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## МЕЖДУНАРОДНАЯ ЭКСТРАДИЦИЯ

Extradition refers to the formal process by which an individual is delivered from the country where he is located, the requested country, to the requesting country in order to face prosecution, or if already convicted, to serve a sentence. The participants in extradition are therefore the two countries and the individual who is the subject of the proceedings. Extradition is usually carried out pursuant to a treaty between two countries (bilateral treaty) or between multiple countries (multilateral convention). The United States currently has extradition treaties in force with over 100 countries.

Extradition to the requesting country is subject to the laws, procedures and policies of the requested country. However, it is a process where an international extradition criminal defense lawyer can have significant influence if he thoroughly understands the laws and procedures governing extraditions, in general, and the extradition treaty involving the requesting country in particular. Furthermore, if the individual is ultimately extradited to the requesting country, the manner in which he is prosecuted or sentenced in the requesting country, may be influenced for the better by having international extradition criminal defense counsel involved from the very initial stages of the extradition proceedings.

The consensus in international law is that a state does not have any obligation to surrender an alleged criminal to a foreign state, as one principle of sovereignty is that every state has legal authority over the people within its borders. Since there is no such international obligation, but since most countries desire the right to demand such criminals of other countries, a web of extradition treaties has evolved; most countries in the world have signed bilateral extradition treaties with most other countries.

An extradition treaty spells out the terms of an extradition. It includes a list of crimes for which a person can be extradited, or else covers them all with descriptions such as "Any crime for which a prison term could exceed two years". It is usually reciprocal in terms of conditions, but there are exceptions.

Generally, an extradition treaty requires that:

- The crime must be serious.
- The event in question must qualify as a crime in both countries.
- The extradited person must reasonably expect a fair trial in the recipient country.
- The likely penalty must be proportionate in both countries.

The federal structure of some countries, such as the United States, may pose particular problems with respect to extraditions.

Less important problems may arise due to differing qualifications for crimes. For instance, in the United States, transportation across state lines is a prerequisite for certain federal crimes; this transportation clause is, understandably, absent from the laws of many countries. Extradition treaties or subsequent diplomatic correspondence often include language excluding that such criteria should be taken into account when checking if the offense is an offense in the country from where extradition should take place.