

ECBA Statement on mutual recognition of extradition decisions: Thinking ahead and strengthening a true a Union of Rights and Freedoms

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Three Case Studies on Mutual Recognition of Extradition Decisions

- ▶ **Case #1: Refusal of extradition by Spain to Angola of third-state national resident in the EU, on the basis of EU-wide fundamental rights to effective judicial protection and to a fair trial, in connection with the fundamental rights to personal liberty and freedom of movement – Binding and enforceable in Portugal**
 - ▶ Spanish Constitutional Court's decision of 12 July 2021, handed down in the constitutional appeal 5275-2020.
 - ▶ Portuguese Supreme Court Decision of 14.07.2022, case no. 157/21.7YRCBR.S1.
- ▶ **Case #2: Refusal of extradition by Slovenia to the US of a third-state national resident in the EU, on the basis of ne bis in idem due to final decision in Slovenia - Does it bind the German Courts?**
 - ▶ Case C-435/22 PPU, CJEU
- ▶ **Case #3: decision to refuse extradition by Polish court on the grounds of a criminal case for the same facts pending in Poland does not preclude surrender by German Courts to France on the basis of an EAW.**

Thank you ! Obrigada!

Check out:

ECBA Find a Lawyer: <https://www.ecba.org/contactslist/contacts-search-country.php>

ECBA Handbook on defending an EAW: <http://handbook.ecba-eaw.org/>

ECBA Statement on Mutual Recognition of Extradition decisions:

<https://www.ecba.org/content/index.php/124-featured/852-ecba-statement-on-mutual-recognition-of-extradition-decisions-june-2023#:~:text=The%20ECBA%20launched%20a%20Statement,right%20to%20freedom%20of%20movement>