

**TREATY
BETWEEN MONGOLIA AND THE KYRGYZ REPUBLIC
ON EXTRADITION**

Mongolia and the Kyrgyz Republic and, hereinafter referred to as the "Parties,"
Recognizing the principles of sovereign equality and territorial integrity of all states,
Desiring to enhance their cooperation in the prevention and suppression of crimes,
Reaffirming their respect for each other's legal systems and judicial institutions,
Have agreed as follows:

Article 1

Obligation to Extradite

Each Party agrees to extradite to the other Party, in accordance with the provisions of this Treaty, any person who is wanted for prosecution, trial or for the imposition or execution of punishment in the Requesting Party for an extraditable offense.

Article 2

Extraditable Offenses

1. For the purposes of this Treaty, extradition may be granted if the request for extradition is made for the prosecution of an offense punishable under the domestic laws of both Parties by imprisonment for a term of at least one (1) year.

2. In determining whether an offense is punishable under the domestic laws of both Parties:

a) It is irrelevant whether the acts or omissions constituting the offense fall under the same category of offenses or are described using the same terminology under the domestic laws of the Parties;

b) Differences in the constituent elements of the offense under the domestic laws of the Parties shall not affect the determination, provided the overall conduct described by the requesting Party is criminal under the laws of both Parties.

3. Extradition shall not be refused solely on the grounds that the domestic laws of the requested Party do not impose the same type of taxes, duties, customs charges, or foreign exchange regulations as those of the requesting Party.

4. Extradition may also be granted if the offense for which it is requested was committed outside the territory of the requesting Party, provided the domestic laws of the requested Party permit the prosecution of similar offenses committed outside its territory.

5. If the request for extradition concerns two or more offenses, each of which is an offense under the domestic laws of both Parties, and at least one of which satisfies the conditions set forth in paragraphs 1 and 2 of this Article, the requested Party may grant extradition for all such offenses.

Article 3

Mandatory Grounds for Refusal

Extradition shall not be granted if:

a) The offense for which extradition is requested is considered by the requested Party to be a political offense or an offense of a similar nature. For the purposes of this Treaty, the following offenses shall not be considered political offenses:

i) Murder or attempted murder;

ii) Any other attack on the life, physical integrity, or freedom of an individual;

iii) Terrorism or any other criminal offense not deemed political under any international treaty, convention, or agreement to which both states are parties.

b) The requested Party has substantial grounds to believe that the request for extradition was made for the purpose of persecuting or punishing the person sought due to their race, gender, religion, social status, citizenship, or political beliefs, or that their position in the criminal process or execution of the sentence may be prejudiced for such reasons.

c) The offense for which extradition is requested is punishable or has been punished in the requesting Party by the death penalty or any other penalty prohibited by the domestic laws of the requested Party.

d) The requested Party has substantial grounds to believe that the person sought has been or would be subjected, in the requesting Party, to a criminal process or punishment that does not meet the minimum standards of due process, or to torture or to cruel, inhuman or degrading treatment or punishment.

e) The person sought has already been convicted or acquitted of the same offense by the competent authorities of the requested Party.

f) The offense for which extradition is requested is subject to amnesty, a pardon, or has expired under the statute of limitations as per the domestic laws of the requested Party.

g) The offense for which extradition is requested is solely a military offense under the domestic laws of the requested Party.

h) The person sought has been granted political asylum by the requested Party.

i) The requested Party considers that extradition would threaten its sovereignty, security, public order, or other essential interests, or would violate the fundamental principles of its domestic laws.

Article 4

Additional Grounds for Refusal

Extradition may be refused under any of the following circumstances:

a) The offense for which extradition is requested falls under the jurisdiction of the requested Party, and the person sought is being or will be prosecuted by the competent authorities of the requested Party for the same offense.

b) The requested Party considers, taking into account the severity of the offense and the interests of the requesting Party, that extradition would not be appropriate on humanitarian grounds due to the health condition of the person sought, which must be verified and confirmed by a competent state health institution of the requested Party.

Article 5

Extradition of Nationals

1. Each Party reserves the right to refuse the extradition of its nationals.

2. If extradition is refused solely on the basis of the nationality of the person sought, the requested Party shall, at the request of the requesting Party, submit the case to its competent authorities for prosecution.

3. The requested Party shall promptly inform the requesting Party of the actions taken and the outcome of the proceedings.

Article 6

Submission of Extradition Requests and Central Authorities

1. For the purposes of this Treaty, the central authorities for Mongolia shall be the Ministry of Justice and Home Affairs of Mongolia and the General Prosecutor's Office of Mongolia and the central authority for the Kyrgyz Republic shall be the General Prosecutor's Office of the Kyrgyz Republic.

2. Central authorities shall transmit extradition requests and all related documents through diplomatic channels or exchange them directly, including through electronic means, provided that the respective Ministry of Foreign Affairs is notified in the latter case.

3. Each Party shall notify the other Party through diplomatic channels of any changes to its designated central authority as specified above.

Article 7

Extradition Requests and Required Documents

1. An extradition request shall be submitted in writing and shall include or be accompanied by the following:

- a) The name of the requesting authority;
- b) The name, surname, date and place of birth, gender, nationality, occupation, place of residence or location of the sought person, identification details, and any other information that may assist in identifying or locating the person, including, if available, police identification data, photographs, and fingerprints;
- c) A statement of facts constituting the offense for which extradition is requested, specifying the date and place of commission and its legal classification;
- d) The text of the applicable legal provisions, including provisions regarding liability, statutes of limitations, and applicable penalties;
- e) Legal provisions conferring jurisdiction on the requesting Party if the offense for which extradition is requested was committed outside the territory of that Party.

2. In addition to the requirements of paragraph 1 of this Article, the extradition request shall be accompanied by a copy of the detention order issued by the competent authority of the requesting Party if the request is made for criminal prosecution.

3. Extradition requests and accompanying supporting documents submitted by the requesting Party pursuant to paragraphs 1 and 2 of this Article shall not require legalization, apostille, authentication, or other formal requirements. A cover letter from the central authority shall confirm the authenticity of the transmitted documents.

Article 8

Languages

Extradition requests and all supporting documents submitted by the requesting Party shall be accompanied by translations into the language of the requested Party or English.

Article 9

Additional Information

1. If the information provided by the requesting Party in support of the extradition request is insufficient for the requested Party to make a decision in accordance with this Treaty, the requested Party may request the provision of the necessary additional information within forty-five (45) days.

2. Failure to provide the additional information within the period specified in paragraph 1 of this Article shall be considered as a withdrawal of the extradition request. However, the requesting Party retains the right to submit a new extradition request for the same person for the same offense.

Article 10

Provisional Arrest

1. In urgent cases, the requesting Party may request the provisional arrest of the person sought prior to submitting an extradition request. The request for provisional arrest may alternatively be sent through the central authorities designated in this Treaty, the International Criminal Police Organization (Interpol), or other channels agreed upon by the Parties.

2. The request for provisional arrest shall be submitted in writing and include:

- a) A description of the person sought, including information on their citizenship;
- b) The location of the person sought;
- c) A brief statement of facts, including the time and place of the alleged offense;
- d) A description of the violated provisions of domestic law;
- e) A statement confirming the existence of a detention order or conviction against the person sought;
- f) A declaration that the extradition request and supporting documents concerning the person sought will follow within the timeframe specified in paragraph 4 of this Article;
- g) A description of the nature of the penalty that may be imposed or has been imposed for the offense.

3. Upon receipt of the request for provisional arrest, the requested Party shall take all necessary measures to ensure the detention of the person sought and shall promptly inform the requesting Party of the outcome of its consideration of the request.

4. Provisional arrest and any other coercive measures shall cease to be effective if the central authority of the requested Party does not receive the formal extradition request and supporting documents, as stipulated in Article 7 of this Treaty, within thirty (30) days from the date of arrest.

5. The termination of provisional arrest under paragraph 4 of this Article does not preclude the extradition of the person sought if the requested Party subsequently receives a formal extradition request in accordance with the terms and requirements of this Treaty.

Article 11

Competing Extradition Requests

If the requested Party receives extradition requests from the requesting Party and one or more third states for the same person, either for the same offense or for different offenses, the requested Party shall determine which state the person should be extradited to, taking into account all relevant factors, including:

- a) The severity of the respective offenses if the requests concern different offenses;

- b) The time and place of commission of each offense;
- c) The respective dates of the requests;
- d) The nationality of the person sought;
- e) The usual place of residence of the person sought;
- f) Whether the requests were made under this Treaty or another extradition agreement, considering the relevant provisions;
- g) The interests of the respective states;
- h) The nationality of the victim(s);
- i) The possibility of subsequent extradition to a third state.

Article 12

Decision

1. The requested Party shall make a decision on the extradition request in accordance with the procedures provided by its domestic legislation and shall promptly inform the requesting Party of its decision.

2. If the requested Party fully or partially denies the extradition request, it shall inform the requesting Party of the reasons for such denial.

Article 13

Surrender of the Person

1. If the requested Party grants the extradition request, the Parties shall promptly agree on the time, place, and any other relevant arrangements concerning the surrender of the person sought. The requesting Party shall be informed of the duration of the detention of the person to be extradited.

2. The transfer of the person sought shall take place within thirty (30) days from the date of notification to the requesting Party that the extradition request has been granted.

3. If the requesting Party fails to take custody of the person within the period specified in paragraph 2 of this Article, the requested Party shall immediately release the person and may deny any subsequent extradition request for the same offense, except as provided in paragraph 4 of this Article.

4. If either Party is unable to surrender or receive the person within the agreed timeframe due to force majeure or other circumstances beyond its control, the concerned Party shall notify the other Party. Once the circumstances cease to exist, the Parties shall agree on a new date for the transfer. The provisions of paragraph 3 of this Article shall apply to the newly agreed date.

5. If the extradited person returns to the territory of the requested Party before the completion of legal proceedings or serving the sentence in the territory of the requesting Party, that person may be re-extradited based on a new extradition request for the same offense. In such cases, the requesting Party shall not be required to submit the documents specified in Article 7 of this Treaty.

6. The time spent in custody from the date of arrest to the date of extradition shall be credited by the requesting Party toward any pretrial detention or penalty to be served.

Article 14

Postponed and Temporary Surrender

1. If the person sought is being prosecuted or serving a sentence in the territory of the requested Party for an offense other than the one for which extradition is requested, the requested Party may temporarily surrender the person or postpone the extradition until the completion of legal proceedings or the full or partial execution of the imposed sentence. The requested Party shall inform the requesting Party of any such postponement.

2. In addition to the circumstances specified in paragraph 1, extradition may be postponed if the health condition of the person sought poses a threat to their life or risks significant deterioration. In such cases, the requested Party shall provide the requesting Party with a detailed medical report prepared by one of its state medical institutions.

3. To the extent permitted by its domestic legislation, if the person specified in paragraph 1 of this Article is deemed extraditable, the requested Party may temporarily surrender the person to the requesting Party for prosecution under conditions agreed upon by the Parties. The temporarily surrendered person shall remain in custody within the requesting Party's territory and shall be returned to the requested Party upon completion of proceedings. Ultimately, the person shall be permanently surrendered to the requesting Party to serve any sentence imposed in accordance with the provisions of this Treaty.

Article 15

Rule of Speciality

1. A person extradited under this Treaty shall not be prosecuted, tried, detained, or subjected to any measure restricting personal liberty for any offense committed before their extradition, other than the offense for which extradition was granted, except where:

a) The extradited person, having left the territory of the requesting Party, voluntarily returns;

b) The extradited person fails to leave the requesting Party's territory within forty-five (45) days, even though they were able to do so. This period does not include the time during which the person was unable to leave due to reasons beyond their control;

c) The requested Party consents to such prosecution. In such cases, the requested

Party may request the submission of documents and information specified in Article 7 of this Treaty.

2. If, during the criminal proceedings, the charges are altered with respect to their legal classification or factual basis, the extradited person may be prosecuted for the new offense, provided that extradition for such offense is permissible under this Treaty.

Article 16

Re-Extradition to a Third State

1. Except as provided under subparagraphs (a) and (b) of paragraph 1 of Article 15, the requesting Party shall not extradite the person to a third state without the consent of the requested Party.

2. The requested Party may request the submission of documents provided by the third state to the requesting Party in connection with any consent request under paragraph 1 of this Article.

Article 17

Surrender of Items and Assets

1. Upon the request of the requesting Party, the requested Party shall, in accordance with its domestic legislation, seize items found within its territory that are in the possession of the person sought. If extradition is approved, the requested Party shall transfer such items to the requesting Party. For the purposes of this Article, the following items shall be subject to seizure and subsequent transfer to the requesting Party:

- a) Objects or instruments used in the commission of the offense and that may serve as evidence;
- b) Items found to be in the possession of the person sought or subsequently identified as proceeds, direct or indirect, from the commission of the offense;
- c) Assets and monetary amounts reasonably believed to be direct or indirect proceeds of the offense.

2. The transfer of items and/or assets specified in paragraph 1 of this Article shall proceed even if the extradition, though approved, cannot be executed due to the death, disappearance, or escape of the person sought.

3. The requested Party may defer the transfer of such items and/or assets for use in its own criminal proceedings or temporarily transfer them under the condition that the requesting Party ensures their return.

4. The transfer of items and/or monetary amounts shall not prejudice any lawful rights or interests of the requested Party or any bona fide third parties. Should such rights or interests exist, the requesting Party shall return the transferred items and/or assets to the requested Party or the bona fide third party at no cost and without undue delay following the conclusion of the proceedings.

Article 18

Transit

1. Each Party (hereinafter referred to as the "transit Party") may permit the transit through its territory of a person being transferred to the other Party (the requesting Party) by a third state, in accordance with the provisions of this Article, provided that no public interest considerations prevent such transit.

2. The requesting Party shall submit a request for transit through the central authorities or, in urgent cases, through the International Criminal Police Organization (Interpol). This request shall include the personal details of the person in transit and a summary of the facts of the case. A copy of the decision on extradition issued by the third state to the requesting Party shall be attached to the transit request.

3. The transit Party shall hold the person in transit under custody while the person is within its territory.

4. No authorization for transit is required if air transportation is used and no landing is scheduled on the territory of the transit Party. However, if an unscheduled landing occurs on the transit Party's territory, the requesting Party shall promptly inform the transit Party, which shall detain the person in transit for up to ninety-six (96) hours until a formal transit request, as outlined in paragraph 2 of this Article, is received.

Article 19

Expenses

1. The requested Party shall take all necessary measures in relation to procedures initiated by the extradition request and shall bear the associated expenses.

2. The requested Party shall bear expenses incurred on its territory in connection with the arrest and detention of the person sought until their handover to the requesting Party, as well as expenses related to the seizure and storage of items and/or assets specified in Article 17 of this Treaty.

3. The requesting Party shall bear the expenses related to the transportation of the extradited person and any seized items and/or monetary amounts from the requested Party to the requesting Party, as well as expenses associated with transit, as provided in Article 18 of this Treaty.

Article 20

Post-Surrender Information

Upon request, the requesting Party shall promptly provide the requested Party with information regarding the legal proceedings or the execution of a sentence imposed on the extradited person, or any information concerning the extradition of the said person to a third state.

Article 21

Relation to Other International Treaties

This Treaty does not preclude either Party from cooperating with the other Party on extradition matters under other international treaties to which both are parties.

Article 22

Confidentiality

1. The Parties agree to maintain the confidentiality of any documents and information used in the extradition process, as well as any related information obtained following the surrender of the extradited person.

2. Each Party undertakes to respect and uphold the confidentiality or secrecy of any documents or information received from or provided to the other Party, provided there is an explicit requirement by the respective Party to do so.

3. Each Party shall protect the information received from loss, unauthorized access, use, modification, disclosure, or misuse.

Article 23

Protection of Personal Data

1. Without prejudice to paragraph 2 of this Article, personal data may be collected and transferred only if necessary and proportionate to the purposes stated in the extradition request.

2. Personal data transferred from one Party to the other as part of an extradition request under this Treaty may be used by the receiving Party solely:

- a) For the criminal proceedings underlying the extradition request;
- b) For other criminal proceedings directly related to those mentioned in subparagraph (a);
- c) To prevent an immediate and serious threat to public safety.

3. Such data may also be used for other purposes with the prior consent of the Party that provided the data.

4. Either Party may refuse to transfer personal data if such data is protected under its domestic legislation and the same level of protection cannot be ensured by the other Party.

5. The transferring Party may request information from the receiving Party regarding the use of such data.

6. Personal data transferred under this Treaty shall be processed and deleted in accordance with the domestic legislation of the receiving Party.

7. This Article does not limit the right of the transferring Party to impose additional conditions on a case-by-case basis. If additional conditions are imposed, the receiving Party shall process the data in accordance with those conditions.

Article 24

Consultations and Dispute Resolution

1. The central authorities shall consult each other, upon request, on matters relating to the interpretation or implementation of this Treaty or specific extradition requests.

2. Any dispute arising from the interpretation or application of this Treaty shall be resolved amicably through direct consultations and negotiations between the Parties or through diplomatic channels.

Article 25

Entry into Force, Amendments, and Termination

1. This Treaty shall enter into force on the date of receipt through diplomatic channels of the last written notification confirming that the Parties have completed the domestic procedures necessary for its entry into force.

2. By mutual consent, the Parties may amend or supplement this Treaty through separate protocols, which shall form an integral part of this Treaty. Such amendments shall enter into force following the same procedure as provided in paragraph 1 of this Article.

3. This Treaty is concluded for an indefinite period. Either Party may terminate it by giving written notice to the other Party through diplomatic channels. In such a case, the Treaty shall cease to be in force 180 days after the date of receipt of the notification. Termination shall not affect extradition proceedings initiated prior to its termination unless the Parties agree otherwise in writing.

4. This Treaty shall apply to extradition requests submitted after its entry into force, even if the related offenses were committed before that date.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Treaty.

Signed at, on the day of, 202, in two original copies, each in the Mongolian, Kyrgyz, Russian, and English languages, all texts being equally authentic. In case of divergence in interpretation, the English text shall prevail.

FOR MONGOLIA

FOR THE KYRGYZ REPUBLIC