

《逃犯 (捷克共和國) 令》
(第 503 章，附屬法例 AI)

Fugitive Offenders (Czech Republic) Order
(Cap. 503 sub. leg. AI)

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《逃犯 (捷克共和國) 令》

(第 503 章第 3 條)

(略去制定語式條文——2014 年第 2 號編輯修訂紀錄)

[2015 年 2 月 13 日] 2015 年第 18 號法律公告

1. (已失時效而略去——2015 年第 3 號編輯修訂紀錄)

2. **本條例中的程序在香港與捷克共和國之間適用**

現就條款於附表中敘述的移交逃犯安排，指示本條例中的程序在香港與捷克共和國之間適用，但須受該等條款所載的限制、約束、例外規定及約制所規限。

Fugitive Offenders (Czech Republic) Order

(Cap. 503, section 3)

(Enacting provision omitted—E.R. 2 of 2014)

[13 February 2015] L.N. 18 of 2015

1. (Omitted as spent—E.R. 3 of 2015)

2. **Procedures in Ordinance to apply between Hong Kong and Czech Republic**

In relation to the arrangements for the surrender of fugitive offenders the terms of which are recited in the Schedule, it is directed that the procedures in the Ordinance apply as between Hong Kong and the Czech Republic subject to the limitations, restrictions, exceptions and qualifications contained in those terms.

附表

[第 2 條]

中華人民共和國香港特別行政區與捷克共和國關於移交就刑事法律程序而被通緝的人的協定[#]

中華人民共和國香港特別行政區(“香港特別行政區”)經中華人民共和國中央人民政府正式授權締結本協定，與捷克共和國(以下簡稱“締約雙方”)，

為訂立相互移交就刑事法律程序而被通緝的人的規定；

協議如下：

第一條

移交的義務

締約雙方同意，按照本協定的各項規定，相互移交在被要求方司法管轄區發現並遭要求方追緝的人，以便就第三條所描述的罪行對該人作出檢控、判刑或強制執行判刑。

Schedule

[s. 2]

Agreement between the Hong Kong Special Administrative Region of the People's Republic of China and the Czech Republic on Surrender of Persons Wanted for Criminal Proceedings[#]

The Hong Kong Special Administrative Region of the People's Republic of China (hereinafter “the Hong Kong Special Administrative Region”) having been duly authorised by the Central People's Government of the People's Republic of China to conclude this Agreement and the Czech Republic (hereinafter “the Contracting Parties”);

Desiring to make provision for the reciprocal surrender of persons wanted for criminal proceedings;

Have agreed as follows:

Article 1

OBLIGATION TO SURRENDER

The Contracting Parties agree to surrender to each other, subject to the provisions laid down in this Agreement, any person who is found in the jurisdiction of the Requested Party and who is wanted by the Requesting Party for prosecution or for the imposition or enforcement of a sentence in respect of an offence described in Article 3.

第二條

中心機關

- (1) 締約雙方須通過其中心機關交付其移交要求及支持文件。
- (2) 香港特別行政區的中心機關是律政司司長或經律政司司長正式授權的人員。捷克共和國的中心機關是司法部或經司法部授權的國家機關。
- (3) 中心機關之間可就本協定的事宜直接通訊。
- (4) 締約任何一方均可更改其中心機關，但須將該項更改通知另一方。

第三條

罪行

- (1) 凡 ——
 - (a) 根據締約雙方的法律均可就某罪行判處一年以上的監禁或其他形式的拘留，或更嚴厲的刑罰，而

Article 2

CENTRAL AUTHORITIES

- (1) The Contracting Parties shall convey their requests for surrender and supporting documents through their Central Authorities.
- (2) The Central Authority of the Hong Kong Special Administrative Region is the Secretary for Justice or his or her duly authorised officer. The Central Authority for the Czech Republic is the Ministry of Justice or a state authority authorised by the Ministry of Justice.
- (3) The Central Authorities may communicate directly with each other for the purposes of this Agreement.
- (4) Either Contracting Party may change its Central Authority in which case it shall notify the other of the change.

Article 3

OFFENCES

- (1) Surrender shall be granted for an offence:
 - (a) which is punishable under the laws of both Contracting Parties by imprisonment or other form of detention for more than one year or a more severe penalty; and

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(b) 締約雙方的法律均容許就該罪行進行移交，

則須就該罪行准予移交。

(2) 締約每一方須將列載按照其法律可准予移交的罪行的清單提供予另一方。締約每一方須於根據第十九條第 (1) 款通知另一方已履行為使本協定生效的規定當日或之前提供上述清單。締約每一方的清單日後如有任何更改，該方須迅速將該項更改知會另一方。

(3) 凡要求移交是為執行判刑，則須符合進一步規定，即如判刑為監禁或拘留，未服的監禁或拘留期不得少於六個月。

(4) 就本條而言，在確定某罪行是否屬根據締約雙方的法律均可判罰的罪行時，須考慮構成被尋求移交的人被指稱的行為的作為或不作為，而無須依據要求方法律對該罪行所規定的構成因素。

(5) 就本條第 (1) 款而言，如構成有關罪行的行為在犯罪時屬觸犯要求方法律的罪行，而在被要求方接獲移交要求時屬觸犯被要求方法律的罪行，則該罪行根據締約雙方的法律均屬罪行。

(6) 凡要求移交某人是為執行判刑，而看來該人是在缺席的情況下被定罪，則被要求方可拒絕把該人移交；但如該人有機會在他出席的情況下獲得重審，則屬例外，而在這情況下，他須被視為本協定所指的被控人。

(b) for which surrender is permitted by the laws of both Contracting Parties.

(2) Each Contracting Party shall provide to the other a list of the offences for which surrender may be granted under its law. Each Contracting Party shall provide such a list no later than the date on which it notifies the other Contracting Party under Article 19(1) that its requirements for the entry into force of this Agreement have been complied with. Each Contracting Party shall promptly inform the other of any subsequent changes to its list.

(3) Where surrender is requested for the purpose of carrying out a sentence, a further requirement shall be that in the case of a period of imprisonment or detention at least six months remain to be served.

(4) For the purposes of this Article, in determining whether an offence is an offence punishable under the laws of both Contracting Parties the acts or omissions constituting the conduct alleged against the person whose surrender is sought shall be taken into account without reference to the elements of the offence prescribed by the law of the Requesting Party.

(5) For the purposes of paragraph (1) of this Article, an offence shall be an offence according to the laws of both Contracting Parties if the conduct constituting the offence was an offence against the law of the Requesting Party at the time it was committed and an offence against the law of the Requested Party at the time the request for surrender is received.

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第四條

國民的移交

捷克共和國保留拒絕移交其國民的權利。香港特別行政區保留拒絕移交中華人民共和國的國民的權利。

第五條

死刑

如根據本協定要求移交某人的罪行按照要求方的法律屬可判處死刑的罪行，但就該罪行而言，被要求方的法律並無判處死刑的規定或通常不會執行死刑，則除非要求方提供被要求方認為充分的保證，即保證不會判處死刑或即使判處死刑亦不會執行，否則被要求方可拒絕移交。

第六條

移交根據

Article 4

SURRENDER OF NATIONALS

The Czech Republic reserves the right to refuse the surrender of its nationals. The Hong Kong Special Administrative Region reserves the right to refuse the surrender of nationals of the People's Republic of China.

Article 5

DEATH PENALTY

If the offence for which surrender of a person is requested under this Agreement is punishable according to the law of the Requesting Party with the death penalty, and if in respect of such an offence the death penalty is not provided for by the law of the Requested Party or is not normally carried out, surrender may be refused unless the Requesting Party gives such assurances as the Requested Party considers sufficient that this penalty will not be imposed or, if imposed, will not be carried out.

Article 6

BASIS FOR SURRENDER

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只有在以下其中一種情況下，方可把被尋求的人移交：第一種情況為假使該人被控所犯罪行是在被要求方的境內犯的，則按照被要求方的法律，有關證據被認為足以令將該人交付審判屬有理可據的；另一種情況為有關證據被認為足以證明該人確是遭要求方法院定罪的人。

A person shall be surrendered only if the evidence be found sufficient according to the law of the Requested Party either to justify the committal for trial of the person sought if the offence of which that person is accused had been committed in the territory of the Requested Party or to prove that the person sought is the person convicted by the courts of the Requesting Party.

第七條

拒絕或暫緩移交

Article 7

REFUSAL OR POSTPONEMENT OF SURRENDER

(1) 如被要求方有充分理由相信以下事項屬實，則不得移交任何人——

(1) A person shall not be surrendered if the Requested Party has substantial grounds for believing:

- (a) 該人被控或被定罪的罪行屬政治性質的罪行；
- (b) 移交要求雖然看來是因為一項可准予移交的罪行而提出的，但實際上提出要求的目的是因為該人的種族、宗教、國籍、性別或政治意見而檢控或懲罰該人；或
- (c) 該人如被交回，便可能因其種族、宗教、國籍、性別或政治意見，而在審訊時蒙受不利或被懲罰、拘留或限制人身自由。

- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that the request for surrender (though purporting to be made on account of an offence for which surrender may be granted) is in fact made for the purpose of prosecution or punishment on account of race, religion, nationality, sex or political opinions; or
- (c) that the person might, if returned, be prejudiced at that person's trial or punished, detained or restricted in his personal liberty by reason of race, religion, nationality, sex or political opinions.

(2) 凡根據要求方或被要求方的法律，某人就要求所述的任何罪行已最後被裁定無罪、定罪或赦免，或是禁止就該罪行檢控該人的，或已撤銷就該罪行對該人作出的定罪，則不得就該罪行移交該人。

(2) Where a person has been finally acquitted, convicted or pardoned, or a prosecution is barred or his conviction has been set aside under the law of the Requesting or Requested Party for any offence set out in the request, he shall not be surrendered for that offence.

(3) 被要求方如認為有以下情況，可拒絕移交——

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- (a) 在考慮所有情況後，有關罪行的嚴重程度不足以准予移交；
- (b) 基於該人被指稱觸犯罪行或非法逃匿已有相當時間，在考慮所有情況後，把該人移交是不公平或苛刻的；
- (c) 尋求移交所根據的罪行，是在被要求方法院的司法管轄權範圍之內犯的；
- (d) 移交可引致被要求方違反其根據國際條約或協定須履行的義務；或
- (e) 在個別情況下，鑑於被尋求移交的人的年齡、健康或其他個人狀況，把該人移交不符合人道精神。

(4) 被尋求的人如因移交要求以外的罪行而正在被要求方被起訴或受懲罰，移交可予批准或暫緩至法律程序結束及所判處的懲罰執行為止。

(3) Surrender may be refused if the Requested Party considers that:

- (a) the offence is, having regard to all the circumstances, not sufficiently serious to warrant the surrender;
- (b) by reason of the passage of time since the person is alleged to have committed the offence or to have become unlawfully at large, as the case may be, it would be unjust or oppressive to surrender him having regard to all the circumstances;
- (c) the offence for which surrender is sought was committed within the jurisdiction of its courts;
- (d) the surrender might place that Party in breach of its obligations under international treaties or agreements; or
- (e) in the circumstances of the case, the surrender would be incompatible with humanitarian considerations in view of the age, health or other personal circumstances of the person sought.

(4) If the person sought is being proceeded against or is under punishment in the Requested Party for any offence other than that for which surrender is requested, surrender may be granted or deferred until the conclusion of the proceedings and the execution of any punishment imposed.

第八條

要求及支持文件

- (1) 移交要求須以書面提出，並須連同——

Article 8

THE REQUEST AND SUPPORTING DOCUMENTS

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- (a) 對被尋求的人盡量準確的描述，以及任何其他可助確定該人的身分、國籍及所在的資料；
- (b) 對尋求移交所根據的各項罪行的描述及對有關的人就每項罪行被指稱的作為及不作為的描述，包括該等作為及不作為發生的時間和地點；及
- (c) 訂立有關罪行的法律條文 (如有的話) 的文本及就該罪行可判處的懲罰的陳述，以及就該罪行提起法律程序或執行懲罰的時限的陳述。

(2) 如要求與被控人有關，要求亦須連同由要求方的法院或其他司法機關發出的逮捕手令副本；並連同假使有關罪行是在被要求方的司法管轄權範圍之內犯的，則按照被要求方的法律會令將該人交付審判屬有理可據的證據。

(3) 如要求與已被定罪或被判刑的人有關，要求亦須連同——

- (a) 定罪或判刑證明書的副本以及任何有關的判決書的副本；及
- (b) 如該人已被定罪但未被判刑，有關法院就此發出的陳述及逮捕手令副本；或
- (c) 如該人已被判刑，顯示該項判刑可予強制執行和未服的刑期的陳述。

(1) A request for surrender shall be in writing and shall be accompanied by:

- (a) as accurate a description as possible of the person sought, together with any other information which would help to establish that person's identity, nationality and location;
- (b) a description of each offence for which surrender is sought, and a description of the acts and omissions which are alleged against the person in respect of each offence together with the time and place they occurred; and
- (c) the text of the legal provisions, if any, creating the offence, and a statement of the punishment which can be imposed therefor and any time limit on the institution of proceedings, or on the execution of any punishment for that offence.

(2) If the request relates to an accused person it shall also be accompanied by a copy of the warrant of arrest issued by a court or other judicial authority of the Requesting Party and by such evidence as, according to the law of the Requested Party, would justify the committal of the person for trial if the offence had been committed within the jurisdiction of the Requested Party.

(3) If the request relates to a person already convicted or sentenced, it shall also be accompanied by:

- (a) a copy of the certificate of the conviction or sentence, and any relevant judgment; and
- (b) if the person was convicted but not sentenced, a statement to that effect by the appropriate court and a copy of the warrant of arrest; or

第九條
認證

支持移交要求的文件如已妥為認證，須獲接納為證明該等文件所述事實的證據。如文件看來是經以下方式處理，即屬已妥為認證——

- (a) 由要求方的法官、裁判官或官員簽署或核證；及
- (b) 蓋上要求方的主管機關的正式印鑑。

第十條
文件的語文

(1) 根據本協定提交予香港特別行政區的所有文件，須以中文或英文寫成，或翻譯成中文或英文。

(2) 根據本協定提交予捷克共和國的所有文件，須以捷克文或英文寫成，或翻譯成捷克文或英文。

Article 9

AUTHENTICATION

Documents supporting a request for surrender shall be admitted in evidence as proof of the facts contained therein if duly authenticated. Documents are duly authenticated if they appear to be:

- (a) signed or certified by a judge, magistrate or an official of the Requesting Party; and
- (b) sealed with the official seal of a competent authority of the Requesting Party.

Article 10

LANGUAGE OF DOCUMENTATION

(1) All documents submitted in accordance with this Agreement to the Hong Kong Special Administrative Region shall be in, or translated into, Chinese or English.

(2) All documents submitted in accordance with this Agreement to the Czech Republic shall be in, or translated into, Czech or English.

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(3) 由要求方提交用以支持移交要求的任何文件的經認證譯本，須在移交的法律程序中，就所有目的而獲接納。

(3) Any authenticated translation of documents submitted in support of a request for surrender provided by the Requesting Party shall be admitted for all purposes in proceedings for surrender.

第十一條

補充資料

Article 11

ADDITIONAL INFORMATION

(1) 如要求方提供的資料不足，以致被要求方未能根據本協定作出決定，被要求方須要求取得必需的補充資料。被要求方可定出收取該等資料的時限，並可在有需要的情況下延展該時限。

(1) If the information communicated by the Requesting Party is found to be insufficient to allow the Requested Party to make a decision in pursuance of this Agreement, the latter Party shall request the necessary supplementary information. The Requested Party may fix a time limit for receipt of this information and may extend the time limit as necessary.

(2) 如被尋求移交的人已被逮捕，而所提供的補充資料根據本協定並不足夠或沒有在指明時限內接獲，則該人可被釋放，但要求方可重新提出要求移交按此被釋放的人。

(2) If the person whose surrender is sought is under arrest and the additional information furnished is not sufficient in accordance with this Agreement or is not received within the time specified, the person may be discharged. Such discharge shall not preclude the Requesting Party from making a fresh request for the surrender of the person.

第十二條

臨時逮捕

Article 12

PROVISIONAL ARREST

(1) 在緊急情況下，經要求方提出申請，被要求方酌情決定並根據本身的法律，臨時逮捕被尋求的人。被要求方須迅速將其就臨時逮捕申請所作的決定知會要求方。

(1) In urgent cases the person sought may, at the discretion of the Requested Party and in accordance with its law, be provisionally arrested on the application of the Requesting Party. The Requested Party

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(2) 臨時逮捕的申請須顯示要求移交所尋求的人的意向，並須包含針對該人的逮捕手令或定罪判決書的副本或說明該手令或判決書已存在的陳述、有關該人身分、國籍及可能所在的資料、對該人的描述、對有關罪行和案情的簡述、說明就該罪行可判或已判的刑罰的陳述及 (如適用的話) 說明未服刑期的陳述。

(3) 臨時逮捕的申請，可經任何有書面紀錄的方式，透過中心機關或國際刑警組織提出。

(4) 在被尋求的人被臨時逮捕起計六十日屆滿時，如被要求方仍未接獲移交要求及支持文件，臨時逮捕便須終止。根據本款釋放某人，並不妨礙在其後接獲移交要求及支持文件時，提起或繼續移交的程序。

第十三條 同時要求

如締約一方及另一國家同時要求移交某人，而該國家與作為被要求方的香港特別行政區或捷克共和國之間有移交被控人及被定罪

shall promptly inform the Requesting Party of its decision on provisional arrest.

(2) The application for provisional arrest shall contain an indication of intention to request the surrender of the person sought, a copy of a warrant of arrest or of a judgment of conviction against that person or a statement of their existence, information concerning identity, nationality and probable location, a description of the person, a brief description of the offence and the facts of the case and a statement of the sentence that can be or has been imposed for the offence and, where applicable, how much of that sentence remains to be served.

(3) An application for provisional arrest may be transmitted by any means affording a record in writing through the Central Authorities or through the International Criminal Police Organisation (Interpol).

(4) The provisional arrest of the person sought shall be terminated upon the expiration of sixty days from the date of arrest if the request for surrender and supporting documents have not been received. The release of a person pursuant to this paragraph shall not prevent the institution or continuation of surrender proceedings if the request and the supporting documents are received subsequently.

Article 13

CONCURRENT REQUESTS

If the surrender of a person is requested concurrently by one of the Contracting Parties and a State with whom the Hong Kong Special

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人的條約、協定或安排，被要求方須考慮所有情況後才作出決定。須考慮的情況包括：被要求方與各要求方之間任何有效條約或協定就這方面所訂的條文；所犯罪行的相對嚴重性及犯罪地點；各移交要求的提出日期；被尋求的人的國籍和通常居住地及其後被移交其他國家的可能性。被要求方須向締約另一方提供顯示有充分理由支持其決定的資料。

Administrative Region or the Czech Republic, whichever is being requested, has treaties, agreements or arrangements for the surrender of accused and convicted persons, the Requested Party shall make its decision having regard to all the circumstances including the provisions in this regard in any treaties or agreements in force between the Requested Party and the Requesting Parties, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality and ordinary place of residence of the person sought and the possibility of subsequent surrender to another state, and furnish the other Contracting Party with information justifying its decision.

第十四條

代表及費用

(1) 被要求方須為因移交要求而引起的任何法律程序作出一切必需安排和支付費用，並須在其他方面代表要求方的利益。

(2) 如察覺移交要求會引起特殊開支，締約雙方須進行磋商，以決定如何支付這些開支。

(3) 被要求方須負擔因逮捕和拘留被尋求移交的人所引起的開支，直至該人被移交為止。要求方須負擔移交後一切的開支。

Article 14

REPRESENTATION AND COSTS

(1) The Requested Party shall make all necessary arrangements for and meet the costs of any proceedings arising out of a request for surrender and shall otherwise represent the interests of the Requesting Party.

(2) If it becomes apparent that exceptional expenses may be incurred as a result of a request for surrender the Contracting Parties shall consult with a view to deciding how these expenses will be met.

(3) The Requested Party shall bear the expenses arising out of the arrest and detention of the person whose surrender is sought until that person is surrendered. The Requesting Party shall bear all subsequent expenses.

第十五條
移交安排

(1) 被要求方就移交要求作出決定後，須立即將其決定通知要求方。

(2) 執行移交時，被要求方的有關機關須把被移交的人送往要求方指示的在被要求方司法管轄區的方便離境地點。

(3) 除本條第 (4) 款另有規定外，要求方須在被要求方指明的期間內把該人帶走，除非締約雙方另有協議，否則該期間不得少於自根據第 (1) 款將決定通知要求方當日起計的 14 天。如在該期間內該人未被帶走，則被要求方可拒絕就同一罪行移交該人。

(4) 締約一方如因不可預見的情況以致不能移交或接收某人，即須知會締約另一方。在這情況下，締約雙方須另議新的移交日期，而本條第 (3) 款的規定將適用。

第十六條

Article 15

ARRANGEMENTS FOR SURRENDER

(1) The Requested Party shall, as soon as a decision on the request for surrender has been made, communicate that decision to the Requesting Party.

(2) When a person is to be surrendered, that person shall be sent by the authorities of the Requested Party to such convenient place of departure within that Party's jurisdiction as the Requesting Party shall indicate.

(3) Subject to the provisions of paragraph (4) of this Article, the Requesting Party shall remove the person within the period specified by the Requested Party, which period shall be no less than 14 days from the date of communication of the decision to the Requesting Party according to paragraph (1), unless both Contracting Parties agree otherwise, and if the person is not removed within that period the Requested Party may refuse to surrender that person for the same offence.

(4) If unforeseen circumstances prevent the Contracting Parties from surrendering or taking over a person the Parties shall inform each other. In that case, the Contracting Parties shall agree a new date for surrender and the provisions of paragraph (3) of this Article shall apply.

Article 16

移交財產

SURRENDER OF PROPERTY

(1) 在被要求方的法律容許的範圍內，在批准移交逃犯的要求後——

(1) To the extent permitted under the law of the Requested Party, when a request for surrender of a person is granted, the Requested Party:

(a) 被要求方須把下列物品 (包括金錢)，交予要求方——

(a) shall hand over to the Requesting Party all articles, including sums of money,

(i) 可作為有關罪行的證據的物品；或

(i) which may serve as proof of the offence; or

(ii) 被尋求的人因有關罪行而取得並由該人管有或在其後被發現的物品；

(ii) which have been acquired by the person sought as a result of the offence and are in that person's possession or are discovered subsequently;

(b) 與在待決的法律程序有關連的情況下，如有關物品可能會在被要求方的司法管轄區被檢取或沒收，則被要求方可暫時保留有關物品，或在要求方保證歸還的條件下，把該物品交予要求方。

(b) may, if the articles in question are liable to seizure or confiscation within the jurisdiction of the Requested Party in connection with pending proceedings, temporarily retain them or hand them over on condition they are returned.

(2) 第 (1) 款的規定不損害被要求方的權利，亦不損害被尋求的人以外的人的權利。如該等權利存在，要求方須應要求在法律程序結束後，並在切實可行的範圍內，盡快把有關物品免費歸還被要求方。

(2) The provisions of paragraph (1) shall not prejudice the rights of the Requested Party or of any person other than the person sought. When such rights exist the articles shall on request be returned to the Requested Party without charge as soon as practicable after the end of the proceedings.

(3) 如要求方提出要求，即使由於被尋求的人死亡或逃脫以致移交不能進行，有關物品仍須移交該方。

(3) The articles in question shall, if the Requesting Party so requests, be surrendered to that Party even if the surrender cannot be carried out due to the death or escape of the person sought.

第十七條

Article 17

特定罪行及轉移交

(1) 已被移交的人，除因以下罪行外，不得因他在被移交前所犯的任何罪行而遭要求方起訴、判刑、拘留或以任何其他形式限制其人身自由——

- (a) 准予移交該人所根據的罪行；
- (b) 根據實質上與准予移交所按照的相同事實所定的罪行（不論如何描述），但該罪行須是根據本協定可准予移交的罪行，並且就該罪行可判處的刑罰不可重於就移交該人所根據的罪行可判處的刑罰；
- (c) 任何其他屬本協定可准予移交的罪行，而被要求方被要求同意就該等罪行對該人作出處理，並給予該項同意，

但如該人曾有機會行使權利離開他已被移交往的締約一方，但在四十日內沒有離開，或在離開後自願返回該締約一方，則屬例外。

(2) 已被移交的人，不得因他在被移交前所犯的罪行而被轉移交往要求方的司法管轄區以外的地方，除非有以下情況，則屬例外——

- (a) 被要求方同意該項轉移交；或
- (b) 該人曾有機會行使權利離開他已被移交往的締約一方，但在四十日內沒有離開，或在離開後自願返回該締約一方。

(3) 根據本條第 (1)(c) 或 (2)(a) 款被要求同意的締約一方，可要求提交第八條所述的任何文件或陳述，及被移交的人就有關事宜所作的任何陳述。

SPECIALTY AND RESURRENDER

(1) A person who has been surrendered shall not be proceeded against, sentenced, detained or subjected to any other restriction of personal liberty by the Requesting Party for any offence committed prior to his surrender other than:

- (a) the offence or offences in respect of which his surrender was granted;
- (b) an offence, however described, based on substantially the same facts in respect of which his surrender was granted, provided such offence is one for which he could be surrendered under this Agreement, and provided further such offence is punishable by a penalty no more severe than the penalty for the offence for which he was surrendered;
- (c) any other offence for which surrender may be granted under this Agreement and in respect of which the Requested Party is asked for, and gives, consent to the person being dealt with,

unless he has first had an opportunity to exercise his right to leave the Contracting Party to which he has been surrendered and he has not done so within forty days or has voluntarily returned to it having left it.

(2) A person who has been surrendered shall not be re-surrendered outside the jurisdiction of the Requesting Party for an offence committed prior to his surrender unless:

- (a) the Requested Party consents to such re-surrender; or
- (b) he has first had an opportunity to exercise his right to leave the Contracting Party to which he has been surrendered and has not done so within forty days or has voluntarily returned to it having left it.

第十八條

過境

締約一方可應書面要求而在其法律容許的範圍內批准在其境內過境。如締約一方批准在其境內過境，則可要求取得第十二條第(2)款所述的資料。

第十九條

生效及終止

(1) 本協定將於締約雙方以書面通知對方已各自履行為使本協定生效的規定的日期起計三十日後生效。

(2) 本協定的條文適用於在本協定生效後提出的要求，而不論要求中所列罪行的犯罪日期。

(3) 締約任何一方可隨時通知締約另一方終止本協定。在接獲終止通知起計六個月後，本協定即告失效。

Article 18

TRANSIT

(3) A Contracting Party whose consent is requested under paragraphs (1)(c) or (2)(a) of this Article may require the submission of any document or statement referred to in Article 8, and any statement made by the surrendered person on the matter.

To the extent permitted by its law, transit through a Contracting Party may be granted on a request in writing. The Contracting Party through which transit will occur may request the information referred to in paragraph (2) of Article 12.

Article 19

ENTRY INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force thirty days after the date on which the Contracting Parties have notified each other in writing that their respective requirements for the entry into force of this Agreement have been complied with.

(2) The provisions of this Agreement shall apply to requests made after its entry into force regardless of the date of the commission of the offence or offences set out in the request.

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附表

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下列簽署人經正式授權，已在本協定上簽字為證。

本協定於二零一三年三月四日在香港簽訂，原文一式兩份，每份均用中文、英文及捷克文寫成，各文本均同等真確。如有釋義上的分歧，則以英文本為準。

註：#《中華人民共和國香港特別行政區與捷克共和國關於移交就刑事法律程序而被通緝的人的協定》以中文、英文及捷克文簽訂，各文本均具同等真確性。特區政府保安局備有該協定的捷克文文本供參閱。

(3) Either of the Contracting Parties may terminate this Agreement at any time by giving notice to the other Contracting Party. The Agreement shall cease to have effect six months after the receipt of notice to terminate.

In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Hong Kong, this Fourth day of March, Two thousand and Thirteen, in two originals, in the Chinese, English and Czech languages, each text being equally authentic. In case of divergence of interpretation the English text shall prevail.

Note: # The Agreement between the Hong Kong Special Administrative Region of the People's Republic of China and the Czech Republic on Surrender of Persons Wanted for Criminal Proceedings was done in the Chinese, English and Czech languages, each text being equally authentic. The Czech text of the Agreement is available for inspection at the Security Bureau of the Government of the HKSAR.