

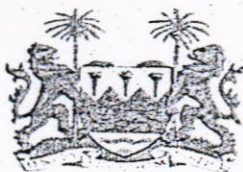
EXTRADITION AGREEMENT

BETWEEN

THE KINGDOM OF MOROCCO

AND

THE REPUBLIC OF SIERRA LEONE



GOVERNMENT OF SIERRA LEONE

The Kingdom of Morocco and the Republic of Sierra Leone

Hereinafter referred to as "Contracting Parties".

DESIROUS of making more effective the cooperation of the two Parties in the combating of crime by concluding an Agreement on extradition.

Have agreed as follows:

ARTICLE 1

OBLIGATION TO EXTRADITE

The Contracting Parties shall agree to extradite to each other, upon request and subject to the provisions of the present Agreement and their respective national laws, any person who is wanted in the territory of the Requesting Party for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.

ARTICLE 2

CONDITIONS FOR EXTRADITION

1. Extradition for prosecution shall be executed for all acts which constitute punishable offences with a depriving of freedom penalty for at least two years, or by a more severe penalty under the law of both Contracting Parties.
2. Extradition for carrying out a sentence issued from the Requesting Party's courts shall be executed for the offences described in paragraph 1 of this Article, provided that the duration of the penalty remaining to be served must not be less than six months.
3. If the request for extradition includes several separate offences each of which is punishable under the laws of the two Contracting Parties by a sentence of imprisonment, but some of which do not fulfill the condition with regard to the duration of the sentence which may be awarded, the requested Party shall also have the right to grant extradition for the latter offences.

ARTICLE 3
MANDATORY GROUNDS FOR REFUSAL

Extradition shall not be granted:

- a) If the person required to be extradited is a national of the Requested Party In such case the requested Party shall, in accordance with its laws and at the other contracting Party's request, submit the case to its competent authorities for the purpose of taking over the criminal prosecution.
- b) If the offence for which extradition is requested is regarded by the Requested Party as an offence of a political nature under its laws. For the purpose of this Agreement, a political offence shall not include:
 - i. An offence within the scope of any multilateral international conventions to which both Contracting Parties are Parties and which imposes on them an obligation either to extradite or prosecute the person sought;
 - ii. Assault against the life of the Head of the State, a member of his immediate family, a head or a member of a government, or any related offence including attempting or conspiring to commit such an offence;
 - iii. Any offence related to terrorism.
- c) If the Requested Party has substantial grounds to believe that the request has been made for the purpose of prosecuting or punishing a person on account of race, religion, nationality, or that the position of the said person at his trial may be prejudiced for any of these reasons;
- d) If the offence for which extradition is requested, is an offence under military law which is not also an offence under the general criminal law;
- e) If there has been a final judgment rendered against the person in the Requested Party in respect of the offence for which the person's extradition is requested;
- f) In case of lapse of time from prosecution or punishment, according to the law of either Contracting Party;
- g) If pardon or amnesty has been granted either in the territory of the Requesting Party or in the territory of the Requested Party, provided, in the latter case that the Requested Party was competent to prosecute according to its national law.

ARTICLE 4
OPTIONAL GROUNDS FOR REFUSAL

Extradition may be refused:

- a) If the person sought is being prosecuted by the Requested Party in respect of the offence or offences for which extradition is requested, or if the competent authority

of the Requested Party has discontinued, in accordance with the law of that contracting Party, the criminal proceedings for the offence for which extradition is requested;

- b) If the offence for which extradition is requested has been committed outside the territory of either Contracting Party and the law of the Requested Party does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;
- c) If the offence for which extradition is requested is regarded under the law of the Requested Party as having been committed in whole or in part within that Requested Party or its jurisdiction;
- d) When the person sought has been tried and acquitted or convicted in a third state in respect of the offence or offences for which extradition is requested;
- e) If the person sought has been found guilty in absentia, unless the Requesting Party provides the Requested Party with information which demonstrates that the person was afforded an adequate opportunity to present a defense.

ARTICLE 5

CAPITAL PUNISHMENT

When the offence for which extradition is requested is punishable by death under the laws of the Requesting Party, the death penalty shall be replaced, in accordance with the provisions of the present Agreement, and by the force of law by punishments which are provided for the same offences in the legislation of the Requested Party.

ARTICLE 6

THE REQUEST AND SUPPORTING DOCUMENTS

- 1. A request for extradition shall be made in writing and transmitted through diplomatic channels.
- 2. A request for extradition shall be accompanied by the following:
 - a. A warrant of arrest issued by a judicial authority in the territory of the Requesting Party, or any other documents having the same force and if the request relates to a person already convicted, an original or true certified copy of the final judgment;
 - b. Statement of acts constituting the offence for which extradition is requested, indicating time and place of committal, its characterization and the text of the relevant legal provisions;
 - c. An accurate description as possible of the person sought, together with any other information that may help to establish his/her identity, location and nationality;
 - d. Particulars of the remaining duration of the sentence to be carried out when the person is claimed for the purpose of serving a sentence of imprisonment.

3. The documents supporting the request for extradition should be certified by an official and fastened by the seal of the competent authority of the Requesting Party.
4. Except when this Agreement provides otherwise the procedures with the regard to extradition and provisional arrest shall be governed solely by the law of the Requested Party.
5. If the Requested Party considers that the supplied information is not sufficient to take a decision under this agreement, additional information may be requested from the requesting party, within such time as the Requested Party shall require.

ARTICLE 7

PROVISIONAL ARREST

1. In the case of urgency, the competent authority of the Requesting Party may request the provisional arrest of the person sought to be extradited. The competent authority of the Requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that one of the documents mentioned in Article 6 paragraph 2.a. exists and that it is intended to send a request for extradition. It shall also state for what offence extradition will be requested and when and where such offence was committed and shall as precise as possible give a description of the person sought.
3. A request for provisional arrest shall be sent to the competent authority of the Requested Party either through the diplomatic channels or direct by post or through the International Criminal Police Organization (INTERPOL) or by any other means affording evidence in writing or accepted by the Requested Party. The requesting authority shall be informed without delay of the result of its request.
4. Provisional arrest may be terminated if, within a period of 30 days after the arrest, the Requested Party has not received the request for extradition and the documents mentioned in Article 6. It shall not, in any event, exceed 40 days from the date of such arrest. The possibility of provisional release at any time is not excluded, but the Requested Party shall take any measures which it considers necessary to prevent the escape of the person sought.
5. Release shall not prevent re-arrest and extradition if a request for extradition is received subsequently.
6. When the person is arrested by either of the parties on the basis of an international warrant issued by the other party, such warrant will be considered as a request for his provisional arrest.

ARTICLE 8

RULE OF SPECIALTY

1. The extradited person shall not be proceeded against nor detained nor restricted in his personal freedom in any way for an offence committed prior to his surrender and the other than the one for which he was extradited except for the following cases:
 - a) If the surrendering Contracting Party consent thereon, provided that a request in this concern be submitted and be attached with the documents provided for in Article 6, and with a record including any statement of the extradited person on the extension of extradition, and referring to the fact that the said person had his/her chance to defend himself before the requesting Party;
 - b) When the person, having had an opportunity to leave the territory of the Contracting Party to which he/she has been surrendered and has not executed within 45 days of his final discharge or has returned voluntarily to that territory after leaving it.
2. When the legal description of the offence for which a person has been extradited is altered this person shall only be proceeded against or sentenced if the offence under its new description:
 - a) Can give rise to extradition pursuant to this Agreement;
 - b) Relates to the same facts on which extradition was granted.

ARTICLE 9

RE-EXTRADITION TO A THIRD STATE

Except as provided for in Article 8 paragraph 1. b, the Requesting Party shall not, without the consent of the Requested Party, surrender to a third state a person surrendered to the requesting Party and sought by the said third State in respect of offences committed before his surrender. The Requested Party may request the production of the documents mentioned in Article 6 paragraph 2.

ARTICLE 10

CONCURRENT REQUESTS

If extradition is requested concurrently by more than one state for the same offence or for different offences, the Requested Party shall make its decision freely having regard to all the circumstances especially the nationality of the person sought, the possibility of mutual subsequent extradition and the date of receiving requests, the gravity of offences and the place of committal.

ARTICLE 11

DECISION ON THE REQUEST FOR EXTRADITION

1. The Requested Party shall, through diplomatic channels and INTERPOL, inform the Requesting Party of its decision on extradition.
2. The reasons for the refusal decisions whether wholly or partially shall be stated.
3. In case of acceptance, the competent authorities of the Contracting Parties shall agree on the most appropriate way, place and date to execute extradition.
4. Subject to the case provided for in paragraph 5 of this Article, the person to be extradited may be released after 15 days of the appointed date if such person has not been taken over on the date agreed upon. In all cases, the person to be extradited shall be released after 30 days of the appointed date and in that case, the Requested Party may refuse the extradition for the same offence.
5. If circumstances beyond its control prevent a Contracting Party from surrendering or taking over the person to be extradited, it shall notify the other Contracting Party. The two Contracting Parties shall agree on a new date for surrender and the provisions of paragraph 4 of this Article shall apply.

ARTICLE 12

POSTPONED OR CONDITIONAL SURRENDER

1. The Requested Party may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is requested. In such a case the Requested Party shall advise the Requesting Party accordingly.
2. The Requested Party may, instead of postponing surrender, temporarily surrender the sought person to the Requesting Party in accordance with conditions to be agreed upon by the Contracting Parties.

ARTICLE 13

SEIZURE AND HAND-OVER OF THINGS

1. The Requested Party shall in so far as its law permits, without prejudice to the rights of the third party and at the request of the Requesting Party, seize and hand over things:
 - a) Which may be required as evidence relevant to the offence for which extradition is requested;
 - b) Which has been acquired as a result of the offence for which extradition is requested and in which, at the time of the arrest is found in possessions of the person sought or is discovered subsequently;
 - c) Which have been earned in return for the proceeds of the crime.

2. The things referred to in paragraph 1 of this Article may, if the Requesting Party so requests, be handed over to that Party even if the extradition agreed to cannot be carried out.
3. If the said thing is liable to seizure or confiscation in the territory of the Requested Party, the latter in connection with pending criminal proceedings, temporarily retains it or hands it over on condition that it is returned.
4. Any rights which the Requested Party or Third Parties may have acquired on the said things shall be preserved. When these rights exist, the things shall be returned without charge to the Requested Party as soon as possible after the completion of the proceedings.

ARTICLE 14 TRANSIT

1. Transit through the territory of either of the Contracting Parties shall be granted upon the request transmitted through the diplomatic channels to the Central authority of the Requested Party provided that the offence concerned is an extraditable offence under this Agreement.
2. The Contracting Party requested to grant transit may refuse to comply when the person concerned is its national.
3. Where a person is to be extradited to the Requesting Party through the territory of a third state, the Requesting Party shall request that other states permit the transit of that person through its territory.
4. In case of using air transport, the following provisions shall be followed:
 - a) Where the landing of the plane is not required, the Requesting Party shall inform the Contracting State whose space shall be crossed of the existence of the documents stipulated in Article 6 paragraph 2. a. In case of an emergency landing, such notification shall have the effects of the provisional custody request referred to in Article 7 and the Requesting Party shall submit an ordinary request for transit;
 - b) If the landing of the plane is required, the Requesting Party shall submit a request for transit according to the provisions of paragraph 1 of this Article.

ARTICLE 15 EXPENSES

Expenses arising from the procedures of extradition in the territory of the Requested Party shall be borne by that Party. Expenses of transportation and the transit costs in

connection with the surrender of the person sought to be extradited shall be borne by the Requesting Party.

ARTICLE 16

LANGUAGE

1. Requests for judicial assistance and supporting documents shall be made in the language of the requesting party and shall be accompanied by a translation into the language of the requested party, or in the French language.
2. The translation attached to the assistance request shall be certified by a qualified person in accordance with the law of the requesting party.

ARTICLE 17

CENTRAL AUTHORITIES

For the purpose of the present agreement, the central authorities of both parties shall exchange through diplomatic channels. The central authority for:

- The Kingdom of Morocco, the Central authority shall be The Ministry of Justice (- Directorate of Penal Affairs, Amnesty and Crime Monitoring);
- The Republic of Sierra Leone, the Central authority shall be the Attorney-General and Minister of Justice.

The Parties shall immediately notify each other through diplomatic channels about the changes in their Central Authorities by exchanging verbal notes.

ARTICLE 18

CONSULTATIONS

The Parties shall consult regarding the interpretation or implementation of the present Agreement through diplomatic channels.

ARTICLE 19

SCOPE OF APPLICATION

The present Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.



GOVERNMENT OF SIERRA LEONE

ARTICLE 20
FINAL PROVISIONS

1. The present Agreement is subject to ratification.
2. The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting Parties through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either Contracting Parties.
3. Either of the Contracting Parties may denounce the present Agreement by giving notice in writing through diplomatic channels to the other Contracting Party. Such denunciation shall take effect six months following the date on which it is received by the other Contracting Party.
4. The amendments and/or modifications shall be drawn up by protocols, which shall enter into force in the order prescribed for the entry into force of this agreement.

IN WITNESS WHEREOF the undersigned being duly authorized thereto, have signed this Agreement.

Done in Dakhla on 28th of April 2023, in two originals, in Arabic and English languages, all texts being equally authentic.

For
The Kingdom of Morocco

Nasser BOURITA
Minister of Foreign Affairs, African
Cooperation and Moroccan Expatriates

For
The Republic of Sierra Leone

David J. FRANCIS
Minister of Foreign Affairs and
International Cooperation