

Abstract

Regulation of Extradition Procedure in International Law

The subject of research of the thesis is the institute of extradition. The issue of extradition of persons by one state to another state with the purpose of criminal proceedings or imposition or enforcement of a sentence is very topical. Progressing process of globalization and easy ways of travelling enable perpetrators of criminal offences to hide from justice in various states. The extradition plays an important part in extradition of perpetrators of „ordinary“ criminal offences as well as it is significantly instrumental in a fight against transnational organized crime, cybercriminality and other forms of transnational crimes. Cooperation of states in extradition of persons is therefore absolutely crucial in a fight against impunity of perpetrators of criminal offences.

The extradition law may be divided into a material branch and a formal branch. The material extradition law analyzes conditions for granting the extradition. The formal extradition law represents an overview of procedural measures relating to the commencement of extradition proceedings, its course and its termination. The topic of the thesis is the “Extradition in International law”. However, the subject of the thesis itself is narrower. The thesis focuses only on the formal extradition law, more precisely its part that has international dimension. Unlike the material extradition law, the topic of the formal extradition law has not been comprehensively explored yet.

The aim of the thesis is the analysis of formal aspects of extradition that exceed domestic legislation. The thesis therefore does not describe extradition proceedings in a particular state; it analyzes steps that states need to make in order to initiate the extradition proceedings and steps that follow in its course and after the requested state makes a decision on the extradition request of the requesting state. The research question is which formal aspects and requirements associate with the institute of extradition and how these aspects and requirements differ in dependence on different legislation, development or legal traditions of various states.

The thesis includes explanation of terminology relating to the extradition law, in-depth description of the historical development of extradition from the antiquity until the 21st century and comprehensive overview of legal sources for extradition, both international treaties and other sources, such as assurance of reciprocity or uniform legislation of various states.

Moreover, the thesis describes particular formal aspects of extradition, it pursues analysis of various forms of communication between states, and it explains different ways of international search for persons and the nature of detention of a person in extradition proceedings. The thesis deals in detail with formal requirements of extradition requests including practical examples of selected states. The thesis also contains analysis of ways how to proceed when a requested state finds the extradition request to be insufficient or when the extradition of a particular person is concurrently requested by more states. Furthermore, the thesis describes obligation and ways of notification of a decision of a requested state on the extradition request and contains analysis of the procedure of surrender and its consequences, if the requested state grants the extradition.

The thesis contains comprehensive analysis of formal aspects connected with the institute of extradition from the view of international law, their comparison with respect to international treaties or domestic legislations of various states and their reflection in current practice of international courts.

Key words: extradition, international judicial cooperation in criminal matters, formal extradition law