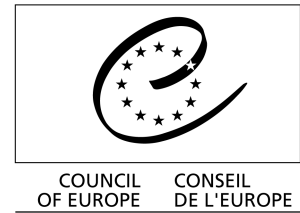


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Strasbourg, 19 March 2012
[PC-OC/Documents 2012/ PC-OC Mod (2012) Misc 02.]

PC-OC Mod (2012) Misc 02
English only

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
(PC-OC)

**Draft list of concrete questions to guide a discussion on the relationship between
extradition and expulsion (disguised extradition)**

Proposed by the Chair, Mr Per Hedvall (Sweden)

During its 61st meeting the PC-OC had an exchange of views on disguised extradition on the basis of a discussion paper prepared by Mr Eugenio Selvaggi (Document PC-OC (2011) 09rev) . It was decided to continue this discussion at its next meeting and to instruct its working group, the PC-OC Mod to prepare the discussion by proposing a list of concrete questions taking into account the mandate of the PC-OC.

The following approach is suggested by the Chair, Mr Per Hedvall.

What can be discussed is how disguised extradition is defined and if the PC-OC should take any action. I also think that the discussion has to be practice-oriented, otherwise it will be too theoretical. Perhaps points for discussion could look something like this (it does not of course prevent us from discussing other issues as well);

- Can a state that has requested extradition actively request/express the wish that the person is deported instead of extradited?
- Can that state, without expressly requesting expulsion, provide the requested state with information that might lead to the expulsion of the person sought, either before a request for extradition has been made or after?
- Can the requested state expel the person sought instead of trying the request for extradition?
- Can the requested state expel the person sought after it has refused the request for extradition?
- Is it possible/opportune to propose guidelines or recommendations to member states on this issue?