



## Legal procedure for extradition between countries.

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### Abstract :

The legal regulation of international extradition is a vital topic that forms an essential part of international cooperation in combating organized crime and achieving international justice. This research examines the international and regional legal framework regulating extradition operations, focusing on the challenges and recent developments in this field. The agreements and legal mechanisms available to countries for the exchange of wanted persons are reviewed, with a focus on the difficulties and challenges that may face these operations.

**Keywords:** Legal procedure for extradition between countries.

### الاجراءات القانونية لتسليم المطلوبين بين الدول

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موجز البحث:

ان الاجراءات القانونية لتسليم المطلوبين بين الدول موضوع مهم وحيوي حيث انه يشكل جزء اساسي في مجال مكافحة الجريمة بين الدول وفق القانون الدولي. حيث يتضمن هذا البحث الطرق القانونية لتسليم المطلوبين بين الدول حيث يشرح الطرق القانونية وكذلك الاتفاقيات الدولية التي تحكم هذا الاجراء من حيث استرجاع المطلوبين وتسليمهم للدولة المطالبة بهم وفق الاتفاقيات التي ينظمها القانون الدولي.

### Introduction

The principle of extradition and return of criminals is one of the manifestations of international cooperation, and extradition is the act by which a state hands over a convicted or accused person who has sought refuge in its territory to the state that has the authority to subject him to its trial or punishment.

The organizational relationship between two or more states on the principle of cooperation regarding the extradition and return of criminals or convicts is the main element for activating

the extradition system.



A state cannot exercise its jurisdiction to apply criminal laws to criminals or convicts on the territory of another state because the principle of the application of the penalty

in national courts is on the territory over which the state exercises its sovereignty based on the principle of territoriality of criminal law. When a criminal commits a crime and fears that his matter will be exposed and he will fall into the hands of the judiciary, he flees to another state, and this is the normal case.

A criminal may commit a crime while outside the country, whether he is a citizen or of a different nationality, regardless of his nationality, and the crime affects the security and stability of.

the state and its basic system, so national law applies to it.

**Research Problem** The most prominent problem facing this research is the harmonization between the international problems facing the extradition of criminals and international requirements and the activation of guarantees to protect the accused in national legislation, whether those guarantees are included in the constitution or in the laws.

In addition, the definition of crimes in which extradition is permissible is ambiguous and ambiguous, and jurisprudence and interpretation differ regarding it, especially in the field of legal classification of crimes excluded from the principle of extradition of criminals.

**Research objectives:**

This research aims to identify the legal obligations of the state arising from bilateral or unilateral treaties, especially those concluded with other countries.

It also aims to identify the practical and legal obstacles that prevent the extradition of criminals, especially in cases where the state is committed to the principle of not extraditing its citizens to another country and sees the need to reconcile the requirements of speed of extradition and the slowness of the necessary and previous procedures for extraditing criminals, which achieves an important goal of this study.

**Importance of the research:**

The importance of the research lies in placing a specialized legal study in the hands of lawyers, judges, legal professionals and those interested in state security agencies. The importance of the research is highlighted in its ability to establish a



clear standard that distinguishes between a political crime exempt from extradition and a non-political crime in which extradition is permissible

in the absence of a general theory of political crime.

Also, the harmonization between the scope of work of the provisions of international treaties on the extradition of criminals and the guarantees of the accused in Iraqi legislation, and also the importance of the research lies in removing the ambiguity and vagueness surrounding the texts of the law on the extradition of criminals and the extent of its suitability to modern developments.

Research methodology:

In this research, we will follow the analytical descriptive approach in analyzing the provisions of international legal rules emanating from the International Criminal Court and public international law with the provisions of Iraqi law related to them under the provisions of bilateral and collective treaties and the historical approach in particular regarding the development of the rules of extradition of criminals.

Section One:

What is Extradition:

Extradition is a formal procedure in which a country transfers a suspect or convict for a criminal offense to another country.

Between two countries, the extradition process is regulated by treaties, and extradition is according to the laws as it occurs between internal jurisdictions, the concept may occur more generally such as issuing a sentence<sup>i</sup>.

Extradition is an ancient mechanism dating back to at least the 13th century BC, when an Egyptian pharaoh negotiated an extradition treaty with a Hittite king. In the process of extradition, the sovereign state (the requesting state) makes a formal request to the other sovereign state (the requested state). If the fugitive is found within the territory of the requested state, this state arrests the fugitive and subjects him to extradition procedures. Extradition procedures may include the fugitive being subject to the law and procedures of the state that requested his extradition<sup>ii</sup>

First requirement

The concept of extradition and its legal basis.



The term extradition after the Arabic translation of the French word Extradition which was first used in the decree of February 19, 1791 in France.

The English word Extradition was derived from French and was first used in Britain in the Extradition Act of 1870<sup>iii</sup>

The first section:

is the definition of extradition of criminals

Most jurists did not agree on a single definition of extradition of criminals. This is due to reasons, the most important of which is the difference in the nature of extradition and the extent of extradition of subjects or not, as well as the branching of this system and its extension on the domestic and international levels, which led to multiple definitions of this system. We mention among them:

The process of extradition of criminals can be defined as “an act by which the state to which a person accused or convicted of a crime has sought refuge hands him over to the state competent to try him or apply the penalty to him<sup>iv</sup>”.

Some have defined it as a state relinquishing a person present in its territory to another state based on its request to try him for a crime punishable by its law or to implement a ruling issued against him by one of its courts<sup>v</sup>.

This definition is criticized for using the term relinquishment, which indicates that the state requesting extradition exercises its powers (arrest and movement within the state requested to extradite, which contradicts what is agreed upon in international agreements regarding extradition<sup>vi</sup>”.

It is also known as one of the manifestations of international solidarity to combat crime, whereby a state hands over a person residing in its territory to another state requesting him to try him for a crime in which he violated the sanctity of its laws or to implement a ruling issued against him by one of its courts<sup>vii</sup>”.

The latter definition is more likely because it defines extradition as one of the manifestations of international cooperation to combat crime, as well as the basic pillars on which it is based (the presence of two parties to extradition (two or more states<sup>viii</sup>”.

## Second Section

The legal nature of extradition and its legal basis

First: The legal nature of extradition:



The legal nature of extradition depends on what the laws have addressed regarding the legitimacy of extradition, and understanding the nature of extradition is of particular importance when examining its conditions and provisions. Jurists were divided in determining its nature into three categories<sup>ix</sup>:

The first category: believes that extradition is one of the judicial acts, the purpose of which is to impose just punishment on the criminal who violated the sanctity of the laws of the state requesting extradition, which are similar to the laws of the state requested to do so, all of which aim to establish justice and establish Justice.

The proponents of this view support their position that the authority that carries out the extradition procedures and decides on them is the judicial authority, and that the refusal or acceptance of extradition may be by a final judicial decision that is not subject to any way of appeal.

However, this does not prevent criticism of this opinion, since extradition is considered as securing the appearance of the offender or the defendant before the competent judicial authorities for trial only, so it is not considered a judicial act, on the one hand, and on the other hand, we find that even the judicial rulings related to extradition, especially for countries that adopt the judicial system

In extradition, the executive authority is not obligated<sup>x</sup>.

The second category, and the supporters of this opinion believe that extradition is an administrative act of sovereignty carried out by the government in accordance with this right, and the judicial authority or the state requesting extradition cannot force the government of the state from which extradition is requested to extradite, if the latter sees that the conditions for extradition are not available, which prevents legal extradition<sup>xi</sup>.

What is criticized about this opinion is that it even ignores the systems that adopt the judicial system regarding extradition, whether they adopt the mandatory positive and negative judicial rulings in extradition, or they only adopt the mandatory negative judicial rulings only.

The third category: The supporters of this opinion believe that even the difficulty of acknowledging the existence of a single nature of extradition requires acknowledging the existence of a dual nature of extradition. On the one hand, it is considered a judicial act in terms of the procedures carried out by the judiciary, in issuing orders for arrest and investigation and issuing an extradition decision, all of which aim to punish the offender or the person being prosecuted for a crime<sup>xii</sup>.



On the other hand, the final decision to accept or reject extradition remains with the political authority, and the role of the judiciary becomes an advisory role.

Second: The legal basis for extradition:

The foundations on which extradition is based are many, and jurists have differed regarding the definition of these foundations on which the obligation of states is based upon extradition. Some of them trace it back to the fact that it is a right of the king derived from God, and some of them believe that the basis of extradition is the right to punish<sup>xiii</sup>.

enabling the state requesting extradition to impose punishment on the offender who committed the crime in its territory, and some of them believe that the basis of extradition is to defend the law, and some of them believe that the basis of extradition is the common interest of states, to prevent the occurrence of crimes and ensure punishment for them.

Some of them believe that the basis of extradition goes back to two matters<sup>xiv</sup>:

1- That the refugee criminal must be tried by the judge of the state in which the crime occurred, where evidence of the crime is available.

2- The presence of the fugitive offender on the territory of the requested state may pose a danger to it, so it is necessary to hand him over to the requesting state, to punish him and rid it of his danger, and to maintain good international relations. It is the duty of the requesting state to punish the offender by imposing a just punishment on him, as it represents the society in which the crime was committed. It is the duty of the requested state to provide judicial assistance to other states, as it is a member of the international community.

Second requirement:

International treaties and their binding force as a source for extradition.

We will divide this requirement into two branches, the first of which deals with international treaties as a source for extradition of criminals, and the second of which deals with their binding force.

Section One:

International Agreements as a Source of Extradition:

International agreements are considered the leading sources from which extradition derives its conditions, procedures and binding force, as the convention texts are the





first legal rules that regulate extradition. Countries have proceeded to enact these convention texts within their domestic legislation so that they can apply them domestically. They have taken into account the conflict that may occur between the convention texts and the domestic legislation for extradition, by requiring the application of domestic legislation unless it contradicts the convention texts<sup>xv</sup>.

International treaties and agreements are the most prominent sources on which the criminal extradition system is based, and their provisions include the general foundations and conditions for extradition and identify the competent authorities to carry out this process. Countries tend to conclude extradition treaties with neighboring countries, or those most closely linked to them politically, economically or socially, in the form of a collective or bilateral character<sup>xvi</sup>.

It is noted that there are some countries that refuse to hand over refugees to them, unless there is an extradition treaty between the requesting state and the requested state, and more than that, some countries require, in addition to the existence of the treaty, that it be ratified by the competent bodies<sup>xvii</sup>.

However, there are some sources of extradition that complement the source of international agreements

which are no less important than the international agreement as a source of extradition.

First / Extradition laws are domestic laws that regulate the procedures and conditions of extradition. The first law in this regard appeared in the world in Belgium in 1833, and then domestic legislation was enacted for the rest of the world<sup>xviii</sup>.

However, what distinguishes these legislative texts is that in some of them, the state that legislated and enacted them is restricted in extraditing criminals if the person requested for extradition does not meet the conditions of the crime for which extradition is permissible or in the person himself who is the subject of the extradition request, and it also prevents it from concluding agreements that exceed the limits of this law, but there are some laws that have overcome these obstacles, as they stipulated in their articles that it is permissible to agree to violate the provisions of domestic law, provided that these treaties are ratified by Parliament<sup>xix</sup>.

Second: The International Covenant is a source that is always present, unlike other sources that may be absent due to countries ignoring them, such as concluding treaties and agreements or enacting internal laws. Countries that do not have a



treaty or agreement to extradite criminals or in the absence of an internal law regulating extradition draw on it to deal with extradition cases brought before them. Among the countries that still work with this source is the Republic of Egypt, which organizes internal legislation regulating extradition and has only concluded a few treaties on extradition<sup>xx</sup>.

Thirdly, reciprocity means responding to unfriendly or unfair actions carried out by a state towards another state, thus it is parallel to the right of self-defense<sup>xxi</sup>.

This source is resorted to in the event that there is no extradition treaty with the requesting state. If this state recognizes the principle of reciprocity, it is possible to respond to its request.

However, if it does not recognize this principle, the state from which extradition is requested has the option of accepting or rejecting its request .

The Oxford Institute of International Law recognized in 1880 that the principle of reciprocity is dictated by political considerations without being required by the requirements of justice, and it was recommended by the Tenth International Conference on Criminal Law in Rome in 1969, which stated in its recommendations that “justice does not require reciprocity as a condition for extradition, and it is desirable that reciprocity should not be a rigid rule in extradition law<sup>xxii</sup>”.

The condition of reciprocity sometimes takes the form of an official statement in which the two countries announce their desire to follow this principle in the future. Some legislations have made the establishment of this principle a matter of course in the extradition process, as it cannot happen without it, such as German, Belgian, and Japanese law, etc., while some legislations have left the assessment of the matter to governments, if they wish to adhere to it, they may do so, such as French, Algerian, Italian, and Lebanese law<sup>xxiii</sup>.

The second section: The binding force of extradition agreements

There is almost complete consensus that extradition is a legal obligation in the event of a treaty, even the dispute appears in the absence of an international extradition agreement, some of them see it as a political obligation such as PIGGOT, since extradition is due to the acts of sovereignty exercised by the government in the requested state, while others such as MARTENS see it as an incomplete obligation - that is, even if it is a legal obligation, failure to carry out this obligation does not affect the position of the requested state, while Arab writers unanimously agreed that the explicit legal obligation may exist in the





presence of the treaty, and turns into a natural (moral) obligation when the treaty is not fulfilled, and thus breaching this obligation does not entail the same effects that arise when breaching a legal obligation<sup>xxiv</sup>.

The Institute of International Law acknowledged in its second conference in Oxford that "treaties are not the only things that give legal status to the act of extradition, but it can be carried out without them, without affecting its status"<sup>xxv</sup>.

That is, it is not the international treaty alone that grants the binding status or not, but it may extend to the international covenant or the principle of reciprocity, which several countries have adopted without the existence of international agreements, as is the case in Egypt and most

Western European countries such as Britain.

We also find that jurisprudence has been divided into two groups: the American group that does not accept extradition unless preceded by a treaty, and the French group that accepts extradition outside of an international agreement, and stipulates that it be carried out in accordance with the law.

## Section Two:

### Extradition Procedures and Their Effects:

In this section, we will discuss the procedures followed in extraditing criminals between countries, especially Iraq, and the resulting effects. On this basis, the section was divided into two requirements. In the first requirement, we will discuss the procedures for extraditing criminals, while in the second requirement, we will discuss the effects of extraditing criminals.

## Section One:

### Extradition Procedures:

International agreements, whether bilateral or multilateral, did not recognize extradition of criminals, but legal jurisprudence, as usual, addressed this by defining it as the extradition of a person present in its territory by a state (the requested state) to another state (the requesting state) searching for this person, either to try him for a crime he is accused of committing or to implement a ruling issued by its courts regarding him<sup>xxvi</sup> Here, we will clarify how to submit an extradition request.

## Section One:



### Submitting an Extradition Request:

The Iraqi legislator addressed the subject of extradition in the Code of Criminal Procedure No. 23 of 1971, as amended in Articles 357 to 368, and the mere existence of such a system in the law is not sufficient alone to implement its provisions, but rather requires the existence of a treaty between countries, and Iraq has concluded such treaties with many Arab and foreign countries such as Egypt, Syria, Saudi Arabia, Yemen and Turkey, and the Arab League in 1953 is also an international organization.

A regional agreement was organized to extradite criminals between its members and called on Arab countries to join it. It is worth noting that in the absence of domestic legislation or a treaty, international custom becomes the alternative as a source for this system, with or without reciprocity<sup>xxvii</sup>.

Iraqi law stipulates that the file of receipt and extradition shall be through

the Supreme Judicial Council, the Presidency of the Public Prosecution, and then the request shall be referred to the competent criminal court, where the Supreme Judicial Council shall refer the extradition request if it meets the legal conditions to the criminal court appointed by the President of the Supreme Judicial Council<sup>xxviii</sup>.

### Extradition Request:

If a foreign country wishes to take an action from the investigation procedures in a crime by the Iraqi judicial authorities, it must send a request to do so through diplomatic channels to the Judicial Council, and the request must be accompanied by a comprehensive statement of the circumstances of the crime and the evidence of the accusation in it to be taken<sup>xxix</sup>. The legal texts applicable to it and a precise definition of the required procedure

The Iraqi law stipulated a list of information that must be included in the request for mutual legal assistance:

1- The request must be accompanied by a detailed statement of the circumstances of the crime, the evidence of the accusation therein, the applicable legal texts, and a precise definition of the required action<sup>xxx</sup>.

2- The request shall be submitted to the Supreme Judicial Council through diplomatic channels, then referred by the Council to the Criminal Court, which shall order the person whose extradition is requested to appear before it in the session it sets to hear his statements, and the attachments shall be read to him and his statements and the statements of the representative of the requesting State shall



be heard, then the witnesses for the defense of the requested person and the evidence he presents denying the crime. The requested person may appoint a lawyer, and if the crime is (a felony), the court shall appoint a lawyer to defend him, and after that it shall decide on the request, whether to accept or reject it.

The court's decision to accept or reject the extradition request may not be appealed. After the extradition decision is issued, the papers are sent to the Supreme Judicial Council to take the necessary measures regarding the extradition, in coordination with the Ministry of Foreign Affairs.

If there are multiple extradition requests for a single crime, the request of the state whose security and interests the crime harmed shall be submitted, then the state in whose territory the crime occurred, then the state of which the wanted person is a national. If the circumstances are the same, the state that first submitted the extradition request shall be submitted. If the state does not receive the wanted person after the issuance of the extradition decision within two months from the date of informing it that he is ready for extradition, he shall be released immediately and may not be extradited after that for the same crime<sup>xxxii</sup>.

## Section Two

### Procedure of temporary arrest:

Procedure of temporary arrest is one of the necessary procedures that must be taken by the authorities of any country as a stage in the stages of extraditing criminals to their countries that requested their extradition. The laws of Arab countries have stipulated this procedure of arrest warrant in different forms, as the Iraqi legislator gave the option to the subject court or the competent judge to issue an arrest warrant against the accused or to suffice with the summons to appear<sup>xxxiii</sup>, in order to ensure that the accused does not escape and the investigation is fair. The Iraqi legislator also gave the option to the subject court or the competent judge to issue an arrest warrant against the accused or to suffice with the summons to appear. As for the misdemeanor punishable by more than one year and felonies and imprisonment, the judge is permitted to issue an arrest warrant for the accused and bring the summons paper to appear before the court<sup>xxxiii</sup>.

As for the Iraqi Code of Criminal Procedure No. (23) of 1971, Article (99) thereof requires issuing an arrest warrant for the accused in the event that he is accused of committing a felony punishable by death or life imprisonment. The criminal court does not have the right to issue an arrest warrant or not, but the accused must be brought in by issuing an arrest warrant against him. It is customary for the



summons to appear to be issued whenever the crime is punishable by imprisonment for a year or less<sup>xxxiv</sup>.

As for the arrest warrant in international laws, international legislation and laws differed regarding the arrest warrant for the accused, some of them see the use of force and other legislation contradicts this opinion and we will discuss each legislation as follows:

The Egyptian legislator explicitly stipulated the use of force when implementing the arrest warrant, but it allowed the judicial police officer to resort to military force<sup>xxxv</sup>.

Likewise, the French legislator was not explicit about the use of force, but it implicitly addressed it when it allowed the judicial police officer to request assistance from members of the police<sup>xxxvi</sup>.

The French legislator prohibited assault, force or beating of the arrested accused, but in cases of using weapons, it is only in cases of extreme necessity and there is an order issued by the legally authorized and competent authorities or in the case of legitimate defense or a legal text that permits it<sup>xxxvii</sup>.

Most Arab legislations, including the Iraqi legislator, have obliged the investigating judge to interrogate the accused within 24 hours. It is worth noting the necessity of mentioning the data and information in the arrest warrant because it is the evidence and the correct way to reach the accused himself exclusively. If the data is not accurate, realistic and includes all the information, it is considered legally invalid<sup>xxxviii</sup>.

The Iraqi project stipulated the recording of data and information to ensure the interest of the accused person and to achieve justice and the public interest and to verify the accused criminal person so that people do not fall victim to this procedure in addition to the ease of finding the wanted person and the speed of implementing the arrest warrant(1).

As for the French project, it stipulated the mention of some data which are considered important, basic and essential data that include the name of the accused person wanted to be arrested, the nature of the charge attributed to him, the legal article, the signature and the official seal, provided that the arrest warrant is announced in case of urgency through various media<sup>xxxix</sup>.

The second requirement

Effects of extradition:



The implementation of the extradition system entails a set of effects, some of which apply to the requesting state, and others to the requested state, and may extend to another state, and we will discuss them in the following two sections.

The first section.

The rule of specialization:

Despite the importance of the extradition system in the field of combating crime, especially transnational organized crime, it cannot in any way.

The circumstances are that it is done without taking into account the principle of criminal legality, which requires respecting the rights and freedoms of individuals, even if they are subject to criminal prosecution or the execution of a penalty. In application of this, the requesting state, after receiving the requested person, must take into account the rule of specialization, which requires that this person not be subjected to anything other than what was based on the request submitted, so that he is not tried or punished except for the crime for which the extradition was made<sup>xi</sup>.

Some international agreements and domestic legislations have approved the rule of specialization, by prohibiting the extradited person from being charged, tried or imprisoned in execution of a sentence imposed for a previous crime he committed before his extradition, other than the one on the basis of which the extradition was made, except in the following cases:

- 1- In the event that the extradited state waives the rule of specialization.
- 2 - If the extradited person does not leave the requesting state after a certain period has passed and he has the freedom to do so, provided that his stay is not for reasons beyond his control<sup>xli</sup>..
- 3- In the event that the extradited person returns to the requesting state after leaving it of his own free will<sup>xlii</sup>.

The rule of specialization does not include the absence of. The trial or punishment of a person surrendered in circumstances other than those on which the surrender was based, but extends to the case of the impermissibility of the

The requesting state that received this person shall hand him over to another state, i.e. what is called extradition, except with the consent of the requesting state that implemented it, except in certain cases such as the extradition of the extradited person not leaving the state to which he was extradited or returning to it of his own free will<sup>xliii</sup>.



## Section Two:

### Handing over the belongings of transnational organized crime:

One of the effects of the extradition procedure is the handing over of items related to transnational organized crime, as the effect of extraditing criminals is not limited to the obligation on the requesting state to observe the rule of specialization, but extends to include even the obligation on the extraditing state, which is to hand over even the items related to the crime<sup>xliv</sup>.

On this basis, if it is decided to extradite the requested person, the extraditing state must seize the items obtained from the crime or used in it or related to it that could be used as evidence against the extradited person or those in his possession at the time of his arrest or that are discovered later, then hand them over to the state that received this person based on its request related to these items<sup>xlv</sup>.

One of the most important effects resulting from extradition is (transit). In the race for judicial cooperation between countries, one of the countries can contribute to the process of extraditing criminals without being the country requested to extradite, by allowing transit. Transit means the permission of a third country for the person requested to be extradited to the country that requested it to cross its territory, by submitting a request to take this action<sup>xlvi</sup>.

In this case, transit is through national territory or by national shipping lines or by air, as is the case in the case of an emergency landing<sup>xlvii</sup>.

### Conclusion:

After the extradition system, one of the most prominent forms of cooperation achieved by the international community in combating crime, the terms and conditions of which are regulated by international agreements concluded in this regard, among the generally established principles: "It is not permissible to extradite for some crimes (political, military, religious crimes). It is also not permissible to extradite nationals of the countries requested to extradite. There is no doubt that these principles can and may be agreed upon by countries in line with what is required by the spirit of international solidarity in combating crime, but not permanently and absolutely. We have reached the most important results and recommendations as follows:

First, the results:





-1- The extradition system remains unable to achieve the goal whenever international relations deteriorate or when countries adhere to the previous principles without relinquishing them.

-2- The extradition system does not limit or affect the sovereignty of the state because that extradition is based on prior agreements with the country to which extradition is intended.

3-It has become necessary to find a global system to complement it, which is the principle of Universal punishment, and this is when difficulties arise regarding working with the system Extradition Criminals.

Research margins

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xli -- **See in this regard: Article 52 of the Riyadh Arab Agreement for Judicial Cooperation**

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xliii **See Article 14 of the Extradition Agreement between the People's Democratic Republic of Algeria and the People's Republic of China, p. 12**

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<sup>xlv</sup> - **Article 15 of the Extradition Agreement between the Government of the People's Democratic Republic of Algeria and the Republic**

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<sup>xlvi</sup> - **Article 47 of the Riyadh Arab Convention for Judicial Cooperation, p. 16, as well as Article 15 of the Extradition Agreement between the People's Democratic Republic of Algeria and the People's Republic of China, previous source, p. 13**

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## **Second Recommendations:**

**1-We recommend reviewing the texts related to the extradition or exchange of criminals in Iraq to be consistent with the relevant international agreements in this regard.**

**2- Regarding the extradition of those who have immunity, a special mechanism for extradition should be established.**

**3 Taking into account humanitarian aspects when carrying out extradition procedures?**

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