



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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Agenda Item 79

**Report of the International Law Commission
on the work of its sixty-fourth session**

Expulsion of aliens

Statement by

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Mr. Chairman,

The Czech Republic has followed with great interest the deliberations of the International Law Commission and the Sixth Committee on the topic of expulsion of aliens. Having considered the subject-matter to be highly important, we wish to commend Mr. Kamto for the hard work and progress he has achieved.

The Czech Republic fully associates itself with the Statement of the European Union to this topic. Allow me, however, to state some additional comments concerning the item under our consideration.

The Czech Republic would like to express concerns regarding the draft Article 13 which pertains to the prohibition of expulsion in order to circumvent an extradition procedure. Although the Czech Republic does not employ such practices, it is our position - supported by the standing decisions of the European Court of Human Rights - that where the person subject to extradition proceedings is also an illegal immigrant, it should be the state's internal affair to decide the means employed in resolving the issue of illegal immigration.

Furthermore, it is unclear which phases of extradition procedure are comprised under the term "ongoing". Does the procedure begin with the moment of taking an alien into custody? Does it begin with the moment of delivery of an extradition request? Or is the decisive action the issuance of the "authority to proceed" so common in Common Law legal systems? Due to variances across the existing legal systems of the world, the uncertainty remains. As this issue is being covered sufficiently in Part three of the draft articles, we propose Article 13 to be either deleted or limited only to cases of legal immigrants.

Regarding the final form of these draft articles, the Czech Republic is fully aware of the ongoing debate and its inherent controversies. We wish, however, to reserve our position on this issue until the drafting is completed.