

MUTUAL LEGAL ASSISTANCE TREATIES

Pakistan - Turkey Convention on Mutual Assistance in Criminal Matters: Islamabad; 23 November 1981

The Islamic Republic of Pakistan and the Republic of Turkey, considering that the regulations of mutual assistance in criminal matters will contribute to the development of relations between the two States

Have decided to conclude a Convention and have agreed as follows:

CHAPTER - 1

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

ARTICLE – 1

ENGAGEMENT OF MUTUAL ASSISTANCE

The Contracting Parties undertake reciprocally to afford each other, subject to the conditions laid down in this Convention and subject to the law of the requested Party, mutual assistance in criminal matters.

ARTICLE – 2

FIELD OF APPLICATION

1. In respect of the offences punishment of which, at the time of committing of offence and also at the time of making the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party, the Contracting Parties undertake to afford each other, in accordance with the provisions of this Convention, the widest measures of mutual assistance:
 - (a) in serving processes of any kind and especially summonses,
 - (b) in executing letters rogatory for the interrogation of the accused persons and for taking statements or testimonies of witnesses and experts, and
 - (c) in carrying out other judicial acts such as inspection, search or seizure of property.
2. This Conversion does not apply to arrests and enforcement of verdicts.

ARTICLE – 3

REASONS FOR REFUSAL

The request for assistance may be refused by the requested Party

- (a) if the offence motivating the request is considered by the requested Party to be a political or military offence or one connected with such an offence,
- (b) if the execution of the request is likely to prejudice the sovereignty, security or public policy of the requested Party or the general principles of law.

ARTICLE – 4

LETTER OF ROGATORY

1. Each Contracting Party may address to the other Party letters rogatory for the purpose of executing acts of prosecution such as interrogation of accused persons and taking testimony of witnesses, experts and wronged parties living and residing in the territory of the requested Party.

The requested Party shall execute letters rogatory in accordance with its own legislation and procedure.

2. Letter rogatory for search and seizure of property shall be executed under the following conditions:
 - (a) that the offence motivating the letter rogatory is an extraditable offence;
 - (b) that execution of the letter rogatory is consistent with the law of the requested Party.

3. The requested Party shall transmit certified copies of records and documents requested for.

Any property handed over in execution of a letter rogatory shall be returned by the requesting Party as soon possible, unless the requested Party expressly waives the return thereof.

4. The requested Party reserves the right to postpone handing (sic) over of the property for, if it requires the said property in connection with some other proceedings pending in its own jurisdiction.
5. If the requested Party consents, the representatives of the requesting court as well as the representatives of parties to the process may be present as observers at the execution of the letters rogatory.

ARTICLE – 5

SERVICE OF DOCUMENTS

1. The competent authorities of a Contracting Party shall effect service of documents of any kind drawn up by the judicial authorities of the other Party in accordance with their own law and procedure.
2. Proof of service shall be given by means of a receipt dated and signed by the addressee and the official charged with serving, and drawn up by the authority of the requested Party in accordance with its own law, or by means of an attestation stating that the service has been effected and specifying the manner and date of the service.

The requested Party shall send to the requesting Party the receipt or the attestation together with a document declaring that the service has been duly effected.

3. If service cannot be effected, the requested Party shall inform the requesting Party of the reasons thereof and return at the same time the documents concerned.
4. Each Contracting Party reserves the right to serve the documents on its own nationals residing in the other country directly through its diplomatic or consular agents employing no coercion.

ARTICLE – 6

APPEARANCE OF WITNESSES AND EXPERTS

1. If the requesting Party considers the personal appearance of a witness or expert before its judicial authorities necessary, it shall so mention in its request for the service of the summons. The requested Party shall inform the requesting Party of the reply, if any, received from the witness or expert so summoned.

A witness who has failed to answer a summons to appear, service of which has been requested, shall not, even if the summons contains a notice of penalty, be subjected to any punishment or measure of restraint in the territory of the requesting Party, unless he subsequently and voluntarily enters that territory and unless he is again duly summoned.

2. The summons shall indicate the approximate allowances payable and the traveling and subsistence expenses refundable.

ARTICLE – 7

IMMUNITY OF WITNESSES AND EXPERTS

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting party shall not be proceeded against nor detained nor subjected to any other restriction of his personal liberty in the territory of that party for the offences or convictions prior to his departure from the territory of the requested party.
2. The immunity provided for in this Article shall cease when the witness or expert having had, for a period of 15 days from (sic) the date when his presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained in the territory, or having left it, has returned.

ARTICLE – 8

CHANNEL OF COMMUNICATION (sic)

1. In applying the provisions of the convention, the judicial authorities of both Contracting Parties shall communicate through their respective Ministries of Justice and of Foreign Affairs.
2. In case of urgency, the competent judicial authorities of the requesting Party may address letters rogatory directly to the designated authorities of the requested Party.

ARTICLE – 9

LANGUAGE OF COMMUNICATION

Request for mutual assistance may be written in the language of the requesting Party.

Nevertheless the requests and annexed documents shall be accompanied by translations into the language of the requested Party or into English.

ARTICLE – 10
CONTENTS OF REQUEST

1. Requests for mutual assistance shall indicate as follows:
 - (a) the requesting authority and the requested authority,
 - (b) the object of and the reason for the request,
 - (c) the name and nationality of the accused or of the convict and the offence committed.
2. The following information shall also be provided:
 - (a) in respect of service:
 - (i) the nature of the decision or documents to be served,
 - (ii) the name and address of the addressee and all other available information useful to establish his identity,
 - (iii) the capacity of the addressee in the process,
 - (b) in respect of letters rogatory:
 - (i) information on the accusation and a concise statement of facts,
 - (ii) details of the matter and all other relevant information on the mission entrusted to the requested Party.
3. If a date is fixed for the service, the document shall be transmitted to the other Party at least 90 days before that date.

ARTICLE – 11
NON-EXECUTION OF REQUEST

1. If the requested Party is unable to execute the request for the mutual assistance, it shall so inform immediately the requesting Party indicating the reasons therefor.
2. If the requested authority is not competent, it shall forward the request for mutual assistance to the competent authority of its country.

ARTICLE – 12
EXPENSES

The requesting Party shall not be required to refund the expenses incurred by the requested Party by reason of executing in accordance with the provisions of this Convention the requests for mutual assistance in criminal matters.

ARTICLE – 13

ALLOWANCES AND TRAVEL AND SUBSISTENCE EXPENSES

1. The allowances payable and the travel and subsistence expenses refundable to the witness or expert by the requesting Party shall be calculated as from his ordinary place of residence and shall be rates at least equal to those provided for in the scales, rules and legislation in force in the country where the hearing is intended to take place.
2. Should the witness or expert so request, the requesting State shall grant an advance for the travel subsistence expenses.

ARTICLE – 14

JUDICIAL RECORDS AND EXCHANGE OF INFORMATION

1. The Contracting Parties shall inform reciprocally of all criminal convictions pronounced by the judicial authority of a Contracting Party in respect of nationals of the other Contracting Party and entered in the judicial records of the former Party.
2. Such information shall be communicated every six months through diplomatic channels.
3. The translations of such information into the language of the other Party is not required.
4. The Contracting Parties shall communicate to each other extracts of judicial records at the request of their judicial authorities.

ARTICLE – 15

LAYING OF INFORMTION

1. Each Contracting Party may inform the other Party about the nationals of the latter who, having committed an offence in its territory, have returned to their own country, so that they may be proceeded against.
2. For this purpose, certified, translations, photocopies and other documents related to the offence denounced shall be transmitted free of charge.
3. The requested Party shall notify the requesting Party of any action taken on each information.

ARTICLE – 16

ENTRY INTO FORCE

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Islamabad as soon as possible. It shall enter into force one month after the date of exchange of instruments of ratification.
2. This Convention shall apply equally to offences committed, or convictions which have taken place before its entry into force.

ARTICLE – 17

DURATION OF THE CONVENTION

1. This Convention is concluded for an indefinite duration.
2. Either Party may denounce the Convention at any time by giving notice to the other Party. Denunciation shall take effect six months after the date of receipt of such notice by the other Contracting Party.

In Witness Whereof the undersigned plenipotentiaries being duly authorised by their Governments have signed this Convention and have affixed thereto their seals.

DONE in duplicate in English language at Islamabad on the 23rd day of November one thousand nine hundred and eighty one.

**For the Government of the
Republic of Turkey**

**For the Government of the Islamic
Republic of Pakistan**

Sd/-
(Cevdet Mentec)

Sd/-
(S. Sharifuddin Pirzada)

**Pakistan - Kazakhstan Agreement for Collaboration in Matters
of Legal Assistance on Civil, Family and Criminal Cases:
Almaty; 23 August 1995**

The Islamic Republic of Pakistan and the Republic of Kazakhstan, hereinafter referred to as the Contracting Parties, attaching special importance to the development of collaboration on matters of legal assistance on civil, family cases, have agreed as follows:

SECTION – 1

ARTICLE – 1

RIGHT OF DEFENCE

1. Citizens of one of the Contracting Parties have the same defence of their personal and property rights in the territory of the other Contracting Party.

This regulation is also related to legal entities established in the territory of each of the Contracting Parties in accordance with their national legislation.

2. Citizens of the one of the Contracting Parties have a right to appeal freely and unobstructedly to competent bodies of the other Contracting Party.
3. The term civil cases used in present Agreement include family, labour inheritance, economic and financial cases.

ARTICLE – 2

LEGAL ASSISTANCE

The competent bodies assist mutually on civil, family and criminal cases in accordance with regulations of the present Agreement.

ARTICLE – 3

EXTENT OF THE LEGAL ASSISTANCE

The Contracting Parties assist each other in law matters observing requirements of their national legislation with:

- executing of the lawful actions;
- transferring and delivering documents;
- transferring evidences;
- sending materials of cases;

- considering and executing of judgments;
- claims guarantees;
- sending to the requesting party an information of passed judgments concerning the person who have committed crimes;
- searching of persons.

ARTICLE – 4

RELATIONS ORDER IN LEGAL ASSISTANCE

1. In case of request of assistance on civil, family and criminal cases, competent bodies of the Contracting Parties request and answer each other through the central institutions, if another order is not established with the present Agreement.
2. The central institutions referred in Para 1 are as follows:

For the Islamic Republic of Pakistan - Ministry of Law and Justice of the Islamic Republic of Pakistan and Ministry of Interior of Islamic Republic of Pakistan;

For the Republic of Kazakhstan - Ministry of Justice of the Republic of Kazakhstan, General Attorney Office of the Republic of Kazakhstan and Ministry of Interior of the Republic of Kazakhstan.
3. The referred in Para 2 central institutions of the Contracting Parties can sign additional agreements on direct contacts of the competent bodies.

ARTICLE – 5

LANGUAGE

1. The requests of legal assistance are written in the language of the requesting Contracting Party and the assured translations into language of the other Contracting Party or Russian are enclosed with the requests.
2. The translation is authenticated by an official translator or by a notary, or by diplomatic representative office or consulate of the requested Contracting Party.

ARTICLE – 6

AN OFFICAL FORM OF DOCUMENTS

1. Documents sent by the competent bodies and other bodies of the requested Contracting Party in order to seek the legal assistance have to be signed and assured.
2. The Contracting Parties on mutual concurrence can establish samples of the forms used for the legal assistance requests.

ARTICLE – 7

LEGAL ASSISTANCE REQUEST FORM

The legal assistance request forms have to include:

- (a) nomination of the requesting body;
- (b) nomination of the requested body;
- (c) title-of the case related to the request;
- (d) names and forenames of persons related to the case, their citizenship, national registration number, sex, job or business occupation, permanent or temporary residence address, year and place of birth, denomination and location of legal entities;
- (e) names, forenames and address of representatives of the persons and the legal entities referred in Para (d);
- (f) contents of the request and curriculum of facts of crime and its legislative justification for the criminal cases.

ARTICLE – 8

THE REQUEST EXECUTING ORDER

1. Executing the legal assistance request the requested body uses legislation of its state.

By application of the requesting body the requested body can use the legislation of the requesting Contracting Party, if the used legislative norms are not in contradiction to the legislation of the requested Contracting Party.
2. If the requested body of the Contracting Party is not competent to execute the request, it sends the request to a competent body and notifies the requesting body about the sending.
3. If the requested body of the Contracting Party cannot execute the request because of inexact address or other particulars, the requested body has to take measures to define more accurately or ask the requesting body of the Contracting Party for additional information.
4. The requested body informs the requesting body of time and place of the request execution.
5. After executing the requested body sends the documents to the requesting body; in case when the legal assistance could not be executed, the requested body sends the request back and notifies the circumstances obstructing the execution.

ARTICLE – 9

DOCUMENTS DELIVERY ORDER

The requested body delivers the documents according to the rules which are in its state if the delivered documents are written in its language or the assured translation to its language is enclosed. In case when the documents are not written in the language of the requested Contracting Party or the assured translation is not enclosed the documents are handed to the requesting party if the requesting party is agreed to receive them on the principles of goodwill.

ARTICLE – 10

CONFIRMATION OF THE DOCUMENTS DELIVERY

The date of receiving, signatures of the receiver and person delivering the documents have to be noted. If the receiver denies to have received the document the reasons of the denial has to be noted.

Document confirming (sic) the execution of the request has to be assured with stamp of the requested body executing the request.

ARTICLE – 11

DELIVERY OF THE DOCUMENTS TO CITIZENS THROUGH THE DIPLOMATIC CHANNELS

The competent bodies of the Contracting Parties have a right to deliver the documents to the diplomatic channels.

ARTICLE – 12

CALLING ABROAD THE WITNEES, VICTIM AND SPECIALIST

1. If during a preliminary investigation or a trial in the territory of one of the Contracting Parties it was necessary for witness, victim, plaintiff, and defendant, their representatives, specialist being in the territory of the one of the Contracting Parties to come personally to the competent body, it is necessary to appeal to a competent body of this Contracting Party with a request of delivering the summons.
2. The call cannot include a treat of compulsory measures in case of non-appearance.
3. The criminal proceedings for any felony of misdemeanor cannot be instituted against the witness, victim or specialist coming personally at the call of the competent body of the requested Contracting Party. This person cannot be arrested or punished for the crimes investigated and related to the call for the other crime committed before crossing the border of the requested Contracting Party. The above mentioned persons cannot be under investigation or trial or arrested or punished in connection with their testimonies or specialist's conclusions.
4. The witness, victim or specialist forfeits his rights mentioned in Para 1 if he/she did not leave the territory of the requesting Contracting Party in thirty days after the requesting body has notified that the presence of this persons was not necessary, excluding cases when these persons cannot leave the territory of the Contracting Party with reasons beyond their control.
5. The witnesses, victims, and specialists coming by the summons to the territory of the Contracting Party have a right for reimbursement of the expenses related to their arrival, departure, having expenses abroad, and also for reimbursement of lost salary; the specialists also have right to be paid for their services. The payment is done by the requesting Contracting Party. The types of payments the called person has a right to assess have to be noted in the call letter. By application of the above mentioned persons the requesting Contracting Party makes payments on account of the expenses.

ARTICLE – 13

THE DOCUMENTS VALIDITY

1. Documents written or assured by the court or any official (in official translator, specialist) in the form work of their competence and established form and assured with the state emblem seal in the territory of one of the Contracting Parties are in legal force in the territory of the other Contracting Party. If necessary the validity of document could be attested through diplomatic channels.
2. The document recognized invalid in the territory of one of the Contracting Parties are recognized invalid in the territory of other Contracting Party.

ARTICLE – 14

LEGAL ASSISTANCE EXPENSES

1. Expenses incurred when the legal assistance was provided in the territory of one of the Contracting Parties are paid by this Contracting Party except the expenses mentioned in Para 5 of Article 12.
2. The requested body informs the requesting body about the amount of the expenses. If the requesting body would exact the payment from the person obliged to compensate the expenses, the exacted amount is assessed by the exacting Contracting Party.

ARTICLE – 15

DENIAL OF THE LEGAL ASSISTANCE

The legal assistance could be denied if the requested Contracting Party considers the legal assistance act causes damage to the Contracting Party's sovereignty, security, public order or contradicts Contracting Party's national legislation. The requesting Contracting Party has to be informed of the reason of the denial.

ARTICLE – 16

INFORMATION EXCHANGE

Ministry of Law and Justice and Ministry of Interior of the Islamic Republic of Pakistan and Ministry of Justice, Ministry of Interior and General Attorney Office of the Republic of Kazakhstan by request send each other information about acting or acted legislation of their states.

ARTICLE – 17

SENDING OF THE REGISTRY OFFICE CERTIFICATE AND OTHER DOCUMENTS

The Contracting Parties are obliged to send each other by request through diplomatic channels without a translation and any payment registry office certificate and other documents (education, labour, certificates etc.) concerned with personal rights and property interests of the citizens of the other Contracting Party.

SECTION – 2

THE LEGAL ASSISTANCE AND LAW RELATING TO CIVIL AND FAMILY CASES

ARTICLE – 18

COSTS REIMBURSEMENT

1. Citizens of one of the Contracting Parties pay the court costs in the territory of the other Contracting Party in the same terms and same amounts like citizens of this Contracting Party.
2. The Para 1 is also applicable to legal entities established in the territory of one of the Contracting Parties in accordance with its national legislation.

ARTICLE – 19

COMPLETE OR PARTIAL RELEASING FROM THE COSTS OF REIMBURSEMENT

1. Citizens of one of the Contracting Parties in the territory of the other Contracting Party are released completely or partially from the costs reimbursement in the same terms and same amounts like citizens of this Contracting Party.
2. Citizens of one of the Contracting Parties applying with a requirement of complete or partial costs reimbursement have to produce a certificate identifying his/her personality, family and property status. The certificate has to be issued by the competent institutions. In case the claimant has no place of residence or localization in the territory of the Contracting Parties he/she could adduce documents issued or assured by the diplomatic representation of consulate of his/her state.

ARTICLE – 20

Citizens of one Contracting Party, intending to claim the release from payment of costs or representation free of costs during trial in the court of the other Contracting Party can require in writing or orally for a copy of the trial papers in the court which is competent for the place of the claimant's permanent or temporary residence. This court will send to the competent court of the other Contracting Party the claim with the enclosed certificate mentioned in the Article 19.

ARTICLE – 21

COURTS COMPETENCE

1. If the present Agreement does not set the other order, courts of the Contracting Parties are competent to examine civil and families cases if the defendant's permanent residence is located in its territory. The courts are competent to examine claims against legal entities if the entry's administrative body, representative office or branch is located in the Contracting Party's territory.
2. In other cases the courts of the Contracting Parties may examine any case according to the Agreement on points between the Contracting Parties. In case of Agreement courts stop legal procedure after the claimant's request if the request was done before presenting any objections on the claims. The exclusive competence of the courts cannot be changed with an Agreement of the Contracting Parties.

3. In case of instituting proceedings on a case between the same parties and in the same reasons in the competent courts of both of the Contracting Parties, the court instituted the case later has to stop the proceedings.

ARTICLE – 22

LEGAL CAPACITY AND ACTION CAPABILITY

1. An action capability of a person is determined according to the legislations of the Contracting Party, the person is a citizen of.
2. Legal status of the legal entity is determined according to the legislation of the Contracting Party in whose territory the entity is established.

ARTICLE – 23

JUDGEMENTS, DECISIONS, ORDERS DECREES OF COURTS ARBITRATION HAVE TO BE CONSIDERED AND EXECUTED

1. The Contracting Parties, according to the regulations of the present Agreement, have to consider and execute in their territories all the judgments pronounced have come into legal force in the territory of the other Contracting Party and judgments have to be considered but do not need execution after the present Agreement comes into force.
2. For the present Agreement the term "judgment" means:

In the Islamic Republic of Pakistan judgment, decision, decree of court, arbitration, an Agreement on civil cases, and also a sentence in part of damage compensation;

In the Republic of Kazakhstan decision, decree of court (judge) and also arbitration, an Agreement on civil and arbitrated cases, and also a sentence in part of damages compensation.
3. If necessary, citizens and legal entities of the Contracting Parties may request for arbitration in neutral countries.

ARTICLE – 24

REQUIREMENT FOR CONSIDERING AND EXECUTING OF THE JUDGMENT

1. Requirement for considering and executing of the judgment is presented to the court by claimant. The court sends the requirement to the court of the other Contracting Party in order mentioned in Article 4. The claimant can send the requirement to the court of the other Contracting Party directly.
2. Documents enclosed to the requirement are as follows:
 - (a) copy of the judgment assured by the court; if in the copy it is not demonstrated exactly the judgment had come into legal force and could be execute, the copy of court's document of coming the judgment into force had to be enclosed;
 - (b) court's document of executing any part of the judgment in the territory of the requested Contracting Party;

- (c) documents confirming the summonses were delivered in established order to the party was not presented in the trial, and if the party was not capable - the party had needed representative;
- (d) assured translation of the requirement and all the documents enclosed.

ARTICLE – 25

JUDGMENT CONSIDERING AND EXECUTING ORDER

1. Considering and executing of judgment is fulfilled by court of the requested Contracting Party according to national legislation of the Contracting Party.
2. The requested court does not examine the judgment but checks it in accordance with the regulations of the present Agreement.
3. After receiving a requirement on execution of the judgment the receiving court can require any additional materials for the case if necessary.
4. The court costs are exacted according to the legislation of the Contracting Party where the costs were made.

ARTICLE – 26

THE LEGAL FORCE OF CONSIDERATION AND EXECUTING

Considering and executing of judgment by court of one of the Contracting Parties in court of the other Contracting Party have the same force as considering and executing a judgment of court of this Contracting Party.

ARTICLE – 27

JUDGMENT CONSIDERING AND EXECUTING DENIAL

A judgment considering and executing could be denied if:

- a) according to the national legislation of the Contracting Party where the judgment was pronounced the judgment did not come into legal force and had not to be executed;
- b) according to the national legislation of the Contracting Party required to consider and execute the judgment the case was in exclusive competence of the court of the other Contracting Party;
- c) summon was delivered according to the national legislation of the pronouncing Contracting Party to any party not presented in the trial; or the party was incapable and his/her legal representative was not presented in the trial;
- d) the case was examined and the judgment was pronounced in the court of the requested Contracting Party and the judgment had come into force; or the case is examined by the other Contracting Party's court; or judgment of any third party for this case was considered and had come into force;
- e) considering and executing of the judgment could cause a damage for the sovereignty, security of public order of the requested Contracting Party.

ARTICLE – 28

The regulations of the present Agreement do not influence the national legislations of the Contracting Parties on matters of currency amounts transferring and of exporting any goods received as a result of the execution.

SECTION – 3

LEGAL ASSISTANCE ON CRIMINAL CASES

ARTICLE – 29

EXTENT OF THE LEGAL ASSISTANCE

The legal assistance in accordance with regulations of the present Agreement includes:

- searching and identification of person under preliminary investigation;
- instituting criminal proceedings;
- interrogation of persons suspected of committing crimes, defendants, witnesses, victims, specialist;
- serving, research and other proceeding related to evidence collection;
- delivery of documents related to the criminal case proceedings and presenting information on the results of trial
- instituting or adoption of criminal proceeding.

ARTICLE – 30

RELATING ORDER OF LEGAL ASSISTANCE ON CRIMINAL CASES

Providing the legal assistance on criminal cases the competent bodies of the Contracting Parties relate through bodies mentioned in the Article 4 of the present Agreement.

ARTICLE – 31

OBLIGATION TO INSTITUTE CRIMINAL PROCEEDING

Each of the Contracting Parties on a request of the other Contracting Party institutes proceedings against its citizens suspected of committing crimes in the territory of the other Contracting Party, according to the legislation of the requested Contracting Party.

ARTICLE – 32

REQUEST OF INSTITUTING OR ADOPTION OF CRIMINAL PROCEEDING

1. The request of instituting or adoption criminal proceeding has to be noted in written form and includes:
 - 1) nomination of the requested body;
 - 2) description of the crime the request is concerned to;

- 3) the exact determining of time and place of the crime committed;
 - 4) text of the law by which the action is determined as a crime;
 - 5) name and forename of the suspected person, his/her citizenship, national registration number, place of permanent or temporary residence, any other information about the person and, if possible, description of his/her look, photo and fingerprints;
 - 6) claim of the victim on instituting of criminal proceedings and on compensation of damage, of any;
 - 7) information on amount of the damage. The requesting Contracting Party encloses to the request all the material of the preliminary investigation and evidence, if any. It is necessary to take into account the regulations of the present Agreement when instruments of crime or evidence with marks of crime or other things received as a result of crime are sent.
2. If at the moment of sending the request of instituting or adopting the criminal proceeding according the Article 29 the person is arrested and imprisoned in the territory of the requesting Contracting Party, he/she will be escorted to the territory of the other Contracting Party. Escorting of the person has to be allowed by the authority supervising the investigation.

ARTICLE – 33

EXTRADITION REGULATIONS

The detailed regulations of extradition will be laid down by the Contracting Parties through mutual consultation soon after the present Agreement is concluded.

ARTICLE – 34

PRESENCE OF CONTRACTING PARTIES REPRESENTATIVES WHEN LEGAL ASSISTANCE ON CRIMINAL CASES IS EXECUTED

Representatives of one Contracting Party could, by allowance of the other Contracting Party, be present when the legal assistance on criminal cases is executed according to the request of the Contracting Party.

ARTICLE – 35

INFORMATION OF PASSED JUDGMENT CONCERNED TO PERSON CONVICTED FOR CRIMES

The Contracting Parties inform each other, by request, of any judgment concerned to persons convicted under criminal proceedings in the territory of the requesting Contracting Party.

ARTICLE – 36

TRANSFERRING PHYSICAL EVIDENCES

1. The requested Contracting Party transfers to the requesting Contracting Party physical evidences.
2. Rights of the third parties to the transferred goods remain in force. After finishing the proceedings the goods have to be returned to the Contracting Party who sent them.

ARTICLE – 37

INFORMATION ABOUT SENTENCES

The Contracting Parties will inform each other regularly of sentences which come into legal force according to judgments of one Contracting Party against the citizens of the other Contracting Party.

SECTION – 4

CONCLUDING REGULATIONS

ARTICLE – 38

COMING INTO LEGAL FORCE

The present Agreement has to be ratified and comes into force after 30 days period after the notifications exchange.

ARTICLE – 39

ALTERATIONS AND AMENDMENTS

The alterations and amendments to the present Agreement could be done by mutual concurrence of the Contracting Parties.

ARTICLE – 40

The present Agreement does not break any obligations provided under other agreements to one or both Contracting Parties.

ARTICLE – 41

The disputes and differences of interpretation on matters of implementation of the present Agreement will be solved with mutual consultations through the diplomatic channels.

ARTICLE – 42

EXPIRY OF THE EFFECT

The present Agreement has no expiry date and could be broken after six months after one of the Contracting Parties will notify the other Contracting Party of its decision by the diplomatic channels.

Done in Almaty on 23rd of August, 1995, in three copies, each in English, Kazakh and Russian, all copies are equally valid.

In case of any divergence/dispute in the interpretation of the Agreement, the English text shall prevail.

CAPRQCES-VERBAL

Exchange of Instruments of Ratification of the Agreement Between the Government of the Islamic Republic of Pakistan and the Government of the Democratic Socialist Republic of Sri Lanka on Mutual Legal Assistance in Criminal Matters

SIGNED ON 9 FEBRUARY 2005; ISLAMABAD,

31 MARCH 2006.

The undersigned Syed Kamal Shah, Secretary, Ministry of Interior for and on behalf of the Government of the Islamic Republic of Pakistan and Mr. H. M. G. S. Palihakkara, Secretary, Ministry of Foreign Affairs for and on behalf of the Government of the Democratic Socialist Republic of Sri Lanka, on Friday, 31 March 2006- have exchanged the Instruments of Ratification of the Agreement between the Government of the Islamic Republic of Pakistan and the Government of the Democratic Socialist Republic of Sri Lanka, on Mutual Legal Assistance in Criminal Matters signed on 09th February 2005, and ratified by, General Pervez Musharraf, President of the Islamic Republic of Pakistan on 14th December, 2005, and Mangala Samara Weera. Minister of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka on 15th March, 2006.

While exchanging these Instruments of Ratification it is ascertained that the compilation of these Instruments of Ratification is in order and in due form. In accordance with Article 19 of the said Agreement, it shall enter into force on this date.

To certify this, the present Process-Verbal is compiled, signed in two copies in English.

Done at Islamabad on 31 March 2006, in two originals, in English language.

Sd.

For and on behalf of

of the Islamic Republic of Pakistan

Sd.

For and on behalf

of the Socialist Republic of Sri Lanka

INSTRUMENT OF RATIFICATION

WHEREAS the Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of Islamic Republic of Pakistan on Mutual legal Assistance in Criminal Matters was signed on Ninth Day of February, In the Year of Two Thousand and Five in Islamabad; and

WHEREAS the Terms of the said Agreement have been examined and found to be acceptable to the Government of Democratic Socialist Republic of Sri Lanka.

NOW THEREFORE (sic) I, Mangala Samaraweera Minister of Foreign Affairs do hereby, on behalf of the Government of the Democratic Socialist Republic of Sri Lanka(sic), ratify the said Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of Islamic Republic or Pakistan on Mutual Legal Assistance in Criminal Matters and undertake faithfully to perform and observe all its provisions and to take all such lawful measures as may be necessary to prevent the violation thereof.

IN WITNESS WHEREOF, I have signed these presents and affixed hereto my seal.

DONE at Colombo on this Wednesday, the first Day of the waning Moon of the Month of Medin of the year Two Thousand Five Hundred and Forty Nine of the Buddhist Era (Wednesday the Fifteenth day of the Month of March of the Year Two Thousand and Six of the Christian Era).

**Pakistan- Uzbekistan Treaty on Mutual Legal Assistance
in Criminal Matters: Tashkent;**

14 March 2007

The Government of the Islamic Republic of Pakistan and the Government of Republic of Uzbekistan (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Desiring to improve the effectiveness of both countries in the prevention, investigation, prosecution and suppression of crime through cooperation and mutual assistance in criminal matters,

Have agreed as follows:

ARTICLE – 1

SCOPE OF APPLICATION

1. The Parties shall, in accordance with the provisions of this Treaty, and their national laws, grant each others assistance in investigation, prosecutions(s) or proceedings in respect of criminal matters.
2. For the purposes of this Treaty, criminal matters mean investigations, prosecutions(s) or proceedings relating to any offence covered by the criminal legislations of the two countries, the prosecution of which at the time of the request for assistance, falls within the jurisdiction of the competent authorities of the Requesting Party.
3. The requested assistance shall include:
 - a. taking evidence or shall include:
 - b. providing information, documents, records and articles of evidence;
 - c. identification of persons;
 - d. serving documents;
 - e. search and handling of stolen property;
 - f. making arrangements for persons to give evidence to assist in criminal investigation, prosecution or proceedings in the Requesting Party;
 - g. other assistance consistence with the object of this Treaty which is not inconsistence with the law of the Requested Party;
 - h. organization of search and seizure, removing of items and documents, delivery of written and material evidence;
 - i. conduct of inspection and examination;
 - j. exchange of expertise;
 - k. interrogation of suspects, victims, accused and witnesses in his own country;

4. A Party may request for rendering assistance in written form for:
 - a. the arrest or detention;
 - b. the execution in the Requested Party of criminal judgments passed by the court or tribunals in the country of the Requesting Party to the extent permitted by the law of the Requested Party and this Treaty;
 - c. the transfer of proceedings in criminal matters.

ARTICLE - 2

OTHER ASSISTANCE

This Treaty shall not affect any existing obligation between the Parties, whether pursuant to other treaties, arrangements, or otherwise, not prevent the parties from providing assistance to each other pursuant to other treaties, arrangements, or otherwise.

ARTICLE - 3

CENTRAL AUTHORITY

1. The Parties at all times shall each have an authority which, is designated as the Central Authority to transmit and receive requests for the purposes of this Treaty.
2. The following authorities are hereby designated to be the Central Authorities at the entry into force of the Treaty:
 - (i) For the Government of the Islamic Republic of Pakistan, the Central Authority is the Secretary, Ministry of Interior;
 - (ii) For the Government of the Republic of Uzbekistan, the Central Authority is the General Prosecutor's Office.
3. Each Party shall notify the other of any change of its Central Authority.

ARTICLE - 4

CONTENTS OF REQUESTS

1. The requests for assistance shall:
 - a. Specify the purpose of the request and the nature of the assistance sought;
 - b. Identify the person, agency or authority that initiated the request;
 - c. Include a description of the nature of the criminal matter, a summary of the relevant facts and an extract of relevant law and applicable penalties;
 - d. The investigation or proceedings;
 - e. Include a statement specifying any time frame within which compliance with the request is desired.

2. The requests for assistance, where relevant and so far as possible, shall also include:
 - (a) The identity, citizenship and location of the person or persons who are the subject of or who may have information relevant to the criminal matter;
 - (b) Where the request is for assistance under Article-10;
 - (i) A description of the matters about which persons are to be examined including where appropriate, any questions that the Requesting Party wishes to be put to those persons;
 - (ii) A description of any documents, records or articles of evidence to be produced and where relevant, a description of the appropriate person to be asked to produce them;
 - (c) where the request is for assistance under Article 11 or 12, information about the allowances and expenses to which a person traveling to the Requesting Party will be entitled;
 - (d) where the request is for assistance under Article 15 or 16, a description of the material sought and, where relevant, its likely location;
 - (e) where the request is for assistance under Article -16;
 - (i) A statement outlining the basis of requesting party's belief that proceeds of crime may be located within the jurisdiction of the requesting party, and
 - (ii) The court order, if any, sought to be enforce and a statement about the status of that order
 - (f) where the request is for assistance that may lead to or result in the discovery or recovery of proceeds of crime, a statement as to whether a special arrangement under Article 16(4) is sought.
 - (g) a statement outlining any particular requirement or procedure that the Requesting Party may have, or wish to be followed in giving effect to be the request, including details of the manner or form in which any information, evidence, document or items is to be supplied;
 - (h) a statement setting out the wishes, it any, of the Requesting Party concerning the confidentiality of the request, and the reasons for those wishes;
 - (i) Where an official or the Requesting Party intends travels in connection with the request, information about the purpose of that officials visit, the proposed time frame and travel arrangements;
 - (j) any other supporting information, evidence or documents that is necessary to enable, or may assist, the Requested Party to give effect to the request.
3. A request any supporting documentation and any communication made pursuant to this Treaty, shall be in the language of the requesting party and be accompanied by a translation into the language of the Requested Party or in the English language.
4. If the Requested Party considers that the information contained in a request is not sufficient to enable the request to be dealt with in accordance with this Treaty, it may request additional information.

ARTICLE – 5

REFUSAL OF ASSISTANCE

1. Assistance shall be refused if, in the opinion of the Requested Party;
 - (a) the request relates to the persecution of a person for an offence in respect of which the person has been convicted, acquitted or pardoned in the Requested Party;
 - (b) there are substantial grounds for believing that the request for assistance has been made for the purpose of persecuting or punishing a person on account of that person's race, religion, citizenship or political opinions;
 - (c) the request, if granted, would seriously impair the Requested Party's sovereignty, security or essential interests, considerations of which may include the safety of any person and the burden on the resources of the Requested Party.
 - (d) the request relates to the prosecution of person for conduct that will not, if it had taken place within the jurisdiction of the Requested Party, have constituted an offence.
2. Assistance may be refused if, in the opinion of the Requested Party, the request relates to the prosecution of a person for an offence for which the person could no longer be prosecuted by reason for lapse of time if the offence had been committed within the jurisdiction of the Requested Party.
3. Assistance may be postponed by the Requested Party if the request will interfere with and on-going investigation or prosecution in the Requesting Party.
4. Before refusing or postponing assistance pursuant to this Article, the Requested Party, through its Central Authority shall;
 - (a) promptly inform the Requesting Party of the reason for refusal or postponement; and
 - (b) consult with the Requesting Party to determine whether assistance may be given subject to such terms and conditions as the Requested Party deems necessary.
5. If the Requesting Party accepts assistance subject to the terms and conditions referred to in paragraph 4(b), it shall comply with those terms and conditions.

ARTICLE - 6

EXECUTION OF REQUESTS

1. The request for assistance shall be carried out by the competent authorities of the Requested Party in accordance with the laws of that party and, to the extent those laws permit, in the manner requested by the Requesting Party.
2. The Requested Party may postpone the delivery of material requested if such material is required for proceedings in respect of criminal or civil matters in that party. If this is the case, the Requested Party shall, upon request, provide certified copies of documents.
3. The Requested Party shall inform the Requested Party of circumstances, when they become known to the Requested Party, which are likely to cause a significant delay in carrying out the request.

ARTICLE – 7

RETURN OF MATERIAL TO REQUESTED PARTY

Where required by the Requested Party, the Requesting Party shall return material provided under this Treaty when it is no longer needed for the criminal matter to which the request relates.

ARTICLE - 8

CONFIDENTIALITY AND LIMITATION OF USE

1. The Requested Party shall, if so requested, keep confidential a request for assistance, the contents of the request and its supporting documentation, and any action taken pursuant to the request. If the request cannot be executed without breaching confidentiality, the Requested Party shall advise whether it nevertheless wishes the request to be executed.
2. The Requested Party shall, if so requested, keep confidential information and evidence provided by the Requested Party except to the extent that the evidence and information is needed for the criminal matter to which the request related and where otherwise authorized by the Requested Party.
3. The Requested Party shall, if so requested, ensure that the information or evidence is protected against loss and unauthorized access, use, modification, disclosure or other misuse.
4. The Requested Party shall not use information evidence obtained, not anything derived from either, for purposes other than those stated in a request without the prior consent of the Requested Party

ARTICLE - 9

SERVICE OF DOCUMENTS

1. The Requested Party shall, to the extent its laws permit, carry out requests for the service of documents in respect of a criminal matter.
2. A request for service of a summons requiring the appearance of a person as a witness in the Requested Party shall be made to the Requested Party at least 45 days before the scheduled appearance. In urgent cases, the Requested Party may waive this requirement.
3. The Requested Party shall forward to the Requested Party proof of service of the documents. If service cannot be effected, the Requested Party shall be so informed and advised of the reasons.
4. A person who fails to comply with any process served on him or her shall not thereby be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or Requested Party.

ARTICLE - 10

TAKING OF EVIDENCE

1. The Requested Party shall, to the extent its law permit and upon request, take testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the Requesting Party.

2. The Requested Party, to the extent permitted by its laws, shall permit the presence of such persons sent by the Requesting Party at its own expense, as specified in the request during the execution of the request, and may allow such persons to question the person whose testimony or evidence is being taken.
3. A person from whom evidence is to be taken in the Requested Party pursuant to a request under this Article may decline to give evidence where;
 - (a) The law of the Requested Party permits or requires that person to decline to give evidence in similar circumstances in criminal proceedings originating in the Requested Party; or
 - (b) The law of the Requesting Party permits or requires that person to decline to give evidence in such criminal proceedings in the Requesting Party.
4. If any person in the Requested Party claims that there is a right or obligation to decline to give evidence under the law of the Requesting Party shall, upon request, provide a certificate to the Central Authority of the Requested Party as to the existence or otherwise of that right. In the absence of evidence to the contrary, the certificate shall be sufficient evidence of the matters stated in it.
5. For the purposes of this Article, the taking of evidence includes the production of documents or other articles.

ARTICLE – 11

TRANSFER OF PERSONS IN CUSTODY OR PERSONS SERVING SENTENCE IN THE FORM OF INCARCERATION ON PRISON

1. At the request of the Requesting Party a person in custody or serving sentence in prison in the country of the Requested Party irrespective of his citizenship, may be with his consent temporarily transferred to the Requesting Party to give evidence in criminal proceedings under the condition that he shall remain in custody and shall be returned within the specified period.
2. The temporary transfer of such a person shall effected without adversely affecting the investigation being conducted in the Requested Party.
3. The period of stay of such person in the country of the Requesting party shall be included in the period of custody or sentence in undergoing.
4. A person who is transferred pursuant to a request under this Article shall be returned to the Requested Party in accordance with arrangements agreed by the Requested Party.
5. A person transferred shall receive credit for service of the sentence imposed in the Requested Party for the time served in the custody of the Requested Party.

ARTICLE – 12

AVAILABILITY OF OTHER PERSONS TO GIVE EVIDENCE OR ASSIST INVESTIGATIONS

1. The Requesting Party may request the assistance of the Requested Party in inviting a person not being a person to whom Article-11 of this Treaty applies to appear a witness in the proceedings or assist in the investigation.
2. The Requested Party shall inform the Requesting Party of the person's response.

ARTICLE – 13
SAFE CONDUCT

1. Subject to paragraph 2 of this Article, where a person is in the Requesting Party pursuant to a request made under Article 11 or 12 of the Treaty, during the period that the person is required to remain in the Requesting party for the purposes of the request.
 - (a) The person shall not be detained, prosecuted or punished in the Requesting Party for any offence, nor be subject to any civil proceedings being civil proceedings to which the person could not be subjected if the person were not in the Requesting Party.
 - (b) The person shall not, without his consent, be required to give evidence in any criminal proceeding or to assist any criminal investigation other than the criminal matter to which request relates.
2. Paragraph 1 of this Article ceases to apply if that person, being free to leave, has not left the Requesting Party within a period of 45 days (Forty five days) after that person has been officially notified that his or her presence is no longer required or having left, has returned.
3. A person who does not consent to give evidence pursuant to Article- 11 or 12 of this Treaty shall not by reason there of be liable to any penalty or coercive measure by the courts of the Requesting Party or Requested Party.
4. A person who consents to give evidence pursuant to articles 11 or 12 of this Treaty shall not be subject prosecution based on his or her testimony, except for perjury or contempt of Court.

ARTICLE – 14
PROVISION OF INFORMATION

1. The Requesting Party shall provide, upon request by the Requesting Party, copies of documents and records that are open to public access as part of a public register or otherwise, or that are available for purchase or inspection by the public.
2. The Requested Party may provide copies of any documents or records in the same manner and under the same conditions as they may be provided to its own law enforcement and judicial authorizes.

ARTICLE – 15
SEARCH AND SEIZURE

1. The Requested Party shall, to the extent of the permitted by its laws, carry out requests made in respect of a criminal matter in the Requesting Party for the search, seizure and delivery of items.
2. The Requested Party shall provide such information as may be required by the Requesting Party concerning the result of any search, the place and circumstances of seizure, and the subsequent custody of the material seized.
3. The Requesting Party shall observe any conditions specified by the Requested Party in relation to any seized material, which is delivered to the Requesting Party.

ARTICLE – 16

PROCEEDS OF CRIME

1. The Requesting Party shall, upon request, endeavour to ascertain whether any proceeds of a crime are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries.
2. Where, pursuant to paragraph 1, suspected proceeds of crime are found, the Requested Party shall take such measures as are permitted by its law to restrain or confiscate such proceeds.
3. In the application of this Article, the bona fide rights of third parties shall be respected under the laws of the Requested Party.
4. For the purpose of this Treaty, proceeds of crime means any property suspected, or found by a court to be property directly or indirectly derived or realized as a result of the commission of an offence or to represent the value of property and other benefits derived from the commission of an offence.

ARTICLE – 17

CERTIFICATION AND AUTHENTICATION

1. Subject to paragraph 2 of this Article, a request for assistance the documents in support thereof, and documents or materials furnished in response to a request, shall not require any form certification or authentication.
2. Where, in a particular case, the Requested Party or Requesting Party request that documents or materials be authenticated in the manner provided in paragraph 3.
3. Documents or materials are authenticated for purposes of this Treaty, if
 - (a) they purport to be signed or certified by a judge or other official in or of the Party sending the documents; and
 - (b) they purport to be sealed with an official seal of the Party sending the document of a Ministry, a Department or official of the Government, of that Party.

ARTICLE – 18

SUBSIDIARY ARRANGEMENTS

The Central Authority of each Party may enter into subsidiary arrangements consistent with the purposes of this Treaty and with the laws of both Parties.

ARTICLE – 19

REPRESENTATION AND EXPENSES

1. Unless otherwise provided in this Treaty, the Requested Party shall made all necessary arrangements for the representation of the Requesting Party in any criminal proceeding arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.
2. The Requested Party shall meet the cost of fulfilling the request for assistance except that the Requesting Party shall bear.

- (a) the expenses associated with conveying any person to or from the country of the Requesting Party;
- (b) the expenses associate with conveying custodial or escorting officers;
- (c) fees and expenses of experts and associated with the translation of documents;
- (d) where required by the Requested Party, exceptional expenses incurred in fulfilling the request.

ARTICLE – 20

SETTLEMENT OF DISPUTES

All disputes concerning the interpretation, application or implementation of this Treaty shall be settled through negotiations between the Parties.

ARTICLE – 21

AMENDMENT AND MODIFICATION

This Treaty may be amended or modified at any time through mutual written consent of the Parties. The amendment or modification shall enter into force in the manner like as provided in Article-22 (1) of this treaty.

ARTICLE – 22

ENTRY INTO FORCE AND TERMINATION

1. This treaty shall enter into force upon the exchange of the Instruments of Ratification.
2. This treaty shall apply to requests made in respect of acts or omissions occurred after this treaty entering into force.
3. Either Party may terminate this treaty at any time by notice in writing. It shall cease to be in force six months after the date of receipt of that notice by the other Party. Where notice to terminate this treaty has been given in accordance with this Article, any request for assistance received before termination shall be dealt with as if the treaty were still in force unless the Requesting Party withdraws the request.

In Witness Whereof, the undersigned being duly authorized by their respective Governments have signed this treaty.

Done in duplicate at Tashkent on 14th day of March 2007, in the English and Uzbek languages, both texts being equally authentic. In case of any discrepancy in the texts or divergence of interpretation, the English text shall prevail.

Sd/-

**For the Government of the
Islamic Republic of Pakistan**

Sd /-

**For the Government of the
Republic of Uzbekistan**

**Pakistan - China Agreement on Mutual Legal Assistance
in Criminal Matters: Beijing; 17 April 2007**

The Government of the Islamic Republic of Pakistan and the Government of the People's Republic of China (hereinafter called individually as 'a party', the 'other party', the Requested party, or 'the requesting party' and collectively as 'the parties'),

Desiring to further strengthen friendly relations that exist between the two countries,

Affirming their mutual respect for sovereignty, equality and mutual benefit,

Recalling the treaty on extradition concluded between them on 3rd November, 2003,

Recalling agreement on cooperation in combating terrorism, secessionism and extremism concluded between them on 5 April 2005,

Gravely concerned about the global escalation of organized crimes, both national and transnational,

Desiring to enhance the effectiveness of cooperation in the prevention and suppression of crimes by conducting agreement on mutual legal assistance in the criminal matters,

Have agreed as follows:

ARTICLE – 1

GENERAL PRINCIPLE

The parties shall provide mutual legal assistance in criminal matters in accordance with their respective national laws and the provisions of this agreement.

ARTICLE – 2

SCOPE OF APPLICATION

1. The parties shall provide mutual legal assistance in investigation, prosecution and judicial proceedings in criminal matters.
2. The mutual legal assistance to be provided in accordance with this agreement will include:
 - (a) taking evidence from persons, including detained persons;
 - (b) effecting service of documents;
 - (c) conducting inquiry, search, freezing and seizure;
 - (d) conducting inspection or examination;
 - (e) providing information and transferring material evidence;
 - (f) providing originals or certified copies of relevant documents and records;
 - (g) providing information on sentence passed against nationals of the country of the requesting party;
 - (h) facilitating person(s), including detained person(s), travel to the country of the requesting party

- to give evidence or assist in investigation;
- (i) taking measures related to the proceeds of crime and restoration of property to the victim(s) or the requesting party;
 - (j) facilitating in obtaining expert evaluation;
 - (k) locating and identifying person(s);
 - (l) exchanging information on law; and
 - (m) any other form of assistance which is not contrary to the national laws of the requested party.

ARTICLE – 3

CENTRAL AUTHORITIES

1. For the purposes of the implementation of this agreement, the designated central authority on the side of (i) the Islamic Republic of Pakistan will be the Ministry of Interior and (ii) the People's Republic of China will be the Ministry of Justice and the Ministry of Public Security.
2. The parties shall submit requests for and provide mutual legal assistance and exchange information through central authorities. In case of urgency, the parties may exchange information through the concerned institutions, other bilateral arrangements, or diplomatic channels, under intimation to the central authorities.
3. Should either party change its designated central authority, it shall inform the other party of such change through diplomatic channels.

ARTICLE – 4

REFUSAL OF ASSISTANCE

1. The requested party may refuse the assistance if:
 - (a) the requested party considers that the execution of the request would impair its sovereignty, security, public order or other essential interests;
 - (b) the conduct of the suspect, defendant or convicted person referred to in the letter of request does not constitute an offence under the national laws of the Requesting party;
 - (c) there are substantial grounds for the Requesting party to believe that the request has been made for the purpose of investigating, prosecuting, punishing or other proceedings against a person on account of that person's race, sex, religion, nationality or political opinion, or that person's position may be prejudiced for any of those reasons;
 - (d) the request relates to a political offense;
 - (e) the request relates to an offense which only constitutes a military offense, or
 - (f) the requested party is in the process of or has terminated criminal proceedings or has already rendered a final judgment against the same suspect or accused for the same offense as mentioned in the request.

2. If the requested party refuses to provide assistance, it shall promptly inform the requesting party of the reasons for the refusal, and shall return upon request, the request along with the accompanying documentation to the requesting party.
3. Before requesting to grant a request for assistance, the requested party shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the requesting party accepts assistance subject to those conditions, it shall comply with them.

ARTICLE – 5

CONTENTS OF REQUEST

1. The request for assistance shall include:
 - (a) the name of the requesting office and the competent authority conducting the investigation, prosecution or judicial proceedings to which the request relates;
 - (b) the purpose of the request, a brief description of the assistance sought and a summary of relevant facts and laws;
 - (c) the name identity and address of the person(s) to be served, where necessary;
 - (d) where possible, the identity, nationality and location of the person(s) who is the subject of the investigation of proceedings;
 - (e) specification of any time-limit within which the execution of the request is desired;
 - (f) where necessary, details of any particular procedure or requirement that the requesting party wishes to be followed and the reasons therefore;
 - (g) in the case of request for the taking of evidence, inquiry, search, freezing or seizure, a statement indicating the basis for belief that evidence may be found in the jurisdiction of the requested party';
 - (h) in the case of request to take evidence from a person, information about the subject matter on which the person is to be examined or questioned, including any question to be put;
 - (i) where necessary, a description of the object to be inspected or examined;
 - (j) a description of the requirement of confidentiality and the reasons therefor;
 - (k) in the case of making detained person(s) available, the person(s) or class of persons who will have custody during the transfer, the place to which the detained person(s) is to be transferred and the date of that person's return, and
 - (l) such other information as is necessary for the proper execution of the request.
2. A request shall be made in writing and affixed with the signature or seal of the Central Authority of the requesting party. In urgent cases or where otherwise permitted by the requested party, a request may be made orally, but shall be confirmed in writing promptly thereafter.

3. The Letter of Request for assistance may be in the language of the requesting party. The letter of request and its annexes shall be accompanied by a translation in the official language of the requested party. This paragraph does not prevent the central authorities from consulting each other to arrive at a mutually acceptable arrangement in respect of translation of documents.

ARTICLE – 6

EXECUTION OF REQUEST

1. Request for assistance shall be carried out promptly, in the manner provided for by the national law and practice of the requesting party. To the extent with its national law and practice, the requesting party shall carry out the request in the manner specified by the requesting party.
2. The requested party shall promptly inform the requesting party of the outcome of the execution of the request. If the requested assistance cannot be provided, the requested party shall inform the requesting party of the reasons therefore.

ARTICLE – 7

POSTPONEMENT

The assistance may be postponed by the requested party, if the execution of the request is likely to interfere with an ongoing investigation or prosecution in the requested party. However, it shall promptly inform the requesting party about the postponement.

ARTICLE – 8

NOTIFICATION OF RESULT OF PROCEEDINGS IN CRIMINAL MATTERS

A party that has made a request to the other in accordance with this agreement shall, at the request of the latter, inform the latter of result of the criminal proceedings to which the request for assistance relates.

ARTICLE – 9

EXCHANGE OF INFORMATION

1. The parties shall, upon request, furnish each other with the information on their national laws and judicial practice in their respective countries related to the implementation of this agreement.
2. A party shall, upon request, inform the other party of judgments and decisions in criminal matters passed/taken against the nationals of the country of the other party, and provide copies of such judgments and decisions.

ARTICLE – 10

LIMITATION ON USE AND PROTECTION OF CONFIDENTIALITY

1. The requesting party shall not use any information or evidence obtained under this agreement for any purpose other than that stated in the request without the prior written consent of the requested party.

2. Upon request:
 1. the requested party shall make its best endeavors to keep confidential the request for assistance, its contents and its supporting documents as well as the fact of granting of such assistance. If the request cannot be executed without breaching confidentiality, the requested party shall so inform the requesting party, which shall then determine whether the request should be executed or not;
 2. the requesting party shall keep confidential evidence and information provided by the requested party, as well as the fact of receiving such assistance, except to the extent that the evidence and information is used for the investigation, prosecution or judicial proceedings as described in the request.

ARTICLE – 11

SERVICE OF DOCUMENTS

1. The requested party shall effect the service of documents that are transmitted to it for this purpose, by the requesting party. However, the requested party shall not be obligated to effect service of a document which requires a person to appear as the accused.
2. A request to effect service of documents shall be made to the requested party not less than sixty (60) days before the date on which the appearance of a person is required. In urgent cases, the requested party may waive the time requirement.
3. The requested party shall, through the channels stipulated in Article-3 of this agreement, inform the requesting party in written form of the service of documents. As appropriate, the information shall be accompanied by a proof of service.
4. The proof of service shall contain the date, place and a description of the method of service. It shall be signed by the authority, who served the document, and by the addressee. If the addressee refuses to sign, a statement to this effect shall be signed by the concerned authority.

ARTICLE – 12

TAKING OF EVIDENCE

1. The Requested Party shall, in accordance with its national laws and upon request, take evidence and transmit it to the requested party.
2. Subject to its national laws, the requested party shall permit the presence of such persons, as specified in the request, during the execution of the request, and shall allow such persons to pose questions, through personnel of competent authorities of the requested party, to the person whose evidence is to be taken. For this purpose, the requested party shall promptly inform the requested party of the time and place of the execution of the request.

ARTICLE – 13

**SERVICE OF DOCUMENTS AND TAKING OF EVIDENCE BY DIPLOMATIC AND
CONSULAR OFFICERS**

A party may serve documents on and take evidence from the nationals of its country, in the country of the other party, through its diplomatic or consular officers posted therein, provided that the national laws of that other party will not be violated and no compulsory measures of any kind will be taken.

ARTICLE – 14

REFUSAL TO GIVE EVIDENCE

1. A person who is called upon to give evidence in the country of the requested or requesting party, may refuse to give evidence where either:
 - (a) the national law of the requested party permits or requires that person to refuse to give evidence in similar circumstances in proceedings originating in the requested party; or
 - (b) the national law of the requested party permits or requires that person to refuse to give evidence in similar circumstances in proceedings originating in the requesting party.
2. If a person claims that there is a right or obligation to refuse to give evidence under the law of the other party, the party in whose jurisdiction that person is present shall, with respect thereto, rely on a certificate of the Central Authority of the other party as evidence of the existence or non-existence of that right or obligation.

ARTICLE – 15

**AVAILABILITY OF PERSON IN CUSTODY TO GIVE EVIDENCE
OR TO ASSIST IN INVESTIGATION**

1. Upon request of the requesting party, and if the requested party agrees and the national law of its country so permits, a person in custody in the country of the latter party may, subject to his or her consent, be temporarily transferred to the requesting party to give evidence or to assist in the investigation.
2. When the person transferred is required to be held in custody under the national law of the country of the requested party, the requesting party shall hold that person in custody and shall return that person in custody to the country of the requested party at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required, or within the time limit agreed by the parties.
3. Where the requested party informs the requesting party that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person referred to in Article-16 below.

ARTICLE – 16

AVAILABILITY OF OTHER PERSONS TO GIVE EVIDENCE OR ASSIST IN INVESTIGATION

1. The requesting party may request the assistance of the Requested Party in inviting a person to:
 - (a) appear in proceedings in relation to a criminal matter in the country of the Requested Party unless that person is the person charged; or
 - (b) assist in the investigation in relation to a criminal matter in the country of the Requesting Party.
2. The Requested Party may invite the person to appear as a witness or expert in proceedings or to assist in the investigations and inform the Requesting Party as to whether the person agrees to assist or not. Where appropriate, the Requested Party shall satisfy itself that satisfactory arrangements have been made for the person's safety and return to the country of the Requested Party.
3. The request shall indicate the approximate allowances and the travel and subsistence expenses payable by the Requesting Party.

ARTICLE – 17

PROTECTION OF PERSON GIVING EVIDENCE OR ASSISTING IN INVESTIGATION

1. Subject to Paragraph 2 of this Article, where a person is in the country of the Requesting Party, pursuant to a request made under Article-15 or 16 of this Agreement, that person shall not be:
 - (a) detained, prosecuted, punished or subjected to any other restrictions of personal liberty in the country of the Requesting Party in respect of any acts or omissions or convictions that preceded that person's departure from the Requested Party;
 - (b) Required, without the consent of the Requested Party and that person, to give evidence in any proceedings or to assist in any investigation other than the proceedings or investigation to which the request relates.
2. Paragraph 1 of this Article shall cease to apply if that person, being free to leave, has not left the country of the Requesting Party within a period of thirty (30) consecutive days, or any longer period otherwise agreed between the Parties, after that person has been officially informed in writing that his or her presence is no longer required or, having left, has voluntarily returned.
3. A person who does not consent to a request pursuant to Article-15 or accept an invitation pursuant to Article-16 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measures in the countries of the Parties, notwithstanding any contrary statement in the request.
4. The competent authority, which seeks the presence of a witness from the Requested Party for the purpose of testimony, shall ensure that the witness is properly instructed regarding responsibilities and obligations to the court, so as to ensure that the witness is not subjected to contempt or similar proceedings.
5. This Article shall not affect the obligation to return a person transferred in custody, as provided in Article-15 (2).

ARTICLE – 18

TRANSMISSION OF DOCUMENTS AND OBJECTS

1. Insofar as not prohibited by the national law of the Requested Party, documents, objects and records shall be transmitted in a form or accompanied by such certification as may be requested by the Requesting Party in order to make them admissible according to the national law of the Requesting Party.
2. When the request for assistance concerns the transmission of records and documents, the Requested Party may transmit certified true copies thereof, unless the Requesting Party expressly requests for the originals.
3. The original records for documents and the objects transmitted to the Requesting Party shall be returned to the Requested Party as soon as possible, unless the latter waives in writing its right of return thereof.

ARTICLE – 19

INQUIRY, SEARCH, FREEZING AND SEIZURE

The Requested Party shall, in so far as its national law permits, carry out requests for inquiry, search, freezing and seizure and delivery of any material to the Requesting Party for evidentiary purposes, provided that the rights of bonafide third parties are protected.

ARTICLE – 20

PROCEEDS OF CRIME

1. In this Article 'proceeds of crime' shall mean any property suspected, or found by a court, to be property directly or indirectly derived or realized as a result of the commission of a crime or to represent the value of property and other benefits derived from the commission of a crime.
2. The Requested Party shall, upon endeavour to ascertain whether any proceeds of the alleged crime are located within its jurisdiction and shall inform the Requesting Party of the results of its inquiries. In making the request, the Requesting Party shall inform the Requesting Party of the basis of its belief that such proceeds may be located within its jurisdiction.
3. In pursuance of a request, made under paragraph 2 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 of crime.
4. In case, pursuant to paragraph 2 of this Article, suspected proceeds of crime are found, the Requested Party shall, upon request, take such measures as are permitted by its national law to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime.
5. At the request of the Requesting Party, the Requested Party may, to the extent permitted by its national laws under the terms and conditions agreed to by the Parties, transfer all or part of the proceeds of crime, or the proceeds from the sale of such assets to the Requesting Party.

6. The Parties shall ensure that the rights of bonafide third parties shall be respected in the application of this Article.
7. The Parties shall assist each other, to the extent permitted by the respective national laws, in the restitution the proceeds of crime to the victims.

ARTICLE – 21

CERTIFICATION AND AUTHENTICATION

Documents transmitted in accordance with this agreement shall not require certification or authentication, unless otherwise provided in this agreement.

ARTICLE – 22

EXPENSES

1. The Requested Party shall pay the costs of providing legal assistance, except for the following expenses which shall be borne by the Requesting Party:
 - (a) the travel, board and lodging expenses of person(s) traveling to the Requesting Party pursuant to a request for assistance as well as any allowances payable to that person(s). These shall be paid according to the standards or regulations of the Requesting Party;
 - (b) the expenses and fees of experts; and
 - (c) expenses for translation and interpretation
2. The Requesting Party shall specify, in the request or accompanying document, the expenses and fees payable and shall pay the expenses and fees in advance if so requested by the person or expert. The Requested Party may, upon request, pay the person or expert expenses and fees in advance which shall be refunded by the Requesting Party.
3. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Parties shall consult to determine the terms and conditions under which the requested assistance can be provided.

ARTICLE – 23

SETTLEMENT OF DISPUTES

All disputes arising out of the interpretation or application of this agreement shall be settled through diplomatic channels, if the Central Authorities are unable to reach an agreement.

ARTICLE – 24

OTHER BASIS FOR COOPERATION

This agreement shall not prevent either party from providing assistance to the other party according to other applicable international agreements or its national laws. The Parties may also provide assistance in accordance with any other arrangement, agreement, or practice which may be applicable.

ARTICLE – 25

AMENDMENT OR MODIFICATION

This agreement may be amended or modified at any time through mutual written consent of the Parties.

ARTICLE – 26

ENTRY INTO FORCE, VALIDITY AND TERMINATION

1. This agreement is subject to ratification. The instruments of Ratification shall be exchanged at a place and on the date mutually agreed between the Parties. This agreement shall enter into force on the thirtieth day after the date of the exchange of the Instruments of Ratification.
2. This agreement shall also apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
3. This agreement shall remain valid unless terminated.
4. Either party may terminate this agreement at any time by giving notice in writing to the other party through diplomatic channels. The termination shall take effect on the one hundred and eightieth day after the date on which the notice is given. The requests made during the validity of this agreement shall continue to be governed by the provisions of this agreement, till their execution or refusal.

In Witness Whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this agreement.

Done in Duplicate at Beijing on this 17 Day of April 2007, in the English and Chinese languages, both texts being equally authentic.

Sd.

**For the Government of the
Islamic Republic of Pakistan**

Sd.

**For the Government of the
People's Republic of China**