



Extradition System in International Law and Algerian Criminal Procedure Law: Between Text and Application



Received: 12/05/2025 ; Accepted: 12/04/2026

Benterki Leila¹, Ferdi Karima²

¹ Faculty of Law, University of Constantine 1, Algeria. benterki.leila@umc.edu.dz

² Faculty of Law, University of Constantine 1, Algeria. ferdi.karima@umc.edu.dz

Abstract

The extradition system is an aspect of international judicial cooperation and an effective mechanism to combat crime, as it helps ensure that criminals do not escape punishment, despite leaving the crime scene for the territory of another country. Its importance has increased in modern times, as most international agreements related to international judicial cooperation for combating serious crime include provisions on the extradition of criminals, in a way that respects the sovereignty of states among themselves. Algeria has ratified many bilateral and multilateral international agreements in this field, because domestic legislation alone is not sufficient to activate this system. Additionally, international criminal police systems are an effective mechanism in consolidating international cooperation aimed at arresting and extraditing criminals to the requesting state through the ratification of its charter. They contribute to the amendment of countries' extradition laws through studies and research conducted in this regard.

Keywords

Crime ;
Criminals ;
Extradition ;
International Law ;
Criminal Law.

الكلمات المفتاحية

الجريمة ؛
المجرمين ؛
تسليم ؛
القانون الدولي ؛
القانون الجنائي.

نظام تسليم المجرمين في القانون الدولي و قانون الإجراءات الجزائية الجزائري

-بين النص و التطبيق-

ملخص

إن نظام تسليم المجرمين من مظاهر التعاون القضائي الدولي ، وهو آلية ناجعة للتصدي للجريمة، إذ يساهم في ضمان عدم إفلات المجرمين من العقاب، رغم مغادرتهم لمكان ارتكاب الجريمة إلى إقليم دولة أخرى، ولقد ازدادت أهميته في العصر الحديث، لأن معظم الاتفاقيات الدولية المتعلقة بالتعاون القضائي الدولي لمكافحة الجريمة الخطيرة تتضمن أحكاماً تتعلق بتسليم المجرمين، على النحو الذي يراعي احترام سيادة الدول فيما بينها، ولقد صادقت الجزائر على العديد من الاتفاقيات الدولية الثنائية و المتعددة الأطراف في هذا المجال، لأن التشريع الداخلي لا يكفي لوحده لتفعيل هذا النظام، كما أن الأنظمة الدولية للشرطة الجنائية آلية فعالة في توطيد التعاون الدولي الرامي إلى ضبط و قبض المجرمين و تسليمهم للدولة الطالبة من خلال مصادقة الدول على ميثاقها، وهي تساهم في تعديل قوانين الدول الخاصة بالتسليم من خلال الدراسات و البحوث التي تقوم بها في هذا الشأن.

* Benterki Leila. E-mail: benterki.leila@umc.edu.dz

INTRODUCTION

The phenomenon of crime is among the most complex social phenomena as it directly affects the security, safety, and interests of individuals, as well as the security and stability of the state in general. With its increasing prevalence and the scientific and technological advancements that have facilitated the mobility of offenders and their escape from punishment, the idea of establishing criminal law to deter and combat crime at both the national level, in application of the concept of national sovereignty, and at the international level, in preservation of international peace and security and to combat crime and limit the movement of criminals, emerged. However, legislation is not the only tool for cooperation between states in combating crime; the judiciary can play a very important role in this respect, and judicial cooperation stems from the same necessity as legislative cooperation. There has become a strong necessity and justification for international cooperation to combat this phenomenon and to bring criminals to justice. For this purpose, states have cooperated with each other to unify efforts to eliminate or reduce the commission of crimes and escape from punishment, where among the aspects of this cooperation is the principle of extraditing criminals, which stipulates that a state should extradite a person accused or convicted of a crime after fleeing to its territory or to a jurisdiction competent to try or enforce punishment on him based on a treaty or the principle of reciprocity.

The subject of extradition of criminals, as stipulated in domestic laws, is related to public international law due to the relationship between two states, where a person commits a crime in one and flees to the other. The extradition system is an international legal means that supports the role of national authorities in pursuit and sanctioning. A state cannot exercise its jurisdiction to apply laws to criminals present on the territory of another state.

Extradition is one of the oldest mechanisms for international cooperation in combating crime and the first to appear in international relations. This system did not emerge recently but has deep roots in history and was known by ancient civilizations. The laws of extraditing criminals did not gain their importance, arguments, and applicability except in modern times, because this law would not be applied among states and civilizations except in times of peace between states, which were concluded between rulers, kings, and princes with the intent of protecting their own interests and eliminating their enemies. The Treaty of Kadesh is the first known treaty on the extradition of criminals, signed 1300 years before Christ between Ramses II of Egypt and Hattusili III of the Hittites. However, most of the time, these treaties related to extradition were not actually applied due to conflicts and wars in ancient times.

Returning to the definition of the extradition system, it can be defined as one of the procedures of international judicial cooperation, under which one of the states requested for extradition delivers the requested person present on its territory, bearing the expenses during his stay on its territory, to another state or judicial entity (the requesting state or entity) either for the purpose of prosecuting him for a crime he is accused of committing or for executing a conviction sentence issued against him.

The respecting a set of principles of extradition such as the specificity of extradition and re-extradition, and in case of non-compliance with the substantive conditions for extradition and its procedures stipulated, it is possible to request the annulment of the extradition.

Extradition of criminals is a right owned by the state as it touches its sovereignty; there may be in the state's acceptance of extradition what contradicts principles established in public international law. Domestic legislation and international contracting draw a number of fundamental rules, procedures, and legal conditions. These formal rules aim to reconcile the maintenance of individuals' rights and ensuring their basic guarantees and freedoms with securing the public interest arising from the necessities of cooperation in combating crime so that no criminal escapes punishment.

Returning to the Algerian Criminal Procedure Law, it regulates the procedures for extradition considering Algeria as the state from which extradition is requested only, and does not stipulate procedures in case Algeria is the requesting state for extradition. Also, the agreements concluded by Algeria in the international field with various countries have left most of the procedures to the domestic regulation of each country.

It is also worth mentioning that this system requires for its application a set of international and regional bodies that help achieve cooperation between states in the field of extraditing criminals who flee outside the territory of the state where they committed their crimes.

The problem that we started from to address the topic is:

How effective is the national and international legislative policy in the field of extraditing criminals? And what are the procedural and substantive rules at the international level and Algerian legislation in facing the phenomenon of criminals escaping and fleeing from the grasp of justice?

This article is divided into two sections, where we addressed in the first section the legal conditions related to the extradition of criminals, while the second section is dedicated to studying the procedural framework for extradition and the bodies assisting in its execution.

I. Legal Conditions for the Extradition of Criminals

The issue for extradition are a primary matter for the completion of extradition procedures. Once these conditions are met, the requesting state initiates these procedures and decides either to accept it if the conditions are met and no obstacles to extradition exist, or to reject it if one of the conditions is absent or an obstacle prevents extradition. Based on the above, this section will discuss the general conditions for extradition in the first topic and the specific conditions for extradition in the second topic.

1. General Conditions for Extradition

There are numerous conditions that must be met to extradite a person to the state that requests him, whether as a suspect accused of committing a crime or as a convict sentenced by a court. These conditions vary and will be discussed in detail, along with any exceptions¹.

1.1 Conditions Related to the Person Requested for Extradition

It is permissible to extradite any person who has committed a crime, whether it is a misdemeanor or a felony, in the requesting state where the crime was committed or that affects its security interests. Whether the person requested for extradition is a principal perpetrator or an accomplice who has committed or attempted to commit a crime, it is possible to request their extradition. However, this principle has exceptions related to the person's status.

1.1.1 Conditions Related to Nationality

Nationality represents a legal and political bond between an individual and a state², hence determining the nationality of the person requested for extradition has multiple effects, the most important of which is whether extradition is permissible.

Since this person carries its nationality, they are linked to it by a bond of loyalty, and the state, in turn, has a duty to protect its citizens. Due to this relationship, international treaties on the extradition of criminals have stipulated exceptions for nationals of the states from which extradition is requested, ruling out their extradition as most country laws have specified³. The non-extradition of criminals who are nationals does not mean they escape punishment; many national laws stipulate that they should be tried before the national judiciary.

A. Principle of Non-Extradition of Nationals

This is natural because if a state can request the extradition of one of its nationals or a foreigner belonging to a third country, it cannot, conversely, expect its roots in a long-established custom that justifies a state's protection of its citizens as an exercise of its sovereignty.

Referring to Algerian legislation, this principle is adopted in Article 698, paragraph 01 of the Criminal Procedure Code, which states: "Algerian authorities do not accept the extradition of any person holding." This refusal is adopted by Algeria in most of its extradition agreements with various countries. However, some countries, like the United States and Britain, do allow the extradition of their nationals, as noted in Article 3, paragraph 01 of the extradition agreement between Algeria and Britain, which states that either party may extradite its citizens to the other, provided its legislation permits it.

B. Principle of Extradition or Prosecution

The principle of extradition or prosecution is an incidental principle among the peremptory norms of international law and truly applies only to certain crimes. The state does not have the alternative option of extraditing the accused to another state for prosecution. In other words, the obligation to prosecute is absolute if there is no extradition request, but once such a request is made, the concerned state has the discretionary power to choose between extradition or prosecution⁴.

Looking at contemporary practice of the principle of prosecution or extradition, it can provide us with plenty of evidence of a consistent and genuine obligation towards extradition or prosecution regarding international crimes, despite some legal scholars going further by stating it as a peremptory norm.

C. Cases of Multiple Nationalities and Statelessness

Article 15, stating: "Everyone has the right to a nationality." Determining the nationality of the person requested for extradition affects the extradition process, as previously defined in the 5 principle requested for evading punishment. Conversely, statelessness or loss of nationality affects .

a. Case of Multiple Nationalities of the Person Requested for Extradition

The person has multiple nationalities when they hold more than one nationality. The reasons for multiple nationalities vary, including descent, birth within a territory, or naturalization. Many international agreements or national laws related to extradition do not address this issue, recognizing that it is not possible to establish absolute rules to guide this matter. Instead, it is left to the principle of reciprocity and international courtesy rules⁵.

. In this case, extradition is subject to diplomatic relations between the countries because there is no specific standard to distinguish between the nationalities the person holds⁶.

Thus, most national legislations and international agreements related to extradition, when addressing the issue of multiple nationalities of the person requested for extradition, apply general extradition rules. If this is not possible, the system. If there are multiple extradition requests among a group of countries, the principle of priority organized in most extradition agreements and national legislation should be applied.

b. Statelessness of the Person Requested for Extradition

A stateless is not considered a citizen of any country, according to Article 01 of the 1954 New York Convention. Consequently, a stateless person does not enjoy any protection from a state unless such protection is determined by an international agreement or national rules and cannot claim any state, nor are they considered a foreigner or a political refugee. Thus, stateless persons can be extradited without any restrictions or conditions hindering this extradition⁷.

Regarding Algerian legislation, especially Article 696 paragraph 02 of the Criminal Procedure Code, it is stated: "It is not permissible to extradite nationals of the state 5 from," yet it stipulates that the extradition of a foreigner to the requesting state for crimes committed outside its territories must be among the crimes punishable under Algerian law. Hence, Algeria does not require consulting the foreign state, thus having the discretion to do so if other extradition conditions are met.

Algeria is among the countries that adhere to the principle of non-extradition of its nationals. Therefore, anyone holding original Algerian nationality or through naturalization falls under its jurisdiction. The latter cannot be extradited if the naturalization occurred .

Furthermore, a stateless person will not be extradited if there is an agreement prohibiting the extradition of stateless, which in Article 34 stipulates not extraditing stateless persons settled in the territory of the requested state. If there is no agreement preventing or permitting the extradition . The 1958 Convention related to the Status of Stateless Persons in Article 12 grants jurisdiction to the law of the domicile⁸.

In conclusion, nationality affects the extradition process and constitutes a real obstacle when the person .

1.1.2 Conditions Related to the Status of the Person Requested for Extradition

The person requested for extradition. There are specific provisions for the extradition of persons enjoying various immunities. According to international understanding, immunity refers to privileges granted to certain individuals to exempt them, wholly or partially, from the judicial jurisdiction of the host state, depending on the type and nature of immunities granted to each. The Algerian legislator has not regulated the extradition agreements to which Algeria is mostly party regarding the procedures to be taken in case the person requested for extradition enjoys legal immunity. In the absence of legislative or treaty provisions deciding the issue of extraditing those with legal immunities, recourse can be made to legal principles and general rules. Below, we will review the categories of persons .

1.2 Conditions Related to the Crime for Extradition

International conventions and treaties related to the extradition of criminals have worked to define the crimes is permissible. Both domestic legislation and international agreements have excluded certain crimes from the scope of extradition according I;s primarily central to the extradition process, this is especially true in the context of describing crimes as terrorist acts, organized crime, and other forms of criminal activity.⁹

Therefore, it is necessary to specify the crimes is not permissible, which we will discuss in this section.

1.2.1 Crimes that Allow for Extradition

The request must be one that allows for extradition according to Algerian legislation and international conventions between various countries. It must be of a certain level of seriousness and importance. International agreements and domestic legislations require that extradition applies to serious crimes, such as felonies and misdemeanors, where the punishment is not less than a minimum threshold set by the agreements.

- War crimes and crimes against humanity
- Terrorism crimes (international terrorism)
- International drug trafficking crimes
- Non-national organized crimes

1.2.2 Crimes that Prohibit Extradition

The principle of extradition is not absolute; there are restrictions that may be in the interest of public order, which might suggest that the crime in question is not eligible for extradition. These restrictions and obstacles are specified by international extradition agreements and listed as mandatory or discretionary reasons for refusing extradition.

Most legislations exclude certain crimes from the scope of extradition due to their nature and various reasons and considerations, which can be summarized as political crimes and military crimes.

The exclusion of these types of crimes from extradition is due to two main reasons: firstly, these crimes are not subject to ordinary law in the requesting state, and secondly, this exclusion is justified because the procedural character of a military crime is not clear to the state where the person resides. Additionally, these states can obtain military

information from this person that may benefit them in confrontation with the state from which they fled, especially if peace is not established between the two states¹⁰.

2. Special Conditions for Extradition

We previously discussed the general substantive conditions necessary for extradition. However, these conditions alone do not always guarantee extradition. Alongside them, there are other specific procedural conditions that may be stipulated in the heart of treaties or national laws, including the principle of dual criminality (first subsection), jurisdictional conditions (second subsection), and the condition that the public action has not expired and the punishment has not become statute-barred (third subsection).

2.1 Conditions of Dual Criminality

. In both cases, it involves infringing on the human rights of the person requested for extradition, given that extradition affects their freedom and involves a degree of coercion and duress, which is unthinkable for an act not criminalized. The condition of dual criminality can be seen as one of the legal principles of the extradition system that cannot be deviated from, whether at the level of international treaties or national legislation.¹¹

2.1.1 Methods of Fulfilling the Condition of Dual Criminality

The condition of dual criminality can be satisfied in one of two ways: the exhaustive list approach and the minimum penalty approach.

The exhaustive list approach relies on enumerating the crimes eligible for extradition and excluding others. This approach was most common before World War II and was followed by Anglo-Saxon legal systems until relatively recently. Some national legislations previously used the exhaustive list approach, such as Indian law, which limited the scope of extradition to smuggling crimes, drug trafficking, and related crimes in customs law¹².

The United Nations Convention against Transnational Organized Crime serves as an example of conventions that generally adopt the exhaustive list system, where extradition is determined for specific and defined crimes, including money laundering and corruption, obstructing justice, or cases involving an organized criminal group committing a crime with a more severe penalty¹³. Thus, the convention adds the minimum penalty approach to the exhaustive list approach by allowing extradition in organized crimes punishable by a prison sentence of at least four years.

The minimum penalty approach allows extradition for crimes where the penalty exceeds a certain minimum threshold. If the crime warranting extradition is prohibited, almost all current international extradition treaties adopt the minimum penalty approach. For example, the United Nations Convention against Transnational Organized Crime, previously considered a model for the exhaustive list approach¹⁴.

After Article 17 of the Convention enumerated the crimes covered by the extradition system by referring to other articles that define these crimes, among these crimes, according to Article 2 of the Convention on Serious Crimes Committed by Organized Criminal Groups. The European Extradition Convention, signed in December 1958, specifies crimes ineligible for extradition according to paragraph 1 of Article 2 as those punishable.

2.2 Jurisdictional Condition

The sentence imposed by its criminal judicial bodies. This jurisdiction is established by the internal legislation of the states, and legislative jurisdiction has two aspects¹⁵: firstly, that the requesting state is legally competent to prosecute or impose a penalty, and secondly, that legislative jurisdiction.

2.2.1 The Availability of Legislative Jurisdiction for the Requestin State

National legislations and international conventions generally prohibit extradition if the crime state and therefore does not fall under its territorial jurisdiction but under its judicial jurisdiction based on another criterion of jurisdiction, such as personal or objective jurisdiction or the principle of universal jurisdiction for states that stipulate it.

2.2.2 The Selection of Legislative Jurisdiction for Both the Requesting and Requested States

Legislative jurisdiction a foundation and a necessary condition. Its absence renders extradition illegal and unfeasible.

2.3 Condition of the Non-Expiration of the Public Prosecution and Non-Statute Limitation of the Penalty

It is not permissible to continue prosecution or punish an individual for a crime whose public prosecution has expired or ceased for exclusively specified reasons, as is the practice in most domestic legislations or international agreements. Or because the penalty imposed has become statute-barred over a period that varies according to the type and category of the crime (felony, misdemeanor, infraction) and the penalty has not been executed. However, countries differ in determining the expiration of public prosecution and the statute limitations of penalties. This difference, which we consider logical, is reflected in international extradition treaties.

The Algerian-French convention ratified under Order 65-194 and Decree No. 66-313 dated October 14, 1996¹⁶. This includes cases where extradition, under Presidential Decree 98-413, also added Article 6 of the same law the case of issuing a comprehensive pardon as a reason for the expiration of res judicata regarding the state requested to

extradite or at another contracting state. This is logical with the principle of not allowing a person to be tried twice for the same crime.

Domestic differ in defining those cases and the prescribed duration for the statute limitation. For example, in Algerian legislation according to Article 6 of the Algerian Criminal Procedure Code, the public prosecution aimed at applying the penalty expires due to the death of the accused, statute limitation, general pardon, repeal of the penal law, issuance of a judgment acquiring the force of *res judicata*, and Article 6 includes an exception for the case of a judgment declaring the expiration of the public prosecution based on forgery or the use of a forged document. In this case, the public prosecution can be resumed, and here the statute limitation is suspended from the day the judgment or decision became final until the day of conviction for forgery or its use.

Regarding the statute limitation of the penalty: it means that all effects of the conviction judgment are erased, and the penalty is considered as if it never existed, by the lapse of a legally defined period without its execution. The Algerian legislator has defined the duration required for the penalty to be considered statute-barred in Article 612 to 617 of the Algerian Criminal Procedure Code.

There would be no need to prosecute the person for extradition with the expiration of the public prosecution or to execute the penalty imposed due to its statute limitation.

II. The Procedural Framework for Extradition and Supporting Bodies

International agreements and national laws regarding extradition have unified in outlining the procedural framework for the extradition of criminals, whether for domestic or international crimes. These procedures begin with the requesting state notifying the requested state through diplomatic channels, urgently, or via Interpol. National legislation and international agreements establish a number of fundamental rules and procedures that must be followed by both the requesting and the requested state to achieve the objectives of the extradition request. All these formal rules aim to balance the preservation of individuals' rights and their fundamental guarantees with securing the public good that arises from the necessity of cooperation in combating crime, ensuring that no criminal escapes punishment.

This will be examined in this section, where the first topic addresses the procedures required for extraditing criminals, and the second topic is dedicated to studying the most important bodies that assist in the arrest and extradition process.

1. Required Procedures in Extraditing Criminals

Extradition procedures are a set of legal actions stipulated in national legislations or clauses of international agreements and treaties, and these procedures are necessary for extradition to have its correct effects. Most international agreements subject extradition procedures to the domestic legislations of both the requesting and the requested state¹⁷. This will cover the extradition request and its guarantees in the first subsection, and the termination of extradition in the second subsection.

1.1 The Extradition Request and Its Guarantees

In the extradition and its actual proceedings, we will clarify the nature of this request and the documents that must accompany it.

1.1.1 The Nature of the Extradition Request

The extradition request is the primary tool through which the requesting state explicitly expresses its desire to receive individuals accused of crimes pursued by its national courts. Without this request, the right to extradition cannot arise¹⁸.

The extradition request must be submitted in writing, as stated by most international agreements¹⁹. However, if the agreements do not expressly require a written form, it is inferred if the internal texts or clauses of international agreements include the phrase "the extradition request must be accompanied by documents....", implying the necessity of a written form for the extradition request.

Referring to Algerian legislation, it follows the same approach as most legislations, where the extradition request is also required as the first procedure for extradition, and while not explicitly requiring it to be written, it is understood from Article 702 of the Algerian Criminal Procedure Code (that the request must be accompanied by a sentencing judgment or all documents proving a judicial pursuit) that the request must be in written form. This requirement is explicitly stated in the international treaties Algeria has concluded, whether bilateral or multilateral.

Arab Maghreb Union agreement signed in Ras Lanuf, Libya, on 09-10/03/1991. In urgent cases, Algeria may send extradition requests via rapid communication methods through diplomatic channels.

1.1.2 Guarantees Associated with Extradition

The guarantees surrounding extradition procedures serve as a protective barrier against violations that could hinder the process and affect the person requested for extradition. It is difficult to frame these guarantees rigidly as they

diversify and intertwine with each stage of extradition. These guarantees, ensured by international agreements and national legislations, provide the requested person with the highest possible level of protection during the extradition process. They represent legal restrictions or obstacles to extradition, where their absence or insufficiency in the provides these guarantees, addressing any material and legal deficiencies²⁰.

1.2 Circumstances Ending Extradition

The reasons for the termination of extradition act as impediments; once any of these reasons are present, the requesting state no longer has the right to extradition. These reasons are mentioned in the texts of agreements and national legislation as justification for the termination of extradition. In essence, the presence of one of these reasons severs. This means the latter no longer has the legal foundation required for prosecution or for the execution of a sentence against them. These circumstances may be related to the person requested for extradition themselves, the criminal proceedings they would be tried under, or the sentence they are to serve in the requesting state. The circumstances ending extradition include:

1.2.1 The Death of the Person Subject to the Extradition Request

The public action aimed at applying a penalty expires upon the death of the accused.

In the realm of extradition, death does not serve as an impediment to extradition but as a reason for the termination .

1.2.2 The Statute of Limitations for Extradition

. The statute of limitations for criminal proceedings is justified as a means to dispense with the effects of a crime over time, dissipating the social outrage it caused, the potential loss of crime features, weakening evidence, sufficing with the offender's suffering, and adhering to considerations of legal stability²¹.

Regarding the period of the statute of limitations, most national legislations have unified in determining this period. For instance, the Algerian legislator, in Articles 9, 8, 7 of the Criminal Procedure Code, set the statute of limitations period based on the gravity of the crime: 10 years for felonies, 3 years for misdemeanors, and 2 years for infractions. The statute of limitations period generally starts from the day the crime was committed if no action is taken, or from the last action taken during that period. For ongoing crimes, the statute of limitations starts from the day of discovery, not the day of commission²².

The statute of limitations is one of the most common exemptions to extradition, as stipulated by most international agreements and national legislations related to extradition, such as Article 10 of the European Extradition Convention stating: "Extradition shall not be granted if the action

This ruling is also found in Article 41 of the Riyadh Arab Agreement and has become a mandatory impediment to extradition after being included in Article 3, paragraph (g)²³, of the Model International Extradition Treaty.

"Extradition is not accepted if the public action has fallen into statute of limitations before the request was made...." This ruling is similarly stated in French legislation in Article 696, paragraph 4 of the Criminal Procedure Code.

1.2.3 General Amnesty as a Reason for the Termination of Extradition

General amnesty refers to the pardon of a crime, thereby erasing its criminal status and legitimizing behavior that was previously considered criminal, rendering it non-prosecutable. It has an objective nature, benefiting both the perpetrator of the act and those who contributed to its commission, and can only be enacted through law²⁴.

Amnesty as a reason for the termination of public prosecution is stipulated by most domestic legislations and international extradition agreements. At the domestic level, it has been mentioned in the Egyptian Constitution under Article 149 and in the French-Algerian procedural law under Article 696, paragraph 5, indicating that the expiration of public prosecution is among the reasons for refusing extradition. Undoubtedly, amnesty is among the situations that lead to the termination of public prosecution²⁵.

In Algerian legislation, a similar approach to most of the aforementioned national legislations is observed, where Article 698, paragraph 6 of the Criminal Procedure Code states, "Extradition is not accepted in cases where amnesty has been granted in the requesting or requested state...."

Internationally, Article 3, paragraph (g), of the Model Treaty on Extradition considers amnesty a mandatory reason for refusing extradition. Most extradition agreements between Egypt and other countries consider general amnesty a reason for the termination of extradition, as stated in Article 28 of the Egyptian-French Agreement.

It is worth mentioning in this context the issue of individual pardon, or what some call presidential pardon, which is not considered a reason for the termination of extradition because it is a grant from the head of state that either removes the sentenced penalty or replaces it with a lesser one. Unlike general amnesty, which is stipulated by legislations and international agreements, individual or presidential pardon is not mentioned in any agreement or domestic law.

Furthermore, the granting of amnesty for international crimes has not been specified in any international document related to the suppression of international crimes, neither permitting nor prohibiting it. States that allow general amnesty

have not explicitly prohibited amnesty for international crimes but have obligated the parties to punish the perpetrators of these crimes. Through all this, we notice that international agreements related to international crimes are not in favor of granting amnesty as long as they are committed to prosecuting and following up on the perpetrators, either by extraditing or prosecuting them, as granting amnesty would contribute to the exacerbation of international crimes²⁶.

1.2.4 Prior Judgment as a Reason for the Termination of Extradition

The resolution of a criminal case with a final judgment is among the general reasons for the termination of public prosecution and procedural impediments to extradition and a final judgment has been issued convicting or acquitting them²⁷.

This impediment, in fact, applies one of the most important legal principles enshrined by international human rights instruments and national legislations, which is the principle of *ne bis in idem*, or not being tried or punished twice for the same crime. "The public action aimed at applying a penalty.....ends with the issuance of a final judgment."

To reinforce this well-established principle in international law and national legislations, international agreements and extradition laws include a rule prohibiting extradition if there has already been a final judgment in the requesting state regarding the crime for which extradition of the person is sought.. This ruling is echoed in all extradition agreements.

At the national level, Article 698, paragraph 4 of the Algerian Criminal Procedure Code states, "Extradition shall not be accepted if the felony or misdemeanor has been finally adjudicated within the territorial jurisdiction, even if committed abroad." Thus, the state requested for extradition is obligated to apply the prohibition of extradition due to prior adjudication, whether by a national or international court.

2. Supporting Entities for the Extradition Process

For the protection of the international community, it is necessary for states to cooperate with each other either by prosecuting accused individuals for their alleged crimes or by extraditing them to the states where they are wanted. This ensures that criminals do not escape punishment if they flee the jurisdiction where they committed their crimes. Therefore, countries have established international and continental organizations and bodies that facilitate the process and procedures of extradition between different states. Among these organizations, we find the International Criminal Police Organization (Interpol), the European Police Office (Europol), the African Criminal Police Organization, and the Arab Bureau for Criminal Police. These organizations have played an effective role in extradition processes, which we will examine through this discussion.

2.1 The International Criminal Police Organization (Interpol)

If the extradition of criminals represents a prominent form of international cooperation achieved by the international community in combating crime, with its conditions and provisions regulated by international agreements, we find that Interpol and the national central offices in the member states (including Algeria) play a significant role in the apprehension of criminals and their extradition through the foundations established by the organization aimed at speeding up the search and capture of fugitive criminals²⁸.

2.1.1 The Concept and Jurisdiction of Interpol

Interpol is the largest police organization globally, established to enhance international police cooperation to combat organized crime and eradicate it. This organization has broad jurisdictions focused on pursuing and arresting criminals and preventing these crimes²⁹.

The term "Interpol" stands for the International Criminal Police Organization, with its permanent headquarters in Lyon, France. The first meeting to discuss international police cooperation...International Criminal Police Commission. However, the aftermath of World War I led to the suspension of this organization's activities³⁰. In 1956, Interpol was officially founded, adopting its current name, and it now includes 194 member countries, making it the largest police organization worldwide.

Interpol serves as the international executive body for the concept of international cooperation in extraditing and pursuing criminals globally. It is a specialized international criminal police apparatus with global human competencies. As a non-judicial international mechanism, Interpol operates at the will and choice of states to assist in tracking and extraditing criminals to national or international justice. It is authorized to arrest criminals in any country, respecting national sovereignty. Its personnel are national police officers who form a special office called the International Liaison Office, connecting with the international office in France, which provides states with the means to pursue fugitives from justice and monitor criminals using modern communication methods³¹.

Algeria joined the International Criminal Police Organization (Interpol) during the Interpol General Assembly held in Helsinki, Finland, in August 1963, with participation from 53 countries, represented by the National Central Bureau. The National Central Bureau operates under the direct supervision of the Judicial Police Directorate, General Directorate of National Security, performing its duties according to national legislation, complying with the legal frameworks governing the International Criminal Police Organization (Interpol).

The main competencies of the International Criminal Police Organization-Interpol can be highlighted in two frameworks: the first has a remedial nature, focusing on pursuing and arresting criminals, while the second has a preventive nature.

2.1.2 The Legal Structure of the International Criminal Police Organization

The Permanent Committee for Information Technology (CPII).

2.2 Interpol's Arrest Procedures for Extraditing Criminals

Defining the approach that the International Criminal Police Organization (Interpol) follows. Interpol's practical role. The organization has attempted to generalize international arrest warrants, considering it a central international center for combating general law crimes and a hub for information regarding the search for wanted criminals.

The extradition system is among the most prominent forms of cooperation crime fighting, with its conditions and provisions organized by international agreements. It is observed that Interpol and the national central offices in member states play a significant role in apprehending criminals and their extradition through the foundations established to expedite the search and capture of fugitive criminals. The procedures followed by the International Criminal Police Organization in pursuing fugitive criminals³², arresting them, and ensuring the success of their extradition procedures can be ordinary or urgent (extraordinary).

2.3 Regional Bodies Assisting with Extradition

Regional bodies such as the European Police Office (Europol), the African Union's police cooperation mechanism (AFRIPOL), and the Arab Office for Criminal Police act as more effective and specialized regional executive bodies. They cooperate and coordinate with the International Criminal Police Organization to facilitate the extradition of criminals.

2.3.1 The European Police Office (Europol)

Europol is the European law enforcement agency focusing on combating major international crimes and terrorism. With over 700 employees, its headquarters is located in The Hague, Netherlands. Europol works closely with the security agencies of the European Union and non-EU countries like Australia, Canada, and the USA. While Europol officers don't have direct arrest powers, they support regular security officers by gathering and analyzing information and coordinating joint operations. Security agencies from EU countries benefit from the agency's intelligence services to prevent crimes, investigate incidents, and arrest perpetrators. Europol staff come from various security branches, including regular police forces, border police, customs, etc. The agency has 137 liaison officers at its headquarters, appointed from EU countries and partner nations³³.

Europol was established under the Maastricht Treaty in 1992, started limited operations on January 3, 1994, and fully commenced its duties on July 1, 1999³⁴, following a review by EU countries in 1998. Europol operates alongside other mechanisms like Eurojust, established by the EU in February 2002, which has legal personality and comprises members from 27 specialized countries. It monitors crimes to enhance and improve cooperation among authorities, coordinate investigations and judicial follow-ups, and execute extradition requests.

2.3.2 The African Police Organization (AFRIPOL)

In Africa, several meetings were held to establish a policing coordination system named AFRIPOL, which is subject to the African Union and a joint Algerian-Ugandan committee. It includes all regional police bodies and was part of discussions along with the International Criminal Police Organization (INTERPOL). These summits followed meetings in Addis Ababa, Ethiopia, and Kampala, Uganda, which outlined the framework for this organization. A final summit was convened. AFRIPOL was officially established on December 13, 2015, with its headquarters in Algeria. It focuses on two main pillars: the first is police-oriented, emphasizing coordination in combating various forms of crime, especially terrorism and drug trafficking. The second pillar is military, allowing for military intervention in accordance with the founding law and the internal affairs of member states³⁵. AFRIPOL's mission is to support police cooperation among nations, helping police institutions in member countries establish a framework for cooperation at national, regional, continental, and international levels. This includes facilitating the exchange and sharing of information and intelligence to prevent and combat crimes, especially extradition-related procedures among member states³⁶.

Despite INTERPOL being one of the most important police organizations for crime fighting and extradition, the establishment of the African Criminal Police Organization (AFRIPOL) has also played a significant role in this domain, despite its recent inception. This is evident in the basic statute of the African Union for Police Cooperation, which in Article 20, outlines . Is also allowed to establish relationships and cooperation with similar governmental and

international organizations to enhance its capacity to fulfill its mandate and fight crime and extradite criminals between the organizations³⁷.

2.3.3 The Arab Bureau for Criminal Police

This bureau is one of the offices established under an agreement among Arab states, ratified by a resolution of the Arab League dated April 10, 1960, under the title of the International Arab Organization for Social Defense, with its headquarters in Damascus.

It is similar to INTERPOL in that it has liaison branches at the level of Arab states members of the Arab League. Its role in the extradition of criminals involves generalizing the personal search announcement of the individual requested for extradition across all branches connected to the General Secretariat located in Damascus. This is after ensuring that the arrest does not conflict with the texts of the International Arab Agreement for Social Defense, especially Article 22. It then searches for the person by issuing a search broadcast, which in turn notifies all police departments. Once the sought-after individual is apprehended, they are temporarily detained, with the office and the requesting liaison branch preparing the extradition file for the competent authority to complete the extradition process.

This is incorporated into the Riyadh Arab Agreement, where the contracting parties coordinate the extradition procedures stipulated in this agreement among themselves.

However, the Arab Bureau for Criminal Police faces challenges, including the incompatibility of the provisions of the Arab extradition agreements with extradition requirements, The played by the office, resulting in non-response due to a lack of cooperation and exchange between the liaison branches. Other difficulties include the weakness of communication means, both among the branches themselves and between the branches and the General Secretariat.

CONCLUSION

The extradition system is a vital regime through which countries seek to activate judicial cooperation to limit the widespread spread of crime in all areas and effectively combat criminals.

Given that this system has become an international necessity, obliging countries to comply with extradition requests based on international conventions, treaties, or domestic legislation that Algeria is associated with various countries worldwide. In the absence of these bases, the principle of reciprocity becomes the legal foundation from which the extradition system derives its legitimacy and legal reference. Furthermore, the extradition system is an effective mechanism in combating crime and reducing its impact. However, it faces practical difficulties due to state sovereignty, as agreements on this matter clash with constitutional rules in countries that hold their constitution above international agreements and do not permit the extradition of citizens and political refugees to other requesting states.

A-Results:

Regarding the study results we have reached; they are as follows:

- International cooperation in combating crime is either in the form of bilateral or multilateral judicial agreements or in various other forms of international cooperation.
- The extradition system is one of the oldest systems aimed at enhancing cooperation among countries to combat crime.
- The principle of extraditing criminals is one of the factors that help achieve international justice by presenting and extraditing criminals to the judicial bodies authorized to prosecute them.
- The extradition system does not target all types of criminal patterns, as there are exempt crimes where extradition is not permissible, as well as categories of individuals whose extradition is prohibited due to their legal status and position in the state.
- The individual requested for extradition enjoys guarantees that protect them from all forms of abuse and persecution.
- Algeria has concluded many judicial agreements with various countries worldwide to enhance international cooperation in combating crime (the latest extradition agreement Algeria concluded with France, signed in Algeria on 27/01/2019 and ratified by the President of the Republic on 12/05/2021).
- Extradition arises from a specific request from one state to another.
- Regional international police are the only mechanism for international cooperation in the extradition of criminals. In addition to all we have addressed.

B- Recommendations:

we want to conclude this study with some suggestions we have come up with, which are:

- The necessity of unifying the states' views on the legal nature of extradition so as not to delay the extradition process.
- Establishing an international fund to facilitate the arrest of criminals and their extradition to requesting countries for prosecution.
- Forming international cooperation committees to track organized crime perpetrators in parallel with international police.
- Encouraging countries to conclude more international agreements, whether bilateral or multilateral, related to the extradition system.

¹- Suleiman Abdel Monem, *Problematic Aspects in the Legal System of Extraditing Criminals: A Comparative Study* (1st ed, 2007), at. 129.

²- El Tayeb Zarrouti, *The Mediator in Algerian Nationality*, (1st ed, 2001), at. 19.

³- Abdel Malek Jendi, *The Criminal Encyclopedia*, (2nd ed, 1976), at. 394.

⁴- Id., at 141.

⁵- Abdel Fattah Mohamed El-Serag, *General Theory of the Extradition of Criminals, An Analytical and Foundational Study*, Ph.D. dissertation (1999), at. 221.

⁶- Abdel Ghani Mahmoud, *Extradition of Criminals on the Basis of Reciprocity* (1991), at. 31.

⁷- Farida Shubri, *Defining the System of Extradition of Criminals*, Master's thesis (2007), at. 63.

⁸- Lahmar Faqa, *supra* note 4, at 25.

⁹- Abdel Fattah Mohamed El-Sarraj, *supra* note 7, at 285.

¹⁰- Abdel Fattah Mohamed El-Sarraj, *supra* note 7, at 291-294.

¹¹- Suleiman Abdel Monem, *supra* note 1, at 130.

¹²- Id., at 132.

¹³- UN, Art 17 of the United Nations Convention against Transnational Organized Crime ratified by Presidential Decree 62/55 (Nov, 15, 2000).

¹⁴- Suleiman Abdel Monem, *supra* note 1, at 134.

¹⁵- Suleiman Abdel Monem, *supra* note 1, at 91.

¹⁶- Ministry of Justice, *Judicial Agreement Magazine* (1992).

¹⁷- Art 24, *Budapest Convention on Cybercrime* (Nov, 23, 2001).

¹⁸- Mohamed Zayed Al-Anid, *The Condition for the Extradition of Criminals in Algerian Law*, 13 (01), *Judicial Precedent Journal* (2021), at. 632.

¹⁹- Art 42, *Arab Riyadh Convention for Judicial Cooperation* (1983).

²⁰- Ehab Mohamed Youssef, *The Extradition Convention and Its Role in Achieving International Cooperation in Combating International Terrorism*, Ph.D. dissertation (2003), at. 184.

²¹- Abdel Fattah Mohamed El-Sarraj, *supra* note 7, at 525.

²²- Mohamed Hezit, *Notes on Algerian Criminal Procedure Law* (3rd edition, 2008), at. 15.

²³- Faisal bin Zahaf, *supra* note 25, at. 345.

²⁴- Suleiman Abdel Monem, *supra* note 1, at 293.

²⁵- Id, at 294.

²⁶- Antonio Cassese, Mireille D. Marty, *International Crimes and International Jurisdictions*, (1st edition, 2002), at. 243.

²⁷- Suleiman Abdel Monem, *supra* note 1, at 282.

²⁸- Mohamed Mansour El-Sawy, *Provisions of International Law Related to Combating Crimes of International Nature* (no publication year), at. 733.

²⁹- Sireen Abdel Hamid Nabeeh, *International Crimes and Interpol* (2011), at. 254.

³⁰- Jean Montreuil, *International Organization of Criminal Police* (2009), at. 80.

³¹- Mohammed Si Nacer, *International Cooperation in the Field of Criminal Extradition*, 4 (1), *Future for Legal Studies Journal* (2020), at. 99.

³²- Id, at 733

³³- Leila Benterki, *Criminal Protection for Magnetic Credit Cards* (2017), at. 329.

³⁴- Ahmed Ayman Ramadan Mohamed, *Criminal Protection for the Electronic Signature: A Comparative Study* (2011), at. 425.

³⁵- Leila Benterki, *supra* note 39, at 700.

³⁶- Amin Oudrar, *The African Criminal Police (Africapol)*, 34 (01), *Journal of the University of Algiers*, (2020), at. 139.

³⁷- *Id.*, at 144.