

Extradition

Extradition by a state to the authorities of another country of a person residing in the territory of the issuing state, made in a situation where this person is suspected of committing a criminal act on the territory of the state requesting extradition or in order to serve a sentence. Extradition is carried out on the basis of an international agreement, as long as the requesting state ensures reciprocity. Most countries do not allow the extradition of their own citizens or persons who have been granted asylum on their territory. A state may request extradition if the crime was committed on its territory or if the offence committed extends to its territory. The three most important rules of extradition: 1. the basis for extradition may only be an act punishable by law in both countries (the so-called principle of double criminality), 2. a person who has been extradited may be prosecuted only for the offences which were the basis for extradition, as well as the sentence for which he or she was issued (the so-called speciality rule), 3. persons who exercise the right of asylum in the country of residence may not be surrendered. The extradition procedure is regulated by contract. Most often, an extradition request is sent through diplomacy, although it is increasingly common to send the request directly between the ministries of justice or the prosecutor general's offices. The application should be accompanied by documentation with justification, and the offence on the basis of which the extradition is to be carried out should fall within the framework of the general clause or a detailed list contained in the agreement. The last extradition act is the transfer of the suspect by the police authorities.