, shall be forwarded things that had been acquired by the claimed person to perpetrate the offence for which his surrender is required, or things found in his possession and thus confiscated, or instruments used for such perpetration, as well as any other thing that helped thereat.

All those things shall be delivered to the requesting State upon a decision approving the criminal's extradition, whether this extradition did take place or did not because of the criminal's death or escape or for failure to arrest him.

The delivery will also include all things of this kind that would appear after extradition has taken place, concealed or deposited by the claimed person in the country which took the decision of extradition.

Article 13:

The extradited person shall not be prosecuted or punished for an offence other than the one for which its extradition was required or for acts related to this offence and which did not come to light until after extradition.

Nevertheless, the said person may be arrested or prosecuted for another offence in the following cases:

1. If he committed such offence after his transfer in the State into which he was extradited.
2. If he expressly agrees to be prosecuted for the said offence.
3. If the extraditing State approves his being prosecuted for the said offence.
4. If he was given the opportunity to leave the territory of the State to which he was surrendered but failed to do it within a one month period.

Article 14:

If a decision was pronounced prohibiting the prosecution of the claimed person or if the latter was pronounced not guilty or discharged of any offence, the requesting State shall have to send him back on its expenses to the same location where he was upon his extradition.

Article 15:

Each State shall bear on a reciprocal basis all costs required for the judgment enforcement and extradition of the claimed person.

Article 16:

Where a person is extradited by a Contracting Party to a third State, the second Party shall permit the transit across its territory of the concerned person with the security personnel accompanying him for protection and the things mentioned in art.12, or else this Party shall ensure his transfer and protection merely upon submission of a copy of the decision of extradition to the competent security force.

Chapter Two

Enforcement of Judgments other than Penal

Article 17:

Any judgment deciding civil or commercial rights or personal compensations in a criminal suit or pronounced by a legally constituted religious or Shar'i tribunal in either contracting State and having *res judicata*, shall have in the other contracting State the same *res judicata* and shall therefore be enforceable in this other State, according to the present Agreement provisions.

Article 18:

The application for enforcement shall be filed before the competent judicial authority, in conformity with the law of the requested State.

**Article 19:**

The enforcement claimant has to attach to his application a copy of the judgment to be enforced, authenticated and signed by the judicial authority that issued it, together with a statement mentioning that the judgment or the ruling is enforceable.

Article 20:

The authority to which the judgment enforcement is demanded may neither examine the merits of the suit nor refuse to grant it *exequatur*, unless in the following cases:

- a. If the case adjudicated was not, by virtue of the laws of the country issuing the judgment, under the competence *ratione materiae* of the court that issued it.
- b. If the judgment was rendered without being notified to the person against whom it is enforced or without this latter being properly represented.
- c. If the judgment did not acquire the *res judicata* in the State where it was rendered.
- d. If the judgment or the cause on which it was based violates the public policy or public morals of the State from whom enforcement of the judgment is demanded or contrary to a principle considered as general international rule.
- e. Where a final judgment deciding the merits of the same subject and with the same opponent parties had been rendered by a tribunal of the State to whom enforcement is demanded, or where those tribunals were still examining a suit opposing the same parties on the same subject, provided that this suit had been filed before filing the one whose judgment enforcement is demanded.
- f. Where the judgment is rendered against the State to whom enforcement is demanded or against one of its public servants for facts only related to his function.

Article 21:

Enforcement of arbitral awards may be demanded in conformity with the provisions of this Agreement, once they have been given the *exequatur* in the State where they were issued.

Article 22:

Authentic deeds enforceable in either State shall be granted *exequatur* in the other State by virtue of a judgment to be issued by the president of the first instance court in the area of which enforcement is sought.

The president of the court is bound to ascertain that both the conditions imposed of authentic deeds in the State where they are issued and judgments the enforcement of which is sought do not infringe public policy in the state where enforcement is sought.

Article 23:

Judgments and resolutions which enforcement has been decided in either State, shall be enforceable just as judgments and resolutions issued by the courts of the State in which the enforcement decision was issued.

Chapter Three Notifications

Article 24:

All documents and judicial procedures shall be served between the two contracting States by the means mentioned in this chapter.

Article 25:

Notification proceedings will be carried out directly between equivalent judicial services - without involving political channels - and if there is no equivalent judicial service, the notification process will be carried out through the first instance tribunal in the jurisdiction of which resides the person to be notified.



The application shall enclose all necessary data related to the identity of the person to be notified: his name, surname and profession, with the indication of his address, provided that the document to be served is made in two copies. One of these copies shall be served to the person due to be notified and the second returned with an endnote indicating that notification took place.

The person in charge of the notification shall indicate on the returned copy the mode of notification or the reason for its failure.

Article 26:

Notification shall be made in conformity with the laws of the requested State, and it is possible to do it in a specific way if the requesting State wishes so, provided it does not infringe public policy in the State requested to undertake notification.

Article 27:

Provisions of the previous article above do not prevent from carrying out notification by mail where the law of the State issuing it allows that.

Article 28:

The State which is requested to carry out notification may not refuse to do so except in cases of fear that it would result in peace disturbances.

Article 29:

Notification carried out the way described in this chapter shall be considered as if it had been made in the territory of the State which requested it.

Article 30:

Each contracting State shall bear the expenses of the notification carried out in its territory.

Chapter Four Rogatory Commission

Article 31:

Any judicial procedure in connection with a legal suit and having an impact on its substantiation or denial shall be validly initiated in the territory of each contracting Party by means of a rogatory commission in conformity with the provisions of this chapter.

Article 32:

The judicial authority shall submit directly to the competent judicial authority of the concerned State a demand for a rogatory commission whereby it expresses its desire to have the requested judicial procedure taken.

The competent judicial authority shall execute the requested rogatory commission, in conformity with its legal procedures in force.

The requesting authority shall, if it so desires, notify the place and time of execution of the rogatory commission so as to allow the concerned person or his representative to be present.

Article 33:

If the rogatory commission is related to a matter or a procedure that is forbidden by the law of the requested State, or in case of failure to execute, the State requested to execute shall notify that to the requesting authority and shall state the reasons thereof.

Article 34:

Where the request for a rogatory commission is submitted to an incompetent authority, the request shall be directly transferred to the competent judicial authority in conformity with the domestic legislation of each country and the requesting authority shall be notified thereof.

**Article 35:**

The State requested to execute the rogatory commission will bear its costs, except the experts fees which will be borne by the requesting State and the statement of which will be attached to the commission's file.

The State who is requested to execute the rogatory commission shall cash for its own account, and according to its laws, the agreed fees on the documents to be submitted during the execution of the commission.

Article 36:

The judicial procedure carried out by means of a rogatory commission shall have the same legal effect as it would have had if it were carried out before the competent authority in the requesting State.

Chapter Five Exemptions and Coercive Imprisonment

Article 37:

The citizens of each contracting Party shall benefit from the same exemptions as those granted to the other Party's citizens as concerns warranties, securities and judicial fees.

Article 38:

Coercive imprisonment decided in civil matters by either contracting State may be enforced in the other State if the laws of the latter State allow such enforcement in cases as the one at issue.

Chapter Six Final Provisions

Article 39:

Either contracting State may terminate this Agreement, totally or in some of its chapters, Termination shall enter into force six months after the date of receipt of its notification.

In any case, the provisions of this Agreement shall remain in force as concerns enforcement applications filed in conformity with the provisions of Chapter Two before the lapse of the mentioned six month delay.

Article 40:

This Agreement shall be ratified in conformity with the constitutional regulations in force in each of the contracting States.

Minister of Justice
In the Lebanese Republic
Boulos Fayad

Minister of Justice
In the Syrian Republic
Zaki El-Khatib