

LAW NO. 08/L-230

**ON RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF KOSOVO AND
THE REPUBLIC OF SLOVENIA ON EXTRADITION**

Assembly of the Republic of Kosovo;

Based on Articles 18 and 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON RATIFICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF KOSOVO
AND THE REPUBLIC OF SLOVENIA ON EXTRADITION**

**Article 1
Purpose**

This Law aims to ratify the Agreement between the Republic of Kosovo and the Republic of Slovenia on Extradition, signed by the Ministers of Justice of both countries on 28.10.2016 in Slovenia.

**Article 2
Scope**

This Law applies to all state administration bodies and judicial bodies in Kosovo that are responsible for international legal cooperation.

**Article 3
Attached Documents**

The text of the Agreement between the Republic of Kosovo and the Republic of Slovenia on Extradition is attached as Annex to this Law.

**Article 4
Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-230
8 June 2023**

**Promulgated by Decree No. DL-116/2023 dated 22.06.2023 President of the Republic of
Kosovo Vjosa Osmani-Sadriu**

* Law No. 08/L-230, "On Ratification of the Agreement between the Republic of Kosovo and the Republic of Slovenia on Extradition", attached with agreement is published in the website of the Official Gazette (gzk.rks-gov.net)

AGREEMENT
BETWEEN
THE REPUBLIC OF KOSOVO
AND
THE REPUBLIC OF SLOVENIA
ON
EXTRADITION

The Republic of Kosovo and the Republic of Slovenia (hereinafter "the Parties"), desiring to strengthen further cooperation in the field of legal assistance in criminal matters, and particularly to regulate cooperation in extradition matters,

have agreed as follows:

Obligation to Extradite
Article 1

The Parties undertake, in compliance with the provisions of this Agreement, upon request, to extradite persons who in the country requesting extradition (hereinafter "the Requesting State") are being prosecuted for a criminal offence or whose extradition is requested for enforcement of a custodial sentence.

Channels of Communication
Article 2

- (1) In the application of this Agreement, the competent authorities of the Parties shall communicate in writing – the Republic of Kosovo via the Ministry of Justice of the Republic of Kosovo and the Republic of Slovenia via the Ministry of Justice of the Republic of Slovenia.
- (2) The diplomatic channel shall thereby not be excluded if there are justified grounds for it.
- (3) In urgent cases, the competent authorities of each Party may send requests and notifications under this Agreement via the International Criminal Police Organization (INTERPOL).

Language and Legalisation
Article 3

- (1) Requests and documentation shall be submitted to the Republic of Kosovo in the Albanian, Serbian, or English language and to the Republic of Slovenia in the Slovenian or English language.
- (2) The legalisation of documents referred to in paragraph 1 of this Article is not necessary.

Documentation
Article 4

The request for extradition shall be supported by:

1. data for establishing the identity of the person whose extradition is requested (an accurate description, photographs, fingerprints and similar);
2. a certificate or other data confirming the nationality of the person whose extradition is requested;
3. the original or an authenticated copy of a sentence or detention order, which shall include the following: the name and surname of the person whose extradition is requested as well as other data necessary to establish the person's identity, a description of the act committed, the legal qualification of the criminal offence and the evidence proving the reasonable cause for suspicion;
4. an extract from the relevant criminal law applicable to the extradition case;
5. the data concerning the length of the sentence to be served.

Supplementary Documentation
Article 5

- (1) If the data and documentation sent by Requesting State is insufficient, the state that has been requested to extradite (hereinafter "the Requested State") may require supplementary data and documentation and may determine a reasonable time limit for the receipt thereof.
- (2) The Requested State shall immediately terminate the extradition proceedings and release the person whose extradition is requested if the required supplementary data and documentation are not received within the determined time limit.

Extraditable Offences
Article 6

- (1) Extradition for the purpose of criminal prosecution shall be granted in respect of offences punishable under the laws of the Requesting State and of the Requested State by a custodial sentence for a minimum period of at least one year.
- (2) Extradition for the enforcement of a final sentence shall be granted in respect of offences punishable under the laws of the Requesting State and the Requested State and if the duration or the remaining portion of the custodial sentence is at least four months.
- (3) If the request for extradition includes several separate offences each of which is punishable under the laws of the Requesting State and the Requested State by a custodial sentence but some of which do not fulfil the condition with regard to the amount of punishment determined by paragraphs 1 and 2 of this Article, the Requested State shall also have the right to grant extradition for the latter offences.

Refusal of Extradition
Article 7

(1) Extradition shall not be granted:

1. with regard to persons who are nationals of the Requested State on the day when the decision on the request for extradition was taken;
2. with regard to persons who enjoy the right to asylum in the territory of the Requested State;
3. if the offence in respect of which the extradition is requested is regarded by the Requested State as a political offence or as an offence connected with a political offence or a criminal offence exclusively entailing a violation of military duties;
4. if the criminal prosecution or the enforcement of a sentence was statute barred pursuant to the law of the Requested State;
5. if the person whose extradition is requested has already been convicted or acquitted of the same criminal offence by a final sentence or criminal proceedings against this person were finally dismissed or the charge against this person was dismissed by a final decision;
6. if for the same criminal offence criminal proceedings have been instituted in the Requested State against the person whose extradition is requested ;
7. if criminal proceedings against the person whose extradition is requested have been instituted in the Requesting State by an extraordinary court or if a sentence has been passed by such a court;
8. if there are substantiated grounds for concluding that extradition is requested for the purpose of criminal prosecution or punishment of the requested person based on his sex, race, religion, nationality, citizenship, language, political conviction or sexual orientation, or that the position of such person may be substantially prejudiced for any of these reasons.

(2) If the Requested State will not extradite its own national with permanent residence in the territory of the Requested State, it shall, at the request of the Requesting State, submit the case to its competent authorities for the initiation of criminal proceedings. For this purpose, the files, data and evidence relating to the offence shall be sent by the means provided in Article 2 of this Agreement. The Requesting State shall be informed of the decision of the competent authorities of the Requested State.

(3) An offence against life, including an attempt or participation, or any other criminal offence that according to the circumstances, and particularly according to the manner in which it was committed, the means used or threatened, or the gravity of the consequences that occurred or could be expected, that is more of a criminal than a political nature, shall not be deemed to be a political offence.

Article 8

Extradition may be refused:

1. if the act for which extradition is requested was committed in the territory of the Requested State, against this state or against a national thereof;
2. if against the person whose extradition is requested criminal proceedings have already been instituted in the Requested State for another criminal offence and the Requested State believes that, in the interest of establishing the real state of the facts or determining or enforcing the sentence, it would be prudent to try all criminal offences in the Requested State.

Amnesty
Article 9

Extradition shall not be granted for an offence for which an amnesty has been declared in the Requested State and for which the Requested State is competent to prosecute under its criminal law.

Judgments in Absentia
Article 10

If the person sought was sentenced in absentia, extradition shall be granted if the Requesting State gives assurances considered sufficient to guarantee that the person sought has the right to a retrial in order to ensure the minimum rights to a defence.

Postponed and Temporary Extradition
Article 11

- (1) If the requested person is being prosecuted in the Requested State or was sentenced in this state for any other criminal offence but that which is the subject of extradition, the granted extradition may be postponed until these proceedings are completed or, in the event of conviction, until the sentence is enforced.
- (2) If due to the postponed extradition referred to in paragraph 1 of this Article the criminal prosecution in the Requesting State became statute barred or its course were severely impeded, a temporary extradition for criminal proceedings may be granted upon a well-founded request by the Requesting State, if the extradited person is returned as soon as the necessary procedural actions for which the temporary extradition was granted are carried out.
- (3) The Requesting State must detain the temporarily extradited person while he is in its territory. The period of detention, from the day when the temporarily extradited person left the territory of the Requested State until the day when the person is returned, shall be included in the sentence that is imposed or should be enforced in the Requested State.

Several Requests for Extradition
Article 12

- (1) If extradition is requested concurrently by more than one state, for either the same offence or different offences, the Requested State shall make a decision as to which state to grant extradition, having regard to all the circumstances of the case and especially the relative seriousness and place of the commission of the offences, the respective dates of the requests for extradition, the nationality of the person requested and the possibility of subsequent extradition to another state.
- (2) The Requested State shall inform the other Requesting States of the decision under paragraph 1 of this Article and may notify them that it simultaneously consents to any possible further extradition of the person from the state whose request for extradition was granted to another state that also requested extradition.

Detention in Extradition Procedures
Article 13

If the formal conditions for extradition are met, the Requested State may, after having received the request for extradition, detain the person in accordance with its legislation, unless extradition may obviously not be granted pursuant to this Agreement.

Provisional Arrest
Article 14

(1) At the express request of a competent authority of the Requesting State, a person may be temporarily detained before the Requested State receives the request for extradition if the competent judicial authority refers to the detention order or a final sentence and announces the request for extradition. The request shall also state information on the criminal offence for which extradition will be requested, the time and place such offence was committed, information on the prescribed or passed sentence or the portion thereof remaining to be served and as far as possible give a description of the requested person.

(2) A request referred to in paragraph 1 of this Article may be sent by post, telefax or any other means of written communication or through the International Criminal Police Organization (Interpol).

(3) The Requested State shall immediately inform the Requesting State that the person was detained pursuant to paragraph 1 of this Article.

(4) Should the request for extradition and supporting documents referred to in Article 4 of this Agreement not be received by the Requested State within a period of 18 days after arrest, the provisional arrest may be terminated. A provisional arrest may be extended based on a well-founded request from the Requesting State, but shall in no case exceed 40 days from the date of such arrest.

(5) The termination of a provisional arrest shall not prevent re-arrest and extradition if a request for extradition is received subsequently.

Decision on a Request for Extradition
Article 15

(1) The Requested State should decide on a request for extradition as soon as possible and inform the Requesting State of its decision.

(2) Reasons shall be given for any complete or partial rejection.

Simplified Extradition
Article 16

The simplified procedure for extradition shall be governed by the national law of the Requested State, subject to the consent of the person sought and the agreement of the Requested State.

Subsequent Request for Extradition
Article 17

When a person who has been extradited avoids criminal prosecution or enforcement of a sentence and is in the territory of the Requested State, such person can be extradited upon

subsequent request. In such case, the documents referred to in Article 4 of this Agreement do not need to be included in the request.

Surrender of the Person to be Extradited Article 18

(1) If the extradition is granted, the Requesting State shall be informed of the place and date of surrender and of the length of time for which the person sought was detained in extradition procedure. (2) Except as provided in paragraph 3 of this Article, if the person is not taken over on the appointed date, he may be released after the expiry of 15 days and shall in any case be released after the expiry of 30 days. The Requested State may refuse to extradite the person for the same offence.

(3) If circumstances beyond its control prevent a Party from surrendering or taking over the person to be extradited, it shall notify the other Party. The two Parties shall agree on a new date for surrender and the provisions of paragraph 2 of this Article shall apply.

(4) The escorts in charge of transferring the person being extradited to or from the territory of the other Party shall be entitled to take all necessary measures in the territory of the other Party to prevent this person from fleeing prior to his surrender or after his takeover.

Rule of Speciality Article 19

(1) A person who has been extradited shall not be proceeded against, sentenced or otherwise deprived of his liberty or extradited to a third state for any offence committed prior to his surrender other than that for which he was extradited.

(2) No stricter punishment may be imposed on the extradited person than the one to which he was sentenced.

(3) The limitations referred to in paragraph 1 shall cease:

1. when the person who has been extradited expressly renounces the guarantee referred to in paragraph 1 of this Article;
2. when that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it;
3. when the Requested State gives a consent. A request for consent shall be submitted accompanied by the documents mentioned in Article 4 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent by the Requested State shall be given when the conditions for extradition in accordance with the provisions of this Agreement in the case concerned are met.

(4) Renunciation of the rule of speciality shall be established in such a way so as to demonstrate that the person concerned has expressed them voluntarily and in full awareness of the legal consequences. To that end, the detained person shall have the right to legal counsel. If necessary, the Requested State shall ensure that the person has the assistance of an interpreter.

Inclusion of the Detention Period in the Sentence
Article 20

If the extradited person was detained in the Party for a criminal offence for which he was extradited, the time he spent in detention shall be counted towards the sentence.

Handing over of Items
Article 21

(1) Items, written documents and files may only be seized and handed over to the other Party pursuant to the law of the Requested State following a request and a decision of a competent authority of the Requesting State.

(2) The Requested State may postpone the handing over of items, written documents or files if they are needed for pending criminal proceedings.

(3) After the completion of the proceedings for which the items, written documents or files were requested, the Requesting State shall return them to the Requested State, unless the Requested State declines them.

Article 22

(1) If the extradition of a person has been granted, without any special application also the handing over of items shall be approved:

1. which may be required as evidence;
2. which have been acquired as a result of the criminal offence or by selling items originating from the criminal offence.

(2) Should an extradition that would be admissible pursuant to this Agreement not be possible because the person to be extradited has fled or died or cannot be traced in the territory of the Requested State, the handing over of items shall nevertheless be approved.

(3) The rights of the Requested State or other persons pertaining to the items shall be preserved. In view of such rights, after the proceedings are completed, the Requesting State shall return these items to the Requested State as soon as possible and free of charge. When such persons have permanent or current residence in the territory of the Requesting State, the items shall be returned to such persons directly, if the consent of the Requested State is obtained.

(4) Regulations on the import and export of items and foreign currencies shall not apply to the handover of items under this Article.

(5) If agreed on with the other Party, the handover of items to be returned to the injured party may be carried out even before the respective person is extradited if the other Party agrees to return the items directly to the injured party.

Application of Procedural Law and Notifications
Article 23

(1) Unless otherwise stipulated by this Agreement, the law of the Requested State shall apply for the procedures for extradition and detention in the territory of the Requested State.

(2) Should a person be extradited for criminal prosecution, the Requesting State shall inform the Requested State of the outcome of the criminal proceedings and send the final decision.

Transit
Article 24

- (1) In the event the person being extradited to a Party by a third state must be transferred through the territory of the other Party, the transfer shall be granted upon submission of a request by the means mentioned in Article 2 of this Agreement, provided that the offence concerned is not considered by the state requested to grant transit to be a political or military offence and the person is not a national of the state requested to grant transit.
- (2) A request for transit must include all the data mentioned in Article 4 of this Agreement.
- (3) The Party through whose territory the person will be transferred may neither prosecute this person for a criminal act committed prior to the transit nor enforce any sentences against such person without the consent of the extraditing state.

Article 25

- (1) Should the extradition of a person require transit from a third country to the Party via air transport over the territory of the other Party without an intermediary landing, no explicit authorisation of the Party that must be flown over is necessary. The Requesting State shall notify this state in advance that one of the documents under paragraph 3 of Article 4 was issued, and that the person transferred is not a national of the Party that must be flown over and that the person is not being prosecuted for a political or military criminal offence.
- (2) In the event of an unscheduled landing, such notification shall have the effect of a request for provisional arrest as referred to in Article 14.

Expenses
Article 26

- (1) The expenses related to extradition shall be borne by the Party in whose territory they were incurred.
- (2) The expenses related to transit shall be borne by the Requesting State.
- (3) The expenses related to air transport shall be borne by the state that suggested this mode of transport.

Final Provisions
Article 27

This Agreement shall not affect any obligations of the Parties deriving from international treaties.

Article 28

Any dispute that may arise upon the application or interpretation of this Agreement shall be settled by means of consultation between the competent authorities or through diplomatic channels.

Entry into Force, Amendment and Termination
Article 29

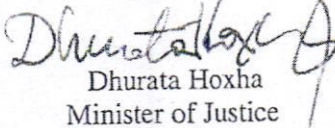
(1) This Agreement shall enter into force on the first day of the next month after the date of receipt of the last written notification by which the Parties notify each other through diplomatic channels that their internal legal procedures necessary for its entry into force have been completed.

(2) This Agreement is concluded for an indefinite period of time. Either Party may terminate the Agreement by written notice through diplomatic channels. The Agreement shall expire six months after the receipt of such written notice of termination.

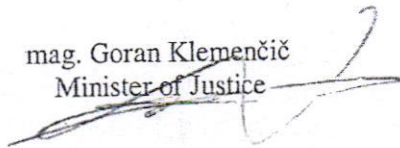
(3) This Agreement may be amended at any time by written agreement between the Parties. Any such amendment will enter into force in compliance with the procedure provided in paragraph 1 of this Article.

Done in SLOVENIA on 28.10.2016 in two originals, in the Albanian, Serbian, Slovenian and English languages, all being equally authentic. In case of different interpretation, the English text shall prevail.

FOR THE REPUBLIC OF KOSOVO


Dhurata Hoxha
Minister of Justice

FOR THE REPUBLIC OF SLOVENIA


mag. Goran Klemenčič
Minister of Justice



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Drejtësisë
Ministarstvo Pravde - Ministry of Justice

Dt. __. __. 2023
No: ____/2023

**DECLARATION FOR PROOFREADING AND LANGUAGE HARMONIZATION OF THE
DRAFT LAW ON THE RATIFICATION OF THE AGREEMENT ON EXTRADITION
BETWEEN THE REPUBLIC OF KOSOVO AND THE REPUBLIC OF SLOVENIA**

Pursuant to Article 71, paragraph 1.4. of the Regulations of the Assembly of the Republic of Kosovo, I declare that the Draft Law On The Ratification Of The Agreement On Extradition Between The Republic Of Kosovo And The Republic Of Slovenia, has gone through the process of proof reading and language harmonization in accordance with the procedural requirements provided for by the Regulations of the Assembly of the Republic of Kosovo.

Sincerely,

Anita Kalanderi,
Secretary General in Ministry of Justice

Bahri Beqiri
Director of the Department of Finance and General Services in the Ministry of Justice

Hamdi Gela
Division for Information Technology and Logistics in the Ministry of Justice