

TREATY
BETWEEN
THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA
AND
THE GOVERNMENT OF THE UNITED ARAB EMIRATES
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The State of the United Arab Emirates and the Democratic Socialist Republic of Sri Lanka hereinafter referred to as "the Parties".

Guided by the friendly relations between the two States;

Recognizing the need to facilitate the widest possible measure of Mutual Assistance in Criminal Matters;

Reaffirming the principles of sovereignty, territorial integrity, and non-interference in internal affairs of States;

Deeply concerned at the rising trends and escalation of organized crime and determined to effectively combat the commission of such criminal acts both national and transnational;

CONSCIOUS of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in international instruments including the Universal Declaration of Human Rights;

Recognizing the importance of a Treaty on Mutual Legal Assistance in Criminal Matters as an effective way of dealing with the complex aspects and serious consequences of crime in its new forms and dimensions;

Desirous of extending to each other the widest possible measure of cooperation in combating crimes by strengthening cooperation in the prevention, investigation, and prosecution;

Have agreed as follows:

Article 1 **General Provisions**

1. The Parties shall grant each other under this Treaty the widest possible measure of mutual legal assistance in criminal matters.
2. The Central Authority of each Party shall make and receive requests pursuant to this Treaty:
 - For the United Arab Emirates the Central Authority shall be the Ministry of Justice.
 - For the Democratic Socialist Republic of Sri Lanka the Central Authority shall be the Secretary to the Ministry of the Minister in charge of the subject of Justice.
3. The Central Authorities shall, for the purpose of this Treaty communicate with one another through diplomatic channels.
4. The Parties shall notify each other in writing as soon as practicable of any change in connection with the Central Authority through diplomatic channels.
5. All requests, supporting documents and subsequent communications shall be accompanied by a translation into the language of the

Requested Party or into the English language, and shall be officially signed and sealed by the competent authorities, unless otherwise agreed to by the Parties.

6. The Parties shall provide mutual legal assistance in criminal matters in accordance with their national laws.

Article 2

Exchange of Information

The Parties may exchange information concerning the laws in force and the judicial practice in their respective countries related to the implementation of this Treaty.

Article 3

Scope of Application

1. The Parties shall, subject to their national laws and in accordance with the provisions of this Treaty, provide to each other the widest measure of mutual legal assistance in criminal matters including investigations, prosecutions, trials and resulting proceedings.

2. Mutual Legal Assistance shall be provided by the Requested Party to the Requesting Party irrespective of whether the assistance is sought or is to be provided by a court or other competent authority.

3. Assistance may be provided without regard to whether the conduct, which is the subject of the investigation, prosecution or proceedings in the Requesting Party would constitute an offence under the laws of the Requested Party.

4. Assistance shall include:

- a) taking evidence or obtaining statements of persons;

- b) providing documents, records, items and information;
- c) locating and identifying persons who are suspected to be involved in; or are able to provide evidence or assistance in respect of any criminal matter or investigation
- d) locating and identifying items which are connected to any criminal investigation or matter
- e) serving of judicial documents;
- f) facilitating the appearance of witnesses;
- g) transferring persons in custody temporarily for testimony;
- h) executing requests for searches and seizures;
- i) forfeiting proceeds and instrumentalities of crime;
- j) any other form of cooperation to the extent not contrary to the national laws of the Requested Party within the scope of this Treaty.

Article 4 **Definitions**

For the purpose of this Treaty

1. 'Criminal Matter' means investigations, prosecution, trials or other proceedings relating to an offence penalized by the legislations of either Party.

2. 'Proceeds of Crime' means any property derived or obtained directly or indirectly by any person as a result of criminal activity or the value of any such property.

3. 'Instrumentalities of Crime' means any property which has been used or intended to be used in connection with the commission of an offence.

4. 'Property' means property and assets of every description whether movable or immovable, tangible or intangible and deeds and instruments evidencing title to, interest in, such property or assets derived or used in the commission of an offence and include property obtained through proceeds of crime.

Article 5

Refusal of Assistance

1. The Requested Party may refuse assistance if:

- a) the execution of the request would impair its sovereignty, security, public order or other essential public interests;
- b) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that person's position may be prejudiced for any of those reasons;
- c) the request relates to an offence of a political nature; in the application of the provisions of this Treaty the following offences shall not be considered as an offence of a political nature;

- i) attempted assault, assault, attempted murder and murder against the President or Prime Minister of the Democratic Socialist Republic of Sri Lanka or any member of their families or President of the State, Deputy President or Head of the Government or any member of their families, or any member of the Supreme Council of the State of the United Arab Emirates or any member of their families; or
 - ii) any offence relating to terrorism; or
 - iii) any offence within the scope of a multilateral international convention to which both Parties are members;
- d) the request relates to an offence under military law but not an offence under ordinary criminal law in the Requested Party;
- e) the request is not made in conformity with the provisions of this Treaty;
- f) the request relates to an offence in respect of which the accused person has already been tried and as a result convicted or acquitted, or he has been pardoned in respect of that offence;
- g) the execution of the request would be contrary to the national laws of the Requested Party;
- h) the request relates to an offence where the acts or omissions alleged to constitute that offence would not, if they had taken place within the jurisdiction of the Requested Party, constitute an offence;
- i) the criminal case is abated for any of the reasons provided for in the law of the Requested Party;
- j) the requested assistance requires the execution of compulsory measures, which may be contrary to the national laws of the Requested Party;
- k) if the request concerns an offence which the Requested Party considers a fiscal offence related to taxation, duties, customs and exchange control.

2. Before refusing assistance pursuant to the provisions of this Article, the Requested Party shall consult with the Requesting Party to consider whether assistance can be granted subject to such conditions, as it deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Requested Party refuses assistance pursuant to the provisions of this Article, it shall inform the Requesting Party of the reasons for refusal as soon as practicable.

Article 6

Form and Content of Requests

1. A request for assistance shall be in writing and shall include the following:

- a) the name of the competent authority conducting the investigation, prosecution, or proceedings to which the request relates;
- b) a description of the subject matter and nature of the investigation, prosecution, or proceedings, including offences that relate to such criminal matter;
- c) a description of the evidence, information or other assistance sought;
- d) a description of the purpose for which the request for assistance is made in respect of the evidence, information or other assistance sought.

2. To the extent possible and necessary, a request shall include:

- a) information on the identity and location of the person from whom evidence is sought;
- b) information on the identity and location of the person to be served with documents and the manner in which service is to be made;
- c) information on the identity and suspected location of the person or item;
- d) a precise description of the place of the person to be searched and of the items to be seized;
- e) a description of the manner in which testimony or statement is to be taken and recorded;
- f) a description of the testimony or statement sought, including a list of questions to be asked of a person;
- g) a description of any particular procedure to be followed in executing the request in so far as not contrary to the national laws of the Requested Party;
- h) information as to the allowances and expenses to which a person asked to appear in the Requesting Party will be entitled;
- i) any other information that may be brought to the attention of the Requested Party to facilitate the execution of the request.

3. In urgent cases, the Requested Party may accept the request by fax, e-mail, and the Requesting Party shall confirm such request within twenty (20) days by a formal request according to paragraph (1) of this Article, unless both Parties otherwise agree.

Article 7
Execution of Requests

1. The Requested Party shall execute the request by transmitting it to the relevant competent authority. The said authority shall use its best efforts to execute the request.
2. Requests shall be executed in accordance with the national laws of the Requested Party. Procedures specified in the request shall be followed to the extent that are not contrary to the national laws of the Requested Party. Where neither the provisions of this Treaty nor the request specifies particular procedures, the request shall be executed in accordance with the procedures prescribed by the laws of the Requested Party.
3. If the Requested Party determines that execution of a request would interfere with an ongoing investigation, prosecution, or proceedings in that Party or that execution could be made subject to conditions, the Requested Party shall notify same to the Requesting Party. If the Requesting Party agrees to accept assistance subject to such conditions, the Requested Party shall execute the request subject to such conditions.
4. The Requested Party shall use its best efforts to keep confidential the request and its contents if the Requesting Party so requires. If the request cannot be executed without breaching such confidentiality, the Requested Party shall so inform the Requesting Party, which shall then determine whether the request should nevertheless be executed.
5. The Requested Party shall respond to reasonable queries by the Requesting Party on the progress of the execution of the request.
6. The Requested Party shall inform the Requesting Party of the outcome of the execution of the request. If the execution of the request is refused, delayed or postponed, the Requested Party shall inform the Requesting Party of the reasons for the refusal, delay or postponement thereof.

Article 8

Costs

1. Unless otherwise agreed by the Parties, the Requested party shall pay all costs relating to the execution of a request and the Requesting Party shall pay the fees of experts, the costs of translation and transcription; and the allowances and expenses related to travel of persons traveling either in the Requested Party for the convenience of the Requesting Party or pursuant to the provisions of Articles (12) and (13) of this Treaty.
2. If during the execution of a request it becomes apparent to the Requested Party that complete execution will entail expenses of an extraordinary nature, the Parties shall consult with each other to determine the terms and conditions under which execution may continue.

Article 9

Limitation on use

1. The Requested Party may request that the Requesting Party abstain from using any information or evidence obtained under this Treaty in any investigation, prosecution, or proceedings other than that is described in the request without the prior consent of the Requested Party. If the Requested Party makes such a request, the Requesting Party shall comply with the conditions.
2. The Requested Party may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to terms and conditions it may specify, if the Requested Party makes such a request, the Requesting Party shall comply with the conditions.
3. Information or evidence that has been made public in the Requesting Party in a manner consistent with paragraphs (1) or (2) of this Article may thereafter be used for any purpose.

Article 10

Taking of evidence in the Requested Party

1. The Requested Party, shall subject to its national laws and upon request, take the sworn or affirmed testimony, documents or records or otherwise obtain statements of persons including persons in custody, or require them to produce items of evidence relating to a criminal offence for transmission to the Requesting Party.
2. The Requested Party may, to the extent permitted by its national laws, permit the presence of persons specified in the request during the execution of the request.
3. If the person referred to in paragraph (1) of this Article asserts a claim of immunity, incapacity or privilege under the national laws of the Requesting Party, the Requested Party shall notify the Requesting Party regarding that claim to decide on it before taking testimony or evidence.
4. Evidence produced in the Requested Party or that has been subject of testimony taken under this Article upon request from the Requesting Party shall be authenticated in accordance with legal procedures in the Requested Party.

Article 11

Provision of documents and records

1. The Requested Party shall provide the Requesting Party with copies of documents and records if they are open to public access.
2. The Requested Party may provide the Requesting Party with copies of any other document or record that are not stipulated in paragraph (1) of this Article, unless those Documents and records relate to the national security.

3. The Requested Party may provide certified copies of documents or records unless the Requesting Party specifically requests originals.
4. Original documents, records or objects provided to the Requesting Party shall be returned, to the Requested Party as soon as possible unless the latter waives its right of return thereof.
5. To the extent permitted by the law of the Requested Party, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting Party in order to make them admissible according to the law of the Requesting Party.

Article 12

Taking evidence or assist in investigations in the Requesting Party

1. The Requested Party shall, upon a request of the Requesting Party, invite a person to assist in investigations or to appear as a witness in proceedings in the Requesting Party having obtained the consent of such person thereto. The Requested Party shall inform the Requesting Party of the action taken in this respect.
2. The Requesting Party shall, at the time of making such request, indicate the extent to which the person's expenses will be paid. A person who agrees to appear may ask the Requesting Party to pay an advance-money to cover these expenses. This advance may be provided through the Embassy or a Consulate of the Requesting Party.
3. Where a person whose appearance as a witness in the Requesting Party does not agree to appear, shall not by reason thereof be made liable to any penalty or compulsory measure in either the Requesting or the Requested Party.
4. The Requesting Party shall not subject the person appearing in it pursuant to the provisions of this Article to service of process, detention or any restriction of personal liberty, by reason of any acts or convictions that preceded his departure

from the Requested party, just as the person shall not be prosecuted, detained or punished by reason of his testimony.

5. If the person appearing in the Requesting Party had the liberty and means to leave the Requesting Party and did not leave within the subsequent thirty (30) days after being notified that his presence is no longer required or when the person having left and voluntarily returns, may be tried for other offences. The above mentioned period shall not include the period during which the person fails to leave the territory for reasons beyond his control.

Article 13

Transfer of Persons in Custody

1. A person in the custody of the Requested Party may be provisionally transferred to the custody of the Requesting Party for the purpose of assistance in investigations and giving evidence under this Treaty, provided that such person consents and both Parties agree.

2. For the purpose of this Article:

a) the Requesting Party shall keep the person transferred in custody unless otherwise authorized by the Requested Party;

b) the Requesting Party shall return the person transferred to the custody of the Requested Party within thirty (30) days from his transfer unless otherwise agreed between the Parties;

c) the person transferred shall receive credit for service of the sentence imposed in the Requested Party for time served in the custody of the Requesting Party.

Article 14
Transit of Persons in Custody

1. The Requested Party may authorize the transit of a person in custody through its territory to the Requesting Party whose appearance has been requested by the Requesting Party.
2. The Requested Party shall have the authority to keep the person in custody during the transit.

Article 15
Location or Identification of Persons or Items

If the Requesting Party seeks the location or identity of the persons or items in the Requested Party, the Requested Party shall use its best efforts to ascertain the location or identity pursuant to its national laws

Article 16
Service of Documents

1. The Requested Party shall make its best efforts to effect service of any relevant document in whole or in part, in accordance with any request for assistance made by the Requesting Party under the provisions of this Treaty.
2. The Requesting Party shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting Party, a reasonable time before the scheduled appearance.
3. The Requested party shall return a proof of service in the manner, specified in the Request.

Article 17
Search and Seizure

1. The Requested Party shall in accordance with its national laws execute a request for search, seizure and transfer of any item related to the offence subject to investigation in the Requesting Party, if its possession does not constitute an offence in the Requested Party.
2. The competent authority of the Requested Party that had executed a request for search and seizure shall provide such information in the form as may be required by the Requesting Party concerning, but not limited to, the identity, condition, description, weight, integrity and continuity of possession by that authority of the article concerned.
3. The Requested Party may require that the Requesting Party agree to terms and conditions deemed necessary to protect bona-fide third party's interests in the item to be transferred.

Article 18
Return of items

1. The Requesting Party shall return any item, including documents and records, furnished to it in execution of a request under this Treaty if the Requested Party so requests.

Article 19
Assistance in Forfeiture of Proceeds of Crime

1. The Requested Party shall, upon request; endeavour to ascertain whether any proceeds or instrumentalities of the alleged crime are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries. The

Requesting Party shall notify the Requested Party of the basis of its belief that such proceeds or instrumentalities of crime are located within the jurisdiction of the Requested Party.

2. In pursuance of a request made under paragraph (1) of this Article, the Requested Party shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds or instrumentalities of crime.

3. Where pursuant to paragraph (1) of this Article, suspected proceeds or instrumentalities of crime are found, the Requested Party shall, upon request, take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of those suspected proceeds or instrumentalities of crime, pending a final determination in respect of those proceeds or instrumentalities by the Requesting Party.

4. The Requested Party shall, to the extent permitted by its law, give effect to or permit enforcement of final judgments or orders of forfeiting or confiscating the proceeds or instrumentalities of crime made by the Requesting Party or take other appropriate action to secure the proceeds or instrumentalities of crime following a request by the Requesting Party.

5. The Parties shall ensure that the rights of bona-fide third parties shall be respected in the application of this Article.

Article 20

International Conventions and Treaties

The provisions of this Treaty shall not affect the rights and obligations of the Parties arising from other international conventions and treaties to which they are parties.

Article 21
Settlement of disputes

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

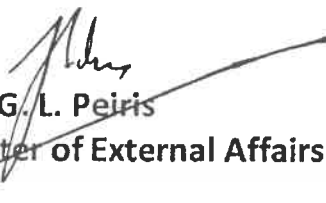
Article 22
Ratification, Entry into Force, Amendment and Termination

1. This Treaty shall be ratified in accordance with the constitutional procedures of the Parties and the instruments of ratification shall be exchanged through diplomatic channels.
2. This Treaty shall enter into force thirty (30) days after the date of exchange of the instruments of ratification.
3. This Treaty may be amended through the mutual written consent of the Parties in accordance with the same requirements of the ratification of this Treaty.
4. Either Party may terminate this Treaty at any time upon a written notice to the other Party. Termination shall take effect six (6) months following the notification. However, any request received up to the date of receipt of the notice to terminate shall continue to be governed by this Treaty until the request is executed.

IN WITNESS whereof the authorized representatives of the Parties hereby sign this Treaty. This Treaty has been done in two original copies in the Sinhala, Arabic and English languages, both texts being equally authentic. In case of any divergence of interpretation of this Treaty, the English text shall prevail.

Done at Abu Dhabi on this 27th day of January in the year 2014.

**For the Government
of the Democratic Socialist
Republic of Sri Lanka**


**Prof. G. L. Peiris
Minister of External Affairs**

**For the Government
of the United Arab Emirates**


**Sheikh Abdullah bin Zayed Al Nahyan
Minister of Foreign Affairs**