

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (86) 13

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

CONCERNING THE PRACTICAL APPLICATION OF THE EUROPEAN CONVENTION ON EXTRADITION IN RESPECT OF DETENTION PENDING EXTRADITION

*(Adopted by the Committee of Ministers on 16 September 1986
at the 399th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Recalling its Resolution (75) 12 and Recommendation No. R (80) 7 on the practical application of the European Convention on Extradition;

Desirous of facilitating the application of this convention in respect of detention pending extradition,

- I. Recommends the governments of member states party to the convention:
 - a. to be guided in its practical application by the following principles:
 1. Time spent in custody pending extradition should be deducted from the sentence in the same manner as time spent in custody pending trial;
 2. Where the requested party considers that the duration of detention pending extradition is disproportionate to the sentence to be enforced or the penalty likely to be incurred upon conviction, it should consult the requesting party with a view to ascertaining whether the request for extradition is maintained. The requesting party should inform the requested party without delay;
 - b. to examine their legislation with a view to enabling persons who have suffered unjustified detention pending their extradition to claim compensation under the same conditions as those governing compensation for unjustified pre-trial detention;
- II. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those contracting states which are not members of the Council of Europe.