

about all other sentences (including sentences which have not yet become final) which have been passed by its courts against citizens of the requesting Contracting Party. In justified cases, information may also be provided about a person who is not a citizen of the requesting Contracting Party.

(3) The transmission of the requests and information according to paras. (1) and (2) of this Section is effected through diplomatic channels.

## 2. Extradition

### Section 44

#### Obligation to Extradite

The Contracting Parties undertake, in accordance with the provisions of this Treaty, to extradite, if requested, to each other such persons who stay on their territory and against whom criminal proceedings are to be held or penalties to be carried out.

### Section 45

#### Punishable Acts to which Extradition Applies

(1) Extradition for the purpose of carrying out criminal proceedings applies only to such acts which are, according to the laws of both Contracting Parties, punishable with imprisonment of more than one year.

(2) Extradition for the purpose of carrying out penalties applies only to such acts which are punishable according to the laws of both Contracting Parties and if the person concerned has been sentenced to imprisonment for more than one year.

#### Refusal to Extradite

### Section 46

Extradition shall not be granted if —

- a) the person whose extradition is requested, is a citizen of the requested Contracting Party;
- b) the punishable act was committed on the territory of the requested Contracting Party and no request for criminal prosecution is made according to Section 42, para. (1), of this Treaty;
- c) criminal proceedings cannot be carried out according to the laws of the requested Contracting Party or a sentence cannot be put into effect because of prescription or for any other legal reason;
- d) extradition is not permissible according to the laws of either Contracting Party;
- e) a final sentence relating to the same punishable act has already been pronounced against the person whose extradition is requested, on the territory of the requested Contracting Party or if proceedings have finally been closed.

### Section 47

If there is no extradition the requested Contracting Party shall notify the requesting Contracting Party of this fact stating the reason for the refusal to extradite.

### Section 48

#### Conditional Extradition

If for the purpose of carrying out a penalty extradition of a person is requested who was sentenced by a court of the requesting Contracting Party in his absence, extradition may be granted under the condition that a new trial is held in presence of the person who is to be extradited.

### Section 49

#### Way of Communication in Cases of Extradition and Taking up Criminal Prosecution

In cases of taking up criminal prosecution or in matters of extradition communication shall be effected between the Ministry of Justice or the Procurator General of the German Democratic Republic and the Ministry of Justice of the People's Democratic Republic of Yemen.

### Section 50

#### Request to Extradite

(1) The following documents are to be attached to a request to extradite for the purpose of carrying out criminal proceedings: the warrant of arrest with a description of the punishable act; a list of evidence on which strong suspicion is based; the wording of the penal law according to which the act on which the request for extradition is based, is judged; if material damage has resulted from the punishable act the amount of the damage is to be indicated.

(2) To a request for extradition for the purpose of executing a penalty an authentic copy of the final sentence and the wording of the penal law on which the sentence is based, are to be attached. If the convicted person has already served part of his penalty relevant indications have also to be made.

(3) The request for extradition should, if possible, contain a description and a pass-photo of the person to be extradited as well as data on his citizenship and domicile, unless these data can be gathered from the warrant of arrest or the sentence.

### Section 51

#### Supplement to the Request to Extradite

If the request to extradite lacks the necessary data the requested Contracting Party is entitled to demand its completion and to set a time limit within which the supplementary data are to be provided. This time limit may be extended on application.

#### Arrest for the Purpose of Extradition

### Section 52

After receipt of the request to extradite the requested Contracting Party shall take immediate measures for finding the person whose extradition is requested and, if necessary, also orders his arrest.

### Section 53

(1) On application, a person may be arrested prior to receipt of a request to extradite if the competent body of the requesting Contracting Party refers to a warrant of arrest or a final sentence, at the same time announcing the request to extradite. This application may be sent by mail, cable, telephone or in any other similar way.

(2) The competent bodies of one Contracting Party may arrest a person who stays on its territory, even without an application to para. (1) of this Section if this person is known to have committed a punishable act to which extradition applies according to Section 45 of this Treaty, on the territory of the other Contracting Party.

(3) The other Contracting Party is to be immediately notified of an arrest according to the provision« of paras. (1) and (2) of this Section.