

Original article

UDC 34

doi 10.46741/2686-9764.2023.63.3.005



Fulfillment of Obligations Prescribed by National Legislation and International Treaties when Deciding on Extradition of Persons for Criminal Prosecution or Sentence Execution

ALEKSANDR S. SHATALOV

Moscow Academy of the Investigative Committee of the Russian Federation, Moscow, Russia, asshatalov@rambler.ru, <https://orcid.org/0000-0001-9696-416X>

Abstract

Introduction: the article analyzes the most important procedural aspects of extradition of persons for criminal prosecution or execution of a sentence as a separate area of international cooperation in the field of criminal justice. The author proceeds from the fact that the extradition procedure is a complex of interrelated, successive procedural actions that begin from the moment of actual detention of a person who is on the international wanted list on the initiative of the requested state and an official notification about it, with a proposal to send a request for his/her extradition to the Russian Federation. A similar request, but already on the part of the Russian Federation, is sent by its competent authorities if the requested person has Russian citizenship or does not have citizenship of the state on whose territory this person is located. However, it can also be sent when the requested person is a citizen of a third country or stateless. *Purpose:* to study aspects of the functioning of the institution of extradition of offenders and to propose possible solutions to problematic issues. *Methods:* the methodological basis of the research is made up of general scientific methods of cognition, including the principle of objectivity, consistency, induction, deduction, etc. as well as private scientific methods: descriptive, linguistic, comparative legal. *Results:* having considered the procedure for request forwarding, the author comes to the conclusion that the main task of extradition of offenders is to ensure inevitability of the punishment imposed by the court and social rehabilitation of convicts. At the same time, it is important that criminal prosecution or enforcement of a sentence against them are carried out in accordance with international law and domestic legislation of the requesting state. *Conclusion:* the key obstacle to full-fledged functioning of the institute of extradition is the lack of state responsibility for non-compliance with the requirements for extradition of the wanted persons and creation of artificial restrictions in solving these issues. The author's vision of the way to solve this problem is proposed.

Key words: extradition of a person; request for extradition of a person located on the territory of a foreign state; execution of an extradition request; execution of a sentence; international cooperation in criminal proceedings; appeal of an extradition decision; refusal of extradition; criminal prosecution.

5.1.4. Criminal law sciences.

For citation: Shatalov A.S. Fulfillment of obligations prescribed by national legislation and international treaties when deciding on extradition of persons for criminal prosecution or sentence execution. *Penitentiary Science*, 2023, vol. 17, no. 3 (63), pp. 273–281. doi 10.46741/2686-9764.2023.63.3.005.

Introduction

Extradition of persons who have violated the law is a fairly common and the most legally regulated type of international assistance in criminal cases. It usually involves two counterparts. Activities related to its implementation are initiated either by sending an extradition request or by the need for its execution. Not only persons, but also objects can be requested for extradition, and extradition itself can be carried out only during the period of criminal prosecution or execution of a sentence. In the context of globalization, integration, population migration and growth of transnational crime, extradition of persons has acquired special importance. A number of bilateral and multilateral international acts signed with the participation of the Russian Federation in this area of legal relations is steadily growing. When applying them, certain reservations should be taken into account, the text of which is contained in the law on ratification of an international treaty [1, p. 117].

So, the Russian Federation has initiated bilateral and multilateral agreements on the provision of legal assistance with many world countries. In cases of their absence, extradition issues are resolved on the terms of diplomatic courtesy. However, political rivalry often arises in the interests of third countries. As a result, the duration of consideration of extradition requests increases. It often entails the impossibility of bringing the accused to criminal liability due to the expiration of the statute of limitations of criminal prosecution. Investigative and judicial practice describe cases when a citizen is declared internationally wanted in his/her country under one name, but, hiding on the territory of a foreign state, manages to change it, and quite officially. Having issued a passport with a new surname, he/she leaves for third countries, which complicates processes of establishing his/her whereabouts, detention and extradition. However, there are other problems in this segment of procedural activity. In accordance with established international standards, the country to which the citizen has been extradited must unconditionally comply with the so-called principle of concreteness. Its essence boils down to the fact that the extradited person should not be prosecuted and convicted on the territory of the state that has initiated his/her extradition or detained for a crime commit-

ted before his/her extradition, but not being its basis. Moreover, if the crime for which extradition is required is punishable by death in the requesting state, and the requested state does not provide or does not apply this punishment, then extradition may be refused.

The core

The European Convention on Extradition as the legal basis for international cooperation in extradition of persons for criminal prosecution or execution of a sentence

The European Convention on Extradition, which entered into force on April 18, 1960, is of great importance for international cooperation in this area [2]. The Russian Federation signed it with some reservations and statements much later – on November 7, 1996 [3], and it began operating on its territory on March 9, 2000 [4]. The implementation of the provisions of this Convention is limited geographically (i.e. by the European continent) and personally (i.e. by the states localized on it). The signatory countries have assumed obligations to extradite to each other all persons against whom the competent authorities of the requesting party are conducting legal proceedings in connection with any crime or who are wanted by them for the execution of a sentence or arrest order. It is important to note that in cases where the international treaties of the Russian Federation concluded with the signatory countries contain other rules that are not related to supplementing the provisions or promoting the application of the principles contained therein, then the Convention provisions, not contractual, prevail [Article 28].

The concept of extradition (from Latin *ex* – “from”, “outside” and *traditio* – “transfer”) is crucial in the original text of the agreement, drawn up in French, is Translated into other languages (including Russian) it is actually more extensive and covers extradition of both those who have already been convicted and those accused in criminal cases. Nevertheless, its legal meaning is often narrowed to extradition of criminals of certain categories. However, in reality, extradition is an official legal procedure recognized by the international community, initiated by the state under whose jurisdiction the person accused by it is brought to criminal liability. The purpose of this procedure is to obtain a wanted person from the state in whose territory he/she is hiding in order to bring him/

her to criminal liability or ensure the execution of punishment [5].

The significance of the European Convention for international cooperation in criminal proceedings lies in the fact that it reveals concepts directly related to extradition of criminals, formulates principles of its practical implementation and specifies acceptable options for their extradition. Its legal basis is the mutual obligations of the contracting parties to extradite a certain circle of persons in respect of whom the requesting party wants to fulfill requirements of the sentence or conducts legal proceedings. The Convention also defines the nature of crimes that predetermine the potential possibility of extradition. These include only those criminally punishable acts that are provided for by the legislation of both parties and are punishable by imprisonment for a term of at least one year or more severe punishment. The Convention also provides for the right of a member state to refuse extradition in case the crime committed does not constitute grounds for extradition. If the person whose extradition is requested is accused of committing several crimes, not all of which meet the generally accepted criteria for extradition, the requesting party is entitled to decide on extradition at its discretion. The specifics of addressing extradition issues lies in the fact that the country receiving an extradition request undertakes to provide all possible assistance to the requesting party in exercising its right to convict and punish a person who has violated criminal law and is currently on the territory of the requested party. In fact, sending such a request is nothing more than a procedural form of delegation by the requesting party of a certain part of its powers to the competent authorities of the requested party. By sending a request, the requesting state hopes that competent authorities of the requested state will assist, on conditions of reciprocity, in convicting and punishing the person whose extradition from that state is requested.

On the procedural status of the person requested for extradition, sending a corresponding request and providing assistance in extradition

Researchers draw attention to the fact that in Russian criminal procedure legislation, the person in respect of whom the extradition request is received is not characterized in any way.

Considering this a significant disadvantage, they propose to use the concept of “requested for extradition” defined as a person located on the territory of the Russian Federation, against whom a criminal prosecution or execution of a sentence has been initiated by a foreign state [6, p. 10]. We believe that this concept briefly and clearly reflects the procedural position of the person in respect of whom the extradition request is received, and makes it possible to distinguish him/her from all other participants in criminal proceedings as personally interested in the outcome of extradition. The extradition procedure itself should ideally have a pronounced step-by-step nature, involving initiation of an extradition case, pre-extradition check, and adoption of a final procedural decision based on its results. The person requested for extradition is entitled to familiarize him/herself with the request for extradition and receive a copy of it and information about his/her procedural status, the procedure and timing of the proceedings. The implementation of these proposals will make it possible to clearly define and systematize the rights and obligations of the person requested for extradition, avoid ambiguous interpretation of his/her procedural position in judicial practice and introduce procedural institutions necessary for its full implementation (measures of procedural coercion, evidence, appeals, etc.). This is required to exclude their possible inconsistency with key principles of extradition, such as reciprocity, extradition of a crime, dual jurisdiction, expiration of the statute of limitations, non-extradition of their own citizens, inevitability of punishment, exemption from liability in the case of the sentence already issued in the requested state or a decision to terminate prosecution in the same case, refusal to extradite for humane reasons, etc. All of them, as well as each of them individually, are aimed not only at protecting the interests of the requesting and requested states, but also at ensuring guarantees of respect for the rights and freedoms of the person subject to extradition [7, p. 304].

According to the established practice of international cooperation, the extradition procedure can be extended to persons who are citizens of both the Russian Federation itself and other states, to stateless persons, as well as to persons with two or more nationalities. The pur-

pose of its application may be the need to either carry out criminal prosecution, execute a sentence, or administer justice in a criminal case. The extradition procedure itself can be initiated either upon a request received from a foreign state, or upon a request sent to it in accordance with the established procedure from the Russian Federation. His referral takes place on the basis of an international agreement of the Russian Federation with this state or a written obligation signed by the Prosecutor General of the Russian Federation to extradite persons to this state in the future on the basis of reciprocity in accordance with the laws of the Russian Federation. The request is sent on the conditions that, in accordance with the laws of the two states, the action in connection with which the extradition request is sent is criminally punishable for a period of at least one year of imprisonment or other, more severe punishment (in the case of extradition for criminal prosecution), or if the person is sentenced to imprisonment for at least one year less than six months (in case of extradition for execution of the sentence). To send a request for extradition, in case the conditions and grounds provided for by the Criminal Procedural Code of the Russian Federation are met, all necessary materials are submitted to the Prosecutor General's Office of the Russian Federation, entitled to make a final decision on this issue. It has exclusive powers in the mechanism of international cooperation in the field of criminal proceedings due to its key role in the implementation of criminal prosecution [8, p. 10].

A similar procedure is applied when executing a request for extradition of a person located on the territory of the Russian Federation. In accordance with an international treaty, it may extradite to a foreign state a foreign citizen or a stateless person located on its territory for criminal prosecution or execution of a sentence for acts that are punishable under the criminal law of the Russian Federation and the legislation of the foreign state that sent the extradition request. In the absence of an international treaty, extradition of such persons can only be carried out on the basis of the principle of reciprocity. So, in accordance with the assurances of a foreign state that sent the extradition request, it can be expected that in a similar situation, but already at the request of the Russian

Federation, the foreign state will extradite a requested person [9, p. 40].

The National Central Bureau of Interpol of the Ministry of Internal Affairs of Russia is responsible for monitoring the implementation of international treaties on combating crime, to which the Russian Federation is a party. It also assists in fulfilling requests from law enforcement agencies of foreign states for the search, detention and extradition of persons accused of committing crimes, as well as the search and arrest of proceeds of crime, stolen items and documents transferred abroad [10]. Now there are some obstacles to its work, because in February 2022, Ukraine, with the support of the United Kingdom, appealed to the Interpol General Secretariat with a demand to exclude Russia from this organization. However, it was rejected as political, and the continued membership of the Russian Federation in it is motivated by the continuing need to maintain cooperation through police services and to keep communication channels open. At the same time, it was decided to change the procedure for passing search queries from Russian law enforcement agencies. In particular, Russia was deprived of the right to send such requests directly to countries that are members of Interpol. Now it is obliged to carry out all staff procedures through the General Secretariat of this organization, which is authorized to check them for compliance with existing rules. If the transfer of the request is recognized as legitimate, it will be additionally distributed among the member countries of this organization. According to Interpol, the Russian Federation is now looking for more than three thousand people outside its borders [11].

Making a decision on the extradition of persons accused of committing crimes and its legal consequences

The decision to extradite a foreign citizen or a stateless person who is on the territory of the Russian Federation, accused or convicted by a court of a foreign state, is made by the Prosecutor General or his deputy. They are also authorized to decide which request is to be satisfied if there are applications from several foreign states for extradition of the same person, as well as for transportation of the extradited person through the territory of the Russian Federation. The person against whom the

extradition decision was made must be notified in writing of this fact within 24 hours. The same message explains to him/her the right to appeal the decision in court. If the person has not used it, the decision on extradition comes into force ten days after the notification of the person in respect of whom it is made. No issuance is made before the expiration of this period. If the decision of the Prosecutor General of the Russian Federation or his deputy on extradition is still appealed, then within ten days from the date of receipt of the notification, the complaint must be sent to the court of the subject of the Russian Federation, at the location of the person in respect of whom this decision is made. It is filed by a person him/herself or his/her protector. Within the same period, the prosecutor must send to the court materials confirming the legality and validity of the decision. If the person against whom the extradition decision is made is in custody, the administration of the place where he/she is being held, after receiving the complaint addressed to the court, immediately sends it to the appropriate court and notifies the prosecutor about it.

The question of the legality and validity of the decision on extradition is decided by the court based on the circumstances occurred at the time of making such a decision. The person's appeal to the competent authorities with an application for temporary or political asylum, refugee status after the decision on extradition should not entail a postponement of the complaint consideration, since the court's recognition of such a decision as lawful and justified will not lead to further actual transfer of the person to the requesting state until the resolution of the relevant application or until the end of the appeal proceedings in the presence of a refusal to its satisfaction [12, p. 26]. During the court session, the court has no right to discuss the guilt of the person who has filed the complaint. It is limited only to checking the compliance of the decision on extradition of this person with the legislation and international treaties of the Russian Federation. Accordingly, the wording of the court decision adopted on this occasion should not indicate the established fact of the commission of a crime by the specified person, and the decision itself can be appealed to the Judicial Board for Criminal Cases of the Court of Appeal of General Jurisdiction. Thus, the Russian Fed-

eration can extradite a person to a foreign state only when the act in connection with the commission of which the extradition request is sent is punishable both under its criminal law and under the law of the requesting state. Inconsistency in the description of individual elements of the crime the person is accused of or in the legal qualification of the act is not a reason for refusing extradition, since actual circumstances of the crime and its punishability under the laws of both countries are assessed [12].

In accordance with Article 7 of the International Covenant on Civil and Political Rights [13] and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [14], a person is not subject to extradition if there are serious grounds to believe that in the requesting state he/she may be subjected to torture, inhuman or degrading treatment or punishment. According to the provisions of this Convention, when assessing the presence or absence of such circumstances, the court takes into account both the general situation regarding the observance of human rights and freedoms in the requesting state and specific circumstances of the case, which together may indicate the presence or absence of serious grounds to believe that a person may be subjected to treatment or punishment of this kind. In this regard, the court may take into account, in particular, the testimony of the person against whom the extradition decision is made, witnesses, the statement of the Ministry of Foreign Affairs of the Russian Federation on the situation with respect to human rights and freedoms in the requesting state, guarantees of the requesting state itself, as well as reports and other documents adopted in respect of him/her by international treaty and non-contractual bodies. Undoubtedly, the general situation regarding the observance of human rights and freedoms in the requesting state, which was previously assessed, may change over time. The European Court of Human Rights, for example, to estimate the threat of prohibited treatment, applies the so-called principle of predictability of consequences when considering the risk of possible ill-treatment of a person in the receiving state with regard to the general situation on its territory and personal circumstances of the applicant. From the court's point of view, the applicant should provide convinc-

ing evidence that there are serious grounds to believe that if the contested measure is applied, he/she will be in real danger of being subjected to treatment contrary to Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms. However, the possibility of ill-treatment due to the instability of the situation in the requesting state does not in itself mean a violation of these rights.

Extradition may also be refused when exceptional circumstances indicate that this will create a danger to the life and health of a person, taking into account his/her age and physical condition. The obligation to substantiate these and other circumstances (including those indicating the absence of grounds to believe that the death penalty, torture, inhuman or degrading treatment or punishment may be applied to a person, as well as that this person may be brought to criminal liability on the basis of race, religion, citizenship, nationality, belonging to a certain social group or political beliefs) is assigned to the Prosecutor's Office of the Russian Federation. Thus, the conditions and grounds for refusal of extradition are provided not only in the Criminal Procedural Code of the Russian Federation and other laws, but also in international treaties signed by the Russian Federation. At the same time, if extradition of a person is not carried out, then regardless of the type of regulatory legal act in which they are contained, the Prosecutor General's Office is obliged not only to notify the competent authorities of the relevant foreign state, but also to inform them of the specific grounds for its refusal.

Pre-extradition arrest to ensure extradition

In order to ensure the possibility of extradition to a person, in particular, a preventive measure in the form of detention may be chosen, which in such cases is commonly referred to as pre-extradition arrest. It becomes possible by a court decision made on the basis of a prosecutor's petition in accordance with the procedure provided for in Article 108 of the Criminal Procedural Code of the Russian Federation. When making a decision, the judge is obliged to check legal and factual grounds for the selection of this measure. At the same time, the judge should take into account not only relevant normative prescriptions of the Russian criminal procedure legislation, but also provisions of the aforementioned European Convention on Ex-

tradition, as well as the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases, adopted in Minsk in 1993 (Minsk Convention) [15]. They stipulate that a person in custody should be released if the request for extradition is not received within forty days after taking him/her into custody. If the requesting state is not a party to the Protocol to the Minsk Convention, the period of detention of a person before receiving an extradition request may not exceed one month. Other periods during which a person may be detained until such a request is received must be specifically provided for in bilateral international treaties of the Russian Federation. But if a duly executed extradition request has not been received by the Russian side within the period stipulated by them, then the person is subject to release from custody.

The terms during which a person may be detained until an extradition request is received may also be provided for by bilateral international treaties of the Russian Federation [16, p. 222]. At the same time, if the requesting state is simultaneously a party to an international treaty of the Russian Federation and the European Convention on Extradition, the period of detention of a person before receiving an extradition request should not exceed forty days. These periods should be taken into account by the courts when determining the specific period of time during which a person can be held in custody until an extradition request is received. In the absence of a corresponding petition, the preventive measure in the form of detention is chosen and subsequently extended only by the court of the Russian Federation, indicating for what period and until what specific calendar date the preventive measure is chosen or extended.

As an example, we can mention the relatively recent consideration by the Moscow City Court of Appeal of the submission of the Deputy Simonovsky Interdistrict Prosecutor of Moscow, filed against the decision of the Simonovsky District Court of Moscow on the imposition of preventive measures in the form of detention on Mr. Yu. Having changed this decision, the court of appeal drew attention to the fact that, choosing a preventive measure in the form of detention for this citizen, the court had motivated its decision to satisfy the prosecutor's petition, justifiably referring to the provisions of Article 108 of the Criminal Procedural Code

of the Russian Federation and the Minsk Convention, according to which a person wanted by law enforcement agencies of a foreign state for criminal prosecution for the act punishable under the criminal law of the Russian Federation may be detained to ensure the possibility of his/her extradition if there are grounds to believe that this person may escape. However, when determining the validity period of this preventive measure, the court had not taken into account that in accordance with Article 61 of the aforementioned Convention, the period of detention of a person wanted by law enforcement agencies of a foreign state before receiving a request for his/her extradition could not exceed one month. Since the requesting state was not a party to the Protocol to this Convention, fixing the possibility of holding internationally wanted persons in custody for a longer period (forty days). The court had mistakenly established the validity period of the chosen preventive measure within forty days. The appellate instance changed the court's decision regarding Mr. Yu., reducing the period of his detention by ten days. Thus, the said Protocol to the Minsk Convention at the time of consideration of the prosecutor's submission was an international treaty of the Russian Federation, which at one time agreed to be bound by it, but the requesting state that sent the request for extradition of Mr. Yu., at the time of consideration of this submission was not a party to it, as a result of which the relations between the Russian Federation and the requesting state on extradition issues (in terms of determining the period of stay of a person in custody pending receipt of an extradition request) were regulated by the provisions of the Minsk Convention, without taking into account the provisions contained in the Protocol [17].

All this is in a systemic relationship and legal unity with the characteristic feature of extradition – the minimum amount of jurisdiction transferred from the requesting state, which retains all the most important powers in the criminal and criminal procedural spheres, unlike other types of international cooperation in criminal matters (legal assistance, transfer, prosecution). In this aspect, extradition is an international obligation of one state to take the requested person into custody and transfer him/her to a foreign jurisdiction in accordance with the established procedure. However, with the detention of such

a person in the legislation of the Russian Federation, everything is ambiguous so far. Back in 2006, the Constitutional Court of the Russian Federation determined the following: Article 466 of the Criminal Procedural Code of the Russian Federation does not provide for the possibility of applying to a person in respect of whom the possibility of his/her extradition to another state for criminal prosecution is being considered of a preventive measure in the form of detention outside the procedure provided for by criminal procedure legislation and beyond the time limits established by it. At the same time, the provisions of Chapter 13 of the Criminal Procedural Code of the Russian Federation "Preventive measures" as general norms are applied to all stages and forms of criminal proceedings, therefore they should be used when executing extradition orders [18]. According to the Resolution of the Plenum of the Supreme Court of the Russian Federation adopted a few years later (paragraphs 16, 17), when deciding on the imposition (extension) of a preventive measure in the form of detention, the court should take into account the possibility of choosing another preventive measure sufficient to ensure possible extradition of a person. His/her voluntary appearance in the law enforcement agencies of the Russian Federation, presence of his/her dependent family, minor children, permanent residence, serious illness may allow the court not to impose or extend the previously chosen preventive measure in the form of detention in relation to this person [12].

The Russian Federation is obliged to notify the foreign state of the place, date and time of the transfer of the extradited person. If this person is not accepted within 15 days from the date set for transfer, then he/she may be released from custody. In case of unforeseen circumstances, the date of transfer may be postponed, but the person is subject to release after thirty days from the date set for his/her transfer. Simultaneously with extradition of a person, items that are tools, equipment or other means of committing a crime, as well as items that have traces of a crime or obtained by criminal means, may be transferred to the appropriate competent authority of a foreign state. The law allows their independent transfer upon request (that is, separately from the extradited person). This is typical for those cases when extradition of the requested person is impossible in con-

nection with his/her death or for other objective reasons. If the requested items are necessary for the production of investigation in a criminal case, their transfer may be temporarily postponed. If it is necessary to ensure the rights and legitimate interests of third parties, the transfer of items can be carried out only if there is an obligation of the relevant institution of a foreign state to return them after the completion of criminal proceedings.

Conclusion

Thus, the main task of extradition is to ensure that criminal prosecution or execution of a sentence is carried out in accordance with international law and domestic legislation of the requesting state. The key obstacle to the full-fledged functioning of this institution should be recognized as the absence in existing legal acts

of state responsibility for non-compliance with the requirements for extradition of the requested persons by introducing artificial restrictions on the resolution of these issues for political reasons. The solution of this problem should take place in the plane of its settlement within the framework of relevant international treaties, the provisions of which will be specified in national legislation. Moreover, the fulfillment of obligations stipulated by national legislation and existing international treaties should become a mandatory rule for all states engaged in international cooperation in the field of criminal justice. Double standards are unacceptable here. The interaction of states in this area should be purposeful, permanent and absolutely equal. Otherwise, irreparable harm will be done to the cause of protecting the rights of victims of crimes.

REFERENCES

1. Tlekhuch Z.A. International agreements of the Russian Federation as a legal framework for collecting criminal evidence. *Vestnik Akademii General'noi prokuratury Rossiiskoi Federatsii = Bulletin of the University of the Prosecutor's Office of the Russian Federation*, 2018, no. 1 (63), pp. 116–123. (In Russ.).
2. *Evropeiskaya konventsiya o vydache (zaklyuchena v g. Parizhe 13.12.1957) (s izm. ot 20.09.2012)* [European Convention on Extradition (concluded in Paris on December 13, 1957) (as amended of September 20, 2012)]. Available at: http://www.consultant.ru/document/cons_doc_LAW_121346/ (accessed July 1, 2023).
3. *O podpisanii Evropeiskoi konventsii o vydache i Evropeiskoi konventsii o vzaimnoi pravovoi pomoshchi po ugovnym delam: rasporyazhenie Prezidenta Rossiiskoi Federatsii ot 03.09.1996 No. 458-rp* [On signing the European Convention on Extradition and the European Convention on Mutual Legal Assistance in Criminal Matters: Decree of the President of the Russian Federation No. 458-rp of September 3, 1996]. Available at: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=EXP;n=239120> (accessed July 1, 2023).
4. *O ratifikatsii Evropeiskoi konventsii o vydache, dopolnit'nogo Protokola i vtorogo dopolnit'nogo Protokola k nei : feder. zakon ot 25.10.1999 No. 190-FZ* [On ratification of the European Convention on Extradition, Additional Protocol and the Second Additional Protocol to it: Federal Law No. 190-FZ of October 25, 1999]. Available at: <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=24676> (accessed July 1, 2023).
5. Santashova L.L. *Institut peredachi lits, osuzhdennykh k lisheniyu svobody, dlya otbyvaniya nakazaniya v gosudarstvo ikh grazhdanstva: monogr.* [Institute of transfer of persons sentenced to imprisonment to serve their sentence in the state of their citizenship: monograph]. Ed. by Krymov A.A. Vologda, 2015. 197 p.
6. Nasonov A.A. *Realizatsiya v ugovnom protsesse Rossii prava na zashchitu litsa pri vydache dlya ugovnogo presledovaniya: avtoref. dis. ... kand. jurid. nauk* [Realization in the criminal process of Russia of the right to protection of a person during extradition for criminal prosecution: Candidate of Sciences (Law) dissertation abstract]. Moscow, 2018. 28 p.
7. Bykova E.V., Vyskub B.C., Reshetnikova T.A. Enhancement of regulation of international cooperation in the criminal proceeding sphere. *Biblioteka kriminalista = Library of the Criminalist*, 2014, no. 4 (15), pp. 301–310. (In Russ.).
8. Zaitsev O.A., Smirnov P.A., Tlekhuch Z.A. New legal possibilities of Russia's participation in international cooperation in criminal matters on the European continent and prospects for their application. *Mezhdunarodnoe ugovnoe pravo i mezhdunarodnaya yustitsiya = International Criminal Law and International Justice*, 2020, no. 4, pp. 7–11. (In Russ.).
9. Shaibakova K.D. Extradition and its irregular types. *Evraziiskii yuridicheskii zhurnal = Eurasian Law Journal*, 2018, no. 5 (120), pp. 40–41. (In Russ.).

10. *On approval of the Regulations on the National Central Bureau of Interpol of the Ministry of Internal Affairs of the Russian Federation: Order of the Ministry of Internal Affairs of Russia No. 305 of March 31, 2012 (as amended of February 14, 2020)*. Available at: http://www.consultant.ru/document/cons_doc_LAW_282086/ (accessed July 1, 2023).
11. Brodnikov S. Why Russia cannot be excluded from Interpol. *Rossiiskaya gazeta = Russian Newspaper*, 2022, July 6. (In Russ.).
12. *O praktike rassmotreniya sudami voprosov, svyazannykh s vydachei lits dlya ugolovnogo pre-sledovaniya ili ispolneniya prigovora, a takzhe peredachei lits dlya otbyvaniya nakazaniya: postanovlenie Plenuma Verkhovnogo Suda Rossiiskoi Federatsii ot 14.06.2012 No. 11* [On the practice of consideration by the courts of issues related to extradition of persons for criminal prosecution or execution of a sentence, as well as transfer of persons for serving a sentence: Resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of June 14, 2012]. Available at: <http://www.rg.ru/2012/06/22/plenum-dok.html> (accessed July 1, 2023).
13. *Mezhdunarodnyi pakt o grazhdanskikh i politicheskikh pravakh (Prinyat 16.12.1966 Rezolyutsiei 2200 (XXI) na 1496-om plenarnom zasedanii General'noi Assamblei OON)* [International Covenant on Civil and Political Rights (Adopted on December 16, 1966 by Resolution 2200 (XXI) at the 1,496th plenary meeting of the UN General Assembly)]. Available at: http://www.consultant.ru/document/cons_doc_LAW_5531/ (accessed July 1, 2023).
14. *Konventsiya protiv pytok i drugikh zhestokikh, beschelovechnykh ili unizhayushchikh dostoinstvo vidov obrashcheniya i nakazaniya (Zaklyuchena 10.12.1984) (s izm. ot 08.09.1992)* [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Concluded on 10.12.1984) (with amendments from 08.09.1992)]. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=INT&n=15041#TbtZ25T8yP6kJoLt> (accessed July 1, 2023).
15. *Konventsiya o pravovoi pomoshchi i pravovykh otnosheniyakh po grazhdanskim, semeinym i ugolovnym delam (Zaklyuchena v g. Minske 22.01.1993) (red. ot 28.03.1997) (vstupila v silu 19.05.1994, dlya Rossiiskoi Federatsii 10.12.1994)* [Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases, adopted in Minsk on 22 January 1993 (as amended of March 28, 1997) (entered into force on May 19, 1994, for the Russian Federation on December 10, 1994)]. Available at: http://www.consultant.ru/document/cons_doc_LAW_5942/ (accessed July 1, 2023).
16. Nasonov A.A. Measures of criminal procedural coercion applied to a person requested for extradition for criminal prosecution. *Vestnik Voronezhskogo instituta MVD Rossii = Bulletin of the Voronezh Institute of the Ministry of Internal Affairs of Russia*, 2017, no. 1, pp. 221–225. (In Russ.).
17. *Obzor praktiki primeneniya sudami obshchepriznannykh printsipov i norm mezhdunarodnogo prava i mezhdunarodnykh dogovorov Rossiiskoi Federatsii pri rassmotrenii ugolovnykh del (Utverzhden Prezidiumom Verkhovnogo Suda Rossiiskoi Federatsii 08.12.2021)* [Review of the practice of application by courts of generally recognized principles and norms of international law and international treaties of the Russian Federation when considering criminal cases (Approved by the Presidium of the Supreme Court of the Russian Federation on December 8, 2021)]. Available at: <https://ukrfkod.ru/zakonodatelstvo/obzor-praktiki-primeneniya-sudami-obshchepriznannykh-principov-i-norm-mezhdunarodnogo/> (accessed July 1, 2023).
18. *Opredelenie Konstitutsionnogo Suda Rossiiskoi Federatsii ot 01.03.2007 No. 333-O-P po zhalobe grazhdanina SShA Menakhema Saidenfel'da na narushenie chast'yu 3 stat'i 1 i chast'yu 1 stat'i 466 UPK RF ego prav, garantiruemykh Konstitutsiei Rossiiskoi Federatsii* [Ruling of the Constitutional Court of the Russian Federation No. 333-O-P of March 1, 2007 on the complaint of a US citizen Menachem Seidenfeld for violation Federation of his rights guaranteed by the Constitution of the Russian Federation by Part 3 of Article 1 and Part 1 of Article 466 of the Criminal Procedure Code of the Russian]. Available at: http://www.consultant.ru/document/cons_doc_LAW_69456/#:~:text=Poetomu%20polozheniya%20stat'i%20466%20UPK,srokov%20primeneniya%20dannoi%20mery%20presecheniya (accessed July 1, 2023).

INFORMATION ABOUT THE AUTHOR

ALEKSANDR S. SHATALOV – Doctor of Sciences (Law), professor at the Criminal Procedure Department of the Moscow Academy of the Investigative Committee of the Russian Federation, Moscow, Russia, asshatalov@rambler.ru, <https://orcid.org/0000-0001-9696-416X>

Received July 2, 2023