

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (96) 9

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING THE PRACTICAL APPLICATION OF THE EUROPEAN CONVENTION ON EXTRADITION

*(Adopted by the Committee of Ministers on 5 September 1996
at the 572nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Desirous of strengthening further European co-operation in the fight against crime ;

Having regard to the European Convention on Extradition ;

Desirous of facilitating the practical application of that convention,

Recommends the governments of member states party to that convention to have regard, in its practical application, to the following guidelines:

a. concerning Article 20:

in so far as extradition requests communicated in accordance with Article 12 of the convention include a request, based on Article 20, to hand over property, the requested state should take all possible measures to facilitate the handing over of the property sought in the context of the extradition proceedings ;

b. concerning Articles 17 and 15:

where extradition is requested concurrently by more than one state, the requested state, subject to the provisions of its national law, should communicate to the state to which the person is being surrendered whether or not it consents to re-extradition to a given state and in respect of which offences it so consents.

Where extradition is requested concurrently by more than one state, the requested state, subject to the provisions of its national law, should communicate to the state to which the person is being surrendered whether or not it consents to proceedings being brought against that person for offences in respect of which one or more of the concurrent extradition requests were made.