



Montenegro No.1 (2019)

# Agreement

between the United Kingdom of Great Britain and Northern Ireland and  
Montenegro supplementing the European Convention on Extradition of  
13 December 1957 and aimed at facilitating its application

London, 5 March 2019

[The Agreement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2019*



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**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND AND MONTENEGRO  
SUPPLEMENTING THE EUROPEAN CONVENTION ON EXTRADITION  
OF 13 DECEMBER 1957 AND AIMED AT FACILITATING ITS  
APPLICATION**

United Kingdom of Great Britain and Northern Ireland and Montenegro (hereinafter together “the Parties”),

HAVING DUE REGARD for human rights and the rule of law,

MINDFUL of the guarantees under their respective legal systems which provide an accused person with the right to a fair trial, including the right to adjudication by an impartial tribunal established pursuant to law,

WISHING to improve cooperation between the two Countries in the matter of extradition supplementary to the provisions of the European Convention on Extradition of 13 December 1957<sup>1</sup> hereinafter “the Convention”), in particular with reference to the surrender and transit of nationals,

CONSIDERING that Montenegro, a party to the Convention since 6 June 2006, has not withdrawn the declaration in respect of Articles 6(1) and 21(2) of the Convention made by the Federal Republic of Yugoslavia on 30 September 1992, when depositing its instrument of accession to the Convention, by which Montenegro currently refuses the surrender and transit of its nationals

RECOGNISING that by this Agreement the Parties intend to remove legal barriers to the surrender of the nationals of the Requested Party wanted for prosecution or to serve a sentence in the territory of the Requesting Party and to the transit of the nationals of either state through the territory of the other in service of a request for surrender of a third state

SPECIFYING that the provisions envisaged by the Convention shall remain in force with regard to any other issue not governed by this Agreement,

Have agreed as follows:

ARTICLE 1

**Extradition of Nationals**

1. Subject to paragraph 2, extradition shall not be refused on the ground that a person sought is a national of the Requested Party in the following cases:

- (a) where extradition is sought with a view to prosecuting the person for a criminal offence and the conduct on which the offence is based is punishable under the laws of both Parties with a sentence of

imprisonment or any other order restricting personal liberty of at least five years; or

- (b) Where extradition is sought for the purposes of executing a sentence of imprisonment or any other order restricting personal liberty of at least 5 years, imposed on the person following his or her conviction by a competent court of the Requested Party.

2. Where the extradition of a national of the Requested Party is sought for the purposes of executing a sentence or any other order restricting personal liberty, extradition may be refused where that Party undertakes to execute the sentence or order in accordance with its domestic law.

3. Where extradition is sought for the purpose of prosecution, and the person sought is a national of the Requested Party, surrender may be made subject to the condition that after having been tried, he or she is returned to the territory of the Requested Party in order to serve there the sentence or other order restricting personal liberty passed against him or her by the Requesting Party.

4. If the request for extradition concerns two or more offences, each of which constitutes an offence pursuant to the laws of both Parties, and provided that one of them fulfils the conditions provided for in paragraph 1 of this Article, the Requested Party may grant extradition for all of those offences.

## ARTICLE 2

### **Transit of Nationals**

Under the same conditions specified in Article 1, either Party at the request of the other, shall authorize the transit across its territory of a national surrendered to the other Party by a third State in compliance with the provisions of the Convention, unless this is not possible for reasons of public order.

## ARTICLE 3

### **Temporal Application**

1. This Agreement shall apply to any request (including a request for transit under Article 2) submitted on or after the date on which it enters into force.

2. This Agreement shall apply to offences committed before or after the date on which it enters into force.

3. In the event of termination of this Agreement in accordance with Article 5, requests (including requests for transit under Article 2) received before the date on

which the Agreement ceases to have effect, shall continue to be governed by this Agreement notwithstanding its termination.

#### ARTICLE 4

##### **Territorial Application**

This Agreement shall apply:

- (a) (i) to the United Kingdom of Great Britain and Northern Ireland;
- (ii) to the Isle of Man, and to any territory for the international relations of which the United Kingdom is responsible and to which the application of this Agreement shall have been extended by agreement between the Parties;
- (b) To Montenegro.

#### ARTICLE 5

##### **Ratification, Entry Into Force and Termination**

1. This Agreement shall enter into force on the date of the receipt of the last written notification, through diplomatic channels, by which the Parties shall inform each other of the completion of the ratification procedure in accordance with their legislation.
2. This Agreement may be amended at any time by written agreement between the Parties. Any amendment shall enter into force in compliance with the procedure provided for in paragraph 1 of this Article and shall be part of this Agreement.
3. Either Party may terminate this Agreement at any time by giving notice to the other Party through the diplomatic channels. Termination shall be effective six (6) months following the date of such a notice.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement

Done at London this 5<sup>TH</sup> day of March 2019 in two originals, each in English and Montenegrin languages, both texts being equally authentic

**For the Government of the United  
Kingdom of Great Britain and  
Northern Ireland:**

**For the Government of  
Montenegro:**

**ALAN DUNCAN**

**ZORAN PAZIN**

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