

**EXTRADITION TREATY**  
**between the Republic of Italy and the**  
**Republic of Kazakhstan**

The Republic of Italy and the Republic of Kazakhstan hereinafter referred to as the "Parties",

desiring to promote an effective judicial cooperation between the two Countries with the purpose of preventing crime on the basis of mutual respect for sovereignty, equality and mutual benefit,

considering that this purpose can be obtained by the conclusion of a bilateral treaty establishing a joint action in extradition matters,

have agreed as follows:

**ARTICLE 1**

**Obligation to extradite**

Each Party, in accordance with the provisions of this Treaty and upon request of the Requesting Party, undertakes to extradite to the other any person who is on its territory and is wanted by the Requesting Party for the purpose of carrying out a measure restricting personal liberty issued against them within criminal proceedings or executing a final custodial sentence.

**ARTICLE 2**

**Extraditable offences**

1. For the purposes of this Treaty, the offences leading to extradition are offences that, at the moment of sending the request, are punishable in accordance with the laws of both Parties, by a term of imprisonment of not less than one (1) year or by more serious punishment.



2. If the request for extradition relates to a person sought for a final sentence issued by the court of the Requesting Party, the person can be extradited only if the sentence imposed amounts, at the moment the request is submitted, to at least six months of imprisonment.
3. In determining whether, in accordance with paragraph 1 of this Article, an act constitutes an offence under the laws of both States, it shall not matter whether the laws in both States place the act within the same category of offences or describe the offence by the same term.
4. In respect of offences related to customs, taxes and foreign exchange, extradition shall not be refused only on the ground that the national law of the Requested Party does not envisage taxes and customs rules or provisions in the matter of currency regulation similar to the law of the Requesting Party.
5. Extradition shall also be granted if the offence for which it is requested was committed outside of the territory of the Requesting Party, provided that the laws of the Requested Party allow the prosecution of an offence of the same nature committed outside of its territory.
6. If the extradition request relates to two or more offences and each one of such offences is punishable under the laws of both Parties, provided that one of them fulfils the conditions provided for in paragraphs 1 and 2 of this Article, the Requested Party may grant extradition for all of those offences.

### ARTICLE 3

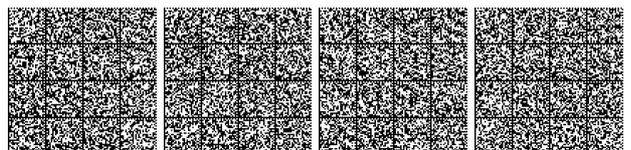
#### Mandatory Grounds for Refusal

Extradition shall not be granted if:

- a) the Requested Party has reasons to believe that the extradition request is submitted with a view to prosecuting or punishing the person sought on grounds of race, gender, religion, nationality, ethnicity, social status or political belief;
- b) the offence, for which the extradition request has been submitted, may be punished in the Requesting Party by death penalty or any punishment prohibited



- by the law of the Requested Party. In such cases, and upon request of the Requesting Party, the Requested Party shall submit the case to its competent Authorities with a view to starting criminal proceedings against the person sought under its laws. For this purpose, the Requesting Party shall provide the Requested Party with evidence, documents, materials and any other necessary information in its possession. The Requested Party shall inform the Requesting Party of the outcome of the criminal proceedings;
- c) the offence for which the extradition request is submitted, was committed outside the territory of the Requested Party, but affects the interests of the Requested Party;
  - d) the Requested Party has reasons to believe that the person sought was or would be subjected to punishment or any other act or omission which does not ensure the respect for fundamental human rights, including protection from cruel, inhuman, or degrading treatment in the Requesting Party;
  - e) at the moment of the receipt of the request, criminal prosecution may not be initiated or the sentence cannot be enforced because of lapse of time or other legitimate reasons, under the laws of the Requested Party;
  - f) the competent Authorities of the Requested Party have already issued a final judgment against the person sought for an offence in respect of which extradition was requested;
  - g) the person whose extradition is requested has been granted asylum by the Requested Party;
  - h) the Requested Party deems that extradition may give rise to a danger for its sovereignty, national security, public order or other national interests, and it is contrary to the Constitution and the fundamental principles of its own law;
  - i) the offence for which it is requested is considered by the Requested Party as a political offence or an offence related to such a category of offences. To this end the following shall not be considered as offences of a political nature:
    - 1) homicide or any other offence against the life, physical integrity or freedom of a Head of State or Government or any family member;



- 2) terrorist offences or any other offence not considered as a political offence under any international treaty, convention or agreement which both Parties adhered to;
- j) the offence for which extradition is requested constitutes solely a military offence under the laws of the Requested State.

#### ARTICLE 4

##### Optional Grounds for Refusal

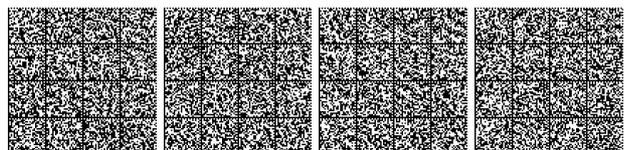
Extradition may be refused in any of the following circumstances:

- a) the offence for which extradition is requested is subject to the jurisdiction of the Requested Party in compliance with its law and the person sought is being prosecuted by the competent Authorities of that Party for the same offence for which extradition is requested;
- b) the Requested Party, while taking into consideration the seriousness of the offence and interests of the Requesting Party, considers that the extradition would not be compatible with humanitarian considerations in view of the age, health conditions or any other type of personal circumstances of the person sought.

#### ARTICLE 5

##### Extradition of Nationals

1. Each Party shall have the right to refuse the extradition of its nationals.
2. In case of refusal of the extradition and upon request of the Requesting Party, the Requested Party shall submit the case to its competent Authorities with a view to starting criminal proceedings against the person sought under its laws. For this purpose, the Requesting Party, through the Central Authorities indicated in Article 6 of this Treaty, shall provide the Requested Party with evidence, documents, materials and any other useful information in its possession.
3. The Requested Party shall promptly communicate to the Requesting Party the action taken on the request and the outcome of the proceedings.



4. Upon request by the Requesting Party, the Requested Party, in accordance with its laws, may enforce the final sentence imposed by the Authorities of the Requesting Party. For this purpose the Requesting Party shall send the documents set out in paragraph 2 of this article. The Requested Party shall inform the Requesting Party of the outcome of sentence enforcement.

## ARTICLE 6

### Central Authorities of the Parties

1. For the purposes of this Treaty, the Parties shall transmit the requests for extradition and communicate with each other directly through the Central Authorities specified in paragraph 2 of this article.
2. The Central Authority for the Republic of Italy shall be the Ministry of Justice and for the Republic of Kazakhstan shall be the Prosecutor General's Office.
3. Either Party shall notify to the other, through diplomatic channels, in writing, any change in its designated Central Authority.

## ARTICLE 7

### Request for Extradition and Required Documents

1. The request for extradition shall be made in writing and contain the following:
  - a) the indication of the Requesting Authority;
  - b) the name and surname, date of birth, sex, nationality, residence or domicile of the person sought, the details of the relevant identification document, and any other information that may help to determine that person's identity or determine its location and, if available, the person's police identification data, photographs and fingerprints;
  - c) a statement of the facts constituting the offence for which extradition is requested, containing the date and place of their commission and **their** legal qualification;

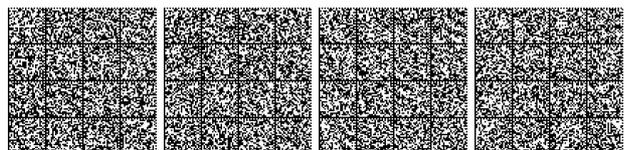


- d) the text of the relevant provisions of the applicable laws, including the provisions on the legal qualification of the offence, the conditions for prosecuting, the applicable sentence, the period of limitations in respect of the offence and the sentence. If the offence for which extradition is requested was committed outside the territory of the Requesting Party, the text of the law provisions conferring jurisdiction upon that Party.
2. In addition to the provisions of paragraph 1 of this Article, the request for extradition shall be accompanied by:
- a) an authenticated copy of the order of deprivation of liberty issued by the Court of the Requesting Party when the request is aimed at carrying out criminal proceedings;
- b) an authenticated copy of the enforceable judgment and the indication, if any, of the sentence already served before conviction, when the request is aimed at enforcing a final judgment issued by the judicial authority of the Requesting Party.
3. The request for extradition and relevant supporting documents submitted by the Requesting Party pursuant to paragraphs 1 and 2 above shall be officially signed or sealed by the competent Authorities of the Requesting Party and accompanied by the relevant translation into the English language.

## ARTICLE 8

### Additional Information

1. If the information provided by the Requesting Party in support of a request for extradition is not sufficient to enable the Requested Party to reach a decision under this Treaty, the latter Party may request that the necessary additional information be submitted within forty-five days of the receipt of the request.
2. If the requested additional information is not provided within the time limit indicated in paragraph 1 of this Article the person may be released from custody. However, the Requesting Party may make a new extradition request for the same person and the same offence.



3. If a person is released from custody under paragraph 2 of this Article, the Requested Party shall inform the Requesting Party thereof within two days.

## ARTICLE 9

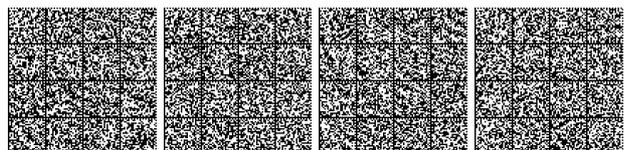
### Decision on the request for extradition

1. The Requested Party shall decide on the request for extradition in accordance with the provisions of this Treaty and under its law and shall promptly inform the Requesting Party of its decision.
2. If the Requested State dismisses, in whole or in part, the request for extradition, the reasons for refusal shall be notified to the Requesting Party.

## ARTICLE 10

### Rule of Speciality

1. The person extradited in accordance with this Treaty shall not be prosecuted, subjected to any measure restricting personal liberty, punished or detained for an offence other than the one for which he/she was extradited, unless:
  - a) the offence was committed after the extradition;
  - b) the extradited person, after having left the territory of the Requesting Party following his/her extradition, voluntarily returns to it;
  - c) the extradited person does not leave the territory of the Requesting Party within forty-five days after having had the opportunity to do so. However, such period of time shall not include the time during which said person fails to leave the territory of the Requesting Party for reasons beyond his/her control;
  - d) the Requested Party consents to it. In this case, the Requested Party, upon specific request by the Requesting Party, may agree to prosecute the extradited person or execute a sentence against him/her for an offence other than that for which the request for extradition had been made. In the latter case, the Requested Party may ask the Requesting Party to transmit the documents and information indicated in Article 7 of this Treaty.



**ARTICLE 11****Re-extradition to a Third State**

Except in the cases provided for in paragraph 1, letters b) and c) of Article 10, the Requesting Party may not surrender to a third State, without the consent by the Requested Party, the person that has been surrendered to it and is requested by the third State for offences committed before such surrender. The Requested Party may ask for the submission of the documents and information indicated in Article 7 to make a decision on the matter.

**ARTICLE 12****Arrest for extradition purposes**

1. In case of urgency, the Requesting Party may ask for the arrest of the person sought in view of submitting the request for extradition. The request for arrest shall be made in writing through the Central Authorities designated under Article 6 of this Treaty, the International Criminal Police Organization (INTERPOL) or other channels agreed upon by both States.
2. The request for arrest shall contain the reference to the judicial order by the Requesting Party, on the basis of which the request for extradition shall be made, and the commitment to promptly submit a formal request for extradition.
3. Once the request for arrest is received, the Requested Party shall take the measures necessary to ensure the custody of the person sought and shall promptly inform the Requesting Party of the outcome of its request.
4. If, forty days after the date of the arrest, the Central Authority of the Requested Party has not received the extradition request, the arrested person shall be released. Upon request by the Requesting Party, the period of arrest may be extended by twenty days.
5. The release of the person under paragraph 4 of this Article shall not prejudice the continuation of the extradition procedure concerning the person sought if the Requested Party receives the request for extradition at a later stage.



**ARTICLE 13****Requests for Extradition made by Several States**

If the Requested Party receives a request for extradition in respect of a person from two or more States, including the Requesting Party, for the same or different offences, the Requested Party, shall take into account the following circumstances to make the decision:

- a) whether the requests were made pursuant to existing treaties;
- b) the seriousness of the offences;
- c) the time and place of commission of the offence;
- d) the nationality and the usual place of residence of the person sought;
- e) the respective dates of submission of the requests;
- f) the possibility of subsequent re-extradition to a third State.

**ARTICLE 14****Surrender of the Person**

1. If Requested Party grants the extradition, the Parties shall promptly agree on the time, place and any other relevant matter relating to the surrender of the person sought. The Requesting Party shall also be informed of length of the custody suffered by the person sought for extradition purposes.
2. The time limit for surrendering the person sought shall be forty days of the date on which the Requesting Party is informed that the extradition has been granted.
3. If, within the time limit indicated in paragraph 2 of this Article, the Requesting Party does not take over the person to be extradited, the Requested Party shall immediately release him/her from custody and may refuse to grant a new request for extradition made by the Requesting State for that person for the same offence, without prejudice to paragraph 4 of this Article.

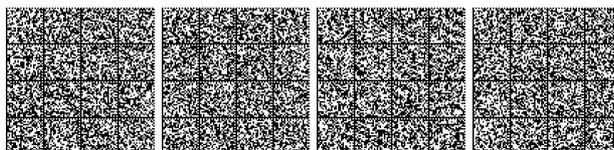


4. If one of the Parties fails to surrender or take over the person to be extradited within the agreed time limit for reasons beyond its control, the Party concerned shall inform the other Party and they shall agree on a new date for surrender.
5. When the person to be extradited escapes back to the Requested Party before the criminal proceedings are concluded or the sentence is served in the Requesting Party, that person may be extradited again upon a new request for extradition made by the Requesting Party for the same offence. In this case, the Requesting Party does not need to submit the documents provided for in Article 7 of this Treaty.
6. The time spent in custody for extradition purposes, even under house-arrest, shall be deducted from the whole term of sentence imposed by the Requesting Party.

## ARTICLE 15

### Postponed Surrender and Temporary Surrender

1. If the person sought is being prosecuted or is serving a sentence in the Requested Party for an offence other than that for which extradition is requested, the Requested Party may, after having made a decision to grant extradition, postpone the surrender until the conclusion of the criminal proceedings or the completion of the execution of the sentence. In such a case, the Requested Party shall inform the Requesting Party of such postponement.  
However, upon request by the Requesting Party, the Requested Party may, in compliance with its domestic law, temporarily surrender the person sought to the Requesting Party in order to enable it to carry out the on-going criminal proceedings, both agreeing on the time and modalities of such temporary surrender. The person so surrendered shall be kept in custody while staying on the territory of the Requesting Party and shall be returned to the Requested Party within the agreed time. The time spent in custody shall be calculated for the purposes of the sentence to be served in the requested Party.  
The surrender may also be postponed when the transfer, due to the state of health of the person sought, may endanger his/her life or worsen his/her health. In such a case,



it is necessary that the Requested Party submit to the Requesting Party a detailed medical report made by one of its competent public health care facilities.

## ARTICLE 16

### Simplified Extradition Procedure

1. When the person whose extradition is requested declares to agree to it, extradition may be granted on the sole basis of the request for extradition without it being necessary to submit the documents indicated in Article 7 of this Treaty. However, the Requested Party may request any further information it deems necessary to grant the extradition.
2. The declaration of consent by the person sought shall be valid if made, with the assistance of a defence counsel, before a competent Authority of the Requested Party, who has the obligation to inform the person sought of the right to avail himself/herself of a formal extradition procedure, of the right to avail himself/herself of the protection conferred by the speciality rule laid down in Article 10 of this Treaty and of the irrevocability of such declaration.
3. The declaration shall be reported in a judicial record in which it is acknowledged that the conditions for its being valid have been complied with.

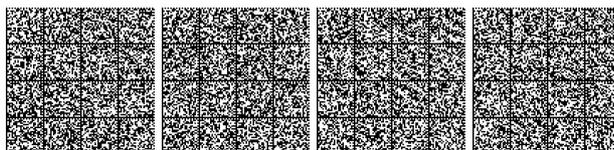
## ARTICLE 17

### Surrender of Items

1. Upon request of the Requesting Party, the Requested Party shall, in compliance with its law, seize the items and the instruments of the offence and any other asset found on its territory that may serve as evidence. When extradition is granted, the Requested Party shall surrender those items to the Requesting Party.

The surrender of the items indicated in paragraph 1 of this Article is effected, with the consent of the Requested Party, even if extradition is not possible, although already granted.

The Requested Party may, with a view to carrying out other criminal proceedings, postpone the surrender of any of the items indicated in paragraph 1 of this Article until



the conclusion of the said proceedings or transfer them on a temporary basis provided that the Requested Party undertakes to return them at the end of the proceedings.

4. The surrender of the seized items to the Requested Party is effected without prejudice to any rights of the Requested Party or any third party over those items. The Requesting Party, upon written request by the Requested Party or third parties, shall promptly return the items free of charge and without prejudice to the rights of the said parties over those items, at the conclusion of the proceedings.

## ARTICLE 18

### Transit

1. If either Party, when cooperating with a third State, has to effect the transit of extradited persons through the territory of the other Party, the former shall ask the latter to authorize the transit through its territory.
2. In case of air transfer by a flight with no stops across the territory of the other Party, such authorization is not required.
3. The Requested Party shall grant the Requesting Party's request for transit if this is not incompatible with its law

## ARTICLE 19

### Costs

1. The Requesting Party shall bear the costs of the transfer for the extradited person except for the costs incurred on the territory of the Requested Party.
2. The costs of the transit shall be borne by the Party submitting the request for said transit.



**ARTICLE 20****Information about results**

The Requesting Party, upon request by the Requested Party, shall promptly provide information to the Requested Party on the proceedings or enforcement of the sentence imposed on the extradited person or information on the extradition of said person to a third State.

**ARTICLE 21****Relationship with Other Treaties**

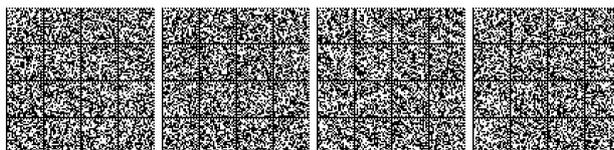
This Treaty shall not prevent the Parties from cooperating with one another in extradition matters in accordance with other treaties which both Parties adhere to.

**ARTICLE 22****Confidentiality**

The Parties undertake to respect the confidentiality or secrecy of the documents and information received from, or given to, the other Party when there is an explicit request to do so by the Party concerned.

**ARTICLE 23****Settlement of Disputes**

Any dispute arising from the interpretation or application of this Treaty shall be settled by consultation between the Central Authorities. If no agreement is reached the dispute shall be settled by consultation through diplomatic channels.

**ARTICLE 24****Entry into Force, Amendment and Termination**

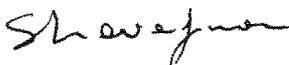
1. This Treaty shall enter into force on the thirtieth day following the date of receipt of the second of the two notifications by which each Party officially communicates to the other, through diplomatic channels, that its respective internal procedure of ratification has been completed.
2. This Treaty may be amended by written agreement between the Parties. Any such amendment will enter into force in accordance with the procedure provided for in paragraph 1 of this Article and will form part of this Treaty.
3. This Treaty shall be of unlimited duration. Either Party may withdraw from this Treaty at any time by giving written notice to the other Party through diplomatic channels. The termination shall be effective on the one hundred and eightieth day after the date of said notice.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

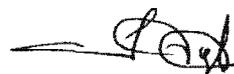
DONE in duplicate at Astana on this 22<sup>nd</sup> day of January 2015, each in Italian, Kazakh and English languages, all texts being equally authentic.

In case of any divergence on the interpretation, the English text shall prevail.

**For the Republic of Italy**



**For the Republic of Kazakhstan**



LAVORI PREPARATORI

*Camera dei deputati* (atto n. 1540):

Presentato dal Ministro degli affari esteri e coop. inter.le ENZO MOAVERO MILANESI (Governo CONTE-I) il 24 gennaio 2019.

Assegnato alla III commissione (affari esteri e comunitari) in sede referente il 1° marzo 2019, con pareri delle commissioni I (aff. costituzionali), II (giustizia), V (bilancio) e VI (finanze).

Esaminato dalla III commissione, in sede referente, il 12 marzo e il 9 aprile 2019.

Esaminato in aula il 15 aprile 2019 ed approvato il 30 aprile 2019.

*Senato della Repubblica* (atto n. 1262):

Assegnato alla 3<sup>a</sup> commissione (affari esteri, emigrazione) in sede referente l'8 maggio 2019, con pareri delle commissioni 1<sup>a</sup> (aff. costituzionali), 2<sup>a</sup> (giustizia), 5<sup>a</sup> (bilancio) e 6<sup>a</sup> (finanze).

Esaminato dalla 3<sup>a</sup> commissione, in sede referente, il 18 giugno e il 3 luglio 2019.

Esaminato in aula ed approvato l'11 luglio 2019.

**19G00100**

