

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Comments on the Draft Agreements between the European Union and the United States of America on Extradition and Mutual Legal Assistance</p>

The Commission expressed its reservations in relation to the above Agreements and submitted to the Greek Government and European Union comments regarding the following major issues:

(a) The need to amend article 4 para 2 of the Extradition Agreement because it limits considerably the seriousness of the offence with which the persons under extradition are charged;

(b) The inclusion of a provision leaving *expressis verbis* to the discretion of States the extradition of their nationals;

(c) The need to amend article 13 so that extradition is proscribed in cases where the requesting State does not provide adequate guarantees regarding the non-execution of death penalty and the non-application of measures amounting to torture or inhuman or degrading treatment or punishment;

(d) Article 14 should be modified in order for the requesting State to be under the obligation to confirm that the requested States does indeed protect satisfactorily personal data that the former communicates to the latter;

(e) Article 9 of the Agreement on Mutual Legal Assistance should be amended so as to guarantee access to personal data collected and exchanged between the contracting States by the person in question. In addition, article 9 should be amended in order for the use and exchange of

personal data-related evidence and information is not conducted without limitations.

29 May 2003