

Course – LL.B sem 2
Public International Law
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EXTRADITION

What is Extradition?

Extradition is a process by which a person accused or convicted of a crime and is formally transferred to a State where he is wanted for trial or to serve his sentence.

Principles of Extradition

- *The principle of double criminality* means that the extradition is available only when the act is an offense in both jurisdictions.
- *The principle of speciality*, an extradited individual can be tried only for offenses specified in the extradition request the object of this principle is to prevent blanket extradition requests.
- The requesting state pledges to judge the requested person only for the crime for which extradition was requested, and not for any other.

Political Exemption

- The political exception is not required by international law, and must be clearly distinguished from provisions in domestic law or mutual legal assistance or extradition treaties that assistance of extradition may be refused if the real purpose of a request is to prosecute or persecute the person for his political opinion rather than the crime itself.

Procedure of Extradition

- Each member state must comply with a request from a court or prosecutor of another member state for the execution of an arrest warrant issued by him for a person accused of an offence carrying a minimum sentence of twelve months' imprisonment.
- The arrest warrant need only contain a description of the circumstances in which the offence was committed
- The judicial authorities, not the executive, decide on the request.

Offenses that are Extraditable and Non-Extraditable

- *Extraditable offenses* are those punishable under the laws of both Parties by imprisonment or deprivation of liberty.
- A crime is considered *non-extraditable* if the laws of both countries are not the same and if both countries don't have an established treaty.

The Case of Jose Maria Sison

- Jose Maria Sison is founder and chairman of the Central Committee of the Communist Party of the Philippines and a member of Partido Komunista ng Pilipinas.
- During his time the CPP organized the Party's military wing, the New People's Army (NPA).
- Since then, the NPA has waged guerrilla warfare on Maoist lines against the government of President Marcos.
- Sison went into exile in the Netherlands after the Marcos regime ended.



- He had already been released from prison by the government of Corazón Aquino for the sake of "national reconciliation" and for his role in opposing Marcos.
- Upon his release, Sison and his followers actively sought to discredit the Aquino government in the European media by speaking out on Aquino's human rights violations including the Mendiola Massacre, in which members of the military were accused of firing on unarmed

The International Crime Investigation Team of the Dutch National Criminal Investigation Department arrested Jose Maria Sison in Utrecht on August 28, 2007.

Sison was arrested for his involvement from the Netherlands in three assassinations that took place in the Philippines, the murder on Romulo Kintanar in 2003, and the murders of Arturo Tabara and Stephen Ong in 2006.

Extradition with treaty

- With treaty, the convicted person is transferred to the requesting state to undergo the trial base upon the practice of the state.
- Atong Ang Case: Extradition from US to Philippines.
- Charlie "Atong" Ang was a close associate of former President Joseph Estrada. He is a co-accused in the plunder case against Estrada, the latter's son Sen. Jose "Jinggoy," and lawyer Edward Serapio.
- A year later, he was freed on a \$300,000 bail and placed under house arrest

- Judge Lawrence Leavitt of the US District Court in Nevada ruled on September 18, 2006 that Ang should be extradited to the Philippines to face plunder charges against him.
- He arrived in Manila in November 10, 2006.

Extradition without treaty

- The Jose Maria Sison Case
- Gonzales and Foreign Undersecretary Rafael Seguis said that due to the absence of an extradition treaty with the Netherlands, the Philippine government would wait for the Dutch resolution of Sison's double murder case before moving to seek his return to the country.

Thank you !!!



