

Hungary¹ – national procedures for extradition
Updated 12/03/2014

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:	Ministry of Public Administration and Justice, Department of International Criminal Law 1055 Budapest, Kossuth tér 4. Tel: +36 1 795 5839, Fax: +36 1 795 0552, 0554 E-mail: nemzb@kim.gov.hu
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):	see above
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Hungary accepts requests for extradition directly except in the case when international treaty stipulates differently (through diplomatic channels)
Means of communication (eg. by post, fax, e-mail ²):	post, fax, e-mail
Language requirements:	Hungary declares that it will require a translation of the request for extradition and documents annexed thereto into either Hungarian, or any of the official languages of the Council of Europe, if they are not drawn up in these languages.

¹ Updated 12 March 2014.

² Please indicate if encryption or electronic signature is required.

Documentation required:	<p>The transmission of the original copy of the international arrest warrant is required. Also, requests for extradition shall contain: a) the text of the statutory provisions applicable to the offence for which extradition is requested and the statute of limitations applicable to the case,</p> <p>b) for extradition requests received from abroad certain the assurances are required (Where the offence for which extradition is requested is punishable by death under the law of the Requesting State, extradition shall not be granted by the Minister unless the Requesting State furnishes sufficient assurances that the death penalty, if imposed, shall not be executed.</p> <p>Even where any other conditions are fulfilled extradition shall not be granted unless it is ensured that</p> <p>a) in the Requesting State the person claimed shall not be criminally proceeded against or detained with a view to carrying out against him a measure involving deprivation of liberty, or extradited, or re-extradited to a third state for an offence committed prior to his extradition other than that for which his extradition has been authorised,</p> <p>b) after the completion of the criminal proceedings against him or of the enforcement of the penalty, the extradited person may leave the territory of the Requesting State.</p>	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	40 days Provisional extradition arrest shall be discontinued if within a period of 40 days from the date of its order the request for extradition is not received.
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in	Yes, there is a need for an explicit request for the prolongation of the provisional arrest.

	Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p>Normal extradition consists of two phases (court phase and the decision of the Minister of Justice): Requests for extradition shall be received by the Minister and shall promptly be forwarded by him to the Metropolitan Court of Justice, unless their execution is excluded. Matters falling within court competence under this Title shall be adjudicated solely by the Metropolitan Court of Justice, sitting as a single judge. Unless appeal is excluded under this Act, its decisions shall be subject to appeal which shall be adjudicated by the Budapest Court of Appeal at a session in camera. Appeals shall have no suspense effect.</p> <p>Decision on the issue of extradition shall be made by the Minister. Where according to the court decision the statutory conditions of extradition are not met, the Minister shall refuse the extradition by referring to the court's decision. The Minister shall notify the Requesting Foreign State of his decision.</p> <p>Simplified extradition: If on the basis of the available data it can be established that the conditions of extradition are met the Metropolitan Court of Justice shall, when issuing the order for provisional extradition arrest, inform the person claimed that in case he consents to his extradition the relevant provisions of the international treaties and agreements shall not be applicable and that the Minister may authorise his extradition prior to the arrival of the request for extradition; this warning and the statement given in response thereto by the person claimed shall be recorded in minutes.</p>	
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>The duration of the provisional arrest is 40 days in Hungary.</p> <p>Extradition arrest shall not exceed a period of six months which can be extended by the Metropolitan Court of Justice on one occasion, for up to an additional period of six months. If extradition is being requested for the purposes</p>	

	<p>of enforcing a sentence of imprisonment or a measure involving deprivation of liberty the duration of the extradition arrest may not exceed the duration of the executable sentence of imprisonment or measure involving deprivation of liberty.</p> <p>If the person claimed applies for recognition as refugee or beneficiary of temporary protection or asylum proceedings are under way the duration of the extradition arrest or the provisional extradition arrest shall, however, not exceed twenty-four months from the starting date of the arrest, even in this case.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>According to Section 26. of the Hungarian Criminal Code</p> <p>(1) Save where Subsections (2)-(3) apply, and unless otherwise provided for by the Act on the Exclusion of Statutes of Limitation for Certain Crimes, prosecution is barred upon the lapse of time equal to the maximum penalty prescribed, or after not less than five years.</p> <p>(2) In connection with voluntary manslaughter, intentional grievous bodily injury punishable by imprisonment of more than three years, kidnapping, trafficking in human beings, illegal restraint, including criminal offense against sexual freedom and sexual offenses - if at the time when the crime was committed the victim is under the age of eighteen years, and prosecution of the crime is statute barred before the perpetrator's twenty-third birthday - the limitation period is extended until the time the victim reaches the age twenty-three years, or until the time that such person would have reached the age of twenty-three years.</p> <p>(3) No statute of limitations applies to the crimes defined in Chapters XIII and XIV, and to crimes which carry a maximum sentence of life imprisonment.</p>
<p>Provisions concerning extradition of nationals:</p>	<p>Hungary will refuse transit of its own nationals and of persons settled definitively in Hungary.</p>

Surrender (eg. deadlines):	If the extradited person could not be surrendered due to an unavoidable obstacle beyond the control of the authorities acting in the case, the time limit of the extradition arrest (maximum 6 months) and of the provisional extradition arrest shall be extended in such manner that at least twenty days are left, from the date on which the unavoidable obstacle ceases to exist, for the surrender of the extradited person. After the expiry of this time limit the extradited person shall immediately be set at liberty.
Other particularly relevant information (such as, specific requirements concerning double criminality):	Hungary considers the moment when the offence was committed when applying the principle of double criminality. So if the extradition request refers to an act that was also punishable in Hungary when it was committed in the Requesting State, Hungary grants the extradition. However if the act is no longer a criminal offense at the moment when the decision on the extradition request is made, Hungary refuses to grant extradition. So in the latter case Hungary considers the moment when the decision on the extradition request is made.
Links to national legislation, national guides on procedure,	-