

LA REGLEMENTATION JURIDIQUE EUROPEENNE DE L'EXTRADITION

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ABSTRACT: *One of the tools at the disposal of those engaged in international crime control is extradition, the transfer of an individual from one state to another state that aims to submit the accused to trial. Extradition is typically a formal process, involving authorities, and based on an agreement. Most extradition treaties are still bilateral in nature, although in Europe the multilateral European Convention on Extradition, concluded in 1957, has also had an important role.*

Even though they are often bilateral in form, many extradition treaties contain similar provisions. Thus, most are based on the so-called principle of double criminality; individuals will only be extradited for offences that are prohibited in both states. Often, such treaties also contain the principle of specialty; the request for extradition and the subsequent prosecution need to address the same allegations.

Many extradition treaties provide for two important, related exceptions: individual should not be extradited for political activities or military offences. This makes it important to figure out what exactly is meant by political offence, and needless to say, opinions here differ. The standard idea is to exclude action inspired by political considerations, but obviously this creates problems, as some of the worst crimes are inspired precisely by such motives.

A recent innovation, at least in the practice of European states, is also to provide for an exception in cases where the death penalty may ensue. Many European states have abolished the death penalty; consequently, they are not keen to extradite to states where the death penalty is a possible outcome of the trial, and reserve the right to refuse extradition unless assured by the requesting state that the death penalty will not be imposed.

KEYWORDS: *extradition, European Convention on Extradition, principle of double criminality, principle of specialty, request for extradition.*

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