

## UK Extradition – Extradition Act 2003

- Part 1 of the Act deals with European Extradition
- Designed to be swift and simple process on a standardised form: The European Arrest Warrant (“EAW”)
- Meant to be dealt with within 21 days
  - In reality this is often months in the UK
- In spite of the tight timetable Human Rights are a fundamental part of the process
- National Crime Agency certify the EAW
  - If the IJA is a valid one
  - If the EAW contains particulars that comply with UK Law
- All hearings take place in London at Westminster Magistrates Court before specialist District Judges.

### Content

- The EAW must comply with section 2 of the Act which lays down the specific details that must be contained within the EAW
- If the EAW does not comply with these conditions then the Requested Person must be discharged

### Process

- Oral hearing often lasting over a day – listed weeks ahead
- Expert evidence often used
- Appeals allowed on basis of error of law or fact
- There are frequent requests for further information
  - Particulars
  - Human rights and *Aryanosi* procedure

### Bars to Extradition

- Section 12 Double Jeopardy
- Section 12A No decision to try or charge
- Section 13 Extraneous Considerations/Politics/Discrimination (Race, Gender, Religion, Sexual orientation, Political opinion)
- Section 14 Passage of Time
- Section 19B Forum
- Proportionality section 21A – no extradition in de minimis cases

## **Human Rights**

- Section 21 of the Extradition Act
- In particular Articles 3 and 8. Especially in family cases.

## **Appeals**

- Appeals are to the High Court and take several months.
- No live evidence in the High Court
- A complex EAW can take over a year to conclude.

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