

TREATY OF EXTRADITION BETWEEN THE REPUBLIC OF CHINA AND THE REPUBLIC OF MALAWI

Signed on April 12, 1994

WHEREAS the Republic of China and the Republic of Malawi are desirous to regulate by mutual agreement the relations between the Republic of China and the Republic of Malawi in the sphere of extradition of offenders;

NOW, THEREFORE, the Republic of China and the Republic of Malawi (hereinafter referred to as the Contracting Parties) agree as follows:

ARTICLE 1 OBLIGATION TO EXTRADITE

The Contracting Parties undertake to extradite to each other, subject to the provisions of this Treaty and their laws relating to extradition, any person who is accused or was convicted of the commission within the jurisdiction of the requesting Party of any offence specified in Article 2 and who finds himself in the territory of the requested Party.

ARTICLE 2 EXTRADITABLE OFFENCES

- (1) Extradition shall be granted in the case of a person accused in respect of any act which is an offense under the laws of the requesting Party as well as those of the requested Party and which is punishable in terms of such laws by a sentence of imprisonment for a period of one year or more or by a more severe penalty other than a fine alone. Extradition shall be granted, in the case of a person convicted and sentenced in respect of such an offense, for the purpose of enforcing such sentence or the balance of such sentence irrespective of the period of imprisonment or other more severe penalty imposed.
- (2) If the request for extradition relates to more than one offense for some of which the

中華民國與馬拉威共和國 間引渡條約

八十三年四月十二日簽訂

鑒於中華民國與馬拉威共和國，咸欲經由相互協議對中華民國與馬拉威共和國間之人犯引渡事宜加以規範；為此，中華民國與馬拉威共和國（以下簡稱「締約國」）爰經協議如下：

第一條 引渡之義務

締約國雙方承諾，依照本條約及雙方有關引渡之法律之規定，將在請求國一方之管轄內犯有第二條所列之任一犯罪行為而被追訴或判決定罪，且在被請求國領域內之任何人犯，彼此互予引渡。

第二條 得予引渡之犯罪行為

- 一、被起訴之人犯，其行為依請求國之法律及被請求國之法律均構成犯罪，且依雙方法律均得科處一年以上有期徒刑或其他更重之刑罰者，應准予引渡。但專科罰金者，不在此限。如人犯就上述犯罪行為業經判決有罪，為執行此項判決或執行其未滿之刑期時，不論宣告之徒刑期間或其他更重之刑罰為何，均應准予引渡。
- 二、如對一個以上之犯罪行為請求引渡，而其中某些犯罪行

punishment is less than that prescribed in paragraph (1) of this Article, the requested Party may in its discretion grant extradition also in respect of the latter offenses.

ARTICLE 3 SURRENDER OF NATIONALS

- (1) Subject to paragraphs (2) of this Article, each Contracting Party may refuse to surrender its own nationals to the other Party. However, such Contracting Party, by so refusing, is obliged to proceed against and try the person sought for the offense with which he is accused, and to notify the final result of the case to the other Party.
- (2) A Contracting Party shall not refuse to surrender its own national where the competent courts lack appropriate jurisdiction over a person whose extradition is sought.
- (3) If the person whose extradition is sought has acquired the nationality of the requested Party by naturalization after the commission of the offense, the requested Party shall not refuse such an extradition.
- (4) If a person whose extradition is sought possesses a dual nationality of both Contracting Parties, he shall be deemed to be a national of the Party in whose territory the offense was committed.
- (5) If the nationality of the person cannot be ascertained by locus delicti (i.e. the place of offence), it shall be determined according to the substantial ties between him and both of the Contracting Parties.

ARTICLE 4 POLITICAL OFFENSES

Extradition may be refused if the the offense in respect of which it is requested is regarded by the requested Party as a political offense.

爲之刑罰較本條第一項所規定者爲輕時，被請求國基於自由裁量，併得允准該等較輕之犯罪行爲之引渡。

第三條 國民之解交

- 一、締約一方，除本條第二項所規定之情形外，得拒絕將其本國國民解交他方。但拒絕解交之一方，應對被請求引渡之人犯所被控之罪行實施追訴及審判，並應將該案最後結果通知他方。
- 二、締約國之管轄法院對被請求引渡之人犯無管轄權時，不得拒絕解交其本國國民。
- 三、被請求引渡之人犯於犯罪後，始因歸化取得被請求國之國籍時，被請求國不得拒絕引渡。
- 四、被請求引渡之人犯，具有締約雙方之雙重國籍時，應視爲犯罪地國之國民。
- 五、無法以犯罪地確定被請求引渡者之國籍時，依其與締約雙方之實質連繫定其國籍。

第四條 政治性犯罪

引渡請求所涉及之犯罪行爲，如被請求國認係屬政治性犯罪者，得拒絕之。

ARTICLE 5 MILITARY OFFENSES

Extradition should not be granted in respect of any offense under military law if such offense is not an offense under ordinary criminal law.

ARTICLE 6 PENDING PROCEEDINGS FOR THE SAME OFFENSE

The requested Party may refuse to extradite any person if the competent authorities of such Party are proceeding against such person in respect of the offense or offenses for which extradition is requested.

ARTICLE 7 PROCEEDINGS AND SENTENCES FOR DIFFERENT OFFENSES

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offenses other than that for which such extradition has been requested, his surrender may be deferred until such proceedings have been concluded or such or any other sentence has been served or carried out.

ARTICLE 8 NON BIS IN IDEM

Extradition shall not be granted if final judgment had been passed by the competent authorities of the requested Party upon the person whose extradition is sought in respect of the offence or offences for which extradition is requested. Extradition may be refused if the competent authorities of the requested Party have decided either not to institute or to terminate proceedings in respect of the same offense or offenses.

ARTICLE 9 LAPSE OF TIME

Extradition shall not be granted if the person whose extradition is sought has, according to the

第五條 軍事性犯罪

任何涉及軍法之犯罪行為，如該項行為依照一般刑法不構成犯罪者，應不准引渡。

第六條 對同一犯罪行為進行追訴中

被請求國之主管當局，如正就請求引渡之犯罪行為，對同一人犯進行追訴時，得拒絕引渡該人犯。

第七條 對不同犯罪行為之追訴與刑罰

如被請求引渡之人犯，因被請求引渡以外之其他犯罪行為，在被請求國領域內，正受追訴或服刑時，該人犯之解交，得展延至追訴程序終結或刑罰執行完畢後為之。

第八條 一事不再理

如被請求國之主管當局，對被請求引渡之人犯，就請求引渡之犯罪行為，已為確定判決時，應不准引渡。

如被請求國之主管當局決定對同一犯罪行為處分不起訴或終結訴訟程序者，得拒絕引渡。

第九條 消滅時效

請求引渡之犯罪行為，其追訴權或行刑權，依請求國或被請求國

laws of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment for the offense for which extradition is requested.

ARTICLE 10 THE REQUEST AND SUPPORTING DOCUMENTS

- (1) The request for extradition shall be in writing and shall be communicated through the diplomatic channel or such other channel as may from time to time be agreed upon by the Contracting Parties.
- (2) The request for extradition shall be accompanied by -
 - (a) if the person whose extradition is sought is a person accused, the original or a certified copy of the warrant for his arrest or court order having the same effect and issued in accordance with the law of the requesting Party as well as prima facie evidence of the commission of the offense by such person;
 - (b) if the person whose extradition is sought is a person convicted, the original or a certified copy of the record of his conviction and enforceable sentence, and a statement showing how much of the sentence has not been carried out;
 - (c) a statement of the offenses for which extradition is requested, in which the time and place of their commission, their legal description and a reference to the relevant legal provisions shall be set out as accurately as possible;
 - (d) a copy of the relevant enactments or, where this is not possible, a statement of the relevant law; and
 - (e) as accurate a description as possible of the person whose extradition is sought together

任何一方之法律，業因時效完全而消滅者，應不准引渡。

第十條 請求及佐證文件

- 一、引渡之請求應以書面並應循外交途徑或其他經締約國雙方於其後所協議之途徑為之。
- 二、引渡之請求應檢附：
 - (甲) 如被請求引渡之人犯，係已被追訴者，其拘票或其他依據請求國法律所發具有同等效力之法院命令正本或經證明之繕本，以及外觀足資認定該人犯罪之證據；
 - (乙) 如被請求引渡之人犯，係已判決有罪者，其有罪判決與可執行之刑罰之紀錄正本或經證明之繕本，以及載明剩餘未執行刑期之聲明書；
 - (丙) 關於被請求引渡之犯罪行為之聲明書，其內容應儘可能詳載犯罪之時間與地點，其法律上之記述，以及所援引之有關法條；
 - (丁) 有關法規各一份，如無法提供時，一份有關法律之說明；
 - (戊) 對被請求引渡之人犯儘可能翔實之描述，以及

with any other information which will help to establish his identity.

任何其他足資辨明其身分之資料。

ARTICLE 11 DOCUMENTS RELATING TO EVIDENCE

第十一條 關於證據之文件

The authorities of the requested Party shall admit as evidence in any proceedings for extradition any deposition or statement on oath or affirmation, whether or not taken in the presence of the person accused, any record of any conviction, or any warrant issued in the requesting State or a copy or notarized translation of the aforesaid documents, if such documents or a copy or translation thereof are authenticated-

被請求國之有關當局，在任何引渡之程序中，對於任何經證實之證言或陳述，不論製作時被追訴之人犯是否在場，任何有罪判決之紀錄，或任何請求國所發之令狀，或上述文件之影本或經公證之譯本，如經以下程序之認證，均應採為證據：

- (a) by being certified, by a judge, magistrate or other competent officer of the requesting Party, to be original documents, or to be true copies or translation thereof, as the case may be; and
- (b) either by the oath or affirmation of some witness, or by being sealed with the official seal of the Minister of Justice or other competent authority of the requesting Party, or in such other manner as may be permitted by the law of the requested Party.

(甲) 經請求國法官、司法行政官或其他該管官員，視個案之情形證明其為正本、真正之繕本或譯本者；

(乙) 經證人宣誓或證實，或經請求國法務部長或其他該管當局之鈐印，或經其他被請求國法律所容許之方式，予以認證者。

ARTICLE 12 ADDITIONAL EVIDENCE OR INFORMATION

第十二條 補充證據或資料

- (1) If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, the requesting Party shall submit the necessary additional evidence or information within such time as the requested Party shall designate.
- (2) If the person whose extradition is sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or information is not received within the period specified by the requested Party, he may be discharged from custody.
- (3) Such discharge as referred to in paragraph (2) of

一、如被請求國尚需補充證據或資料始能決定是否准予引渡時，請求國應於被請求國所指定之期間內，提出必要之補充證據或資料。

二、如被請求引渡之人犯現正羈押中，而前述提出之補充證據或資料不夠充分，或資料未能於被請求國所定之期間內送達時，人犯得予釋放。

三、本條第二項所稱之釋放，應

this Article shall not bar the requesting Party from submitting another request for extradition in respect of the same offense.

ARTICLE 13 RULE OF SPECIALITY

A person who has been extradited under this Treaty shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence for any offense committed prior to his surrender other than that for which he was extradited, nor shall he for any other reason be restricted in his personal freedom, except in the following cases:

- (a) When the requested Party consents thereto. A request for consent shall be submitted by the requesting Party, accompanied by the documents mentioned in Article 10, paragraph (2), and a legal record of any statement made by the extradited person in respect of the offense concerned. Consent shall not be withheld when the offense for which it is requested is itself subject to extradition in accordance with the provisions of this Treaty.
- (b) When the person, having had the opportunity to leave the territory of the requesting Party, has not done so within 45 days of his final discharge, or has voluntarily returned to that territory after leaving it.

ARTICLE 14 RE-EXTRADITION TO THIRD STATE

Except as provided for in Article 13, paragraph(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 offenses committed before his surrender. The requested Party may require the production of the documents in respect of the offense for which the third state is requesting extradition before giving its consent for re-extradition.

不妨礙請求國就同一犯罪行為再行提出引渡之請求。

第十三條 引渡與追訴一致原則

依據本條約被引渡之人犯，不得因解交之前已犯，且未受引渡請求之任何其他犯罪行為而被追訴、判刑或為執行刑罰而受羈押，亦不得基於任何其他理由而限制其人身自由。但有下列情形者，不在此限：

- (甲) 經被請求國同意者。請求國應提出同意請求書，並檢附第十條第二項內所列之各項文件及被引渡之人犯就有關該犯罪行為所為陳述之法定紀錄。被請求之犯罪行為，依本條約之規定，如係得予引渡者，不得拒絕同意。
- (乙) 人犯如有離去請求國領域之機會，而未於其最後釋放之日起四十五日內離去者，或於離去之後自願返回請求國領域者。

第十四條 再引渡與第三國

除第十三條(乙)款所定之情形外，請求國非經被請求國之同意，不得將引渡之人犯，應第三國之主張，以其於引渡前曾犯他罪行，而再引渡與該第三國。被請求國於同意再引渡之前，得要求提出關於第三國請求引渡之犯罪行為之有關文件。

ARTICLE 15 PROVISIONAL ARREST

第十五條 緊急逮捕

- (1) In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person whose extradition is 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 one of the documents mentioned in Article 10, paragraph (2) (a) or (b) exists and that it is intended to send a request for extradition. It shall also state for what offense extradition will be requested and when and where such offense was committed and shall so far as possible give a description of the person whose extradition is sought.
 - (3) A request for provisional arrest shall be sent to the competent authorities of the requested Party either through the diplomatic channel or direct by post or telegraph or by other means affording evidence in writing and acceptable to the requested Party. The competent authorities of the requesting Party shall be informed as soon as possible of the result of their request.
 - (4) Provisional arrest may be terminated if within a period of 18 days after the arrest the requested Party has not received the request for extradition. In any event, the person whose extradition is sought shall not be detained longer than 40 days after the date of provisional arrest if the requested Party has not received the request for extradition and the documents mentioned in Article 10, paragraph (2), within that period. The requested Party may release the person whose extradition is sought from provisional arrest at any time but, if he is released, the requested Party shall take whatever measures available under its law that it considers necessary to prevent the escape from its territory of the person whose extradition is sought.
- 一、遇有緊急情形時，請求國之主管當局，得請求將所擬引渡之人犯，予以緊急逮捕。被請求國之主管當局，應依該國法律處理之。
 - 二、緊急逮捕請求書，應述明既存之第十條第二項(甲)款或第二項(乙)款所稱之文件及即將提出引渡請求之意旨。上述請求書內並應述明所擬請求引渡之犯罪行為及其犯罪之時間與地點，並應儘可能對於被請求引渡人犯予以描述。
 - 三、緊急逮捕請求書，應循外交途徑或逕以郵政、電報或任何其他足以提供書面證據並為被請求國所接受之方式，送達被請求國之主管當局。請求國之主管當局，應儘速獲知其請求之結果。
 - 四、被請求國於逮捕後十八日內，仍未接獲引渡請求書時，得終止緊急逮捕。無論如何，自緊急逮捕之日起四十日內，如被請求國仍未收到引渡請求書以及第十條第二項所列之各項文件時，被請求引渡之人犯，即不得再予羈押。被請求國得隨時將被請求引渡之人犯，於緊急逮捕中釋放，惟釋放後，被請求國應採取一切其認為必要之合法措施，以防止被請求引渡之人犯逃離該國領域。

- (5) Release from provisional arrest shall not debar rearrest and extradition if a request for extradition is received subsequently.

ARTICLE 16 CONFLICTING REQUESTS

If extradition of the same person is requested concurrently by more than one state, either for the same offense or for different offenses, the requested Party shall make its decision having regard to all the circumstances and especially the relative seriousness and place of commission of the offenses, the respective dates of the requests, the nationality of the person whose extradition is sought, his ordinary residence and the possibility of subsequent extradition to another state.

ARTICLE 17 SURRENDER OF THE PERSON WHOSE EXTRADITION IS SOUGHT

- (1) The requested Party shall inform the requesting Party through the channel mentioned in Article 10, paragraph (1), of its decision with regard to the request for extradition.
- (2) Reason shall be given for any complete or partial rejection.
- (3) If the request is granted, the requesting Party shall be informed of the place and date of surrender and of the length of time for which the person whose extradition is sought would have been detained between the date of committal and the date of surrender.
- (4) If the person to be surrendered has not been received on the appointed date by the requesting Party, he may be released after the expiry of 30 days. The requested Party may refuse to extradite him thereafter for the same offense.
- (5) If circumstances beyond its control prevent a Contracting Party from surrendering or receiving the person to be surrendered, the said Party shall so notify the other Contracting

- 五、經緊急逮捕而釋放者，不得妨礙接獲引渡請求書後，再行逮捕與引渡。

第十六條 請求之競合

數國對於同一人犯，無論基於同一犯罪行為或不同之犯罪行為，同時請求引渡時，被請求國應斟酌全盤情況之後予以決定，尤應考慮犯罪行為之嚴重程度與犯罪之行為地、各請求書提出之日期、被請求引渡人犯之國籍、其通常居留地以及其後引渡予其他國家之可能性。

第十七條 被請求引渡人犯之解交

- 一、被請求國應循第十條第一項所述之途徑，將有關引渡請求之決定，通知請求國。
- 二、對全部或部分之拒絕應附理由。
- 三、如請求獲准，應將解交之地點與期日，以及被請求引渡之人犯自羈押時起至解交時止，已受監禁之時間併通知請求國。
- 四、如請求國未於約定之期日接受應解交之人犯，被請求國得於三十日期滿之後將其釋放。其後被請求國得拒絕就同一犯罪行為引渡該人犯。
- 五、如因不可控制之情勢以致妨礙締約國一方解交或接受應解交之人犯時，該方應將上述情形通知他方締約國。其

Party. The Contracting Parties shall thereafter agree upon a new date for surrender and the provisions of paragraph (4) of this Article shall thereupon apply.

ARTICLE 18 HANDING OVER OF PROPERTY

- (1) The requested Party shall, in so far as law permits and at the request of the requesting Party, hand over to the latter, property-
 - (a) which may be required as evidence; and
 - (b) which has been seized under the authority of a search warrant or which, at the time of arrest, was found in the possession of the person whose extradition is sought.
- (2) The property referred to in paragraph (1) of this Article shall be handed over even if extradition, having been granted, cannot be carried out owing to the death or escape of the person whose extradition is sought.
- (3) When the said property is liable to seizure or confiscation in the territory of the requested Party, the requested Party may, in connection with pending criminal proceedings, temporarily retain it or hand it over to the requesting Party on condition that it be returned within a specified period of time.
- (4) Any rights which the requested Party or third Parties may have acquired in the said property shall remain unaffected. Where such rights exist, the property shall be returned without charge to the requested Party as soon as possible after the trial, unless such rights have been waived.

ARTICLE 19 TRANSIT

- (1) Transit through the territory of either Contracting Party shall be granted to the other

後締約國雙方應另定解交之期日，此時，本條第四項之規定應適用之。

第十八條 財物之交付

- 一、被請求國應在其法律允許之範圍內，依據請求國之請求，將下列財物交付予請求國：
 - (甲) 可供作為證據之用者；
 - (乙) 經用搜索票而扣押者或係被請求引渡之人犯於逮捕時所持有者。
- 二、本條第一項所稱之財物，於引渡業經獲准，但因被請求引渡之人犯死亡或逃匿致無法執行時，仍應交付之。
- 三、如前述財物於被請求國領域內得以扣押或沒收者，被請求國得為繫屬中之刑事訴訟程序，暫時予以留置，或在特定期間內返還之條件下交付予請求國。
- 四、被請求國或第三者，對前述財物所已取得之任何權利應不受影響。當該等權利存在時，除非該等權利業經捨棄，財物應於審判後儘速返還被請求國，不收取費用。

第十九條 過境

- 一、締約國一方應依據下列各款之規定，允准他方締約國自

Contracting Party in respect of the extradition of any person from a third state in accordance with the following provisions:

- (a) A request for transit shall be submitted in the manner prescribed in Article 10, paragraph (1), in respect of a request for extradition.
- (b) The provisions and conditions laid down in this Treaty shall apply mutatis mutandis to such a request as if it were a request for the extradition of the person concern.
- (c) The Contracting Party requested to grant transit may require the production of the documents mentioned in Article 10, paragraph (2), before granting the request for transit through its territory.
- (d) If the person whose extradition is sought is to be transported by aircraft over the territory of either Contracting Party, the following provisions shall apply:
 - (I) If no intermediate landing is scheduled to be made, the requesting Party shall notify the Contracting Party over whose territory the flight is to be made and shall confirm that a warrant of arrest or a conviction and enforceable sentence exists and shall give an assurance that in view of the facts known to it and considering the documents in its possession, there is no reason why transit in accordance with this Treaty should be refused. In the case of an unscheduled intermediate landing, the notification concerning the use of air transport shall have the effect of a request for provisional arrest as provided for in Article 15, and the requesting Party shall thereafter submit a formal request for extradition.

第三國引渡人犯時經由該國之領域過境：

- (甲) 應依第十條第一項所定關於請求引渡之方式，提出過境請求。
- (乙) 一如其為請求引渡該有關人犯，本條約所定之規定與條件，應準用於此項過境請求。
- (丙) 被請求允准過境之締約國一方，於允准經由其領土過境前，得要求提出第十條第二項所述之各項文件。
- (丁) 如被請求引渡之人犯將以航空器運送飛越締約國一方之領域時，應適用下列規定：
 - (1) 如按預定之行程不作中途著陸時，請求國應通知將飛越其領土之締約國，並應證實確有拘票或有罪判決與得執行之刑罰係屬存在，且應使人確信，鑒於已知之事實與所持有之文件，依本條約之規定，其過境應無理由遭受拒絕。如需作行程所未預定之中途著陸時，關於使用空中運送之通知，應有第十五條所定請求緊急逮捕之效力，請求國隨後並應提出正式之引渡請求。

(ii) If an intermediate landing is to be made, the provisions of subparagraphs (a), (b) and (c) of this paragraph shall apply.

(2) 如預定將於中途著陸時，本項(甲)(乙)(丙)各款之規定應予適用。

(2) Any right of transit arising from the operation of paragraph (1) shall be exercised in accordance with such conditions as the requested Party may prescribe.

二、因第一項之適用而生之任何過境權利，應依照被請求國所規定之條件予以行使。

(3) Notwithstanding the provisions of this Article, the requested Party may refuse a request for transit if it is of the opinion that such transit would endanger public order in its territory.

三、縱有本條之規定，被請求國如認為其過境將危害該國領域之公共秩序時，仍得拒絕過境之請求。

ARTICLE 20 LANGUAGE TO BE USED

第二十條 使用之語文

Where the Government of the Republic of China is the requested Party, the documents to be produced shall be accompanied with certified translations into English if such documents are not in English. Where the Government of the Republic of Malawi is the requested Party, the documents to be produced shall be accompanied with certified translations into English, if such documents are not in English.

中華民國政府係被請求之一方時，所提出之文件如非以英文作成時應檢附經認證之英文譯本。馬拉威共和國政府係被請求之一方時，所提出之文件如非以英文作成時應檢附經認證之英文譯本。

ARTICLE 21 EXPENSES

第二十一條 費用

(1) Expenses incurred in the territory of the requested Party by reason of the arrest, detention and maintenance of the person whose extradition is sought, and any court proceedings arising from the request for extradition, shall be borne by that Party.

一、在被請求國領域內，因逮捕、羈押與被請求引渡之人犯之生活及因請求引渡之法庭程序所生之費用應由被請求國負擔。

(2) The requesting Party shall bear the expenses occasioned by the conveyance of the person whose extradition is sought from the place where he is surrendered to its own territory.

二、請求國應負擔將被請求引渡之人犯自解交地運送至其領域所生之費用。

(3) Expenses incurred by reason of transit through the territory of a Party requested to grant transit shall be borne by the requesting Party.

三、因過境被請求允准過境之一方領土所生之費用應由請求國負擔。

ARTICLE 22
APPLICATION OF THE TREATY

This Treaty shall apply to offenses committed and sentences imposed whether before or after the date upon which this Treaty comes into force.

ARTICLE 23
SETTLEMENT OF DISPUTES

Any dispute arising out of the interpretation and application of this Treaty shall be settled by mutual consultation through diplomatic channels between the two Contracting Parties.

ARTICLE 24
RATIFICATION AND ENTRY INTO FORCE

This Treaty shall be ratified in accordance with the constitutional processes of each Contracting Party and shall come into force upon the date on which instruments of ratification thereof have been exchanged.

ARTICLE 25
TERMINATION

Either of the Contracting Parties may terminate this present Treaty at any time by giving six months' written notice to the other Party through the diplomatic channel.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed and sealed this Treaty in duplicate in the Chinese and English languages, both text being equally authentic.

DONE at Lilongwe, on this 12th day of the 4th month of the eighty-three year of the Republic of China, corresponding to the 12th day of April, 1994.

第二十二條
本條約之適用

本條約適用於本條約生效之日以前及生效之日以後之犯罪行為與宣告之刑罰。

第二十三條
爭議之解決

為解釋與適用本條約所生之任何爭議，應由締約雙方循外交途徑磋商解決之。

第二十四條
批准及生效

本條約應由各締約國依其憲法所定程序予以批准，並於互換批准書之日起發生效力。

第二十五條
終止

締約國一方得隨是循外交途徑於六個月前以書面通知他方終止本條約。

為此，締約雙方代表，經雙方政府合法授權，爰於本條約簽字並蓋印，以昭信守。

本條約以中文及英文各繕兩份，中文本及英文本同一作準。中華民國八十三年四月十二日即公曆一九九四年四月十二日訂於里朗威。

FOR THE GOVERNMENT OF THE
REPUBLIC OF CHINA

[Signed]
C. J. Shih
Ambassador of the
Republic of China to the
Republic of Malawi

FOR THE GOVERNMENT OF THE
REPUBLIC OF MALAWI

[Signed]
L. G. Munlo, M. P.
Minister of Justice

中華民國代表
駐馬拉威共和國大使

石承仁〔簽名〕

馬拉威共和國代表
司法部長

蒙羅〔簽名〕