

IRELAND¹ – national procedures for extradition

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	<p>Department of Justice and Equality Mutual Assistance and Extradition Division 51 St. Stephen's Green Dublin 2. IRELAND</p> <p>Tel: +353.1.408 6102 and +353.1.408 6132 Fax: +353.1. 408 6117 E-mail: extradition@justice.ie</p>
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	<p>Extradition requests must be sent through diplomatic channels NOT to the Central Authority.</p> <p>Note: A request for provisional arrest must be made in writing and must be communicated by the Head of the diplomatic mission of the requesting country accredited to Ireland through the Irish Department of Foreign Affairs. In the case of countries with which Ireland has a bilateral Extradition Treaty such requests may issue to the Department of Justice and Equality as an alternative to being transmitted through the diplomatic channel.</p>
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	An extradition request must be made in writing and must be communicated by the Head of the diplomatic mission of the requesting country accredited to Ireland through the Irish Department of Foreign Affairs or by any other means provided in the relevant extradition provisions
Means of communication (eg. by post, fax, e-mail ²):	<p>See above.</p> <p>Encryption or electronic signature not required.</p>

¹ Updated 23 January 2014.

² Please indicate if encryption or electronic signature is required.

Language requirements:	A certified true translation into English of the request documents must be provided where the material is in a language other than Irish or English.	
Documentation required:	<p>An extradition request must contain the documents set out in section 25 of the Extradition Act 1965, as amended. These are:</p> <ul style="list-style-type: none">• The original or an authenticated copy of the conviction and sentence or detention order, or the warrant of arrest;• A statement of each offence (including time and place of commission), its legal description and relevant provisions of the law of the requesting country;• A copy or reproduction of the relevant enactment or a statement of the relevant law of the requesting country;• A description of the wanted person and other information to establish identity and nationality;• Any other documents required under the relevant extradition provisions. <p>More detailed information on the documentation required in support of an extradition request is available in the guide to extradition procedures referred to at the end of this questionnaire.</p>	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	<p>18 days.</p> <p>Section 27 of the Extradition Act 1965, as amended, provides for provisional arrest in urgent cases. The High Court may issue an arrest warrant to a serving member of the Garda Síochána (national police force) who has applied for the warrant and who states that it has been sought on grounds of urgency. <u>It is necessary that the papers in support of a request for provisional arrest show the grounds of urgency.</u></p> <p>A request for provisional arrest must comply with the following requirements:</p> <ul style="list-style-type: none">• state that the original or an authenticated copy of the conviction and sentence or detention order or the warrant of arrest exist in respect of the person and that it is intended to send an extradition request.• specify the nature of the offence and the time and place of commission,• a description of the person and• as stated above, the request should

		<p>also state the grounds of urgency.</p> <p>The request must comply with the requirements of the Extradition Acts or the relevant treaty and <u>must be followed by a formal request. The High Court is mandated to release such person who has been provisionally arrested</u> if the formal request, supported by the necessary documentation, duly authenticated, has not been received <u>and a certificate from the Minister for Justice and Equality to that effect has not been issued within eighteen days of the arrest of the person sought.</u></p>
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	No extension is permitted beyond 18 days in the case of a provisional arrest request.
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>As a Member State of the European Union, Ireland operates the European Arrest Warrant (EAW) which, inter alia, does not require double criminality for a wide range of offences.</p> <p>Ireland operates a normal extradition process for other countries.</p>	
Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):	<p><u>Provisional request</u></p> <p>The provisional request must comply with the requirements of the Extradition Acts or the relevant treaty and <u>must be followed by a formal request.</u></p> <p>Upon arrest the person must be brought, as soon as may be, before the High Court and he may be remanded in custody or on bail.</p> <p><u>The High Court is mandated to release such person who has been provisionally arrested</u> if the formal request, supported by the necessary documentation, duly authenticated, has not been received <u>and a certificate from the Minister for Justice and Equality to that effect has not been issued within eighteen days of the arrest of the person sought.</u></p>	

	<p><u>Extradition request</u></p> <p>When satisfied that an extradition request complies with the Act, the Minister certifies that the request has been made. That certificate is produced to a judge of the High Court by means of an application made on behalf of the Attorney General.</p> <p>The warrant of arrest is transmitted to the Garda Síochána (Irish Police Force) who are responsible for securing the arrest of the person concerned.</p> <p>On arrest, the person concerned is brought as soon as may be before a judge of the High Court. The State is represented in those proceedings by the Office of the Chief State Solicitor who will instruct counsel in appropriate cases. While awaiting the hearing of the application the person concerned is remanded in custody or on bail. The criteria for the granting of bail are the same as apply in domestic cases (and involve a consideration by the High Court of the probability that the person will abscond or interfere with witnesses or evidence or, where the offence is a serious offence, will commit another serious offence).</p>
Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):	Section 18 of the Extradition Act 1965, as amended, provides that extradition shall not be granted when the person claimed has, according to the law of either the requesting country or the State, become immune by reason of lapse of time from prosecution or punishment.
Provisions concerning extradition of nationals:	Ireland extradites Irish citizens.
Surrender (eg. deadlines):	<p>30 days</p> <p><u>Surrender</u></p> <p>The person may not be surrendered for fifteen days after the court has ordered surrender (except with his/her consent) or until any such habeas corpus proceedings or appeal has been finally determined.</p> <p>As in the case of the initial remand, an application may be made to the High Court for the release on bail of the person concerned while any proceedings under Article 40.4.2° or appeal are still pending.</p> <p>In the event of no application to the High Court for habeas corpus, or an unsuccessful appeal, the person is surrendered to the requesting country on foot of an order of the Minister for Justice and Equality. This Ministerial Order must be made within 30 days of the High Court decision to surrender.</p>
Other particularly relevant information (such as, specific	<p><u>Correspondence of Offences</u></p> <p>For extradition to be possible it is necessary to establish that the offence with which the wanted person is accused is also an offence under the law of Ireland. The test of dual criminality is whether or not the acts constituting the conduct of the accused</p>

<p>requirements concerning double criminality):</p>	<p>would have been criminal within the meaning of the 1965 Act if committed in Ireland.</p> <p><u>Capital Punishment</u></p> <p>The Extradition Acts prohibit extradition where a person may be executed if convicted. Where an offence is punishable by death under the law of the requesting state, the extradition documents should include an assurance - such as the Minister for Justice and Equality considers sufficient - that the death penalty will not be carried out.</p> <p>Please refer to the guide on extradition procedures for more detailed information on extradition procedures and requirements.</p>
<p>Links to national legislation, national guides on procedure,</p>	<p>Relevant Irish Law</p> <p>Provisions in relation to extradition are contained in:</p> <ul style="list-style-type: none"> • Part II of the Extradition Act 1965 • the Extradition (European Convention on the Suppression of Terrorism) Act 1987 • the Extradition (Amendment) Act 1994 • the Extradition (European Union Conventions) Act 2001 • the European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012 <p>(these can be viewed on the Irish Statute Book website.)</p> <p>These Acts make provision for obligations under the European Convention of Extradition 1957. Ireland also has bilateral extradition treaties with other countries.</p> <p><u>Guide to extradition procedures</u></p> <p>Guide to extradition procedures is available on the website of the Department of Justice and Equality. http://www.justice.ie/en/JELR/Pages/Extradition</p>