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Extradition under Domestic and International Law

¹ Kastriote Vlahna

² Hajredin Kuçi

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¹ Doctoral student at the University "Hasan Prishtina" Pristina, Kosovo, Department of Civil Law.

kastriote.vlahna@uni-prizren.com

² Prof, Regular professor in the field of law of Private Law, Faculty of Law, University of Pristina 'Hasan Prishtina', Pristina, Republic of Kosovo

hajredin.kuci@uni-pr.edu

Abstract: Extradition is one of the greatest achievements achieved in the framework of international cooperation in the criminal field, not only in the framework of the UN, but also by the Council of Europe, which reflects more in criminal law for its sensitive character, for its dual nature as the protector of those values which society has defined as important and as a guarantee. The central role in the development of this mechanism was played by the Council of Europe in the European Convention on Extradition together with two additional protocols. This convention has been ratified by our state and based on it, the perpetrators of criminal offenses can be extradited to the country where they have their place of residence or stay! From a combined reading of this convention and the legal framework, in our country we conclude that the general features of Extradition are: the classic Extradition procedure goes through two stages, the court decision and the administrative decision. The court procedure starts with the detention of the person for whom extradition is requested, sending and hearing him in court, then the appeal phase if any, then the file is sent to the central authority which is the Ministry of Justice, which is the main body that gives way to such a request. The administrative decision is mainly taken taking into account the state policy and the maintenance of public order.

So the development regarding the knowledge on extradition is current in our country, and with the claim that in the future it will be a more stable situation in this regard.

Keywords: Extradition, European convention, extradition court proceedings.

Introduction

Bashkëpunimi ndërkombëtar në fushën penale midis subjekteve të së drejtës ndërkombëtare ka njohur një stad të lartë zhvillimi; kjo sepse e drejta në përgjithësi dhe e drejta penale në veçanti karakterizohen nga dinamizmi çka do të thotë se me zhvillimin e shkencës, teknologjisë dhe shoqërisë pasurohet dhe e drejta penale me institute te reja apo vepra penale.

Jo vetën në sferën ndërkombëtare dhe shteteve të bashkimit evropian termi ekstradim filon të studiohet dhe të flitet ligjërisht dhe në shtetin e Republikës së Kosovës. Edhe pse një shtetë i sapoformuarë, në aspektin legjislativë mund të themi se i përafrohet shteteve të zhvilluara ndërkombëtare pothuajse në të gjitha fushëlëmit juridike, e veqanërishtë në aspektin e të drejtës penale, konkretisht në sferën e ekstradimit të subjekteve që konsiderohen shtetas të huaj e bien ndesh me ligjet e vendit tone apo dhe anasjelltas, e që të ketë zgjidhje e gjithë kjo, vashdimisht punohet në fushëlëmin e drejtës penale ndërkombëtare nga e cila mundohemi ti harmonizojmë legjislacionet e vendit tone me vendet e bashkimit evropian dhe më gjerë.

Method

To meet the purpose and objectives of this research, a friendly methodological approach has been selected. At the beginning of the preparation of the paper, the research method had to be used, which includes the collection of Albanian and foreign doctrinal materials, mainly English doctrine, because here we find the genesis and consolidation of contracts, ie material translated into English and by countries. other European Union.

Through research and scientific methods, an attempt has been made to highlight the main characteristics and principles of this field of law. The most qualitative methods were used within this paper such as: research, descriptive, interpretive and comparative methods.

At the same time, in this paper, the historical method is used, because starting from the analysis of historical progress or evolution we can reach the conclusion.

Results

I. The meaning and justification of the transfer of the criminal procedure

In order to alleviate the situation of detainees as well as those of prisoners, many conventions and laws have been adopted to transfer prisoners from the state that imposed the sentence to their own state, in order to serve the sentence imposed in the country of his. Like the state of Kosovo and the organization of the European Union, it has always tried to keep an eye on the issue of the transfer of prisoners, which in legal language we call extradition.

As I pointed out, the EU aims to facilitate the social rehabilitation of convicted persons by allowing them to serve their sentences in their own country. For this purpose, convicted prisoners may be transferred back to their EU country of citizenship, permanent residence or another EU country with which they have close ties. [1] The issuing EU country should assess the impact of the transfer on the social rehabilitation of the prisoner. Prisoners should not be transferred to places where detention conditions do not meet the minimum standards required by the Council of Europe's European prison rules. [2]

The application of the principle of mutual recognition to custody alternatives and measures facilitating early release is governed by Council Framework Decision 2008/947 / JHA.

This instrument applies to alternatives to detention and to measures facilitating early release in the post-trial phase, for example an obligation not to enter certain places, to perform community service or instructions relating to residence or professional activities. The probation decision or other alternative sanction may be executed in another EU country, as long as the person agrees.

We must also keep in mind that the international organization of states itself has formulated the scheme of international transfer of prisoners (ITP). [3] This scheme allows prisoners serving prison sentences in a foreign country to apply to transfer to their home country to serve the remainder of their sentence.

The scheme aims to promote successful rehabilitation and reintegration into the prisoner society, while preserving the sentence imposed by the place of punishment as much as possible. The scheme contributes

to the safety of the community by ensuring that prisoners' beliefs are recorded in their own country and that their reintegration into that country's community is able to be properly supported, monitored and supervised.

Transfers under the scheme are not intended to provide a more lenient or convenient alternative for prisoners. Transfers are not automatic and require the consent of the Australian government, the foreign country government and the prisoner before the transfer takes place. The transfer of prisoners from Australia who have been convicted of a state or territorial offense and all transfers of prisoners to Australia also require the consent of the relevant state or territorial government. [4]

1.1.Ways of transferring prisoners

Some differences exist in the terminology used to describe the two states that are parties to a decision to transfer a convicted person. First, there is the state in which the sentence has been imposed on the person who may be transferred or has been transferred. This state can be called the sentencing state. [5] Then, there is the state in which the convicted person may be, or has been transferred to serve his or her sentence. This can be called the administration of the host country or the host country. [6]

Prisoners can be transferred from one prison to another for a number of reasons.

For example:

Their security category has changed so they can serve in the final weeks of their sentence in a prison near their home. The prisoner's sentence plan requires them to complete a course that is not available in the prison where they are.

Category A prisoners usually pass from time to time for security reasons, for their own safety if they are being harassed. If their main visitor has a medical problem making visits impossible.

Does a prisoner have the legal right to be transferred to another prison if they wish?

No - Prison Act 1952 states that they can be held in any prison. It is usually up to the governor if they are transferred, with the exception of category A prisoners or persons serving life sentences, in which case the prison headquarters makes the decision. However, although it has no legal right, the Prison Service has a location policy which states that contacts between a prisoner and his family should be encouraged and that the harmful effects of leaving normal life should be minimized. The prison also has an obligation to take reasonable steps to keep a prisoner safe, which may involve a transfer if they are harassed. [7]

Can a prisoner request a transfer?

Prisoners can request a transfer through the request / complaint system, or on a special form provided by the prison to request transfers. Transfers will normally only be considered after the inmate has served several months in prison wanting to leave.

How long is a prison transfer?

The prisoner must receive a response to their request within seven days if they use the request / complaint system.

What can the family do to help this process together?

The initial request for a transfer must come from the prisoner. Families can write to the governor stating why it is difficult for them to maintain contact, but only once when a transfer request has been made by the inmate. Support letters can also be sent from a GP, social worker or other professional in support of the application. [8]

Will a prison transfer be granted automatically?

Jo !. There can be no places in the prison or in the area where the person wants to go in the right category. Priority may be given to prisoners requesting transfers because their main visitors are in poor health. The prisoner may ask you to give a letter to the doctor confirming the nature of the problem.

What if the request is denied?

The prisoner can complain through the system of requests / complaints and has the right to respond from the Prison Service Headquarters within six weeks. If they are still not satisfied with the reasons given, they can write confidently to the Prison Ombudsman, but they must do so within one month of receiving a response from the Prison Service Headquarters.

Can they take legal action?

Not usually, as the law says they can be kept in any prison. Their only option would be a judicial review which allows the Supreme Court to deal with illegal decisions by the Prison Service. They would have to prove that there were truly extraordinary circumstances that the governor failed to take into account. If a prisoner thinks this applies to them, they should seek legal advice.

Can a prisoner be relocated without the knowledge of the family?

A prisoner being transferred has the right to send a special free letter to someone who visits them. They may be allowed, at the discretion of the governor, more than one additional letter and / or phone call. If there is not enough time to write or call, which may be the case with category a prisoner who do not always receive prior notice of an action, they may leave details of people they need to know about the prison and the prison will inform them.

If not, how do I find out where they are?

The prison allocation unit they have left may be able to provide this information. Failure to do so, write to the Prisoners' Location Service, PO Box 2152, Birmingham B15 1SD, providing as much information as possible about the prisoner, including their name, date of birth, deed or deed, and your relationship with them. Provided the inmate is happy to know where they are, they will let you know in three to four weeks.

Temporary transfers

It is possible for an inmate to have a long way from home to save visits for six months and apply for a temporary transfer to a local prison, usually for 28 days. Depending on the rules and timing of local prison visits, aggregate visits may be taken during that time. As with a permanent transfer, the prisoner must make the request and it will be at the discretion of the governor and will depend on the availability of places in the local prison. [9]

1.2. Understanding the transfer of convicted persons

When a state considers whether or not to ratify a multilateral convention on the transfer of convicted persons or to enter into a bilateral transfer agreement with another state, it should proceed on the assumption that it may, in the future, transfer convicted persons or from other states that are parties to such instruments or agreements. In many, if not all, cases, once such an agreement has been entered into, a state will have to decide whether to request the transfer of a foreign national serving a sentence in one of its prisons or to accept a request. from another State to take a person convicted of it and to assume responsibility for enforcing a decision or sentence imposed by a court in that State, with all the administrative and judicial responsibilities that this will entail. The crucial question is, then, why transfer foreign prisoners abroad or return nationals to serve their sentences their home countries?

When a sentence is given, the traditional intent of the sentence may be assumed to have been taken into account. This means that, to the extent required by the rules governing the exercise of discretion in the

sentencing jurisdiction, the sentencing judge or tribunal must have balanced the requirements of punishment, prevention, rehabilitation and Disability. The sentence imposed in the sentencing State should also provide a general time frame for its subsequent application in the administering State. However, the priorities at the implementation stage may be different from those governing sentencing, which may lead to different priorities when the transfer of a convicted person is envisaged.

When enforcing imprisonment sentences, considerable care is taken to rehabilitate the perpetrators to ensure that they are resocialized and eventually reintegrated into the community. [10] In other words, the purpose of rehabilitation may become more important than it was at the time the sentence was originally imposed. With that sentence imposed, the primary purpose of the sentence may have been to ensure that offenders received punishment sentences for the crime they had committed. [11]

It may be the case that a sentence can be applied in different ways that would complement everyone

the requirements of the initial sentence, but differ in their effectiveness in terms of rehabilitation of the convicted individual. Transferring foreign convicts to serve their sentences at home is an alternative way of enforcing a sentence. All things being equal, convicted persons serving their sentences in their home countries can be rehabilitated, re-socialized and reintegrated into the community better than anywhere else. This is a positive reason for transferring convicted persons to a state with which they have social ties to serve their sentences. [12] Imprisonment in a foreign country, away from family and friends, can also be counterproductive as the family can provide prisoners with capital and social support, which improve the likelihood of successful resettlement and reintegration. [13] The argument for encouraging the transfer of convicted persons has a strong basis in international human rights law. Article 10, paragraph 3 of the International Covenant on Civil and Political Rights, [14] which, as of January 25, 2011, has been ratified or accepted by 167 states, specifies that the "essential" purpose "of a penitentiary system is" reform and social rehabilitation "of prisoners. Standard Minimum Rules for the Treatment of Prisoners [15] echo this task to facilitate the social rehabilitation of the offender. These more detailed rules are used as a guide to interpreting the provision of the International Covenant on with "social rehabilitation". [16]

Prisons Rules for the Administration of Detention "in order to facilitate the reintegration into a free society of persons deprived of their liberty" (rule 6) has influenced the European interpretation of the Convention for the Protection of Human Rights and Fundamental Freedoms. [17]

Almost all instruments governing international prison transfers specify social rehabilitation as one of the reasons for supporting such transfers. [18] For example, paragraph 1 of the Model Agreement states:

The social displacement of offenders should be promoted by facilitating the return of persons convicted of crimes abroad to their country of citizenship or residence to serve their sentence at the earliest possible stage. In accordance with the above, States must afford each other the widest measure of cooperation.

Recommendations on the treatment of foreign prisoners, which were adopted at the same time as the Model Agreement, have the same emphasis on social rehabilitation. Paragraph 2 of the Law recommends that foreign prisoners should have the same access as national prisoners

in education, employment and vocational training. Paragraph 3 also states that foreign prisoners should in principle be eligible for alternative measures to both imprisonment and a leave of absence and other authorized discharges from prison. In practice, this can often be best achieved by transferring such individuals to their country of origin.

Other international instruments have a similar focus. The preamble to the Inter-American Convention speaks of being "inspired by the desire to cooperate to ensure improved administration of justice through the social rehabilitation of convicted persons." Paragraph 9 of the preamble to the Framework Decision 2008/909 / JHA provides a particularly comprehensive account of the basic premise: Enforcement of the sentence in the executing State should increase the possibility of social rehabilitation of the convicted

person. In the context of self-satisfaction that the execution of the sentence by the executing State will serve to facilitate the social rehabilitation of the sentenced person, the competent authority of the issuing State should take into account elements such as, for example, the person's relationship with the executing State, if he considers that place family, linguistic, cultural, social or economic and other ties with the executing state. [19]

II. Extradition to Kosovo and European Union countries

The measures sought to harmonize extradition rules between EU member states date back to the mid-1990s when the EU created two treaties under the Maastricht Treaty, which sought to modernize existing extradition procedures under the European Convention on Extradition. In 1999 the European Council further proposed to abolish formal extradition procedures for convicted persons. [20] However, it was not until the immediate aftermath of the 9/11 attacks in the United States that many broader proposals were discussed. [21] While initially proposed as an anti-terrorist measure, the European Arrest Warrant quickly became applicable to a wide range of common crimes. [22] The political decision to adopt BEEA legislation was made at the Laeken European Council in December 2001, the text of which was finally agreed in June of the following year.

The European arrest warrant was established by an EU framework decision in 2002. [23] Framework decisions were the third pillar legal instruments of the European Community, similar to directives and enter into force only when implemented by EU member states. of transposing them into their domestic law. The European Arrest Warrant replaced the 1957 European Convention on Extradition (ECE), which had previously governed extraditions between most Member States and various legal instruments adopted to improve the extradition process under the ECE, such as the 1989 agreement on simplification of extradition transmission requests, the 1995 Convention on the Simplified Extradition Procedure, the 1996 Convention on Extradition between Member States, and the provisions of the Schengen Agreement on extradition.

The decision of the EEAS Framework entered into force on 1 January 2004 in eight Member States, namely Belgium, Denmark, Finland, Ireland, Portugal, Spain, Sweden and the United Kingdom. By 1 November 2004 all member states had implemented the legislation except Italy, which did so on 22 April 2005. [24] Bulgaria and Romania implemented their accession decision in 2007. When the United Kingdom exercised its choice by in the field of freedom, security and justice in 2014, her request to continue participating in the EAW was approved. [25]

The European Arrest Warrant (EAW) is an arrest warrant valid in all European Union (EU) member states. Once released, it requires another Member State to arrest and transfer a suspected criminal or convicted person to the issuing State so that the person can stand trial or complete a period of detention.

An EAW can only be issued for the purpose of prosecuting (not merely investigating), or enforcing a prison sentence. [26] It can only be issued for offenses serving a maximum sentence of one year or more in prison. Once the sentence has already been approved, an EMH can only be issued if the term of imprisonment to be enforced is at least four months.

The introduction of the EAW system aims to increase the speed and ease of extradition to all EU countries by removing the political and administrative decision-making stages that had characterized the previous extradition system in Europe and turning the process into a fully managed system. by the judiciary. Since it was first implemented in 2004, the use of EAW has increased. Member country evaluation reports suggest that the number of issues issued by the AMA increased from around 3,000 in 2004 to 15,200 in 2009, but dropped to 10,400 in 2013. [27]

Distinctive features

There are some features of the European arrest warrant that distinguish it from the treaties and arrangements that previously governed extradition between EU member states. EAWs are not issued through diplomatic channels, they can be executed for a large number of offenses without any requirement that the offense to which the order relates complies with a violation under the law of the state required to execute the order, there is no political, military or of income, and there is no exception clause that allows a state to refuse the surrender of its citizens. [28]

II.1 Criminal offenses for which extradition may be sought

Dual crime is a feature of international extradition law by which states may refuse to extradite fugitives if conduct alleged to have constituted a criminal offense in the State requesting extradition would not have resulted in the commission of an offense criminal in the State requested to carry out the extradition.

Under the EAW Framework Decision, the requirement for dual criminality has been removed for a wide range of crime categories and has become a free and non-binding basis for refusing extradition for offenses that do not fall into these categories.

The categories within which are as follows:

- arson,
- Cybercrime,
- corruption,
- Currency counterfeiting,
- Counterfeiting and piracy of products,
- Crimes within the jurisdiction of the International Criminal Court,
- Environmental crime, including illegal trafficking of endangered animal species and endangered plant species and varieties,
- Facilitation of unauthorized entry and stay,
- Counterfeiting of means of payment,
- Falsification of administrative documents and trafficking in them,
- Fraud, including fraud affecting the financial interests of the European Union,
- Illegal trade in human organs and tissues,
- Illegal trafficking in cultural goods, including antiquities and works of art,
- Illegal trafficking of hormonal substances and other growth promoters,
- Illegal trafficking in narcotic drugs and psychotropic substances,
- Illegal trafficking of nuclear or radioactive materials,
- Illegal trafficking in weapons, ammunition and explosives,
- Kidnapping, illegal detention and taking hostages,
- Laundering of proceeds of crime,
- Murder, grievous bodily harm,
- Organized or armed robbery;
- Participation in a criminal organization,

- Racism and xenophobia,
- rape,
- Child sexual exploitation and child pornography,
- fraud,
- terrorism,
- Human trafficking,
- Trafficking in stolen vehicles,
- Illegal seizure of aircraft or ships.

The Framework decision is tacit in relation to secondary participation, or an attempt to commit a criminal offense of the type listed here itself, excluded from the correspondence requirement.

Another issue that has been raised is the accuracy of a description of an offense as a category excluded from the correspondence requirement and whether the executive judicial authority is required to accept the classification of the issuing judicial authority as final. [29]

Appropriate to the laws of the organization of the European Union, and the state of Kosovo has tried to have a stricter approach to the transfer of prisoners, so as not to violate any freedom and rights of the subject and specifically the natural person, as that the fundamental rights of natural persons are guaranteed by international conventions, that we as a new state must respect those rules, since the goal of the state of Kosovo is membership in international organizations then and we must agree with the rules that formulate them and implemented by international states.

Conclusion

Since extradition is a term that serves criminal law as well as other rights, but since for criminal law the sanction is also the restriction of the freedom of the perpetrator of the criminal offense, then it often happens that the perpetrator is not a citizen of to the state where he committed the criminal offense and where he is sentenced for the commission of that criminal offense, therefore through extradition this person can be transferred to the place where he is and the citizen of that country or the place where he has a family and lives.

Here, referring to concrete cases, the Department of Citizenship, Asylum and Migration has acted in accordance with the Law on Foreigners and its mandate to review and decide on all applications related to residence permits. This is a legal procedure which has been applied in previous cases, both for foreigners with a residence permit, as well as for foreigners who have acquired Kosovo citizenship and have been revoked for security reasons, or other procedures provided by law. relevant.

During the administration of evidence, it was found that for the persons in question, there is a sufficient legal basis to take measures to revoke their residence permit in the territory of the Republic of Kosovo. "After the revocation of the residence permit, the further stay of these citizens is considered illegal", it is said in the communiqué of the Ministry of Interior of Kosovo, and here upon accepting the request to the state where the request for extradition is submitted, the person is extradited to the state from which he has citizenship.

Therefore, from the above data in the paper as well as from the research during the paper, according to our legislation, I think that we still need to work on the issue of extradition or transfer of prisoners from Kosovo and other countries or vice versa, so

- I recommend that the issue of extradition be clearer and more precise in terms of legislation, and as other countries have special laws on the issue of extradition, so do we, and so I think it will be easier as for us researchers, as well as for the judicial system in resolving cases when we are dealing with a foreign element.
- I also recommend that we work more on the issue of transferring prisoners from Kosovo to other countries and vice versa, thus creating agreements with other countries and especially with the countries of the European Union!

Reference

1. These transfers are governed by Council Framework Decision 2008/909 / JHA.
2. See: https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/detention-and-transfer-prisoners_en. Retrieved on 04.08.2018, at 21:14.
3. The International Prisoner Transfer Act 1997 (ITP Act) provides the legal framework for the International Prisoner Transfer Scheme.
4. See: <https://www.ag.gov.au/Internationalrelations/Internationalcrimecooperationarrangements/TransferOfPrisoners/Pages/default.aspx>. Retrieved on 04.08.2018, at 21:18.
5. This is the term used, for example, in the Convention on the Transfer of Sentenced Persons (Council of Europe, European Treaty Series, No. 112); and the Inter-American Convention on the Elimination of All Forms of Discrimination against Women.
6. As used, for example, in the Convention on the Transfer of Sentenced Persons and the Transfer Scheme of Convicted Persons Convicted offenders within the Commonwealth.
7. See Wolfgang Schomburg et al., *Internationale Rechtshilfe in Strafsachen* (International Cooperation on Crime Issues), ed. (Munich, Beck, 2006), p. 701.
8. See: Data taken from: <https://www.offendersfamilieshelpline.org/index.php/transfer/>; Retrieved on 05.08.2018, at 14:1
9. See: Data taken from: <https://www.offendersfamilieshelpline.org/index.php/transfer/>; Retrieved on 05.08.2018, at 14:15;
10. See paragraphs 58; 59; 60 (2); 61; 62; 64; 65; 66 (1); and 80 of the Standard Minimum Rules for the Treatment of Prisoners (Human Rights: A Review of International Instruments, Volume I (Part I): Universal Instruments (United Nations Publication, Sales No. E.02.XIV.4 (Vol I, Part 1)), Section J, No. 34). The complex relationship between the three concepts of rehabilitation, resocialization and reintegration is discussed in Sonja Snacken and Dirk van Zyl Smit, *Principles of European Prison Law and Policy: Penology and Human Rights* (Oxford, Oxford University Press, 2009), p. . 73-85. They are interchangeably used here to reflect the need to enable, as far as possible, convicted persons to develop so that they can lead a life without crime and take their full place in society in the future.
11. This shift of emphasis was recognized by the Grand Chamber of the European Court of Human Rights in *Dixon v. United Kingdom*, Application no. 44362/04, Judgment of 4 December 2007, para. 28: "In recent years there has been a tendency towards placing more emphasis on rehabilitation, as has been clearly demonstrated by the Council of Europe Legal Instruments. While rehabilitation has been recognized as a means of preventing recidivism, more Recently and more positively, it represents more the idea of resocialization through the promotion of responsible personality. This objective is reinforced by the development of the "principle of progress": while serving or serving a sentence, a prisoner should move progressively through the prison system by moved from the first

days of a sentence, when the emphasis may be on punishment and punishment, in the final stages, when the emphasis should be on preparing for release. "

12. See Van Zyl Smith, "International Imprisonment," *International and Comparative Law Quarterly*, vol. 54, no. 2 (2005), pp. 357-386. Plachta, Michał, *Transfer of Prisoners Under International Instruments and Domestic Legislation: A Comparative Study* (Freiburg, Max-Planck-Institut, 1993), p. 159, 162 and 166-7; and Eveline De Wree, Tom Vander Becken and Gert Vermeulen, "The Transfer of Sentenced Persons to Europe: Too Much Noise for Reintegration," *Punishment and Society*, vol. 11, no. 1 (January 2009), p. 111-128.
13. See La Vigne et al., "Examining the effect of imprisonment and family contact in prison with inmates's family relationships," *Journal of Justice Contemporary Criminal*, vol. 21, no. 4 (November 2005); Alice Mills and Helen Codd, "Prisoners' families and the management of offenders: mobilizing social capital," *Probation Journal*, vol. 55, No. 1 (March 2008), pp.11-12.
14. General Assembly Resolution 2200 A (XXI), annex.
15. Human Rights: A Compilation of International Instruments, Volume I (Part One): Universal Instruments (United Nations Edition, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, Nr. 34.
16. See Human Rights Committee, general comment 21, para. 5;
17. Council of Europe, European Treaty Series, No.5;
18. See preamble, European Convention; para. 9, explanatory report on the European Convention; preamble and art. V, Inter-American Convention on Serving Criminal Sentences Abroad; preamble, Additional Protocol to the European Convention (Council of Europe, European Treaty Series, No. 167); preamble and para. 1, Model Agreement; and paras. 8 and 9, preamble, and arts. 3, para. 1, 4, para. 2, and 4, para. 6, framework decision 2008/909 / JHA.
19. Dirk Van Zyl Smit, "International Imprisonment," p. 364; Plachta, *Transfer of Prisoners under International Instruments and Domestic Legislation*, p. 166-7 and 206; Claus Kress and Göran Sluiter, "Imprisonment," in the *Rome Statute of the International Criminal Court*, vol. 1, Antonio Cassese, Paola Gaeta and John R.W.D. Jones, eds. (Oxford, Oxford University Press, 2002), p. 1766; and Dirk van Zyl Smit and John R. Spencer, "The European Dimension for the Release of Sentenced Prisoners" in *Prison Release: European Politics and Practice*, Nicola Padfield, Dirk van Zyl Smit and Frieder Dünkler, eds. (Cullompton, Willan, 2010), p. 36.
20. See: European Council. "Tampere European Council 15 and 16 October 1999: Presidency Conclusions". para. 35. Retrieved January 31, 2012;
21. Wouters, Jan; Naert, Frederick (June 2004). "On arrest warrants, terrorist offenses and extradition agreements: An assessment of key measures of EU criminal law against terrorism after 9/11" (PDF). Institute of International Law, K.U. Leuven. Retrieved January 18, 2012.
22. Staunton, Denis (October 6, 2001). "Introducing an arrest warrant in the EU to cause problems for Ireland." *Irish Times*. page 10.
23. "Convention drafted on the basis of Article K.3 of the Treaty on European Union, on the simplified extradition procedure between the Member States of the European Union". Council of the European Union. Relationship 2015-06-27.
24. See: "L 69/2005". Camera.it. April 29, 2005. Retrieved January 16, 2012;
25. "Council Decision of 27 November 2014 laying down a number of consistent and transitional measures concerning the termination of the participation of the United Kingdom of Great Britain and

- Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Lisbon Treaty ". Official Journal of the European Union. L 343/11. 2014/11/27. Unregistered 2014-11-28.
26. See: "Council of the EU Framework Decision of 13 June 2002 on the European Arrest Warrant (2002/584 / JHA), Article 1 (1)". European Union. Retrieved 2010-12-26.
27. "Number of RCMs issued and resulting in effective delivery, aggregate 2005-13" (PDF). European Parliament.
28. Forde, Michael; Kelly, Kieran (2011). Law on Extradition and Transnational Criminal Procedure (4th edition). Roundhall. page 18. ISBN 978-1-85800-622-2.
29. Płachta, Transfer of Prisoners under International Instruments and Domestic Legislation, p. 159 and 164; explanatory Report on the European Convention, para. 9; David Biles, "International Transfer of Prisoners", Trends and Issues in Crime and Criminal Justice, no. 38 (July 1992); and De Wree, Vander Becken and Vermeulen, "Transfer of Sentenced Persons to Kosovo Europe: Too Much Noise for Reintegration", p. 121-122.

