

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, নভেম্বর ২১, ২০০৭

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF HOME AFFAIRS

Political Section-1

NOTIFICATION

Dated, the 20th November 2007

S.R.O No. 261-Law/2007.—Whereas, one Bangladeshi Mr. Md. Momin Mia is alleged by the Government of the Sultanate of Oman to have committed an offence of homicide in the Sultanate of Oman while he was there;

Whereas, on the request of the Sultanate of Oman, Government of Bangladesh has arrested the accused in Bangladesh;

Whereas, the Government of the Sultanate of Oman has requested the Government of Bangladesh to return the accused to the Sultanate of Oman for the purpose of investigation of, and trial for that offence;

Whereas, the Government of Bangladesh considers it expedient that the accused should be returned to the Sultanate of Oman for the purposes hereinbefore prescribed;

Whereas, at present, there is no Extradition Treaty between the Government of Bangladesh and the Government of Oman;

Therefore, in pursuance of the provision of sub-section (1) of section 4 of the Extradition Act, 1974 (Act No. LVIII of 1974), the Government of Bangladesh do hereby issue a direction that the provisions of the Act shall, with respect to the offences of homicide, and subject to the modifications, exceptions, conditions and qualifications as mentioned below in this notice of direction, have effect in relation to the Sultanate of Oman :

(৮৪১৫)

মূল্য : টাকা ২.০০

modifications, exceptions, conditions and qualifications :

- (a) The Accused shall be sent to Oman only to face the investigation of, and trial for the alleged offences;
- (b) The Government of Bangladesh will arrange escort for the accused;
- (c) The Government of the Sultanate of Oman shall appoint an Omani lawyer, and an interpreter to provide all kinds of legal assistance to the Bangladeshi lawyer appointed by the accused;
- (d) The Government of the Sultanate of Oman shall bear the expenditures incurred against traveling, lodging and fooding of the following persons:
 - (i) accused,
 - (ii) Bangladeshi lawyer appointed by the accused,
 - (iii) Omani Lawyer,
 - (iv) interpreter, and
 - (v) Bangladesh escorts;
- (e) The Government of the Sultanate of Oman shall, through diplomatic channel, furnish the Ministry of Home Affairs of Bangladesh an English version of the facts and charges of the case labeled against the accused;
- (f) The Government of the Sultanate of Oman shall also provide authenticated copies of the provisions of the Omani Laws relating to investigation, trial and punishment for the offences;
- (g) The accused shall not be detained, tried, or penalized for any offences other than the offences he is alleged to have committed;
- (h) The Government of the Sultanate of Oman shall, through diplomatic channel, forward a copy of the warrant of arrest duly issued against the accused by a competent Court in the Sultanate of Oman;
- (i) The Government of the Sultanate of Oman shall ensure that if the accused receives a sentence from the final competent court of jurisdiction, he shall be sent back to Bangladesh to serve the sentence in Bangladesh and for that purpose the Government of the Sultanate of Oman shall, through diplomatic channel, send all the relevant documents in this respect to the Government of Bangladesh;

- (j) This direction shall not be applicable to an offence of a political character;
- (k) The Government of the Sultanate of Oman shall ensure that there shall not be any discrimination at the time of conducting investigation of, and the trial for the offences against the accused on the basis of his race, religion, nationality or political opinion;
- (l) Evidence collected against the accused at the time of conducting investigation of the alleged offences shall not be used otherwise except only for the trial;
- (m) The Government of the Sultanate of Oman shall ensure all possible means necessary for the safe return of the escorts and lawyers sent to Oman along with the said accused;
- (n) The accused shall be given sufficient opportunity to defend himself. The Sultanate of Oman shall provide the Ministry of Home Affairs of the Government of Bangladesh details of the accused's legal rights to defend himself as contemplated in the Omani criminal legal system.

By order of the President

MD. MOJIBUR RAHMAN
Joint Secretary.