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COMMITTEE OF THE WHOLE  
Working Group on International  
Cooperation and Judicial Assistance

PROPOSAL SUBMITTED BY CANADA

Alternative text for article 88

Contents of request for [surrender] [transfer] [extradition]

1. A request for arrest and [surrender; transfer; extradition] shall be made in writing. In urgent cases a request may be made by any medium capable of delivering a written record, provided that a request shall be confirmed [if necessary] through the channel provided for in article 86. The request shall contain or be supported by:

(a) In the case of a request for the arrest and [surrender; transfer; extradition] of a person for whom a warrant of arrest has been issued by the Pre-Trial Chamber under article 58, paragraph 3:

- (i) Information describing the person sought, sufficient to identify the person and information as to that person's probable location;
- (ii) A copy of the warrant of arrest;
- [(iii) Such documents, statements or other types of information regarding the commission of the offence and the accused's role therein which may be required by the laws of the requested State;] [however, in no event may the requested State's requirements be more burdensome than those applicable to requests for extradition pursuant to treaties or other arrangements with other States];

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(b) In the case of a request for the arrest and [surrender; transfer; extradition] of a person already convicted:

- (i) A copy of any warrant of arrest for that person;
- (ii) A copy of the judgement of conviction;
- (iii) Information to demonstrate that the person sought is the one referred to in the judgement of conviction;
- (iv) [If the person sought has been sentenced,] a copy of the sentence imposed and a statement of any time already served and that remaining.

[2. Where the State Party considers the information provided insufficient to allow it to comply with the request, it shall seek, without delay, additional information and may fix a reasonable time limit for the receipt thereof. [Any proceedings in the requested State may be continued, and the person sought may be detained, [for such period as may be necessary to enable the Court to provide the additional information requested.]] If the additional information is not provided within the reasonable time limit fixed by the requested State, the person may be released.]

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