

COMMENTS

Prospects of Legal Regulation of Extradition of Persons for Criminal Prosecution or Execution of a Sentence in the Context of the Expansion of BRICS

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Abstract. This article presents the results of a systematic analysis of the legal regulation of extradition of persons for criminal prosecution or execution of a sentence in the BRICS (BRICS+) countries. The central authorities of the BRICS (BRICS+) countries responsible for extradition are specified. The key projects of experts and initiatives undertaken by the states at the relevant BRICS platforms are studied and presented, such as the BRICS Anti-Corruption Working Group (ACWG), the BRICS Council on Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) and the BRICS Counter-Terrorism Working Group (CTWG). Taking into account the expansion of the BRICS group and the effective cooperation between the competent authorities of the BRICS countries in the sphere of international legal cooperation, the directions and possible ways for the further development of the legal regulation of extradition within the framework of the BRICS are described.

Keywords: extradition; money laundering; terrorist financing; asset recovery; international cooperation; BRICS; BRICS+.

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In accordance with the XV BRICS Summit Johannesburg II Declaration of August 23, 2023, the following countries were officially invited to become full members of the BRICS association from January 1, 2024: the Argentine Republic, the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia, the Islamic Republic of Iran, the Kingdom of Saudi Arabia and the United Arab Emirates.¹ These countries have finally joined the BRICS group, with the exception of the Argentine Republic. Specifically, in 2024, Argentina formally announced that it had no plans or intentions to join the BRICS.² It is also necessary to point out that in January 2025 the Republic of Indonesia joined the BRICS group as a full member.³

In general, the year 2024 was marked by active work of representatives of the competent authorities of the BRICS (and BRICS+) countries at all BRICS platforms and working groups. Without a doubt, BRICS has now become a driver for the economic development of its member states, a center of political rapprochement and an attractive destination for states that adhere to the principle of a multipolar world, equal and constructive dialogue, as well as mutual respect.

In 2024, the work of the BRICS group was conducted under the chairmanship of the Russian Federation and under the motto “Strengthening Multilateralism for Equitable Global Development and Security.” In 2025, Brazil will officially become the BRICS chair country.

As part of the priorities of its presidency, the Russian Federation coordinated and ensured the functioning and the realization of a significant number of projects in 2024, including at the XVI BRICS Summit, which was held from October 22 to 24, 2024 in Kazan.⁴ In particular, specialized projects aimed at organizing and coordinating joint efforts in the field of combating crime were presented.

¹ XV BRICS Summit Johannesburg II Declaration, BRICS and Africa: Partnership for Mutually Accelerated Growth, Sustainable Development and Inclusive Multilateralism. (2023). <http://static.kremlin.ru/media/events/files/ru/ls471x8ogLBhjRQx05ufVBuzMFo1kWs.pdf>. (In Russian).

² TASS. (2023, November 30). *Argentina says it will not join BRICS*. <https://tass.ru/mezhdunarodnaya-pa-norama/19425649?ysclid=lrldw32f32935430964>. (In Russian).

³ Government of Brazil. (2025, February 4). *Brazil announces Indonesia as full member of BRICS*. <https://www.gov.br/planalto/en/latest-news/2025/01/brazil-announces-indonesia-as-full-member-of-brics>

⁴ RBC. (2024, October 24). *How the BRICS summit in Kazan ended*. <https://www.rbc.ru/politics/24/10/2024/671aa1809a79473f7bce0bea?ysclid=m4y0cygptc632608966>. (In Russian).

Such work is carried out on an ongoing basis within the framework of specialized working groups, such as the BRICS Anti-Corruption Working Group (ACWG), the BRICS Council on Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) and the BRICS Counter-Terrorism Working Group (CTWG).

The BRICS AML/CFT Council is currently working to improve national anti-money laundering systems and implement joint measures to ensure financial security. Thus, in 2024, at the meeting of the BRICS AML/CFT Council, the following projects were presented: the International ML/TF Risk Assessment Center (IRAC), the “Transparent Blockchain” cryptocurrency transaction analysis tool, the International Financial Security Olympiad, the International Compliance Council (ICC), and a number of educational initiatives of the International Training and Methodology Centre for Financial Monitoring (ITMCFM).⁵

Additionally, issues of cooperation in countering money laundering and terrorist financing, the spread of radical ideology, the use of the internet for criminal purposes and the suppression of the activities of foreign terrorist fighters (FTF) were discussed at the BRICS CTWG during its plenary session in July 2024.⁶

One of the significant events regarding the exchange of experience and the study of the specifics of the legislation of the BRICS countries was the development of an “Analytical Note on Asset Recovery” in the BRICS countries at the BRICS ACWG meeting at the XVI BRICS Summit held in Kazan in October 2024. In particular, paragraph 53 of the Kazan Declaration of October 23, 2024 states the following:

We welcome the document “Formulation of the BRICS Common Vision and Joint Action on Enhanced Anti-Corruption Cooperation and Recovery and Return of Assets and Proceeds of Corruption” and attach importance to putting it into practice in accordance with our domestic frameworks. We appreciate the issuance of the Analytical Note on Asset Recovery in BRICS Countries by the Anti-Corruption Working Group (ACWG) and its efforts to step up collaboration among our practitioners in asset recovery.⁷

The analytical note was the result of an interdepartmental research involving the participation of numerous competent authorities from the BRICS (BRICS+) countries. It reflects the experiences associated with the identification and recovery of criminal assets using various mechanisms and secured channels of international communication. Furthermore, a number of advanced initiatives in this field were also presented at the Summit.

⁵ Rosfinmonitoring. (2024, February 8). *The first meeting of the expanded BRICS Council on Countering Money Laundering and Terrorist Financing was held*. <https://www.fedsfm.ru/releases/7322>. (In Russian).

⁶ Roscongress. (2024, March 12). *BRICS Counterterrorism Working Group holds ninth plenary session*. BRICS–Russia. <https://brics-russia2024.ru/news/o-devyatoy-plenarnoy-sessii-rabochey-gruppy-briks-po-antiterroru/>. (In Russian).

⁷ XVI BRICS Summit Kazan Declaration, Strengthening Multilateralism for Equitable Global Development and Security. (2024). https://cdn.brics-russia2024.ru/upload/docs/Казанская_декларация.pdf?1729693488382423. (In Russian).

In order to ensure the exchange of information, the competent authorities of the BRICS countries use various secure communication channels to send requests. For example, the BRICS countries use the Egmont Group channel "Egmont Secure Web (ESW)," channels of the Interpol, the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network), "ARIN-AP" (Asset Recovery Interagency Network – Asia Pacific), "CARIN" (Camden Asset Recovery Inter-Agency Network), ARINSA" (Asset Recovery Interagency Network for South Africa), "IberRed" (Iberoamerican Network on International Cooperation), "REMJA" (Hemispherical Network on Criminal International Cooperation), and "GAFILAT" (Financial Asset Recovery Task Force of Latin America). In addition, the competent authorities of the BRICS countries use regional information networks to trace criminal assets, in particular the "ARIN-EA" – Asset Recovery Inter-Agency Network for Eastern Africa along with an information exchange system within the framework of the Council of Heads of Financial Intelligence Units of CIS Member States (CIS CHFIU). The use of the Open Registry "GlobE Directory of Open-Source Registries" has become widespread in the BRICS countries. Simultaneously, in order to improve information exchange mechanisms, including information on the risks of money laundering and terrorist financing (ML/TF), an agreement on the establishment of the International ML/TF Risk Assessment Center (IRAC) was signed on October 13, 2023.

The analytical note also stresses that the BRICS states need to coordinate their positions on issues of joint actions in order to promote international cooperation and asset recovery on other international platforms and formats of interaction, specifically the UN, FATF, EAG, Egmont and others.⁸

The intensive work conducted at the relevant BRICS platforms is closely linked to bilateral cooperation and contacts between states and representatives of their respective competent bodies on international cooperation in the field of criminal justice.⁹ In addition, it is necessary to single out such an important element of international cooperation in the field of combating crime as the rapid exchange of information using secure communication channels (both in bilateral and multilateral formats). As mentioned before, such secure communication channels are actively used by the BRICS countries to send relevant requests and obtain information during law enforcement assistance.

The interest of the international community in the BRICS activities is constantly growing. Thus, during the third day of the XVI BRICS summit in Kazan in the BRICS+ format, the leaders of several countries, interested in cooperation with the interstate

⁸ The Rio de Janeiro Declaration adopted at the 17th BRICS Summit also reaffirms the commitment to combating terrorism in all its forms and manifestations, including the cross-border movement of terrorists, other transnational crimes, preventing illicit financial flows, and ensuring technical and non-politicized cooperation (paras. 34–37 of the Rio de Janeiro Declaration).

⁹ Nasonov, A. A. (2020). Improving the legal framework for the extradition of a person for criminal prosecution in the interests of optimizing cooperation between the Russian Federation and the BRICS states in the field of combating illegal migration. *Bulletin of Voronezh Institute of the Ministry of Internal Affairs of Russia*, 2, 284–290. (In Russian).

association, were present, namely: Azerbaijan, Armenia, Belarus, Bolivia, Venezuela, Vietnam, Kazakhstan, Kyrgyzstan, Laos, Mauritania, Palestine, Republic of Congo, Tajikistan, Turkey, Turkmenistan and Uzbekistan.

In June 2024, a new system of partner countries categories was announced, outlining the “steps” that countries must pass in order to join the BRICS group as full members.¹⁰ At the same time, as of June 2024, nearly thirty countries have submitted official applications to the BRICS association, including, for instance, Thailand and Malaysia. In December 2024, it became known that Cuba and Bolivia could join the BRICS group as partner countries from January 1, 2025.¹¹

At present, the BRICS group includes the following states: Brazil, Russia, India, China, South Africa, Egypt, Iran, Ethiopia, the United Arab Emirates, the Kingdom of Saudi Arabia and Indonesia – eleven countries overall. The association is demonstrating a steady trend towards expansion, contributing to the intensification of contacts between competent authorities and the progressive expansion of the scope (areas) of its activities. At the same time, it should be emphasized that the legal doctrinal studies examining the national legal experience of the BRICS countries should be conducted taking into account the rapid expansion of the BRICS group especially considering the fact that, as practice shows, the status of a country as a prospective candidate state of BRICS can quickly transform into that of a full member of the group.¹²

As noted earlier, the coordination of efforts and interaction of competent authorities within the framework of BRICS allows us to determine the vectors of development and directions of cooperation between states in the anti-criminal sphere and use the BRICS platforms (working groups) to discuss ways and mechanisms for improving international legal cooperation. However, despite the improvements in the national criminal legislation of the BRICS (BRICS+) states, the development of operational investigative activities and the criminalization of acts of high public danger, criminals still move from one state to another, particularly those states that exert comparatively less control over internal security and the effective enforcement of law and order.¹³

In practice, it is frequently demonstrated that such persons can either continue their criminal activities in a foreign country or hide from justice on their nation's own territory. On the other hand, for example, terrorists or extremists often use one or more states to carry out preparatory actions for a terrorist act or as a transit location for the further realization of their criminal plans. At the same time, persons who promote (for instance, finance) terrorist activities may also be abroad, which undoubtedly determines

¹⁰ RBC. (2024, June 26). *Lavrov announced the decision of the BRICS to “take a break” on the issue of new members*. <https://www.rbc.ru/politics/26/06/2024/667b3a449a79472d0ffbb401>. (In Russian).

¹¹ TASS. (2024, December 13). *Ryabkov: Cuba and Bolivia may become BRICS partner countries starting in 2025*. <https://tass.ru/politika/22658425?ysclid=m4xz403h2u647789468>. (In Russian).

¹² Karpovich, V. (2024). Legal regulation of extradition of persons for criminal prosecution or execution of a sentence in the BRICS member states and candidate states. *BRICS Law Journal*, 11(4), 81–107.

¹³ Ved, P. N. (1999). Bases for refusing international extradition requests – capital punishment and torture. *Fordham International Law Journal*, 23(5), 1369–1396.

the need for international cooperation in the field of law enforcement and criminal justice. Likewise, the perpetrators of crimes may hide in foreign jurisdictions in order to avoid criminal prosecution and subsequent punishment.¹⁴ Often, such individuals try to hide in hard-to-reach and remote areas, including in foreign states.¹⁵

In this regard, it is precisely the mechanisms of extradition of persons for criminal prosecution or execution of a sentence that enable the extradition of a person either for the imposition of criminal responsibility on the basis of the provided evidence (extradition for criminal prosecution) or the execution of a sentence already passed by a court (extradition for execution of a sentence).¹⁶

In order to effectively implement international cooperation in the field of extradition, it is necessary to take into account three blocks of legal norms that are inextricably linked to each other, namely, a block of international legal norms and the national legislation of the requesting and requested states.¹⁷ The mentioned polysystem of the legal regulation of extradition assumes that all three blocks of legal norms actively interact with each other, complement each other and should certainly be taken into account at all stages of extradition.

The special experience of legal regulation of extradition in the legislation of the BRICS (BRICS+) countries is no exception. Thus, the national legislation regarding special extradition laws in the BRICS (BRICS+) countries is presented as follows:

1. Brazil – Decree-Law of the Federal Republic of Brazil No. 394 of 1938,¹⁸ Law of the Federal Republic of Brazil No. 13,445 of 1980¹⁹ and Decree-Law No. 9,199 of 2017.²⁰

2. Russia – The Criminal Procedural Code of the Russian Federation of 2001 (Part 5 “International Cooperation in Criminal Proceedings,” Chapter 54 “Extradition of Persons for Criminal Prosecution or Execution of a Sentence”).²¹

¹⁴ Ochkasova, I. V. (2007). International search for criminals for the purpose of extradition within the framework of modern international organizations. *Bulletin of the Samara Humanitarian Academy*, 1, 131–141. (In Russian).

¹⁵ Karpovich, V. E. (2023). On the issue of establishing the location of persons subject to extradition and hiding in remote and hard-to-reach areas. *Moscow Law Journal*, 3, 83–92.

¹⁶ Klevtsov, K. K. (2023). The relationship between substantive and procedural norms in the context of international cooperation. *Bulletin of Economic Security*, 1, 108–116.

¹⁷ Volevodz, A. G. (2021). International cooperation between Russia and the USA in the field of extradition of persons for criminal prosecution: Problems and prospects. *Law Journal of the Higher School of Economics*, 13(4), 230–258.

¹⁸ Decree-Law No. 394 of April 28, 1938. Portal da Legislação. https://www.planalto.gov.br/ccivil_03/decreto-lei/del0394.htm

¹⁹ Law No. 13,445 of May 24, 2017. Portal Gov.br. https://www.gov.br/mj/pt-br/acao-a-informacao-atuacao-internacional/legislacao-traduzida/lei_n_13-445_de_24_de_maio_de_2017_eng-docx.pdf

²⁰ Decree No. 9,199 of November 20, 2017. Portal Gov.br. https://www.gov.br/mj/pt-br/acao-a-informacao-atuacao-internacional/legislacao-traduzida/decreto_n_9-199_de_20_de_novembro_de_2017_ingles_final-docx.pdf

²¹ Criminal Procedural Code of the Russian Federation of December 18, 2001 No. 174-FZ. “Consultant Plus” Legal Database. <https://www.consultant.ru>. (In Russian)

3. India – The Extradition Act of 1962.²²

4. China – Extradition Law of the Peoples Republic of China of 2000.²³

5. South Africa – The Extradition Act of 1962.²⁴

6. UAE – Federal Law No. 39 of 2006 “On International Cooperation in the Field of Criminal Proceedings.”²⁵

7. Ethiopia – The Criminal Code of the Federal Democratic Republic of Ethiopia, proclamation No. 414/2004.²⁶

8. Iran – Extradition Law of Iran of 1960.²⁷

9. Egypt – Law No. 140 of 2014 “On Extradition of the Accused and Transfer of the Sentenced,”²⁸ Law No. 64 of September 5, 2010 “On Combating Human Trafficking”²⁹ and Law No. 82 of 2016 “On Combating Illegal Migration and Smuggling of Migrants.”³⁰

10. Indonesia – Law No. 1/1979 on Extradition.³¹

11. Saudi Arabia – a special act on extradition has not been adopted yet.

In this regard, the reform of Indian criminal legislation, which was successfully completed in 2024, should be definitely noted. Thus, the Bharatiya Nyaya Sanhita (Act No. 45 of 2023)³² replaces the Indian Penal Code of 1860,³³ The Bharatiya Nagarik

²² Extradition Act of 1962. India Code. <https://www.indiacode.nic.in/bitstream/123456789/1440/1/196234.pdf>

²³ Extradition Law of the People’s Republic of China of 2000. Asian Legal Information Institute. <http://www.asianlii.org/cn/legis/cen/laws/el161/>

²⁴ Extradition Act 67 of 1962. South African Government. https://www.gov.za/sites/default/files/gcis_document/201505/act-67-1962.pdf

²⁵ Federal Law No. 39 of 2006 “On International Judicial Cooperation in Criminal Matters.” United Nations Office on Drugs and Crime. https://www.unodc.org/uploads/icsant/documents/Legislation/United%20Arab%20Emirates/English/FEDERAL_LAW_NO.39_of_2006.pdf

²⁶ Criminal Code of the Federal Democratic Republic of Ethiopia, proclamation No. 414/2004. International Labour Organization. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>

²⁷ Extradition Law of Iran, 1960. United Nations Office on Drugs and Crime. https://sherloc.unodc.org/cld/en/legislation/irn/extradition_law/chapter_1/article_1-11/chapter_1.html.

²⁸ Decision of the President of the Arab Republic of Egypt on the adoption of Law No. 140 of 2014 “On Extradition of the Accused and Transfer of the Sentenced.” <https://ahmedazimelgamel.blogspot.com/2020/10/140-2014.html>. (In Arabic).

²⁹ Law No. 64 of September 5, 2010 “On Combating Human Trafficking.” Eastlaws. <http://site.eastlaws.com/GeneralSearch/Home/ArticlesDetails?MasterID=1493002>. (In Arabic).

³⁰ Law No. 82 of 2016 “On Combating Illegal Migration and Smuggling of Migrants.” The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons. <https://www.nccpimandtip.gov.eg/ar/Awareness/5>. (In Arabic).

³¹ Indonesian Law No. 1/1979 on Extradition, 1979. Refworld. <https://www.refworld.org/legal/legislation/natlegbod/1979/en/59704>

³² Bharatiya Nyaya Sanhita, 2023. Ministry of Home Affairs. https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf

³³ Indian Penal Code, 1860. IIT Kanpur. https://www.iitk.ac.in/wc/data/IPC_186045.pdf

Suraksha Sanhita (Act No. 46 of 2023)³⁴ replaces the Code of Criminal Procedure of 1973,³⁵ and the Bharatiya Sakshya Adhiniyam (Act No. 47 of 2023)³⁶ replaces the Indian Evidence Act of 1872.³⁷ The above-mentioned laws came into force on July 1, 2024. In turn, the provisions of The Extradition Act of 1962 remain effective in the part that does not relate to the adopted laws. At the same time, the adopted laws do not introduce any fundamental changes in the legal regulation of extradition in India.

In general, the legislation on extradition in the BRICS (BRICS+) countries is complex and systematic. In addition to the above-mentioned special acts, provisions on extradition are contained in constitutions, criminal codes, codes of criminal procedure, federal laws and decrees, as well as in other normative legal acts. In this regard, extradition is recognized as an intersystem (intersectoral) legal phenomenon. The legal nature of the institution of extradition is at the junction of criminal, criminal procedure, international and constitutional law.

Furthermore, the legislation of the BRICS (BRICS+) states provides that extradition can be carried out both on the basis of an international treaty or the principle of reciprocity, subject to compliance with the provisions of national legislation of a particular state.

Based on the presented description and analysis of the legal regulation of extradition in the BRICS (BRICS+) countries, attention should also be paid to the fact that despite the adopted laws in the field of extradition in the majority of the BRICS countries, in some cases the legal regulation of this institution at the domestic level is characterized by fragmentation.

Egyptian law is an example of this. In particular, Article 62 of the Constitution of the Arab Republic of Egypt prohibits the extradition of Egyptian citizens. Extradition requests are initially sent to the Ministry of Justice of Egypt (central authority) and then applied to the Office of Prosecutor General of the Arab Republic of Egypt (OPG). Egypt's prosecutor general decides whether to approve or reject the extradition request. According to the above-mentioned Law No. 140 of 2014, the President of the Egyptian Republic can approve the transfer of accused or convicted persons in cases where it is in the interests of the state, at the request of the Egypt's Prosecutor General and with the approval of the Parliament of Egypt.³⁸ Special and comprehensive legislation in the field of extradition of persons for criminal prosecution or execution

³⁴ Bharatiya Nagarik Suraksha Sanhita, 2023. India Code. <https://www.indiacode.nic.in/bitstream/123456789/20099/1/a2023-46.pdf>

³⁵ Code of Criminal Procedure, 1973. India Code. https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf

³⁶ Bharatiya Sakshya Adhiniyam, 2023. Ministry of Home Affairs. https://www.mha.gov.in/sites/default/files/250882_english_01042024.pdf

³⁷ Indian Evidence Act, 1872. India Code. https://www.indiacode.nic.in/bitstream/123456789/15351/1/iea_1872.pdf

³⁸ Executive summary, Arab Republic of Egypt, Conference of the States Parties to the United Nations Convention against Corruption (CAC/COSP/IRG/I/4/1/Add.13) (2015).

of a sentence has not yet been adopted in Egypt, despite the existence of a sufficient number of draft laws.

The Kingdom of Saudi Arabia strictly adheres to the application of Sharia law to all aspects of the country's public life. Sharia forms the basis for all spheres of national legislation, whether administrative or judicial, passed by the Majlis as-Shura (the Shura Council), by royal decree or by the legislative body of Saudi Arabia. Any legislation that contradicts the basic principles of Sharia is invalid. Thus, even royal decrees or legislative acts should be based on the principles and norms of Sharia law. In this sense, Sharia is the main (basic) source of law. The principles of Sharia law therefore also regulate criminal law. However, Saudi Arabia has not adopted its own special legislation on the extradition of criminals; that is to say, all procedures must be carried out in accordance with the provisions of Sharia. On the other hand, Saudi Arabia has concluded a significant number of multilateral and bilateral extradition treaties, which, in fact, do not exclude the possibility of extradition.

This is due to the fact that a special body has been established in the Kingdom of Saudi Arabia on the basis of the decision of the Council of Ministers No. 78 of February 13, 2012: The Standing Committee for Legal Assistance Requests under the Ministry of Interior of the Kingdom of Saudi Arabia.³⁹ The Standing Committee for Legal Assistance Requests consists of members representing the following bodies: the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Finance, Board of Grievances, Public Prosecution and General Intelligence Presidency. This Committee has developed appropriate rules for the implementation of certain forms of international cooperation in the field of criminal justice.⁴⁰

Subsequently, a model agreement on mutual legal assistance in criminal matters was developed between the Government of the Kingdom of Saudi Arabia and the governments of various other states (Decision of the Council of Ministers of Saudi Arabia No. 152 of November 28, 2016).⁴¹ This act covers the following matters: central authorities, grounds for refusal or postponement of a request for legal assistance, certification and documentation, language, execution of requests, costs, confidentiality and restrictions on the use of information, transfer of documents, obtaining evidence,

³⁹ Formation of a permanent committee on requests for legal assistance. National Center for Documents and Archives of the Royal Court of the Kingdom of Saudi Arabia. <https://ncar.gov.sa/Documents/Detai1A40U7zPd9%2BnJvYVg%3D%3D>. (In Arabic).

⁴⁰ Handbook on Legal Aid and Asset Recovery Procedures. Ministry of the Interior of the Kingdom of Saudi Arabia. <https://www.moi.gov.sa/wps/wcm/connect/dc92bbae-005f-497d-9829-5d8e26d6135f/200.pdf?MOD=AJPERES&CVID=mvFff1Y>. (In Arabic).

⁴¹ Guiding principles (model) agreements on mutual legal assistance in criminal matters between the Government of the Kingdom and the governments of other states. The National Center for Documents and Archives of the Royal Court of the Kingdom of Saudi Arabia. <https://ncar.gov.sa/api/index.php/resource/eyJpdil6lnB4em5LV0szU0t5TndOcC9PNUNEVnc9PSIslnZhbHVlIjoiri1ZHc1YrMUJuZFPbTRKOWhwWj-ZhZz09liwibWFJljoimJA0NGVIYTk1MDZmMTExNmQwNzljN2Y0ZTFkM2I4YTQyYmM0ZWZlYzU2Mjg5-ZTRmYTMxYzU1Y2EwZDEyNmNkMSIslnRhZyI6Ij9/ Documents/OriginalAttachPath>. (In Arabic).

presence of persons to provide evidence and assistance, guarantees for transferred persons, investigations and arrests, provision of information, cooperation, applicable laws and dispute resolution.

As for the extradition procedure in Saudi Arabia itself, an extradition request is usually submitted in writing through diplomatic channels via the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, which, in turn, transmits the request to The Ministry of Interior of the Kingdom of Saudi Arabia, where the investigative body and the Office of Prosecutor General of the Arab Republic of Egypt (OPG) send requests for the extradition of wanted and convicted persons, regardless of whether the request is received from abroad or sent to the competent authorities of a foreign state.⁴² If the person against whom extradition is requested is arrested, his or her testimony is heard and evaluated. Subsequently, the entire list of documents, along with the extradition request, is transmitted to the National Central Bureau (NCB) under the Ministry of Interior of the Kingdom of Saudi Arabia.

The central authority responsible for extradition in the BRICS (BRICS+) countries is represented as follows:

1. Brazil – The Ministry of Justice and Public Security of Brazil.
2. Russia – The Prosecutor General's Office of the Russian Federation.
3. India – The Ministry of External Affairs of India.
4. China – The Ministry of Foreign Affairs of the People's Republic of China.
5. South Africa – The Ministry of Justice and Constitutional Development of South Africa.
6. Iran – The Ministry of Justice of Iran.
7. United Arab Emirates – The Ministry of Justice of UAE.
8. Egypt – The Ministry of Justice of Egypt.
9. The Kingdom of Saudi Arabia – The Ministry of Foreign Affairs of Saudi Arabia.
10. Ethiopia – The Ministry of Justice of Ethiopia.
11. Indonesia – The Ministry of Justice of Indonesia.

Although some BRICS countries have concluded bilateral extradition treaties with each other, there is not a single BRICS full-member state or a partner state that has extradition treaty relations with all other BRICS countries without exception.

Moreover, the progressive expansion of economic, social, and cultural cooperation within the framework of the BRICS inevitably highlights the need to strengthen cooperation in the field of security and law enforcement. The Kazan Declaration of the XVI BRICS Summit, "Strengthening Multilateralism for Equitable Global Development and Security," highlights the need for this.

Such cooperation, especially in the field of criminal justice, however, is impossible without accurate and appropriate international legal regulation of extradition, mutual legal assistance in criminal matters and other areas of this activity.

⁴² Issa, M., & Abdulaziz, A. (2020). Procedural rules for extradition in the Saudi regime in accordance with international agreements. *Law Magazine*, MJ44, P1, 317–367. (In Arabic).

Moreover, it is essential to bear in mind BRICS fundamentally remains an interstate association within which there is still no practice of agreeing and concluding international treaties. Proposals and initiatives to conclude international treaties directly within the framework of BRICS, it seems, can be implemented only after the transformation of BRICS' status from an interstate association into an international organization, which would possess its own charter and, consequently, the corresponding rights and obligations of states. This factor and possibility cannot be excluded, given the growing importance and interest in this interstate association.⁴³ Thus, the adoption of conventions within the framework of BRICS has a distinct rationale, given its status as an international organization wherein the participating states assume specific legal obligations.

However, this approach does not preclude the development of the foundations of international legal regulation of cooperation among the BRICS countries in the field of extradition and other areas of international cooperation in combating crime, at least at the level of interdepartmental interaction between the competent authorities of the BRICS countries.

Practice confirms the correctness of this assertion. Thus, it is at the level of interdepartmental consultations that the possibility of adopting certain relevant conventions is continually being discussed.⁴⁴ For example, in October 2024, the Prosecutor General's Office of the Russian Federation prepared a draft agreement between the BRICS countries on cooperation between prosecutorial services on asset recovery.⁴⁵ And examples of such instances are increasingly being observed.

In general, based on the current status and improvements in domestic legal regulation and extradition practices for the criminal prosecution of persons in the BRICS (BRICS+) countries, as well as their aligned political positions on this issue, we believe that there should be no obstacles to the development of an international legal framework in the field of combating crime. In this regard, a promising area of activity is the development and adoption within the BRICS framework of relevant interdepartmental agreements, followed by conventions on extradition and legal assistance in criminal matters pertaining to countering transnational organized crime as well as cybercrime and others. Such instruments would facilitate comprehensive practical cooperation among all the BRICS countries in advancing their shared commitment to preventing and combating illicit financial flows, money laundering, terrorist financing, drug trafficking, corruption and the improper use of new technologies, including cryptocurrencies for illegal and terrorist purposes (para. 39 of the Kazan Declaration), as well as ensure collaboration in the countering

⁴³ TASS. (2023, February 26). *Italy talks about the transformation of BRICS into a political bloc*. <https://tass.ru/mezhdunarodnaya-panorama/19386267>. (In Russian).

⁴⁴ Neuwirth, R. (2019). "BRICS Law": An Oxymoron, or from Cooperation, via Consolidation, to Codification? *BRICS Law Journal*, 6(4), 6–33.

⁴⁵ TASS. (2024, October 20). *SOE prepares a draft BRICS agreement on the return of illegal assets*. <https://tass.ru/ekonomika/22172783?ysclid=m4y34c26s0500635153>. (In Russian).

of transnational organized crime as one of the key areas of international law enforcement cooperation (para. 52 of the Kazan Declaration). In addition, it would also strengthen coordination on key issues on the international anti-corruption agenda (para. 53 of the Kazan Declaration), such as international cooperation in combating certain crimes committed through information and communication systems, including the collection, storage and exchange of evidential data of serious crimes in electronic form (para. 54 of the Kazan Declaration).

The development and discussion of a possible draft of the BRICS convention on extradition, even in a preliminary stage, is not a premature decision. Of course, the adoption of such an act would require the political will and strong resolve of the heads of each of the BRICS states, the establishment and active contribution of specialized working groups and the organization of high-level meetings.

In this regard, as it was noted, there already exists practical experience in developing joint analytical notes and holding meetings within working groups regarding the consideration of the national legal experience of the BRICS (BRICS+) states, even if this is only the first stage towards the preparation of a full-fledged contractual and legal framework for international cooperation in the field of criminal justice.⁴⁶ Naturally, it goes without saying that the development and adoption of relevant treaties should be inextricably linked, taking into account the interests of each of the BRICS (BRICS+) countries as well as their legal, political, religious and cultural traditions and peculiarities.

Thus, it seems highly possible that the Russian Federation, which has extensive experience in developing, promoting and supporting a wide range of draft international treaties at the international level, could initiate the development and discussion of draft conventions of the BRICS (BRICS+) countries on various areas of international cooperation in combating crime. Apart from that, Russia has also signed a significant number of treaties and has practical experience in the sphere of the extradition of persons for criminal prosecution or execution of a sentence, which is one of the most important areas of international cooperation in the field of criminal justice.

References

Issa, M., & Abdulaziz, A. (2020). Procedural rules for extradition in the Saudi regime in accordance with international agreements. *Law Magazine*, MJ44, P1, 317–367. (In Arabic).

Karpovich, V. (2024). Legal regulation of extradition of persons for criminal prosecution or execution of a sentence in the BRICS member states and candidate states. *BRICS Law Journal*, 11(4), 81–107. <https://doi.org/10.21684/2412-2343-2024-11-4-81-107>

⁴⁶ Trikoz, E., Gulyaeva, E., & Brasil, D. R. (2024). Genomic security in the criminal policies of the BRICS countries. *BRICS Law Journal*, 11(4), 108–125.

Karpovich, V. E. (2023). On the issue of establishing the location of persons subject to extradition and hiding in remote and hard-to-reach areas. *Moscow Law Journal*, 3, 83–92. <https://doi.org/10.18384/2949-513x-2023-3-83-92>

Klevtsov, K. K. (2023). The relationship between substantive and procedural norms in the context of international cooperation. *Bulletin of Economic Security*, 1, 108–116. <https://doi.org/10.24412/2414-3995-2023-1-108-116>

Nasonov, A. A. (2020). Improving the legal framework for the extradition of a person for criminal prosecution in the interests of optimizing cooperation between the Russian Federation and the BRICS states in the field of combating illegal migration. *Bulletin of Voronezh Institute of the Ministry of Internal Affairs of Russia*, 2, 284–290. (In Russian).

Neuwirth, R. (2019). “BRICS Law”: An Oxymoron, or from Cooperation, via Consolidation, to Codification? *BRICS Law Journal*, 6(4), 6–33. <https://doi.org/10.21684/2412-2343-2019-6-4-6-33>

Ochkasova, I. V. (2007). International search for criminals for the purpose of extradition within the framework of modern international organizations. *Bulletin of the Samara Humanitarian Academy*, 1, 131–141. (In Russian).

Trikoz, E., Gulyaeva, E., & Brasil, D. R. (2024). Genomic security in the criminal policies of the BRICS countries. *BRICS Law Journal*, 11(4), 108–125. <https://doi.org/10.21684/2412-2343-2024-11-4-108-125>

Ved, P. N. (1999). Bases for refusing international extradition requests – capital punishment and torture. *Fordham International Law Journal*, 23(5), 1369–1396.

Volevodz, A. G. (2021). International cooperation between Russia and the USA in the field of extradition of persons for criminal prosecution: Problems and prospects. *Law Journal of the Higher School of Economics*, 13(4), 230–258. <https://doi.org/10.17323/2072-8166.2021.4.230.258>

Volevodz, A. G. (2023). *International law enforcement organizations: Part II: Judicial and legal networks*. Prometheus. (In Russian).

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