

se in force between Ireland and the United Kingdom. For that reason, the term *accords* in the French text is not to be understood as meaning a formal international instrument.

46. One of the consequences of Article 3 is the modification of Article 3.1 of the European Convention on Extradition; between States which are Parties to both the European Convention on the Suppression of Terrorism and the European Convention on Extradition, Article 3.1 of the latter convention is modified insofar as it is incompatible with the obligations arising from the former. The same applies to similar provisions contained in bilateral treaties and arrangements which are applicable between States Parties to this Convention.

Article 4

47. Article 4 provides for the automatic inclusion, as an extraditable offence, of any of the offences referred to in Articles 1 and 2 in any existing extradition treaty concluded between Contracting States which does not contain such an offence as an extraditable offence.

Article 5

48. Article 5 is intended to emphasise the aim of the convention which is to assist in the suppression of acts of terrorism where they constitute an attack on the fundamental rights to life and liberty of persons. The Convention is to be interpreted as a means of strengthening the protection of human rights. In conformity with this basic idea, Article 5 ensures that the Convention complies with requirements of the protection of human rights and fundamental freedoms as they are enshrined in the European Convention of 4 November 1950.

49. One of the purposes of Article 5 is to safeguard traditional right of asylum. Although in the member States of the Council of Europe of which all but one have ratified the European Convention on Human Rights, the prosecution, punishment or discrimination of a person on account of his race, religion, nationality or political opinion is unlikely to occur, it was deemed appropriate to insert this traditional clause also in this Con-

vention; it is already contained in Article 3.2 of the European Convention on Extradition.

50. If, in a given case, the requested State has substantial grounds for believing that the real purpose of an extradition request, made for one of the offences mentioned in Article 1 or 2, is to enable the requesting State to prosecute or punish the person concerned for the political opinions he holds, the requested State may refuse extradition.

The same applies where the requested State has substantial grounds for believing that the person's position may be prejudiced for political or any of the other reasons mentioned in article 5. This would be the case, for instance, if the person to be extradited would, in the requesting State, be deprived of the rights of defence as they are guaranteed by the European Convention on Human Rights.

51. It is obvious that a State applying this Article should provide the requesting State with reasons for its having refused to comply with the extradition request. It is by virtue of the same principle that Article 18.2 of the European Convention on Extradition provides that "reasons shall be given for any complete or partial rejection" and that Article 19 of the European Convention on Mutual Assistance in Criminal Matters states that "reasons shall be given for any refusal of mutual assistance".

52. If extradition is refused, Article 7 applies: the requested State must submit the case to its competent authorities for the purpose of prosecution.

Article 6

53. Paragraph 1 of Article 6 concerns the obligation on Contracting States to establish jurisdiction in respect of the offences mentioned in Article 1.

54. This jurisdiction is exercised only where:

- the suspected offender is present in the territory of the requested State, and
- that State does not extradite him after receiving a request for extradition from a Contracting State "whose jurisdiction is based on a rule of jurisdiction existing equally in the law of the requested State".

¹⁾ See Appendix.