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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Conclusion of a European Convention on Extradition

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Sir Geoffrey de FREITAS, United Kingdom, Socialist Group

1. 1951 - 3rd Session - Second part

A. Explanatory Memorandum

1. Your Committee has considered the Motion presented to the Consultative Assembly by Mr. Foster and a number of his colleagues (Doc. 82), and referred to your Committee by the Consultative Assembly on 30th November, 1951.

2. Your Committee fears that, should it proceed to prepare a draft Convention on Extradition without any indication of the views of the Committee of Ministers, the result might be the rejection of the whole or part of your Committee's work and much waste of its time and energy.

3. For this reason your Committee proposes that the question should be examined, in conjunction with experts nominated by the Committee of Ministers, in accordance with the following procedure :

a. The Governments of the Members should be asked to express their views (within 3 months) on the proposal to conclude a European Convention on Extradition based upon the content of Document SG/R (51) 17.

b. The replies would be examined by a Committee composed of 5 members of your Committee and 5 legal experts nominated by the Committee of Ministers.

4. Your Committee believes that this proposal would form a first practical step towards the solution of a difficult problem, and it has unanimously agreed to the following Draft Recommendation which it now submits to the Assembly :

B. Draft Recommendation

The Assembly,

Considering the necessity for the conclusion of a European Convention on Extradition with a view to the punishment of those committing crimes on the territory of one of the Members of the Council of Europe and taking refuge in the territory of another Member :

Considering that it is desirable by common action to improve the existing system of granting and refusing extradition;

Recommends to the Committee of Ministers :

1. That the Governments of the Members be invited to submit their views to the Secretary- General, within three months, upon the desirability of concluding a European Convention on Extradition based on the memorandum 6f the Secretariat-General [2]and upon the form and content of such a Convention.

2. That the Committee of Ministers nominate five legal experts who, together with five members appointed by the Committee on Legal and Administrative Questions, would constitute a mixed committee entrusted with the examination of the replies and the preparation of a Draft European Convention on Extradition.

2. See, 3rd Session, 1951 : Doc. SG/R (51) 17.