

## **INSTITUTE OF EXTRADITION: CRIMINAL-EXECUTIVE ASPECTS**

According to Art. 124 of the Constitution of Ukraine, binding for execution throughout the territory of Ukraine, are only judicial decisions made by courts in the name of Ukraine. Therefore, it is correct to assume that the action of a court decision is limited to the territory of the State whose court it was issued. The sentence of a foreign court has no legal effect in the territory of another country. Only in the case of permission by the procedural law of a certain state to recognize and enforce sentences of foreign courts in criminal proceedings, a foreign court's judgment receives legal force in the territory of another country. In order for such a sentence to have legal consequences in Ukraine, it must be recognized by a court of Ukraine in accordance with a law or an international treaty. That is why the jurisdiction of the courts of foreign states can not extend to the territory of Ukraine.

Judicial decisions of one state are valid only in its territory and have no legal consequences in the territory of another state without the consent of the latter. Such consent of the state can be provided by concluding international agreements, the consent of which is binding on the authorities of their legislative power. According to Art. 124 of the Constitution of Ukraine and Art. 19 of the Law of Ukraine "On international treaties of Ukraine", the existing international treaties, the consent to be bound by which is provided by the Verkhovna Rada of Ukraine, is part of the national legislation of Ukraine. Therefore, part of the national legislation of Ukraine is the international treaties regulating the recognition and enforcement of court decisions of foreign courts in criminal proceedings and ratified by the Verkhovna Rada of Ukraine.

Among the international treaties regulating the Institute for the recognition and enforcement of foreign judgments in criminal proceedings are, inter alia, the following: European Convention on the International Validity of Criminal Judgments of 28.05.1970, ratified by Ukraine with Statements and Cautions Law of 26.09.2002 (Entered into force 12.06.2003); Convention on the Transfer of Persons Sentenced to Forfeiture for serving a sentence in the State of which they are nationals of 19.05.1978; Convention on the Transfer of Sentenced Persons of 21.03.1983 (the relevant Law on Accession of 22.09.1995) and the Additional Protocol thereto dated September 22, 1995 (ratified on April 3, 2003); European Convention on the Granting of Offenders of December 13, 1957 (ratified on January 16, 1998 with two additional Protocols to it: Additional Protocol of 15.10.1975 and Second Additional Protocol of 17.03.1978); European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders from 30.11.1964 (came into force on 22.09.1995); Convention on the Transfer of Proceedings in Criminal Matters dated 15.05.1972 (Ukraine joined it in accordance with the Law of 22.09.1995); The Convention on the Transfer of Mortal Disabled Persons for Forced Treatment of 28.03.1997 (ratified with the clause of 11.01.2000) and bilateral treaties regulating the transfer of prisoners concluded from more than a dozen foreign countries - Uzbekistan, Azerbaijan, Brazil, Kazakhstan, Armenia, Georgia, China, Senegal, Tajikistan, Iran, Turkmenistan, and Libya.

The international legal framework on the issue of executing a foreign court sentence in Ukraine is quite broad. According to the Ministry of Justice of Ukraine, based on the existing practice of applying the provisions of the Convention on the Transfer of Sentenced Persons in 1983 by courts of Ukraine, enforcement of a foreign court sentence in Ukraine is quite widespread.

In accordance with the provisions of Art. 3 of the European Convention on the International Validity of Criminal Judgments, which was concluded by the member states of the Council of Europe on May 28, 1970, and the consent to be binding on our state by the Verkhovna Rada of Ukraine, Ukraine may execute a punishment imposed by a court judgment of another state. The contents of Art. 4 of the Convention restricts the possibility of such a punishment only in cases where the act for which that punishment is imposed is recognized as a crime under the laws of Ukraine, and the person who committed it would be liable to criminal liability if it had committed it on the territory of Ukraine. In other words, the principle of "double wrongdoing" is again confirmed.

It should be noted that the institution of recognition and enforcement of foreign judgments had not previously been settled at the appropriate level, either by the criminal-procedural nor by the criminal-executive legislation of Ukraine, although courts often had to deal with this category of cases. Courts were forced to decide cases of this category, without violating the principle of legality, to make decisions that should meet the requirements of procedural decisions. Thus, the indicated sphere of international cooperation was generally regulated by international multilateral and bilateral legal agreements.

The provisions of Part 4 of Art. 10 of the Criminal Code regarding the enforcement of a foreign court judgment in Ukraine is the legal basis for the application of the country's criminal-law jurisdiction, which may cover various cases in its content: first, the recognition and enforcement of a foreign court sentence in Ukraine, and, secondly, the transfer of a convicted foreign judge A citizen of Ukraine for serving a sentence in Ukraine.

Consequently, the institution of execution in Ukraine of a foreign court sentence is a complex legal formation, the application of which is possible subject to perfect knowledge of not only the current national legislation, but also the international legal norms that are valid for Ukraine. Proper interpretation of not only the procedural procedure for executing a foreign court's judgment, but also its criminal and legal grounds, will prevent mistakes in law enforcement activities, ensure stability in the process of international cooperation, and guarantee the strict observance of human and civil rights and freedoms in the process of their implementation.