

**DATABASE ON BILATERAL AGREEMENTS ON EXTRADITION,  
JUDICIAL/LEGAL ASSISTANCE, CONTROL OF NARCOTIC DRUGS, AND  
PRISONER TRANSFER BY COUNTRY**

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**Introduction and Definitions**

Historically, countries have cooperated in matters pertaining to crime control by exchanging wanted criminals and fugitive offenders. These exchanges were made through either formal agreements such as treaties or by more informal means. In the present and more recent past, the exchange of wanted criminals is primarily guided by extradition treaties.

**Extradition** generally refers to the surrender by one state to another a person accused or convicted of a crime “by virtue of a treaty, reciprocity or comity as between the respective states” (Bassiouni 1974: 2). Extradition treaties specifically address the attempts of two countries to resolve crimes in which the offender from one country commits a crime in his/her country and takes refuge in another country; or the offender from one country commits a crime in another country and slips back into his/her own country. Not all countries have extradition treaties with others, while countries such as the US have treaties with many countries.

Extradition arrangements may exist in the form of bilateral or multilateral treaties and conventions. Though there are other forms through which countries exchange or deliver individuals to requesting countries, the two most important features that distinguish modern extradition treaties are “the conscious purpose, openly and regularly pursued, to restore a person to an authority competent to exercise jurisdiction over him or her” and the “observance of a body of rules imposed by international law and municipal law, governing both the prerequisites for and the consequences of extradition” (Bassiouni,1974:311).

Extradition treaties can be classified as having an enumerative method or an eliminative method. A treaty that follows the enumerative method lists and defines the crimes for which extradition will be granted. In the eliminative or ‘no list’ method, extraditable offenses are defined in terms of their punishability according to the laws of the two countries by a minimum standard of severity (Shearer 1971:134). In recent years, the eliminative method appears to be the more popular of the two (Shearer 1971). Despite

the differences, both methods observe the rule of double criminality that “requires that an act shall not be extraditable unless it constitutes a crime according to the laws of both the requesting and the requested States (Shearer, 1971:137).

### **Beyond Extradition**

Since the late nineteenth century, we have seen the expansion of formal cooperative efforts between countries in the suppression of crime. In addition to extradition treaties, other arrangements include agreements relating to judicial and/or legal assistance in criminal matters, penal matters, and narcotic drug enforcement.

Treaties relating to **judicial and/or legal assistance** involve the provision of legal assistance in proceedings concerning acts punishable by a court of law. The legal assistance generally pertains to the questioning of accused persons, witnesses, and experts; the inspection, search, and seizure of objects; and the transmission of records and documents relevant to a criminal act.

Treaties relating to **penal matters** primarily include agreements between states to cooperate in the fight against crime as well as to promote the rehabilitation of prisoners who are sentenced to serve in penal establishments of another country or under the supervision of its authorities in accordance with the provisions of the treaty.

Some countries that have treaties to suppress the illicit traffic and production of **narcotics and other psychotropic substances**, cooperate in the prevention, control, and repression of the illicit traffic in narcotic drugs through the adoption of specific bilateral and multilateral programs.

### **The need for this database**

This database is important and timely for many reasons. First, in the context of developed travel facilities, offenders can get from one place to another without much effort. Second, in today’s technologically advanced world of computer transactions, transfer of illegally obtained funds to offshore banks has become easy. Technological innovations have made it easier for transnational criminals to harm individuals, organizations, and countries without even entering the victimized country. This makes enforcement across national boundaries extremely complex. Third, the transparent nature of boundaries among land-locked nations, such as those in the European Community, provides increased opportunities for offenders to take refuge in other countries. Further, the rapid reorganization brought about by political changes as witnessed in recent years in the Eastern European countries makes it easier for fugitives from law to escape national boundaries. Fourth, in the context of a global economy, numerous emerging markets have emanated in Africa, Asia, Eastern Europe, and South America. Increased commerce among nations and widespread existence of multinational companies around the world call for migration of labor across national boundaries. Increased commercial activity

triggers new social problems such as corruption and other economic crimes. Finally, though many countries have treaties to extradite offenders, not all countries have the same prescribed punishments for similar offenses. Within this evolving and dynamic criminal environment, the control of crime including, transnational crimes such as terrorism, organized crime, and narcotic drug trade, requires a high degree of international cooperation.

To develop effective crime control strategies, it is essential to first catalogue the numerous extradition and other treaties. However, data on extradition treaties or legal matters in extradition are not centrally available. Most of the material in this field is listed with unrelated treaties scattered across numerous locations. Further, the sheer volume of materials in this area makes it difficult for most libraries to own comprehensive collections. Thus, the purpose of this research is to develop a centralized database on international crime control methods through treaties, agreements, and conventions on extradition, judicial/legal assistance, transfer of criminal proceedings, transfer of penal sanctions, and transfer of prisoners.

## **Data**

The entire set of volumes of the UN Treaty Series dating from 1946 to 1995 was consulted as a starting point to develop the data set. However, the complete set was not available in libraries that provided access for data collection. In addition to the UN Treaty Series, other volumes such as the *Treaties in Force: A List of Treaties and Other International Agreements of the United States on January 1, 1994* (1994), and the *Cumulative List of and Index of Treaties and International Agreements: Registered or Filed and Recorded With the Secretariat of the United Nations -- December 1969 - December 1974* (1977) were consulted. Further, World Wide Web sites on the Internet, such as [I'M Europe](#), [Library of Congress](#), [Multilateral Project](#) and the [United Nations Gopher, NY](#) were consulted. The League of Nations Treaty Series covering the years 1920 to 1945 was not examined due to resource limitations. However, some of the treaties executed during these years appeared in the UN Treaty Series as ratified or supplementary agreements.

Though this is a fairly comprehensive listing of various treaties, several shortcomings are apparent. First, there are many gaps in the listings. These may be due to the missing volumes of UN Treaty Series or the time lag involved in the Treaty Series becoming available to libraries. Second, given the diversity of these sources, the format of the entries may not be consistent. Third, some information is missing. Fourth, some countries no longer exist (e.g., Czechoslovakia) and new countries have emerged (e.g., The Czech Republic, Slovak Republic) Where possible, information was provided for readers to locate the text of the treaty. Finally, translations for non-English language treaties are available in the UN Treaty Series.

## **REFERENCES**

- Bassiouni, Cherif M. (1974) *International Extradition and World Public Order*. Dobbs Ferry, NY: A.W.Sijthoff-Leyden, Oceania Publications.
- Shearer, I.A. (1971) *Extradition in International Law*. Manchester, UK: Manchester University Press, Oceania Publications.