

**TREATY
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
RELATING TO EXTRADITION**

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES,

Desiring to make more effective the cooperation of the two countries in the repression of crime and, specifically, to regulate and thereby promote the relations between them in matters of extradition,

HAVE AGREED AS FOLLOWS:

**ARTICLE I
Obligation to Extradite**

The Government of the Kingdom of Thailand and the Government of the Republic of the Philippines agree to extradite to each other, in the circumstances and subject to the conditions described in this Treaty, persons found in its territory who are being proceeded against or who have been charged with, found guilty or convicted of, any of the crimes covered by Article II of this Treaty committed within the territory of the other, or outside thereof under the conditions specified in Article IV.

**ARTICLE II
Extraditable Crimes**

1. Persons shall be delivered up according to the provisions of this Treaty who are being proceeded against or who have been charged with, found guilty or convicted of, any of the following crimes provided that these crimes are punishable by the laws of both Parties by a possible penalty of death or imprisonment or deprivation of liberty for a period exceeding one year:

- a) Killing or causing death to another person
- b) Rape, indecent assault; unlawful sexual acts with or upon minors under the age specified by the penal laws of both Parties
- c) Abduction; kidnapping
- d). Causing bodily harm
- e) Illegal or arbitrary detention or confinement
- f) Slavery and other similar offenses
- g) Robbery; theft
- h) Embezzlement; misappropriation; malversation; cheating; fraud; deceit
- i) Extortion; threats; coercion
- j) Bribery; corruption; graft
- k) Falsification; perjury, giving, fabricating and using false evidence
- l) Forgery, counterfeiting and related crimes
- m) Smuggling
- n) Arson; willful or unlawful destruction of or damage to property
- o) Hijacking; piracy; mutiny
- p) Crimes against the laws relating to narcotics, dangerous or prohibited drugs or prohibited chemicals
- q) Crimes against the laws relating to firearms, explosives, or incendiary devices

2. Extradition shall also be granted for participation in any of the crimes mentioned in this Article, not only as principals or accomplices, but also as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned crimes, when such participation, attempt or conspiracy is punishable under the laws of both Parties by imprisonment or deprivation of liberty for a period exceeding one year.

3. Extradition may also be granted at the discretion of the requested Party in respect of any other crimes for which it can be granted according to the laws of both Parties.

4. If extradition is requested for any crime encompassed by paragraphs 1, 2 or 3 of this Article and that crime is punishable under the laws of both Parties by imprisonment or deprivation of liberty for a period exceeding one year, such crime shall S. extraditable under the provision, of this Treaty whether or not the laws of both Patties would place that crime within the same category of crimes or denominate the crime by the same terminology, provided the elements of the crime correspond to those of one or more of the crimes mentioned in this Article under the laws of both Parties.

ARTICLE XII
Place of Commission

The requested Party may refuse to extradite a person claimed for a crime which is regarded by its laws as having been committed in whole or in part in its territory or in a place treated as its territory.

ARTICLE IV
Territorial Application

1. A reference in this Treaty to the territory of a Party is a reference to all the territory under the Jurisdiction of that Party and to vessels and aircraft registered in that Party if any such aircraft is in flight or if any such vessel is on the high seas when the crime is committed. For purposes of this Treaty, an aircraft shall be considered to be in flight at any time from the moment when all its external *doors* are closed following embarkation until the moment when any such door is opened for disembarkation.
2. When the crime for which extradition has been requested has been committed outside the territory of the requesting Party, the requested Party shall have the power to grant extradition if the laws of the requested Party would provide for the punishment of crime committed in analogous circumstances.
3. The determination of the territory of the requested Party shall be governed by its national laws.

ARTICLE V
Political Crimes

1. Extradition shall not be granted if the crime in respect of which it is requested is regarded by the requested Party as a political crime.
2. If any question arises as to whether a case is a political crime, the decision of the requested Party shall be determinative.
3. The taking or attempted taking of the life of the Head of State or Acting Head of State or Head of Government of either of the Parties or a member of his *family* shall not be deemed to be a political crime for the purpose of this Treaty.

ARTICLE VI
Extradition of Nationals

1. Each Party shall have the right to refuse extradition of *its* nationals.
2. If the requested Party does not extradite its nationals, that Party shall at the request of the requesting Party submit the case to the competent authorities of the former for prosecution. For this purpose the files, information and exhibits relating to the crime shall be surrendered by the requesting Party to the requested Party.
3. Notwithstanding paragraph 2 of this Article, the requested Party shall not be required to submit the case to its competent authorities for prosecution if the authorities have no jurisdiction.

ARTICLE VII
Exceptions to Obligation to Extradite

Extradition shall not be granted in any of the following circumstances:

- a) When the person whose surrender is sought has been tried and acquitted or has undergone his punishment in a third State for the crime for which his extradition is requested.
- b) When the prosecution or the enforcement of the penalty for the crime has become barred by prescription or lapse of time under the law of the requesting Party.
- c) When the crime constitutes *an* infraction against military law or regulations which is not a crime under ordinary criminal law.

ARTICLE VIII
Double Jeopardy

Extradition shall not also be granted in any of the following:

- a) When final judgment has been passed by the competent authorities of the requested Party upon the person claimed in respect of the crime or crimes for which extradition is requested.
- b) When the person whose surrender is sought is being or has been proceeded against or has been tried and discharged or punished by the requested Party for the crime for which his extradition is requested.

ARTICLE IX
Rule of Specialty

A person who has been extradited shall not be prosecuted, sentenced or detained for any crime committed prior to his surrender other than that for which he was extradited except in the following cases:

- a) When the requested Party which surrendered hit consents. A request for consent shall be submitted to the requested Party, accompanied by the documents mentioned in Article XVI. consent shall be given when the crime for which it is requested is itself subject to extradition in accordance with the provisions of Article II of this Treaty, and
- b) When the person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it.

ARTICLE X
Provisional Arrest

1. In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought. The competent authorities of the requested Party shall decide the matter in accordance with its law.
2. The request for provisional arrest shall state that the documents mentioned in Article XVI exist and that it is intended to send a request for extradition. It shall also state for what crime extradition will be requested and when and where, such crime was committed and shall so far as possible give a description of the person sought.
3. A request for provisional arrest shall be sent in Thailand to the Director-General of the Police Department, and in the Philippines to the National Bureau of Investigation, either through the diplomatic channels or direct by post or telegraph or through the International Criminal Police organization (INTERPOL).
4. The requesting Party shall be informed without delay of the result of its request.
5. Provisional arrest may be terminated if, within a period of 20 days after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article XVI.
6. Release from provisional arrest shall not prejudice rear rest and extradition if a request for extradition is received subsequently.

ARTICLE XX

Surrender of the Person to be Extradited

1. The requested Party shall inform the requesting Party through the diplomatic channels of its decision with regard to the request for extradition.
2. Reasons shall be given for any rejection.
3. If the request is agreed to the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person claimed was detained with a view to surrender.
4. Subject to the provisions of paragraph 5 of this Article, if the person claimed has not been taken over on the appointed date he may be released after the expiry of 15 days and shall in any case be released after the expiry of 30 days and the requested Party may refuse to extradite him for the same crime.
5. If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree on a new date for surrender and the provisions of paragraph 4 of this Article shall apply.

ARTICLE XII

Postponed Surrender

The requested Party may, after making its decision on the request for extradition, postpone the surrender of the person claimed in order that he may be proceeded against by that Party or, if he has been convicted, in order that he may serve his sentence in the territory of that Party for a crime other than that for which extradition is requested.

ARTICLE XIII

Handing over of Property

1. The requested Party shall, insofar as its law permits and at the request of the requesting Party, seize and hand over property:
 - (a) which may be required as evidence, or
 - (b) which has been acquired as a result of the crime and which, at the time of the arrest, is found in the possession of the person claimed or discovered subsequently.
2. The property mentioned in paragraph 1 of this Article shall be handed over even if extradition, having been agreed to, cannot be carried out owing to the death or escape of the

person claimed.

3. When the said property is liable to seizure *Or* confiscation in the territory of the requested Party, the latter may, in connection with pending criminal proceedings, temporarily retain it or hand it over on condition that it be returned.

4. Any right which the requested Party or any other Stat, nay have acquired in the said property shall be preserved. Where these rights exist, the property shall be returned without charge to the requested Party as soon as possible after the trial.

ARTICLE XIV

Procedure

The procedure with regard to extradition and provisional arrest of the person requested to be extradited shall be governed solely by the law of the requested Party.

ARTICLE XV

Expenses

Expenses incurred in the territory of the requested Party by reason of extradition shall be borne by that Party.

ARTICLE XVI

Request and Supporting Documents

1. A request *for* extradition shall be in writing and sent in Thailand to the Minister of Interior, and in the Philippines to the Minister of Justice, through the diplomatic channels.

2. The request shall be supported by:

(a) The original or an authenticated copy of the conviction and sentence immediately enforceable or of the warrant of arrest or other order having the same effect and issued in accordance with the procedure laid down in the law of the requesting Party.

(b) a statement of the crime for which extradition is requested. The time and place of its commission, its legal description and a reference to the relevant legal provisions shall be set out as accurately as possible; and

(c) a copy of the relevant enactment *or*, where this is not possible, a statement of the relevant law, and as accurate a description as possible of the person claimed, together with any other information which will help to establish his identity and nationality.

3. The documents to be used in extradition proceedings shall be drawn up in the English language.

ARTICLE XVII

Multiple Requests

A Party which receives two or more requests for the extradition of the same person either for the same crime, or for different crimes, shall determine to which of the requesting States it shall extradite the person sought, taking into consideration the circumstances and particularly the possibility of a later *extradition* between the requesting States, the seriousness of each crime, the place where the crime was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between that Party and the other requesting State or States.

ARTICLE XVIII

Settlement of Disputes

Any dispute between the two Parties arising out of the Interpretation or implementation of this Treaty shall be settled peacefully by consultation or negotiation.

ARTICLE XIX

Entry into Force

This Treaty shall enter into force on the date of exchange of Instruments of Ratification.

ARTICLE XX

Termination

This Treaty may be terminated at any time by either Party giving the other six months prior notice of its intention to do so. Such termination shall not prejudice any proceedings commenced prior to the giving of such notice.

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

DONE in duplicate at Manila on the sixteenth Day of March, One thousand nine hundred and eighty-one in the English language.

FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND Minister of Foreign Affairs	FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES Minister of Foreign Affairs
---	---

INSTRUMENTS OF RATIFICATION

WHEREAS the Treaty between the Government of the Kingdom of Thailand and the Government of the Republic of the Philippines relating to Extradition was signed at Manila on 10 March 1981 by the duly authorized Representatives of the Government of the Kingdom of Thailand and the Government of the Republic of the Philippines,

THE GOVERNMENT OF THE KINGDOM OF THAILAND having considered the Treaty aforesaid, hereby confirms and ratifies the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS WHEREOF, this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of Thailand.

DONE at Saranrom Palace, Bangkok, this Twenty seventh Day of November, in the year two thousand Five hundred and Twenty-seven of the Buddhist Era (corresponding to the year 1984 of the Christian Era).

Air Chief Marahal
(Siddhi Savetaila)
Minister of Foreign Affairs of Thailand

PROCES-VERBAL OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION

The Undersigned, duly authorized by their respective Governments have met today for the purpose of exchanging the Instruments of Ratification of the Treaty between the Government of the Kingdom of Thailand and the Government of the Republic of the Philippines relating to Extradition signed at Manila on 16 March 1981.

These Instruments, having been examined and found to be in due form, have been exchanged today.

IN WITNESS WHEREOF, the Undersigned have signed the present Proces—Verbal.

DONE in duplicate, in the English language, at Saranrom Palace, Bangkok, this Seventh Day of December One thousand Nine hundred and Eighty-Four.

FOR THE GOVERNMENT OF THE
KINGDOM OF THAILAND

Air Chief Marsh
(Siddhi Savetsila)
Minister of Foreign Affairs

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES

(Rafael M. Iletto)
Ambassador Extraordinary and
Plenipotentiary

MALACANAN PALACE
MANILA

INSTRUMENT OF RATIFICATION

TO ALL TO WHOSE PARTS SHALL COME, BE ADVISED:

KNOW YE, that whereas the Treaty between the Government of the Republic of the Philippines and the Government of the Kingdom of Thailand Relating to Extradition was signed in Manila on 16 March 1981;

WHEREAS, the Treaty enumerates the extraditable criminal offenses which do not include political crimes, except when they involve “taking or attempted taking of the life of the Head of State or Acting Head of State or Head of Government of either of the Parties or a member of his family;”

WHEREAS, the Treaty shall enter into force on the date of the exchange of the Instruments of Ratification;

NOW, THEREFORE, be it known that I, FERDINAND E. MASDOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, after having seen

and considered the aforesaid Treaty which was signed *in* Manila on 16 March 1981, do hereby ratify the same and every article and clause thereof.

DONE in the City of Manila, Philippines, this 16th day of April, in the year of Our Lord, nineteen hundred and eighty-one.

BY THE PRESIDENT:

Minister for Foreign Affairs

Related Articles:

- ▶ [U.S. - Thailand Treaty of Amity and Economic Relations 2005](#)
- ▶ [U.S. - Thailand Treaty of Amity and Economic Relations 1966](#)
[U.S.-Thailand Treaty of Amity and Economic Relations 1966 \(Thai Version\)](#)
- ▶ [สนธิสัญญาทางไมตรีและความสัมพันธ์ทางเศรษฐกิจระหว่างราชอาณาจักรไทยกับสหรัฐอเมริกา พ.ศ.๒๕๐๙](#)
[15 May 2006 Circular Letter from the Ministry of Interior Re: Land Acquisition by Juristic Persons with Foreign Shareholders](#)
- ▶ [Accession of the States of Johore, Kedah, Perlis, Kelantan, and Trengganu to the Extradition Treaty between Great Britain and Siam](#)
- ▶ [Treaty of Extradition between Thailand and Great Britain](#)
- ▶ [Supplementary Article to the Treaty between Great Britain and Siam](#)
- ▶ [Treaty on Extradition between The Kingdom of Thailand and The Republic of Korea](#)
- ▶ [Treaty of Extradition between Thailand and United States of America](#)
[Treaty between The Kingdom of Thailand and The People's Republic of Bangladesh](#)
- ▶ [Relating to Extradition](#)
[Treaty between The Kingdom of Thailand and The People's Republic of China on Extradition](#)
- ▶ [Thai-Malaysian Exchange of Notes Regarding Extradition Treaty](#)
[Treaty between The Government of The Kingdom of Thailand and The Government of The-Republic of Indonesia Relating to Extradition](#)

Thailand Law Forum