

中華民國與聖克里斯多福及尼維斯間引渡條約

前 言

鑒於中華民國政府與聖克里斯多福及尼維斯政府咸欲經由相互協議對中華民國與聖克里斯多福及尼維斯間之人犯引渡事宜加以規範；為此，中華民國與聖克里斯多福及尼維斯（以下簡稱「締約雙方」）爰經協議如下：

第一條 引渡之義務

締約雙方承諾，依照本條約及雙方有關引渡之法律之規定，將在請求國一方管轄內犯第二條所列之犯罪行為而被追訴或判決有罪，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，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。

- 二 如人犯就本條第一項之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。

第三條 政治性犯罪

- 一 引渡請求所涉及之犯罪行為，如被請求國認係屬政治性犯罪者，得拒絕之。
- 二 依據本條約之目的，下列犯罪不得視為政治性犯罪：
 - (一) 殺害締約雙方之國家元首或其家庭成員或對其暴力犯罪。
 - (二) 依據一項國際間的多邊協定，締約雙方均有義務引渡觸犯某項犯罪而受追訴之人或將案件交由締約國權責機關決定是否起訴；及
 - (三) 陰謀或企圖犯前述犯罪，或幫助、教唆他人犯前述犯罪。
- 三 儘管有本條第二項之規定，倘被請求國之權責機關認定犯罪具有政治性時，引渡之請求亦不應准許。

第四條 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。

第五條 對同一犯罪行為進行追訴中

被請求國之權責機關，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。

第六條 暫緩解交

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。

第七條 一事不再理

- 一 如被請求國之權責機關，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，應不准予引渡。
- 二 如被請求國之權責機關決定對同一犯罪行為不起訴處分或終止追訴者，得拒絕引渡。

第八條 消滅時效

被請求引渡之人犯，其追訴權或行刑權，依請求國或被請求國任何一方之法律，業因時效完成而消滅者，應不
准予引渡。

第九條 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雙方於其後同意之途徑為之。
- 二 引渡之請求應檢附：
 - (一) 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犯罪之證據；
 - (二) 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；
 - (三) 關於被請求引渡人犯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；
 - (四) 有關法規各一份；及

- (五) 對被請求引渡之人犯儘可能翔實之描述，以及任何其他足資辨明其身分之資料。

第十條 關於證據之文件

被請求國之權責機關，在任何引渡之程序中，對於任何經宣誓或證實之證言或陳述，不論製作時被追訴之人是否到場，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宣誓之譯本，如經以下程序之認證，均應採為證據：

- (一) 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；及
- (二) 經請求國法務部長或其他權責機關之鈐印，或經其他被請求國法律所容許之方式，予以認證者。

第十一條 補充證據或資料

- 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，應不妨礙請求國就同一犯罪行為再行提出引渡之請求。

第十二條 特定原則

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：

- (一) 經被請求國同意者。請求國應提出同意請求書，並檢附第九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。
- (二) 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。

第十三條 再引渡至第三國

- 一 第三國請求引渡依照本條約所引渡之人犯者，除第三國與被請求國間有基於互惠之引渡安排外，引渡之請求應不予准許。
- 二 除第十二條第二款所定之情形外，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，而再引渡至該第三國。
- 三 被請求國於同意再引渡予第三國前，應要求提出符合本條約第九條所定關於請求引渡之犯罪行為有關文件。

第十四條 拘提羈押

- 一 遇有緊急情形時，請求國之權責機關，得請求將所擬引渡之人犯，予以拘提羈押。被請求國之權責機關，應依該國法律處理之。
- 二 拘提羈押請求書，應透過外交途徑或直接以郵政、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，送達至被請求國之權責機關。請求國之權責機關，應儘速獲知其請求之結果。

三 拘提羈押請求書應包含下列資訊：

- (一) 對於被請求引渡人犯之描述；
- (二) 於知悉時，提供被請求引渡人犯所處地點；
- (三) 案件事實摘要之陳述，儘可能包括犯罪之時間與地點；
- (四) 所違反法律之描述；
- (五) 拘票、有罪之證據或有罪之判決等存在之陳述；及
- (六) 對被請求人犯將提出引渡請求書之聲明。

四 拘提羈押後四十五天之期限內，被請求國倘仍未收到第九條第二項所定之引渡請求書及相關資料時，拘提羈押應即終止；此四十五天之期限得因請求國之請求再予展延十五天。

五 被請求國得隨時將被請求引渡之人犯，於拘提羈押中釋放，惟釋放後，被請求國得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。

六 經拘提羈押而釋放者，不得妨礙接獲引渡請求書後，再行拘提羈押與引渡該人犯。

第十五條 數國引渡請求之競合

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。

第十六條 決定及解交

- 一 被請求國應循第九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日止，已受監禁之時間一併通知請求國。
- 四 如人犯未能依被請求國法律規定之時間內解交離境，得釋放該人犯，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一方解交或接受應解交之人犯時，該方應將上述情形儘速通知他

方。其後締約雙方應另定解交之期日，此時，本條第四項之規定應適用之。

第十七條 財產之扣押與交付

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：

(一) 可供作為證據之用者；及

(二) 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。

第十八條 過境

一 締約一方應依據下列各款之規定，允准他方自第三國引渡人犯時經該國之領域過境：

(一) 應依第九條第一項所定關於請求引渡之方式，提出過境請求。

(二) 如為請求引渡該有關人犯，本條約所定之規定與條件，應相同適用於此項過境請求。

(三) 被請求允准過境之締約一方，於允准經由其領土過境前，得要求提出第九條第二項所述之各項文件。

(四) 如被請求引渡之人犯將以航空器運送飛越締約一方之領域時，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方，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。

2 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，應有第十四條所規定請求拘提羈押之效力，請求國隨後並應提出正式之引渡請求。

3 如預定將於中途著陸時，本項第一款至第三款之規定應予適用。

二 因本條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。

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。

第十九條 使用之語文

向被請求國所提出之文件，應檢附經認證之被請求國語言譯本為之。

第二十條 費用

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合理費用應由被請求國負擔。

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。

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。

第二十一條 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。

第二十二條 爭議之解決

任何關於本條約之解釋及適用所生爭議，由締約雙方經由外交途徑協商解決之。

第二十三條 批准及生效

本條約應由各締約方依其憲法或法定程序予以批准，並於互換批准書之日起發生效力。

第二十四條 終止

締約一方得隨時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，經締約雙方政府合法授權，爰於本條約簽字，以昭信守。本條約以中文及英文各繕兩份，兩種文本同一作準。

中華民國一〇二年八月十八日即公曆二〇一三年八月十八日於巴士地市簽署。

中華民國政府代表

聖克里斯多福及尼維斯政府代表

林永樂

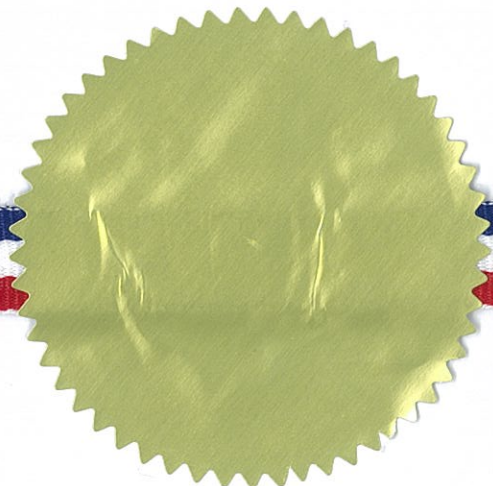
Patrice Nisbett

外交部部長

外交部部長

林永樂

Hon. Patrice Nisbett



為此，締約雙方代表，經締約雙方政府合法授權，爰於本條約簽字，以昭信守。本條約以中文及英文各繕兩份，兩種文本同一作準。

中華民國一〇二年八月十八日即公曆二〇一三年八月十八日於巴士地市簽署。

中華民國政府代表

聖克里斯多福及尼維斯政府代表

林永樂

Patrice Nisbett

外交部部長

外交部部長

林永樂

Hon. Patrice Nisbett



**TREATY OF EXTRADITION
BETWEEN
THE REPUBLIC OF CHINA
AND
SAINT CHRISTOPHER AND NEVIS**

PREAMBLE

WHEREAS the Government of the Republic of China and the Government of Saint Christopher and Nevis are desirous to regulate by mutual agreement the relations between the Republic of China and Saint Christopher and Nevis in the sphere of extradition of offenders:

NOW, THEREFORE, the Republic of China and Saint Christopher and Nevis (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 sought for prosecution or has been convicted of an extraditable offence within the jurisdiction of the requesting Party of an offence specified in Article 2 and who finds himself or herself 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 offence under the laws of the requesting Party as well as those of the requested Party and 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.
2. Extradition shall be granted, in the case of a person convicted and sentenced in respect of an offence referred to in paragraph 1 of this Article, for the

**TREATY OF EXTRADITION
BETWEEN
THE REPUBLIC OF CHINA
AND
SAINT CHRISTOPHER AND NEVIS**

PREAMBLE

WHEREAS the Government of the Republic of China and the Government of Saint Christopher and Nevis are desirous to regulate by mutual agreement the relations between the Republic of China and Saint Christopher and Nevis in the sphere of extradition of offenders:

NOW, THEREFORE, the Republic of China and Saint Christopher and Nevis (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 sought for prosecution or has been convicted of an extraditable offence within the jurisdiction of the requesting Party of an offence specified in Article 2 and who finds himself or herself 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 offence under the laws of the requesting Party as well as those of the requested Party and 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.
2. Extradition shall be granted, in the case of a person convicted and sentenced in respect of an offence referred to in paragraph 1 of this Article, 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.

ARTICLE 3

POLITICAL OFFENCES

1. Extradition may be refused if the offence in respect of which it is requested is regarded by the requested Party as a political offence.
2. For the purposes of this Treaty, the following offences shall not be considered to be political offences:
 - (a) a murder or other violent crime against the person of a Head of State of the Contracting Parties, or of a member of the Head of State's family;
 - (b) an offence for which both Contracting Parties have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and
 - (c) a conspiracy or attempt to commit any of the foregoing offences, or aiding or abetting a person who commits or attempts to commit such offences.
3. Notwithstanding the terms of paragraph 2 of this Article, extradition shall not be granted if the competent authorities of the requested Party determine that the request was politically motivated.

ARTICLE 4

MILITARY OFFENCES

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

ARTICLE 5

PENDING PROCEEDINGS FOR THE SAME OFFENCE

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 offence or offences for which extradition is requested.

ARTICLE 6

DEFERRED SURRENDER

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 offence other than that for which such extradition has been requested, his or her surrender may be deferred until such proceedings have been concluded or such other sentence has been served or carried out.

ARTICLE 7

PRIOR PROSECUTION

1. Extradition shall not be granted if final judgment has 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.
2. 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 offence or offences.

ARTICLE 8

LAPSE OF TIME

Extradition shall not be granted if the person whose extradition is sought has, according to the law of either the requesting or the requested Party, become immune by reason of lapse of time from prosecution or punishment for the offence for which extradition is requested.

ARTICLE 9

THE REQUEST AND SUPPORTING DOCUMENTS

1. The request for extradition shall be in writing and shall be communicated through diplomatic channels 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 or her 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 offence 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 or her conviction and enforceable sentence, and a statement showing how much of the sentence has not been carried out;
 - (c) a statement of the offences for which his or her 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; and
 - (e) as accurate a description as possible of the person whose extradition is sought, together with any other information which will help to establish his or her identity.

ARTICLE 10

DOCUMENTS RELATING TO EVIDENCE

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 Party or a copy or sworn translation of the aforesaid documents, if such documents or a copy or translation thereof are authenticated:

- (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 translations thereof, as the case may be; and
- (b) by being sealed with the official seal of the Minister of Justice or other competent authorities of the requesting Party, or in such other manner as may be permitted by the law of the requested Party.

ARTICLE 11

ADDITIONAL EVIDENCE OR INFORMATION

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 or she may be discharged from custody.
3. Such discharge as referred to in paragraph 2 of this Article shall not bar the requesting Party from submitting another request for extradition in respect of the same offence.

ARTICLE 12

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 offence committed prior to his or her surrender other than that for which he or she was extradited, nor shall he or she for any other reason be restricted in his or her 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 9 paragraph 2, and a legal record of any statement made by the extradited person in respect of the offence concerned, and consent shall not be withheld when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Treaty.
- (b) when the person, having had an opportunity to leave the territory of the requesting Party, has not done so within 45 days of his or her final discharge, or has voluntarily returned to that territory after leaving it.

ARTICLE 13

RE-EXTRADITION TO THIRD STATE

1. Where a third state seeks to extradite a person extradited in accordance with this Treaty, the request shall not be granted unless reciprocal arrangements for extradition exist between the third state and the requested Party.
2. Except as provided for in Article 12, subparagraph (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 or her surrender.
3. The requested Party shall require the production of the documents specified in Article 9 and must be satisfied in respect of the offence for which the third state is requesting extradition before giving its consent for extradition to that third state.

ARTICLE 14

PROVISIONAL ARREST

1. In an urgent case, the competent authorities of the requesting Party may request the provisional arrest of the person whose extradition is sought and the competent authorities of the requested Party shall decide the matter in accordance with its law.
2. A request for provisional arrest shall be sent to the competent authorities of the requested Party either through diplomatic channels or directly by post or telegraph or by any 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.
3. A request for provisional arrest shall contain the following information:
 - (a) a description of the person sought;
 - (b) a location of the person sought, if known;
 - (c) a brief statement of the facts of the case, including, if possible, the time and location of the offence;
 - (d) a description of the laws violated;
 - (e) a statement of the existence of a warrant of arrest or a finding of guilt or judgment of conviction against the person sought; and
 - (f) a statement that a request for extradition for the person sought will

follow.

4. Provisional arrest shall be terminated if, within a period of 45 days after the apprehension of the person sought, the requested Party has not received the request for extradition and the documents mentioned in paragraph (2) of Article 9. This period may be extended, upon the requesting Party's application, for up to an additional 15 days after the apprehension of the person sought.
5. The requested Party may release the person whose extradition is sought from provisional arrest at any time but, if he or she is released, the requested Party may 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.
6. Release from provisional arrest shall not bar the re-arrest and extradition of the person if a request for extradition is received subsequently.

ARTICLE 15

REQUESTS FOR EXTRADITION MADE BY SEVERAL STATES

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

ARTICLE 16

DECISION AND SURRENDER

1. The requested Party shall inform the requesting Party through the channel mentioned in Article 9, paragraph 1, of its decision with regard to the request for extradition.
2. Reasons 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 sought is not removed from the territory of the requested Party within the time prescribed by the law of that Party, that person may be discharged from custody, and the requested Party may subsequently refuse extradition for the same offence.
5. If circumstances beyond its control prevent a Contracting Party from surrendering or receiving the person to be surrendered, the said Party shall promptly notify the other Contracting Party, and 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 17

SEIZURE AND SURRENDER OF PROPERTY

1. The requested Party shall, in so far as its 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 and 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 18

TRANSIT

1. Transit through the territory of either Contracting Party shall be granted to the other 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 9, paragraph 1, in respect of a request for extradition;
 - (b) the provisions and conditions laid down in this Treaty shall apply equally to such a request as if it were a request for the extradition of the person concerned;
 - (c) the Contracting Party requested to grant transit may require the production of the documents mentioned in Article 9, 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;
 - (ii) 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 14, and the requesting Party shall thereafter submit a formal request for extradition;
 - (iii) if an intermediate landing is to be made, the provisions of subparagraphs (a), (b) and (c) of this paragraph shall apply.
2. Any right of transit arising from the operation of paragraph 1 of this Article shall be exercised in accordance with such conditions as the requested Party may prescribe.
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.

ARTICLE 19
LANGUAGE TO BE USED

The documents submitted to the requested Party shall be accompanied by certified translations into the language of the requested Party.

ARTICLE 20
EXPENSES

1. Reasonable 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.
2. The requesting Party shall bear the expenses occasioned by the conveyance of the person whose extradition is sought from the place where he or she is surrendered to its own territory.
3. Expenses incurred by reason of transit through the territory of a Party requested to grant transit shall be borne by the requesting Party.

ARTICLE 21
APPLICATION OF THE TREATY

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

ARTICLE 22
SETTLEMENT OF DISPUTES

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

ARTICLE 23

RATIFICATION AND ENTRY INTO FORCE

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

ARTICLE 24

TERMINATION

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

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

Done at Basseterre, on the 18th day of the eighth month of the hundred and second year of the Republic of China, corresponding to the 18th day of August of the year two thousand and thirteen in the Gregorian calendar.

For the Government of the
Republic of China

For the Government of
Saint Christopher and Nevis

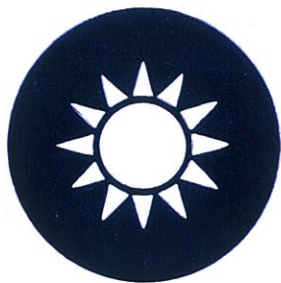
David Y. L. Lin

Patrice Nisbett

Minister of Foreign Affairs
David Y. L. Lin

Minister of Foreign Affairs
Hon. Patrice Nisbett

副本



批 准 書

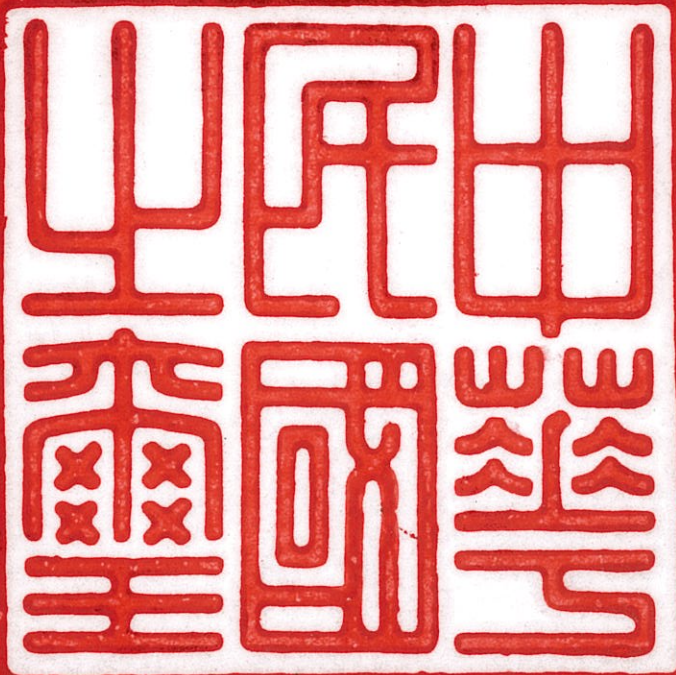
為利與聖克里斯多福及尼維斯共同合作打擊犯罪活動，促進相互間之司法互助，並將逃匿國外之罪犯緝捕回國以維護我法律尊嚴，我國與聖克里斯多福及尼維斯洽談簽署「中華民國與聖克里斯多福及尼維斯間引渡條約」並獲致共識，經我國外交部林部長永樂與聖克里斯多福及尼維斯外交部部長 Patrice Nisbett 於中華民國一百零二年八月十八日於巴士地市完成本條約之簽署，本總統茲依照中華民國憲法程序予以批准。為此備具批准書，由本總統簽署並鈐蓋國璽，以昭信守。

中華民國總統

馬英九

外交部部長

林永樂



中華民國一百零三年七月廿二日於臺北

TRANSLATION

Instrument of Ratification

WHEREAS to enhance cooperation with the the Government of Saint Christopher and Nevis in joint efforts to combat crime, promote mutual legal assistance, and extradite offenders so as to safeguard the legal dignity of our country;

NOW THEREFORE, the Republic of China (Taiwan) and the Government of Saint Christopher and Nevis through negotiation reach consensus in signing this extradition treaty, signed by David Y. L. Lin, Minister of Foreign Affairs of the Republic of China (Taiwan), and Patrice Nisbett, Minister of Saint Christopher and Nevis on August 18, 2013 at Basseterre.

IN WITNESS THEREOF, I have signed this

Instrument of Ratification in accordance with the
Constitution of the Republic of China (Taiwan)
and affixed hereunto the Seal of the Republic of
China (Taiwan).

Done in Taipei on the day of the month
of the hundred and third year of the Republic of
China (Taiwan), corresponding to the
 day of of the year two thousand
and fourteen in the Gregorian calendar.

Ma Ying-jeou

President of the Republic of China (Taiwan)

and

David Y. L. Lin

Minister of Foreign Affairs of the Republic of
China (Taiwan)