

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

The Government of the Kingdom of Thailand and the Government of the Republic of Indonesia,

Desiring to strengthen the historical bonds of friendship between the two countries,

Considering that effective cooperation between the two countries in the administration of justice requires the conclusion of a treaty relating to extradition,

Have agreed as follows

**Article 1  
OBLIGATION TO EXTRADITE**

The Government of the Kingdom of Thailand and the Government of the Republic of Indonesia undertake to surrender to each other, subject to the provisions and conditions laid down in this Treaty, all persons against whom the competent authorities of the requesting Party are proceeding for a crime or who are wanted by the said authorities for the carrying out of a sentence.

**Article 2  
EXTRADITABLE CRIMES**

1. Extradition shall be granted in respect of crimes listed in the Annex to this Treaty.
2. Crimes provided for in paragraph I of this Article include abetment and attempt to commit such crimes.
3. Amendments to the Annex mentioned in paragraph may from time to time be made by mutual agreement between the Parties; such agreement shall be recorded in an Exchange of Diplomatic Notes.

**Article 3**  
**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. The taking or attempted taking of the life of a Head of State or a member of his family or an Acting Head of State shall not be deemed to be a political crime for the purposes of this Treaty.

**Article 4**  
**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 5**  
**PLACE OF COMMISSION**

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

**Article 6**  
**PENDING PROCEEDINGS FOR THE SAME CRIME**

The requested Party may refuse to extradite the person claimed if the competent authorities of such Party are proceeding against him in respect of the crime or crimes for which extradition is requested.

## **Article 7**

### **DOUBLE JEOPARDY (NON BIS IN IDEM)**

Extradition shall not be granted if final judgement 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.

## **Article 8**

### **RUIJ2 OF SPECIALITY**

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 him consents. A request for consent shall be submitted to the requested Party, accompanied by the documents mentioned in Article 15. Consent shall be given when the crime for which it is requested is itself subject to extradition in accordance with the provisions of Article 2 of this Treaty;
- (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 4 days of his final discharge, or has returned to that territory after leaving it.

## **Article 9**

### **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 15 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 Indonesia, to the National Central Bureau (N.C.B.) Indonesia/Interpol 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 15.
6. Release shall not prejudice re—arrest and extradition if a request for extradition is received subsequently.

### **Article 10**

#### **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 shall refuse to extradite him for the same crime.
5. If circumstances beyond its control prevent 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 11**

#### **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 already 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 12**

### **RANDING OVER OF PROPERTY**

1. The requested Party shall, in so far 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 rights which the requested Party or third Parties may 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 13**

### **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 14**

### **EXPENSES**

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

## **Article 15**

### **REQUEST AND SUPPORTING DOCUMENTS**

1. A request for extradition shall be in writing and sent in Thailand to the Minister of Interior, and in Indonesia 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 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 16**

### **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 17**

### **ENTRY INTO FORCE**

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

**Article 18**  
**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.

The termination of this Treaty shall not prejudice any proceedings commenced prior to the date of such termination.

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

Done in duplicate at Bangkok on the Twenty Ninth day of June, One Thousand Nine Hundred and Seventy Six in the Thai, Indonesian and English languages, all the texts being equally authentic. In case of divergence, the English text shall prevail.

FOR THE GOVERNMENT OF THE      FOR THE GOVERNMENT OF THE  
KINGDOM OF THAILAND              REPUBLIC OF INDONESIA

**ANNEX REFERRED TO IN ARTICLE 2**  
**LIST OF EXTRADITABLE CRIMES**

1. Murder
2. Manslaughter or culpable homicide not amounting to murder
3. Rape
4. Abduction and Kidnapping
5. Causing bodily harm
6. wrongful detention or confinement
7. Buying or disposing of any person as a slave or habitually dealing in slaves
8. Crimes punishable under the laws relating to women and girls
9. Housebreaking, burglary, theft and other related crimes
10. Robbery
11. Forgery and related crimes
12. Perjury, giving, fabricating and using false evidence
13. Wilful or unlawful destruction of or damage to property
14. Embezzlement or misappropriation

15. Cheating and Fraud
16. Bribery and Corruption
17. Extortion
18. Crimes relating to currency notes, coins and Government stamps
19. Smuggling
20. Arson
21. Crimes punishable under the laws relating to dangerous drugs
22. Unlawful possession of or trafficking in fire—arms, ammunition or explosives
23. Piracy by the Law of Nations
24. sinking or destroying a vessel at sea, or conspiring to do so
25. Assault on board a ship on the high seas with intent to destroy life or to cause bodily harm
26. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master
27. Any other crime added to this Annex in accordance with paragraph 3 of Article 2

General Socharto  
President of the Republic of Indonesia

Your Excellency,

I have the honour to inform you that I have designated and given full powers to:

Mr. MOCHTAR KUSUMAATMADJA

Minister of Justice of the Republic of Indonesia, to sign for and on behalf of the Government of the Republic of Indonesia the Extradition Treaty with a Protocol between the Republic of Indonesia and the Kingdom & Thailand.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of Indonesia to be affixed. Done In Jakarta in the twenty ninth of June nineteen hundred seventy six.

SOEHARTO, General  
President of the Republic  
of Indonesia.



PROCES-VERBAL OF THE EXCHANGE OF INSTRUMENTS  
OF RATIFICATION

The undersigned 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 Indonesia Relating to Extradition, signed at Bangkok on June 29, 1976.

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

IN WITNESS WHEREOF, the undersigned have signed the present Proces—Verbal. Done at Jakarta, this eighteenth day of June, one thousand nine hundred and eighty, in duplicate.

FOR THE GOVERNMENT OF THE  
KINGDOM OF THAILAND,  
DR. CHUAY KANNAWAT  
Ambassador

FOR THE GOVERNMENT OF THE  
REPUBLIC OF INDONESIA,  
PROF. DR. MOCHTAR KUSUMAATMADJA  
Minister for Foreign Affairs

## INSTRUMENT OF RATIFICATION

WHEREAS a treaty between the government of the Dada. of Thailand and the Government of the Republic of Indonesia Relating to Extradition was signed at Bangkok on the twenty-ninth day of June, one thousand nine hundred and Seventy-six, by the representatives of the Government of the Kingdom of Thailand and of the Government of the Republic of Indonesia, duly authorized for that purpose by their respective Governments, which Treaty is, word for word, as follows:

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

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

DONE at Bangkok,. this. Twenty-fifth day of February inthe thousand Five hundred and Twenty-third year of the Buddhist Era, corresponding to the one thousand Nine hundred and Eightieth year of the Christian Era.

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

## **INSTRUMENT OF MATINIONTION**

WHEREAS a treaty between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia Relating to Extradition was signed at Bangkok on the Twenty-ninth day of June, One thousand Nine hundred and seventy-six, by the representatives of the Government of the Kingdom of Thailand and of the Government of the Republic of Indonesia, duly authorized for that purpose by their respective Governments, which Treaty is, word for word, as follows:

### **ANNEX REFERRED TO IN ARTICLE 2**

#### **LIST OF EXTRADITABLE CRIMES**

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14. Embezzlement or misappropriation
15. Cheating and Fraud
16. bribery and Corruption
17. Extortion
18. Crimes relating to currency notes, coins and Government stamps
19. Smuggling
20. Arson
21. Crimes punishable under the laws relating to *dangerous* drugs
22. Unlawful possession- of or trafficking in fire-arms, ammunition or explosives
23. Piracy by the Law of Nations

24. Sinking or destroying a vessel at sea, or conspiring to do so
25. Assault on board a ship on the high seas with intent to destroy life or to cause bodily harm
26. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master
27. Any other crime added to this Annex in accordance with paragraph 3 of Article 2

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

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

DONE at Bangkok, this Twenty-fifth day of February in the thousand Five hundred and Twenty-third year of the Buddhist Era, corresponding to the one thousand Nine hundred and Eightieth year of the Christian Era.

(Air Chief Marshal Siddhi Sevetaila)  
Minister of Foreign Affairs of Thailand

PROCES-VERBAL OF THE EXCHANGE OF INSTRUMENTS  
OF RATIFICATION

The undersigned 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 Indonesia Relating to Extradition, signed at Bangkok on June 29, 1976.

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Done at Jakarta, this eighteenth day of June, one thousand nine hundred and eighty, in duplicate.

FOR THE GOVERNMENT OF  
THE  
KINGDOM OF THAILAND

DR. CHUAY KANNAWAT  
Ambassador

FOR THE GOVERNMENT OF THE  
REPUBLIC OF WE PHILIPPINES

PROF.DR.MOCHTAR  
KUSUMAATMADJA  
Minister for Foreign Affairs

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- ▶ [U.S. - Thailand Treaty of Amity and Economic Relations 1966](#)  
[U.S.-Thailand Treaty of Amity and Economic Relations 1966 \(Thai Version\)](#)
- ▶ [สนธิสัญญาทางไมตรีและความสัมพันธ์ทางเศรษฐกิจระหว่างราชอาณาจักรไทยกับ](#)  
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- ▶ Supplementary Article to the Treaty between Great Britain and Siam
- ▶ Treaty on Extradition between The Kingdom of Thailand and The Republic of Korea
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- ▶ 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
- ▶ Treaty between The Government of The Kingdom of Thailand and The Government of
- ▶ The Republic of The Philippines Relating to Extradition
- ▶ Thai-Malaysian Exchange of Notes Regarding Extradition Treaty

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