

SLOVAK REPUBLIC – national procedures for extradition
Updated 08/08/2014

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 Justice of the Slovak Republic Address: Župné námestie 13, 813 11 Bratislava, Slovak Republic telephone: +421- 2- 59353 347 fax: +421- 2- 59353 604 e-mail: inter.coop@justice.sk
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):	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Requests for extradition and the supported documents shall be sent to the Ministry of Justice of the Slovak Republic; diplomatic channels are not excluded. Information on the dates and other modalities of surrender or transit of persons or things may also be exchanged through Interpol.
Means of communication (eg. by post, fax, e-mail ¹):	Slovak authorities may start acting on the basis of a request by a foreign authority which was transmitted by facsimile or other electronic means, if they have no doubt about its authenticity and if the matter is urgent. The original of the request must be submitted consequently.
Language requirements:	The Slovak Republic invites the other Contracting Parties to present their requests and supporting documents which are not drawn up in either Slovak or one of the official languages of the Council of Europe with a translation into one of these languages.(Declaration of the Slovak Republic)
Documentation required:	- the request for provisional arrest, if applicable - the request for extradition - at least one of the documents referred to in Article 12, paragraph 2 of the European Convention on Extradition of

¹ Please indicate if encryption or electronic signature is required.

13 December 1957 (as amended)		
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	40 days
	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
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>The specific provisions of the Code of Criminal Procedure on the simplified extradition are following: Article 503 Simplified extradition proceedings (1) The prosecutor shall advise the person whose extradition is sought, during his or her hearing in the course of the preliminary investigation, of the possibility of simplified extradition proceedings should the person give his consent to extradition, about the consequences of such a consent, and of the possibility to withdraw such a consent as long as the Minister of Justice did not grant extradition. (2) If the person whose extradition is sought gives his or her consent to extradition and if it is possible under the international treaty, the prosecutor shall advice him or her also of the possibility to waive the application of the rule of speciality and of the consequences of such a waiver. (3) If the person whose extradition is sought gives his or her consent to extradition, the prosecutor in the presence of the person's defence counsel shall record the person's consent to extradition in a protocol as well as the person's statement whether he or she waives or not , and to what extent, the application of the rule of speciality. (4) If the person whose extradition is sought gives his or her consent to extradition, the prosecutor shall, after the conclusion of the preliminary investigation, submit a motion to the court for the person to be taken into custody pending extradition under Article 506 para 2 and subsequently submit the case to the Ministry of Justice together with a proposal for a decision. The provision of Article 509 shall not be applied. (5) If the person whose extradition is sought withdraws his or her consent any time prior to the decision by the Minister of Justice, the case shall be submitted after the conclusion of the preliminary investigation to the court for a decision under Article 509. (6) Even if the person whose extradition is sought gave his or her consent to extradition, the Minister of Justice may,</p>	

	before taking his decision on extradition, submit the case to the court for a decision under Article 509.
Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):	<p>Code of Criminal Procedure Article 505 Provisional arrest</p> <p>(1) The presiding judge of the Regional Court shall within 48 hours of the person's surrender decide upon the motion by the prosecutor on the provisional arrest of the detained person. He shall not be bound by the grounds for custody specified in Article 71. Should the presiding judge not place the detained person under provisional arrest within the deadline, he shall order his release.</p> <p>(2) The Regional Court in whose territory the person resides or is detained shall have jurisdiction in the proceedings under paragraph</p> <p>1.</p> <p>(3) The purpose of the provisional arrest is to secure the presence of the arrested person on the territory of the Slovak Republic until the State which has an interest in his extradition, submits the request for his extradition under Article 498.</p> <p>(4) The provisional arrest may not exceed the period of 40 days from the moment of the person's detention. The presiding judge of a panel of the Regional Court may, upon a motion by the prosecutor conducting the preliminary investigation, decide to release the person from provisional arrest.</p> <p>(5) If during the course of the provisional arrest the request for extradition by the foreign authorities was submitted, the ministry of justice shall notify to this effect the prosecutor conducting the preliminary investigation. Upon the prosecutor's motion the presiding judge of a panel may place the person in custody pending extradition if the conditions specified in Article 506 paragraph 1 are met.</p> <p>(6) The release of the person from the provisional arrest shall not preclude his repeated placement in the provisional arrest or his being placed in custody pending extradition.</p> <p>Article 506 Custody pending extradition</p> <p>(1) If it is necessary to prevent the escape of the person whose extradition is sought, the presiding judge of a panel of the Regional Court shall place him in custody. He shall rule to this effect upon a motion by the prosecutor conducting the preliminary investigation.</p> <p>(2) If the person whose extradition is sought gives his consent to extradition or if his extradition was declared admissible, the Regional Court shall place the person in custody pending extradition, unless this had already been done by the presiding judge earlier under paragraph 1.</p> <p>(3) The presiding judge of a panel of the Regional Court shall order the release of the person from the custody pending extradition as of the day of his surrender to the foreign authorities, at the latest by the 60th day from the decision of the Minister of Justice granting extradition; in the case set out in Article 507 by the 60th day from the commencement of the custody pending extradition at the latest, provided the decision by the Minister of Justice granting extradition was taken before that date. In addition</p>

	<p>he shall order the release from the custody pending extradition if</p> <ol style="list-style-type: none"> a) the requesting State withdrew its request, b) the extradition was declared inadmissible by the Supreme Court <p>or if the Minister of Justice refused to grant extradition,</p> <ol style="list-style-type: none"> c) the grounds for custody, extradition or the surrender ceased for other reasons. <p>Article 507</p> <p>(1) If the person whose extradition is sought is already in custody in connection with criminal prosecution conducted by the Slovak authorities or serving a prison sentence imposed by a final judgement issued by the Slovak court, the court shall take that person into custody pending extradition, but the execution of such custody shall remain suspended.</p> <p>(2) If the grounds for custody or the prison sentence under paragraph 1 cease to exist, the suspension of the execution of the ordered custody shall be lifted and the person whose extradition is sought shall be placed in custody pending extradition.</p> <p>(3) The Regional Court in whose territory the person whose extradition is sought is in custody or serving the sentence shall have jurisdiction in the proceedings under paragraph 1.</p> <p>(4) The prosecutor specified in Article 502 paragraph 1 shall conduct the preliminary investigation in the case provided for in paragraph 1.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p style="text-align: center;"><u>Limitation of the Criminal Prosecution (Article 87 of the Criminal Code)</u></p> <p>(1) The criminal liability of an act expires upon the expiry of the limitation period, which is</p> <ol style="list-style-type: none"> a) thirty years, if it is a crime for which this Act allows the imposition of a life prison sentence, b) twenty years if it is a crime for which the separate part of this Act allows the imposition of a prison sentence with an upper limit of the criminal penalty of at least ten years, c) ten years in the case of other crimes, d) five years if it is an offence for which the separate part of this Act allows the imposition of a prison sentence with an upper limit of the criminal penalty of at least three years, e) three years for other offences. <p>(2) The limitation period does not include</p> <ol style="list-style-type: none"> a) the period during which it was not possible to bring the offender before the court due to a legal obstacle, b) the period during which the offender sojourns abroad with the intention of avoiding criminal prosecution, c) the probational period of a conditional suspension of the criminal prosecution, d) the period during which the charges were temporarily deferred, or e) the period during which the criminal prosecution was suspended. <p>(3) Limitation of the criminal prosecution shall be suspended</p>

	<p>a) by raising the charges for a criminal offence, which is subject to limitations, and by the subsequent actions of a law enforcement authority, judge for the preliminary proceeding or the court pointing to the criminal prosecution of the offender, or</p> <p>b) if the offender committed an intentional criminal offence during the limitation period.</p> <p>(4) The new limitation period begins by the suspension of the initial limitation.</p> <p style="text-align: center;"><u>Limitation of the Execution of Punishment (Article 90 of the Criminal Code)</u></p> <p>(1) The imposed punishment may not be enforced after the expiry of the limitation period, which is</p> <p>a) twenty years if it is a conviction of a life prison sentence,</p> <p>b) fifteen years if it is a conviction of a prison sentence exceeding ten years,</p> <p>c) ten years if it is a conviction of a prison sentence of at least five years,</p> <p>d) five years in convictions of other punishments.</p> <p>(2) The limitation period begins upon the validity of the judgment; in a conditional conviction, conditional conviction with supervision, conditional release or conditional release with supervision, the limitation period starts with the validity of the decision that the punishment shall be enforced.</p> <p>(3) The limitation period shall not include the period during which the punishment could not be enforced because the convicted sojourned abroad with the intent to avoid the punishment, or they were serving punishment by prison sentence during it.</p> <p>(4) Limitation of the execution of the punishment shall be suspended if</p> <p>a) the court ordered a measure directed toward the serving of the punishment, which the limitation refers to, or</p> <p>b) the convicted committed an intentional criminal offence during the limitation period.</p> <p>(5) The new limitation period begins by the suspension of the initial limitation.</p>
Provisions concerning extradition of nationals:	Extradition of nationals is not possible.
Surrender (eg. deadlines):	The presiding judge of the County Court shall order the release of the person from the extradition custody through an order on the day when the extradition of the person to the foreign authorities takes place, but no later than sixty days after the decision of the Minister of Justice on the permission of the extradition to a foreign State. (Article 506

	para 3 of the Code of Criminal Procedure)
Other particularly relevant information (such as, specific requirements concerning double criminality):	<p>1. It should be noted that the provisions of the Code of Criminal Procedure described above are subject to a general clause, which states that these provisions are applicable unless an international treaty provides otherwise.</p> <p>2. The extradition procedures between the Slovak Republic and the Member States of the European Union were replaced on the basis of the European Arrest Warrant system. The Slovak Republic made the following declaration to this respect:</p>
Links to national legislation, national guides on procedure,	