

Malta – national procedures for extradition
Updated 25/09/2014

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:	Office of the Attorney General International Co-operation in Criminal Affairs Department Deputy Attorney General: Dr. Donatella Frendo Dimech LL.D The Palace, St. George's Square, Valletta CMR 02, Malta Tel: (+356) 21221223 Fax: (+356) 25683103 Email: ag.mla@gov.mt
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):	Ministry of Foreign Affairs Palazzo Parisio, Merchant Street, Valletta Malta, VLT 1171 Tel: 2124 2191 Fax: 2123 6604 E-mail: info.mfa@gov.mt
Channels of communication for the request for extradition (directly, through	Requests for extradition should be sent through diplomatic channels to the Ministry of Foreign Affairs at the address provided above.

diplomatic channels or other):		
Means of communication (eg. by post, fax, e-mail ¹):	The request may be submitted to the Office of the Attorney General by post and/or Email. For email no encryption or electronic signatures are required. However the request and accompanying documentation must be certified and duly authenticated in terms with Article 22 of the Malta Extradition Act Chapter 276 of the Laws of Malta (Please refer to the last box below for the relative links).	
Language requirements:	In Maltese or English. All accompanying documents should be sent duly authenticated and/or apostilled and if they are not in either of these two languages, should be accompanied by an English translation of the original text.	
Documentation required:	All the relevant documentation and evidence sufficient to prove a <i>prima facie</i> case before the Court of Magistrates (ie: sufficient to justify the placing of the person under indictment).	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	Same as per Convention. However unless recieved in reasonable time subject can be granted bail.
	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 no need for a formal request.
Extradition procedures: Please describe shortly the different types of procedure	Malta recognises two types of Extradition procedures: Normal and through the European Arrest Warrant (EAW). Normal Procedure: Once the request for extradition is received by the Office of the Attorney General, the Office will request a provisional arrest warrant. Once the person is under arrest, the Office only has 48 hours within which to arraign the person concerned. The competent Court will then examine the requested person	

¹ Please indicate if encryption or electronic signature is required.

<p>(e.g. normal, simplified, other) indicating the main differences:</p>	<p>and determine whether there is a <i>prima facie</i> case against said person on the basis of the evidence provided by the requesting State and whether there are any bars to extradition. The Minister of Justice must then within 2 months issue a warrant order for the person to be returned to the requesting State;</p> <p>If the person concerned consent to extradition, then the procedures are waived.</p> <p>European Arrest Warrant Procedure: This procedure is much more simplified and expedient than the normal one above, however it only applies to EU Member States.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>The duration of the detention based on an extradition request cannot exceed the maximum period of 40 days. However, nothing precludes the Court from giving bail after the person is arraigned.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>If the offence under which extradition is sought is time-barred under the Statute of Limitations of the Law of Malta or the Law of the requesting State, then extradition cannot be executed. Under Maltese Law the relevant time-limits will vary according to the punishment carried by the relative offence. Please refer to Articles 687-694 of the Criminal Code Chapter 9 of the Laws of Malta (relevant link provided in the last box below).</p>

Provisions concerning extradition of nationals:	Maltese Nationals may be extradited in accordance with Domestic Legislation, International Treaties to which Malta is a signatory State and EU Community Law. Malta retains the possibility of not extraditing in line with the reservations Malta has negotiated in international treaties and the Convention. However to-date Malta has always extradited.
Surrender (eg. deadlines):	The Minister of Justice may by warrant order the person to be returned to the requesting State after the expiration of 15 days starting from the date that the decision to extradite has been taken. The person has to be surrendered and taken over within the time period of 30 days after which, if the person is still in custody, he will be duly released.
Other particularly relevant information (such as, specific requirements concerning double criminality):	Double Criminality is required. Extradition may not take place if the offence for which extradition is being requested is not an offence in both the requested and requesting States. Furthermore the punishment for the relevant offence for which extradition is requested must be at least of 1 year imprisonment or more.
Links to national legislation, national guides on procedure,	<p>Extradition Act, Chapter 276 of the Laws of Malta: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8765&l=1</p> <p>Subsidiary Legislation under Chapter 276: http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=276</p> <p>Criminal Code, Chapter 9 of the Laws of Malta: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=1</p> <p>Subsidiary Legislation under Chapter 9: http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=9</p> <p>Web Portal for the Laws of Malta at the Ministry of Justice website: http://justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono</p>

