

THE REPUBLIC OF SERBIA – National Procedures for Extradition
Updated 27/10/2014

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>Ministry of Justice of the Republic of Serbia</p> <p>Sector for normative affairs and mutual legal assistance</p> <p>Department for Mutual Legal Assistance</p> <p>22-26 Nemanjina Street, 11000 Belgrade</p> <p>Phone +381 11 3622 352; +381 11 3622 351</p> <p>Fax +381 11 3622 351</p> <p>goran.tokic@mpravde.gov.rs, snezana.milenkovic@mpravde.gov.rs radap@mpravde.gov.rs</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>Channels of communication for the request for extradition (directly, through diplomatic channels or other):</p>	<p>According to Article 6 of the Serbian Law on mutual legal assistance in criminal matters (Official Gazette of the RS, No.20/2009) letters rogatory and supporting documents shall be transmitted to the national judicial authority through the Ministry of Justice, and vice versa. At the request of the requesting state, letter rogatory and other documents shall be submitted through diplomatic channels.</p>

<p>Means of communication (e.g. by post, fax, e-mail¹):</p>	<p>By post.</p> <p>In the urgent cases it is possible to submit documentation by fax and e-mail (no encryption or electronic signature is required), provided that the competent authority of the requesting State is obliged to subsequently submit the documentation (original) in the regular manner (by post).</p>
<p>Language requirements:</p>	<p>According to the Article 5 of the Law on mutual legal assistance in criminal matters, letters rogatory and requests for extradition shall be submitted and accompanied by translations into the language of the requested state or translated into English. A copy of translation shall be certified.</p>
<p>Documentation required:</p>	<p>The following supporting documents shall accompany the letter rogatory:</p> <ol style="list-style-type: none"> 1) means to establish proper identity of an accused or a convicted person (an accurate description, a photograph, finger prints, etc.); 2) a certificate or other data on the citizenship of an accused or a convicted person; 3) a decision on the instigation of criminal proceedings, the indictment, the decision on detention or the judgment; 4) evidence presented on the existence

¹Please indicate if encryption or electronic signature is required.

	of the reasonable doubt.
Provisional arrest:	<p>Time limit for presentation of formal extradition request if the person is in provisional arrest</p> <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)?</p>
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>1. Regular extradition:</p> <p>The Ministry of Justice and public administration shall transmit the letter rogatory to the court</p> <p>The judge shall (after establishing proper identity and giving legal advices to the person sought for extradition) interview him/her on all relevant circumstances to establish the existence of preconditions to extradition. The judge shall take appropriate steps to identify whether or not there are preconditions to extradition and shall transmit the documents to the Pre-trial Chamber</p> <p>The Pre-trial Chamber (consisting of 3 judges) shall pass a decision on refusing the extradition or on the fulfilment of the preconditions to extradition. In the case that the decision to refuse extradition is passed, next instance higher court shall (after hearing the public prosecutor and the defence attorney) ratify, revoke or revise the decision. The decision on fulfilment of preconditions to extradition may be appealed to the next instance higher court.</p> <p>An enforceable decision on the</p>

	<p>fulfilment of preconditions to extradition shall be transmitted to the Minister of Justice, who shall pass a decision granting or refusing extradition.</p> <p>2. Simplified extradition</p> <p>The person requested for extradition may be surrendered in a simplified procedure if he/she consent to the simplified procedure (after presenting to him/her the consequences and establishing that the such consent was expressed voluntarily). The consent is irrevocable.</p> <p><u>Without the delay, all the documentation shall be addressed by the judge to the Pre-trial Chamber, which will pass a decision on fulfilment of preconditions to extradition. The decision may not be appealed.</u></p> <p>The decision of the Pre-trial Chamber shall be transmitted to the Minister of Justice without delay, who shall pass a decision granting or refusing extradition.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>Detention before the receipt of the extradition request may last 18 days or maximum 40 days in the case of the request of a competent authority of the requesting party.</p> <p>Detention after the receipt of the extradition request may not last longer than the moment of the execution of the decision on extradition, that is, no longer than a year since the day of the detention.</p> <p>If justified by special reasons, the judge may, instead of detention, order</p>

	<p>another measure to secure the presence of the person sought for extradition.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>One of the preconditions to the execution of requests for mutual assistance is that criminal prosecution/the execution of a criminal sanction is not excluded due to the state of limitation, amnesty or an ordinary pardon.</p> <p>Mutual assistance shall be granted for the criminal offence against the international humanitarian law that is not subject to the state of limitations.</p> <p>By the Article 108 of the Criminal Code of The Republic of Serbia, statute of limitation does not apply to the criminal offences of genocide, crime against humanity, war crimes (as referred to the articles 370-375 of the Criminal Code).</p>
<p>Provisions concerning extradition of nationals:</p>	<p>According to the Serbian Law on mutual legal assistance in criminal matters, Serbian national may not be extradited. Serbian national may be extradited if it is stipulated in ratified international treaty.</p>
<p>Surrender (e.g. deadlines):</p>	<p>The Ministry of Interior shall enforce the decision permitting extradition. The Ministry of Interior shall agree with the competent authority of the requesting state the place, the time and the manner of surrender of the defendant or the convicted person.</p> <p>The surrender shall be effected within 30 days as of the day of the passing of the decision granting extradition. Another day for surrender may be</p>

	specified upon justified request of the requesting state.
<p>Other particularly relevant information (such as, specific requirements concerning double criminality):</p>	<p>The preconditions to extradition shall also include:</p> <ul style="list-style-type: none"> - the offence, in respect of which extradition is requested, was not committed in the territory of the Republic of Serbia, and not committed against it or against its citizen; - the same person is not prosecuted in the Republic of Serbia for the offence in respect of which extradition is requested; - the requesting party guarantees that in case of conviction in absentia the proceeding will be repeated in presence of the extradited person; - the requesting party guarantees that the capital offence provided for the criminal offence in respect of which extradition is requested will not be imposed, that is, executed. <p>Considering double criminality, it is stipulated that the criminal offence, in respect of which legal assistance is requested, constitutes the offence under the legislation of the Republic of Serbia.</p>
<p>Links to national legislation, national guides on procedure,</p>	<p>http://www.portal.sud.rs/ocp/templates/pretraga-sudova.aspx?Id=833</p>