

Italy – National Procedures for Extradition
Updated 05/09/2014

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:	Ministero della Giustizia – Direzione generale Giustizia penale - Ufficio 2, via Arenula, 70 – 00186 Roma Ph: +39.06.6885.2180 Fax: +39.06.6889.7528 e.mail: ufficio2.dgpenale.dag@giustizia.it
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):	NO – Ministry of Justice only
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Article 5 of 2d Protocol applies: Ministries of Justice. Diplomatic channel not excluded. Other channels if so provided for by bilateral agreements
Means of communication (e.g. by post, fax, e-mail ¹):	By post as to the request. However: requests and other communications also via fax and e.mail are accepted by the Central Authority, provided that the competent court of appeal (to whom the request is sent) do not object
Language requirements:	English or French. Also other languages if provided for by bilateral agreements. Documents translated into Italian are accepted
Documentation required:	Documents mentioned in article 12 para 2

¹Please indicate if encryption or electronic signature is required.

Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	40 days maximum cannot be exceeded
	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>Ordinary procedure: Ministry sends the request to the competent court of appeal. The court decides. The decision can be appealed before the court of cassation. If the final decision is favorable, the Minister signs the decree of extradition</p> <p>Simplified procedure: if the person sought consents, no decision of the court and the Minister decides</p>	
Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):	<p>Provisional arrest in view of extradition is admitted, upon request. If the request is not received within 40 days, the person will be released.</p> <p>If no request for provisional arrest the Minister may however ask to put the person sought under detention.</p> <p>In both cases the court of appeal might decided that in the instant case other measure than the detentive one suffice (for instance in case of nationals, health reasons etc.).</p> <p>Maximum period of detention is 1 year awaiting for the decision of the court of appeal and 1 year and six months in case of appeal lodged before the court of cassation.</p> <p>Where the said period expires, the person will be released.</p>	
Statutes of limitation for the purpose	Expiration of period of limitation due to lapse of time is a	

of prosecution and for the execution of sentences (general principles):	ground for refusal. The trend is that the assessment is made at the time of the decision (but there is no specific provision on that, so it might depend on the competent court).
Provisions concerning extradition of nationals:	Italy extradites its own national, under the condition of reciprocity (it is stated in our Constitution)
Surrender (e.g. deadlines):	Once the sentence becomes final, the Minister has 45 days to issue the extradition decree; otherwise the person will be released. Once the decree is issued, it is also fixed the date for the surrender and surrender is to be executed within 15 days; such term may be prolonged for good reasons (not exceeding 20 days)
Other particularly relevant information (such as, specific requirements concerning double criminality):	Double incrimination rule applies (would the act (or omission) be a criminal offence if committed in Italy?)
Links to national legislation, national guides on procedure,	www.giustizia.it and then click on "atti internazionali" – "conventions". In order to have information on national legislation we suggest to apply to national experts listed in the list of official (or in the EJT for EU cases).