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## NATIONAL VERSUS INTERNATIONAL LEGAL PROCEDURES: THE EXTRADITION ISSUE

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(Original text in English)

1. Extradition means that a person, who is suspect or convicted of a crime (or several crimes) committed in one country, but is staying in another country, is surrendered by the latter state (the requested state) at the request of the former state (the requesting state). If the person concerned has not been sentenced for the crime in the requesting state, extradition is requested for legal proceedings and, possibly, for later enforcement of a sentence. If the person is already sentenced, extradition takes place for enforcement of the prison sentence.

A special kind of extradition is extradition to an international tribunal. This kind of extradition will be briefly commented at the end of this paper.

It seems that extradition has lately become more frequent. The reason is, obviously, the internationalization and the increased communications between countries.

All states have an interest to punish crimes committed in their own territories. Normally it is also in their own interest to grant requests for extradition. If a state refuses to extradite, it probably cannot get its own requests granted by other states. All states, too, have a common interest to fight criminality.

2. As a consequence of its sovereignty, a state does not have a basic obligation to grant a request for extradition. Such an obligation can, however, be based on treaties between states. Such treaties are nowadays frequent. In addition to special treaties on extradition there are conventions on the same topic which states concerned can accede to. Here can be mentioned the European Convention on Extradition of 1957 (with amendments in 1975 and 1978). Most European states have acceded to this convention. For the members of the European Union there is, too, the EU-Convention on Extradition of 1996.

A state can, of course, grant requests of extradition without having an obligation to do so. This is, for example, the case in Sweden.

3. If a state refuses to grant a request for extradition for legal proceedings, the consequence can be that the competent authorities of that state will have to investigate the crime and prosecute the person concerned in its own country. Such a procedure can, however, bring about practical difficulties and obstacles, particularly regarding evidence.

4. The issue of extradition gives rise to several legal problems. In most cases the requested person opposes extradition. Extradition can often be a time-consuming and expensive procedure. In most cases the person concerned must be arrested for a rather long time.

