Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Recommendation 950 (1982)**[1]

# Extradition of criminals

Parliamentary Assembly

The Assembly,

1. Desirous to strike a balance between the will to safeguard human rights, on the one hand, and the importance of not leaving unpunished serious offences, on the other hand ;

2. Considering that the European Convention on Extradition was concluded in 1957 in the framework of the Council of Europe ;

3. Considering that this multilateral convention was ratified by fifteen member states and that Finland and Israel adhered to it ;

4. Considering that, in addition to this convention, Council of Europe member states have concluded a wide range of bilateral extradition treaties with each other, and also with non-member states within and outside Europe ;

5. Considering, however, that the existing extradition treaties sometimes prove to be inapplicable and obsolete, and therefore inadequate ;

6. Concerned by the fact that improved means of transport and relaxed frontier control nowadays greatly facilitate the escape of criminals from member states ;

7. Considering that criminals, especially those who have the financial means to do so, tend, more and more often, to take refuge in countries outside Europe, and that the lack of adequate legal instruments can and does prevent their extradition ;

8. Noting that, in certain instances, criminals have been expelled to a country which might otherwise have made a request for extradition, but that such expulsion procedure is arbitrary and therefore unsatisfactory ;

9. Considering that no reciprocal extradition treaties should be concluded with countries where there are chances of unfair trial or arbitrary judgment, or where torture is practised, unless proper guarantees are obtained,

10. Recommends that the Committee of Ministers :

*a.* In respect of extradition from non-member states :

1. instruct the European Committee on Crime Problems (CDPC) to study whether Council of Europe member states might accede to the Inter-American Convention on Extradition ;

2. ask governments of those member states which may extradite only if there is an extradition treaty with the requesting state, whether their national law does not provide for enough safeguards to drop this requirement ;

3. invite member governments to make an effort to improve their control of existing escape routes to other continents for criminals having the means to fly there ;

---

1. Assembly debate on 1 October 1982 (13th Sitting) (see Doc. 4950, report of the Legal Affairs Committee). Text adopted by the Assembly on 1 October 1982 (13th Sitting).

*b.* In respect of extradition from member states :

1. invite member governments, if and when proceeding to a review of their penal law, to take penal provisions in other member states into account, so that it may be easier to compare penal provisions from one country to another ;

2. invite governments of those member states which have not yet ratified the European Convention on Extradition and its two additional protocols to do so now ;

3. invite governments of member states which have ratified it to study whether, in accordance with Article 26, section 2, of the convention, they may reduce their reservations ;

4. instruct the European Committee on Crime Problems (CDPC) to examine whether and to what extent extradition procedures may be simplified, and whether there have not been certain developments since the conclusion of the European Convention on Extradition (for instance in respect of statutory limitation of offences) which would allow for simplification of the existing extradition procedures ;

5. draw the attention of member governments to the recommendations of the Committee of Ministers on the practical application of the European Convention on Extradition,[2] on extradition to states not party to the European Convention on Human Rights,[3] and concerning the co-operation in the fight against economic crimes.[4]

2. Recommendation No. R (80) 7 and Resolution (75) 12.
3. Recommendation No. R (80) 9.
4. Recommendation No. R (81) 12.