



**ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ
ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΝΟΜΟΘΕΣΙΑ – ΜΕΡΟΣ ΙΙΙ**

Αριθμός 4170	Παρασκευή, 30 Νοεμβρίου 2012	4205
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Ο περί του Τρίτου Πρόσθετου Πρωτοκόλλου της Ευρωπαϊκής Σύμβασης Εκδόσεως Φυγοδίκων (Κυρωτικός) Νόμος του 2012 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

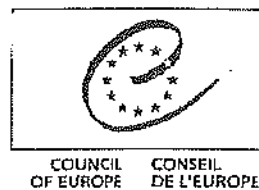
Αριθμός 28(III) του 2012

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΟ ΤΡΙΤΟ ΠΡΟΣΘΕΤΟ ΠΡΩΤΟΚΟΛΛΟ ΣΤΗΝ
ΕΥΡΩΠΑΪΚΗ ΣΥΜΒΑΣΗ ΕΚΔΟΣΕΩΣ ΦΥΓΟΔΙΚΩΝ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- Συνοπτικός τίτλος.** 1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Τρίτου Πρόσθετου Πρωτοκόλλου της Ευρωπαϊκής Σύμβασης Εκδόσεως Φυγοδίκων (Κυρωτικός) Νόμος του 2012.
- Ερμηνεία.** 2. Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει άλλη έννοια –
- «Δήλωση» σημαίνει τη δήλωση της Κυπριακής Δημοκρατίας που διενεργήθηκε σύμφωνα με το άρθρο 5 του Πρωτοκόλλου·
- «Πρωτόκολλο» σημαίνει το Τρίτο Πρόσθετο Πρωτόκολλο της Ευρωπαϊκής Σύμβασης Εκδόσεως Φυγοδίκων, το οποίο έγινε στο Στρασβούργο στις 10 Νοεμβρίου 2010, στο οποίο η προσχώρηση της Κυπριακής Δημοκρατίας διενεργήθηκε με την Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 71.719 και ημερομηνία 8.2.2011 και το οποίο υπογράφηκε από την Κυπριακή Δημοκρατία στις 8 Σεπτεμβρίου 2011.
- Κύρωση Πρωτοκόλλου και Δήλωσης. Πίνακας, Μέρος Ι, Μέρος ΙΙ, Μέρος ΙΙΙ.** 3. Με τον παρόντα Νόμο κυρώνεται το Πρωτόκολλο, του οποίου το αυθεντικό κείμενο στην αγγλική γλώσσα εκτίθεται στο Μέρος Ι του Πίνακα και σε μετάφραση στην ελληνική γλώσσα στο Μέρος ΙΙ του Πίνακα, καθώς και η Δήλωση το κείμενο της οποίας εκτίθεται στο Μέρος ΙΙΙ του Πίνακα:
- Νοείται ότι, σε περίπτωση διαφοράς μεταξύ του κειμένου που εκτίθεται στο Μέρος Ι του Πίνακα και εκείνου που εκτίθεται στο Μέρος ΙΙ αυτού, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι του Πίνακα.

ΠΙΝΑΚΑΣ
ΜΕΡΟΣ Ι
(Άρθρο 3)



Council of Europe Treaty Series - No. 209

Third Additional Protocol
to the European Convention
on Extradition

Strasbourg, 10.XI.2010

The member States of the Council of Europe, signatory to this Protocol,

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Desirous of strengthening their individual and collective ability to respond to crime;

Having regard to the provisions of the European Convention on Extradition (ETS No. 24) opened for signature in Paris on 13 December 1957 (hereinafter referred to as "the Convention"), as well as the two Additional Protocols thereto (ETS Nos. 86 and 98), done at Strasbourg on 15 October 1975 and on 17 March 1978, respectively;

Considering it desirable to supplement the Convention in certain respects in order to simplify and accelerate the extradition procedure when the person sought consents to extradition,

Have agreed as follows:

Article 1 – Obligation to extradite under the simplified procedure

Contracting Parties undertake to extradite to each other under the simplified procedure as provided for by this Protocol persons sought in accordance with Article 1 of the Convention, subject to the consent of such persons and the agreement of the requested Party.

Article 2 – Initiation of the procedure

1. When the person sought is the subject of a request for provisional arrest in accordance with Article 16 of the Convention, the extradition referred to in Article 1 of this Protocol shall not be subject to the submission of a request for extradition and supporting documents in accordance with Article 12 of the Convention. The following information provided by the requesting Party shall be regarded as adequate by the requested Party for the purpose of applying Articles 3 to 5 of this Protocol and for taking its final decision on extradition under the simplified procedure:
 - a. the identity of the person sought, including his or her nationality or nationalities when available;
 - b. the authority requesting the arrest;
 - c. the existence of an arrest warrant or other document having the same legal effect or of an enforceable judgment, as well as a confirmation that the person is sought in accordance with Article 1 of the Convention;
 - d. the nature and legal description of the offence, including the maximum penalty or the penalty imposed in the final judgment, including whether any part of the judgment has already been enforced;

- e information concerning lapse of time and its interruption;
 - f a description of the circumstances in which the offence was committed, including the time, place and degree of involvement of the person sought;
 - g in so far as possible, the consequences of the offence;
 - h in cases where extradition is requested for the enforcement of a final judgment, whether the judgment was rendered in absentia.
- 7 Notwithstanding paragraph 1, supplementary information may be requested if the information provided for in the said paragraph is insufficient to allow the requested Party to decide on extradition.
 - 8 In cases where the requested Party has received a request for extradition in accordance with Article 12 of the Convention, this Protocol shall apply *mutatis mutandis*.

Article 3 – Obligation to inform the person

Where a person sought for the purpose of extradition is arrested in accordance with Article 16 of the Convention, the competent authority of the requested Party shall inform that person, in accordance with its law and without undue delay, of the request relating to him or her of the possibility of applying the simplified extradition procedure in accordance with this Protocol.

Article 4 – Consent to extradition

- 1 The consent of the person sought and, if appropriate, his or her express renunciation of entitlement to the rule of speciality shall be given before the competent judicial authority of the requested Party in accordance with the law of that Party.
- 2 Each Party shall adopt the measures necessary to ensure that consent and, where appropriate, renunciation, as referred to in paragraph 1, are established in such a way as to show that the person concerned has expressed them voluntarily and in full awareness of the legal consequences. To that end, the person sought shall have the right to legal counsel. If necessary, the requested Party shall ensure that the person sought has the assistance of an interpreter.
- 3 Consent and, where appropriate, renunciation, as referred to in paragraph 1, shall be recorded in accordance with the law of the requested Party.
- 4 Subject to paragraph 5, consent and, where appropriate, renunciation, as referred to in paragraph 1, shall not be revoked.

- 5 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, declare that consent and, where appropriate, renunciation of entitlement to the rule of speciality, may be revoked. The consent may be revoked until the requested Party takes its final decision on extradition under the simplified procedure. In this case, the period between the notification of consent and that of its revocation shall not be taken into consideration in establishing the periods provided for in Article 16, paragraph 4, of the Convention. Renunciation of entitlement to the rule of speciality may be revoked until the surrender of the person concerned. Any revocation of the consent to extradition or the renunciation of entitlement to the rule of speciality shall be recorded in accordance with the law of the requested Party and notified to the requesting Party immediately.

Article 5 – Renunciation of entitlement to the rule of speciality

Each State may declare, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, that the rules laid down in Article 14 of the Convention do not apply where the person extradited by this State, in accordance with Article 4 of this Protocol:

- a consents to extradition; or
- b consents to extradition and expressly renounces his or her entitlement to the rule of speciality.

Article 6 – Notifications in case of provisional arrest

- 1 So that the requesting Party may submit, where applicable, a request for extradition in accordance with Article 12 of the Convention, the requested Party shall notify it, as soon as possible and no later than ten days after the date of provisional arrest, whether or not the person sought has given his or her consent to extradition.
- 2 In exceptional cases where the requested Party decides not to apply the simplified procedure in spite of the consent of the person sought, it shall notify this to the requesting Party sufficiently in advance so as to allow the latter to submit a request for extradition before the period of forty days established under Article 16 of the Convention expires.

Article 7 – Notification of the decision

Where the person sought has given his or her consent to extradition, the requested Party shall notify the requesting Party of its decision with regard to the extradition under the simplified procedure within twenty days of the date on which the person consented.

Article 8 – Means of communication

For the purpose of this Protocol, communications may be forwarded through electronic or any other means affording evidence in writing, under conditions which allow the Parties to ascertain their authenticity, as well as through the International Criminal Police Organisation (Interpol). In any case, the Party concerned shall, upon request and at any time, submit the originals or authenticated copies of documents.