

55. In order to comply with the second requirement there must be a correspondence between the rules of jurisdiction applied by the requesting State and by the requested State.

The principal effect of this limitation appears in relation to the differences in the principles of jurisdiction between those States whose domestic courts have, under their criminal law, jurisdiction over offences committed by nationals wherever committed and those where the competence of the domestic courts is based generally on the principle of territoriality (i.e. where the offence is committed within its own territory, including offences committed on ships, aircraft and offshore installations, treated as part of the territory). Thus, in the case where there has been a refusal of a request for extradition received from a State wishing to exercise its jurisdiction to try a national for an offence committed outside its territory, the obligation under Article 6 arises only if the law of the requested State also provides as a domestic rule of jurisdiction for the trial by its courts of its own nationals for offences committed outside its territory.

56. This provision is not to be interpreted as requiring complete correspondence of the rules of jurisdiction of the States concerned. Article 6 requires this correspondence only insofar as it relates to the circumstances and nature of the offence for which extradition was requested. Where, for example, the requested State has jurisdiction over some offences committed abroad by its own nationals, the obligation under Article 6 would arise if it refused extradition to a State wishing to exercise a similar jurisdiction in respect of any of those offences.

For example, the United Kingdom extradition arrangements are generally based on the territorial principle. Similarly the jurisdiction of the domestic courts is generally based on the territorial principle. In general there is no jurisdiction over offences committed by nationals abroad but there are certain exceptions, notably murder. Because of this jurisdictional limitation the United Kingdom in most cases cannot claim extradition of a national for an offence committed abroad. In the reverse situation there would be no obligation for the United Kingdom under Article 6 arising from a request for extradition from a State able to exercise such a juris-

dition. If, however, the request was for extradition of a national for a murder falling under Article 1 and committed abroad, the obligation under Article 6 would apply because the United Kingdom has a similar jurisdiction in respect of this offence.

57. Paragraph 2 makes clear that any criminal jurisdiction exercised in accordance with national law is not excluded by the Convention.

58. In the case of a refusal to extradite in respect of an offence referred to in Article 2, the Convention contains neither obligation nor impediment for the requested State to take, in the light of the rules laid down in Articles 6 and 7, the measures necessary for the prosecution of the offender.

#### *Article 7*

59. Article 7 establishes an obligation for the requested State to submit the case to its competent authorities for the purpose of prosecution if it refuses extradition.

60. This obligation is subject to conditions similar to those laid down in paragraph 1 of Article 6: the suspected offender must have been found in the territory of the requested State which must have received a request for extradition from a Contracting State whose jurisdiction is based on a rule of jurisdiction existing equally in its own law.

61. The case must be submitted to the prosecuting authority without undue delay, and no exception may be invoked. Prosecution itself follows the rules of law and procedure in force in the requested State for offences of comparable seriousness.

#### *Article 8*

62. Article 8 deals with mutual assistance, within the meaning of the European Convention on Mutual Assistance in Criminal Matters, in connection with criminal proceedings concerning the offences mentioned in Articles 1 and 2. The Article lays down an obligation to grant assistance whether it concerns an offence under Article 1 or an offence under Article 2.

63. Under paragraph 1, Contracting States undertake to afford each other the widest measure of mutual assistance (first sentence); the wording of this provision was taken from Article 1.1 of the European Convention on Mutual Assistance in Criminal Matters. Mu-