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Strasbourg, 4 November 2011
[PC-OC/Documents 2011/ PC-OC(2011) 22 E]

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

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

Questionnaire concerning judgements in absentia and the possibility of retrial

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- Draft -

The PC-OC invites the delegations to provide information on the following:

- 1. Is it possible in your State to issue a judgement in absentia? If so, how are these judgements defined? If there are more types of such judgements or in absentia proceedings, please, provide information on each of them.**
- 2. Does the law of your State provide for a possibility of retrial in case of a judgement in absentia? If so, what conditions need to be met for retrial to be granted? If there are more types of such judgements or in absentia proceedings, please, provide information on each of them.**
- 3. If retrial needs to be requested by the convicted and sentenced person and/or granted by a court or other authority, please provide information on the procedure (including the deadline for filing such a motion and the start date of this deadline).**

The information provided will be compiled by the Secretariat into a comprehensive document that will be published at the public website of the PC-OC among the tools for implementation in the extradition section. The replies will also serve as background for further discussion of the PC-OC and PC-OC Mod on the topic of in absentia judgements, extradition and guarantees to be provided under Article 3(1) of the Second Additional Protocol to the European Convention on Extradition.

Delegations are kindly asked to fill in the requested information into the attached chart in order to facilitate its processing.

Country	Type of in absentia proceedings /judgement	Definiton	Possibility of retrial	Conditions for retrial	Procedure to be followed	Deadline(s)
			yes / no			