

Ukraine – national procedures for extradition
Updated 30/04/2015

The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:</p>	<p><u>the stage of pre-trial investigation</u></p> <p>The Prosecutor General's Office of Ukraine is the central authority for extradition of those suspected, accused</p> <p style="text-align: center;">13/15 Reznitska street, Kyiv-11, Ukraine, 01011 Tel: +38044 200 69 02 Fax: +38044 280 60 00 e-mail: indep@gp.gov.ua</p> <p><u>the stage of trial proceedings or sentence execution</u></p> <p>The Ministry of Justice of Ukraine is the central authority for extradition of defendants, convicted persons or sentence execution.</p> <p style="text-align: center;">13, Horodetskogo street, Kyiv, Ukraine, 01001 Tel: +38044 2796879 Fax: +38044 2705453 e-mail: itex@minjust.gov.ua</p>
<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>	<p>No, just the abovementioned Central Authorities</p>
<p>Channels of communication for the request for extradition (directly, through diplomatic channels or other):</p>	<p>Direct communication to the relevant Central Authority.</p> <p>Requests may be sent to a foreign State or received from a foreign State also through the intermediary of the International Criminal Police Organization ("Interpol"). Diplomatic channels are also used in case of the absence of the international treaty.</p>
<p>Means of communication (eg. by</p>	<p>By post, fax, e-mail. Central Authorities of Ukraine may take into consideration</p>

post, fax, e-mail ¹):	a request that came from the requesting party electronically, by facsimile or other means of communication. Such request shall be performed exclusively subject to the confirmation of sending or transfer of its original.
Language requirements:	<p>According to declaration of Ukraine to the European Convention on Extradition the requests for extradition and supporting documents should be accompanied by translation into Ukrainian or one of the official languages of the Council of Europe.</p> <p>Art. 583 par. 3 of the Code of Criminal Procedure of Ukraine foresees that materials submitted by the investigating judge for applying an extradition arrest to the person sought, should be translated into the official language (Ukrainian) or into other language provided for by the international treaty ratified by the Parliament of Ukraine.</p>
Documentation required:	<p>It is required documentation provided for by Para 2 of Article 12 of the Convention of 1957.</p> <p>The documents shall be in writing and contain data of the person, which is requested to be extradited, circumstances and qualification of the crime committed by such person, information on limitation period as well as guaranties, provided for by Art.14 of the Convention.</p> <p>In case of a judgment rendered in absentia the information stated in Article 3 of the Second Additional Protocol to the European Convention on Extradition (to which the Ukraine is party) is also required.</p> <p>In compliance with Part 1(4) of Art. 589 of the CCP of Ukraine in extradition of a person shall be refused if a competent authority of a foreign state has failed to provide additional materials or data requested by the central authority of Ukraine, without which a decision on the request for extradition is impossible.</p> <p>Article 575 of the Code of Criminal Procedure of Ukraine envisages the documentation which should accompanied the request for extradition to Ukraine. The following documents shall be supported by:</p> <p>1) a certified copy of the ruling by the investigative judge or the court on detention of a person, if extradition is requested for criminal responsibility;</p>

¹ Please indicate if encryption or electronic signature is required.

	<p>2) a copy of the sentence confirming its entry into force if extradition is requested for execution of the sentence;</p> <p>3) certificate on information indicating that criminal offense was committed by a person or a certificate of evidence that confirms the guilt of the person sought;</p> <p>4) articles of the Law of Ukraine on criminal responsibility, under which a criminal offense is qualified;</p> <p>5) conclusion of the competent authorities of Ukraine on citizenship of a person whose extradition is requested, in accordance with the requirements of the Law of Ukraine on citizenship;</p> <p>6) information on unserved part of the sentence in the case of extradition of a person that has already served a portion of imposed sentence;</p> <p>7) information on the limitation period;</p> <p>8) other information provided for by the international treaty of Ukraine, which is also effective for the foreign country, in which the wanted person has been found.</p>	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	During 40 days or for another term established by a respective international treaty of Ukraine
	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, there is not necessary.
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>Extradition includes an official request for establishing the whereabouts of the person to be extradited, arrest and extradition of such person on the territory of the requested state; the checking the circumstances that may prevent extradition, the making a decision on the request, actual surrender of such person under the jurisdiction of the requesting state.</p> <p>The Code of the Criminal Procedure of Ukraine provides the next types of extradition procedures: ordinary (normal) and simplified, as well as temporary extradition.</p> <p><u>The ordinary (normal) extradition</u></p> <p>When the extradition request is received, the Central Authorities (Ministry of Justice or/and General Prosecutor's</p>	

Office) conduct by itself or by its order at the territorial prosecutor's office the extradition checking of the circumstances that may prevent extradition of a person. Such extradition checking shall be conducted within 60 days. This period may be extended by the relevant Central Authority. Results of the extradition checking along with the opinion on such checking shall be sent to the relevant Central Authority of Ukraine, which take a decision to extradite or not the person.

After decision taken its copy with a translation into a language understandable by the offender shall be delivered to the person sought. If, within 10 days, the said decision was not appealed in court, actual surrender of that person to the competent authorities of the foreign state shall be arranged.

Simplified procedure for extradition from Ukraine

Simplified procedure for extradition from Ukraine can be applied by a written statement of such person on his/her consent to the extradition, given in the presence of the defense lawyer and approved by the investigating judge. If the relevant statement is received, the extradition shall be possible without the full checking of possible obstacles to extradition.

The prosecutor shall appeal to the investigating judge with a petition for approval of the person's consent to extradition. Investigating judge shall consider a petition involving the person to be extradited; his/her defense lawyer and the prosecutor. The investigating judge shall ensure that the person to be extradited voluntarily agrees to its extradition and understands all the implications of this extradition, and then resolves on the approval of a person's consent to his/her simplified extradition or refusal in it.

If a statement of a person's consent for extradition to the requesting party is received and approved by the investigating judge ruling, the prosecutor shall send the statement to the relevant Central Authority of Ukraine, which shall consider it within 3 days and decide on the applicability of the simplified extradition procedure.

If a person, whose extradition is requested, does not give consent to his/her extradition, the regular procedure for consideration a request for extradition shall be applied.

Person's consent to the simplified procedure for his/her extradition may not be withdrawn upon approval of the consent by the investigating judge.

Temporary extradition

To prevent expiry of the period of limitations for prosecution or loss of evidence in criminal proceedings the request for temporary extradition may be sent. Should the request for temporary extradition be satisfied, such person

	<p>shall be returned to the respective foreign state within the agreed period. If necessary, the competent authority of Ukraine, which carries out criminal proceedings, shall prepare the documents for the extension of a temporary extradition period, which are sent to the relevant Central Authority no later than 20 days prior to the expiration of the extradition period.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>Provisional arrest of 40 days or for another term set by the relevant international treaty of Ukraine shall be applied to the detained person, who has committed crimes outside Ukraine, till the receipt of the request for extradition.</p> <p>If the maximum term of the provisional arrest has expired and the request for extradition of a person was not received, a person shall be immediately released from custody (Parts 1, 2 of Article 583 of the CCP of Ukraine).</p> <p>The prosecutor shall appeal to the investigating judge, within whose territorial jurisdiction a person was detained, with a petition for provisional arrest. The petition shall be considered by the investigating judge as soon as possible but no later than 72 hours upon detention. (Parts 3, 5 of Article 583 of the CCP of Ukraine).</p> <p>Release of a person under provisional arrest due to the untimely receipt by the relevant central authority of Ukraine of a request for extradition shall not prevent from his/her extradition arrest in case of further receipt of such request (part 8 of Article 583 of the CCP of Ukraine).</p> <p>In case of receipt of the request for extradition of the person before expiration of the provisional arrest term ordered by the court, the judicial order to apply the provisional arrest shall become invalid from the moment when the court orders to apply the extradition arrest to this person. (Part 9 of Article 583 of the CCP of Ukraine).</p> <p>After receiving a request for extradition of the person, the prosecutor, upon instruction of the relevant Central Authority, shall file a submission for extradition arrest of the person to the investigating judge who has the jurisdiction over the place where the person is held in custody (Part 1 of Article 584 of the CCP of Ukraine).</p> <p>The extradition arrest shall be applied until solving the issue of the person's extradition and the person's actual surrender, but it cannot last for more than <u>12 months</u> (part 10 of Article 584 of the CCP of Ukraine).</p> <p>Within this term, a investigating judge of the court, that has</p>

	<p>jurisdiction over the place where the person is held in custody, upon petition by prosecutor, shall, not less than once in two months, check availability of the grounds for the person's further detention or release (part 11 of Article 584 of the CCP of Ukraine).</p> <p>In response to the complaint of a person subjected to the extradition arrest, or his/her defense lawyer or legal representative, the investigating judge of the court that has jurisdiction over the place of the person's detention, shall verify the existence grounds for release of a person from custody no more than once a month (part 12 of Article 584 of the CCP of Ukraine).</p> <p>Release of a person from the extradition arrest by the investigating judge shall not prevent its repeated application for the actual surrender of a person to a foreign state pursuant to the extradition decision taken, unless otherwise provided by the international treaty of Ukraine (part 12 of Article 584 of the CCP of Ukraine).</p> <p>Moreover, the CCP of Ukraine provides for the possibility to impose the restraint measure, not related to detention in custody to ensure extradition of a person at the request of a foreign state. Such decision is taken by the investigating judge in case there are circumstances that guarantee prevention of a person's escape and subsequently his/her surrender (Article 585 of the CCP of Ukraine).</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>Period of limitation depends on crimes or sentence that might be imposed or was imposed. The most serious criminal offences (such as crimes against the peace and security of mankind) are not subject to the statute of limitation. Relevant provisions are provided for by Articles 49, 80 of the Criminal Code of Ukraine:</p> <p>Article 49. Discharge from criminal responsibility due to limitation period</p> <p>1. A person shall be discharged from criminal responsibility if the following periods have elapsed from the date of the crime to the effective date of the judgement:</p> <p>(1) <u>two years</u> where a minor crime has been committed and the prescribed punishment is less severe than the limitation of liberty;</p> <p>(2) <u>three years</u> where a minor crime has been committed and the prescribed punishment is the limitation of liberty or deprivation of liberty;</p> <p>(3) <u>five years</u> where an crime of medium gravity has been</p>

- committed;
- (4) ten years where a grave crime has been committed;
- (5) fifteen years where a special grave crime has been committed.
2. The statute of limitations shall be stopped where a person who committed a crime evaded investigation or trial. In such cases the running of the statute of limitations shall be resumed as of the date of the person's surrender or apprehension. In this case the person shall be discharged from liability if fifteen years elapsed after the commission of the offence.
3. The statute of limitation shall be forfeited where a person, before the terms specified in paragraphs (1) and (2) of this Article have expired, commits another medium grave, grave or special grave crime. In this case a limitation period starts on the date on which such new crime is committed. Periods of limitation shall be calculated separately for each crime.
4. Where a person has committed a special grave crime which due to the law is punished by life deprivation of liberty, the issue of limitation shall be decided by a court. Where a court does not recognise as possible to apply a period of limitation, life sentence may not be imposed and is commuted to a deprivation of liberty for a determinate term.
5. The statute of limitation shall not be applied where any crime against the peace and security of mankind, as provided for in Articles 437 - 439, and paragraph 1 of Article 442 of this Code.

Article 80. Discharge from serving a sentence due to expiry of limitation periods for enforcement of judgement

1. A person shall be discharged from serving his (her) sentence, if it was not enforced within the following periods of time elapsing from the date on which the judgement came into force:
- (1) two years – in case of a sentence to punishment less severe than the limitation of liberty;
- (2) three years – in case of a sentence to punishment of limitation of liberty or deprivation of liberty imposed for a minor crime;
- (3) five years - for a sentence of deprivation of liberty imposed for a medium grave crime and also a sentence of deprivation of liberty for a term up to five years imposed for a grave crime;
- (4) ten years - for a sentence of deprivation of liberty for a term over five years imposed for a grave crime, and also a sentence of deprivation of liberty for a term up to ten years imposed for a special grave crime;
- (5) fifteen years for a sentence of deprivation of liberty for a

	<p>term over ten years imposed for a special grave crime.</p> <p>2. Periods of limitations for additional punishments shall depend on the primary punishment imposed in a judgement of court.</p> <p>3. Limitation periods shall be suspended if a convicted person avoids serving his (her) sentence. In such cases, limitation periods shall resume on the date the convicted person appeared to continue to serve his (her) sentence or on the day of his (her) apprehension. In this case, the limitation periods provided for in subparagraphs (1) to (3) of paragraph 1 of this Article shall be doubled.</p> <p>4. Limitation periods shall be suspended, if, prior to the expiry of periods provided for in paragraphs 1 to 3 of this Article, a convicted person commits another medium grave crime, grave crime or special grave crime. In this case, the limitation period shall begin on the date of the new crime.</p> <p>5. A court shall decide any issues related to the application of limitation periods to a person sentenced to life deprivation of liberty. If the court considers as impossible to apply limitation period, the life deprivation of liberty shall be substituted by deprivation of liberty.</p> <p>6. No limitation periods shall apply where a person was convicted for crimes against the peace and security of mankind as provided for by Articles 437-439 and 442 para 1 of this Code.</p>
Provisions concerning extradition of nationals:	Extradition of Ukrainian nationals is prohibited by the Constitution as well as by the Code of Criminal Procedure of Ukraine.
Surrender (eg. deadlines):	<p>A person shall be surrendered <u>within fifteen days from the date fixed</u> for his/her surrender. This period may be extended by the central authority of Ukraine up to thirty days, after which the person shall be released from custody. If the competent authority of a foreign state for reasons beyond its control cannot accept such person, the central authority of Ukraine shall set a new date for the surrender within the period specified in paragraph two of this Article.</p> <p>During the actual surrender of a person the competent authority of a foreign country shall be informed about the period of his/her detention in custody in Ukraine</p>

	<p>(Art. 593 of the CCP).</p> <p>Article 592. Postponing the surrender</p> <p>1. After the decision on extradition of a person has been made, the central authority of Ukraine may postpone the actual surrender of a person to a foreign country if:</p> <p>1) a person, with regard to whom the decision to extradite is made, is brought to criminal responsibility or serving a sentence of deprivation or restriction of liberty for the other crime in Ukraine - till the completion of the pre-trial investigation or proceedings, serving a sentence or release from punishment for any legitimate reasons;</p> <p>2) a person, whose extradition is requested, is seriously ill and for health reasons cannot be surrendered without hurting his/her health - till its recovery.</p> <p>2. After resolving on postponing the surrender, the prosecutor's office of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol by the order of the central authority of Ukraine shall oversee the process of serving a sentence by a person or control the course of his/her treatment.</p> <p>3. In the absence of grounds for postponing the actual surrender of a person referred to in paragraph one of this Article, the prosecutor's office of the Autonomous Republic of Crimea, oblast, the cities of Kyiv and Sevastopol shall ensure the application of extradition arrest in the manner prescribed hereby.</p> <p>4. In case of occurrence of the circumstances that may prevent extradition of a person within the period of postponing, the central authority of Ukraine shall have the right to reconsider its decision on extradition.</p>
<p>Other particularly relevant information (such as, specific requirements concerning double criminality):</p>	<p>Dual criminality is an obligatory requirement for extradition.</p> <p>A person who has been granted the refugee status, the status of a person in need of additional protection, or has been granted temporary protection in Ukraine may not be extradited to the state, which refugee he/she is recognized, as well as to a foreign state, where his/her health, life or freedom is threatened based on race, confession (religion), ethnicity, nationality (citizenship), membership in a particular social group or political beliefs, except as provided for in the international treaty of Ukraine.(Part 2</p>

	<p>of Art. 589 of the CCP of Ukraine).</p> <p>According to Article 590 Para 5 of the CCP of Ukraine the decision on extradition of a person may not be taken by the Central Authority if the person applying for recognition as refugee or person in need of additional protection or has exercised the right under the effective legislation to appeal decision as to the said statuses, until the final determination of the application. Information about submission of such applications or appeals against related resolutions shall not be provided to a foreign state that sent a request.</p>
<p>Links to national legislation, national guides on procedure,</p>	<p>Chapter IX of the Code of Criminal Procedure of Ukraine contains the relevant provisions.</p> <p>http://zakon3.rada.gov.ua/laws/show/4651-17 (in Ukrainian);</p> <p>http://www.minjust.gov.ua/205 (in Ukrainian);</p> <p>http://www.minjust.gov.ua/en</p> <p>http://www.gp.gov.ua/ua/nla.html (in Ukrainian)</p>