Extradition System

In extradition matters, the elected procedure is by diplomatic channels, where an extradition request is directed to the Ministry of Foreign Affairs of the Republic of Colombia. However, it is a complex matter, because the maximum authority may actually be the national government. Nevertheless, various state authorities intervene in this process, including the following ones: the Ministry of Foreign Affairs, which is the Colombian government’s representative to serve as a channel for receiving and sending all types of communications to a foreign state; the Ministry of the Interior, which is the entity that decides on extradition; and, the Fiscalía General de la Nación [Office of Attorney General], which is the authority responsible for issuing the arrest warrant and under whose custody the requested person remains throughout the proceedings.

This being the case, the extradition process is as follows:

The Ministry receives the formal request for extradition and forwards it to the Fiscalía for processing, indicating the applicable law.

The Ministry of Foreign Affairs advises the Ministry of the Interior that it has received the extradition request and that it has forwarded it to the Fiscalía General de la Nación.

The Fiscalía General de la Nación subsequently issues the arrest warrant, and once it has been issued, the requesting state has 60 days to submit the formal request. The requesting state has the obligation to send the formal procedural documents to the Ministry of Foreign Affairs, where they are authenticated.

Once the documentation has been put in due form, a copy is forwarded to the Fiscalía General de la Nación, for advice on compliance with the requirements of procedural law.

If the requesting state does not send the documents stipulating the decision on indictment or conviction in Colombia, the Fiscalía General de la Nación must release the requested person.

After the requesting state completes the procedural requirements for the request, the Ministry of Foreign Affairs forwards the documents to the Ministry of the Interior, to check that no documents are missing.

Once the documentation has been reviewed, the Ministry of the Interior forwards the documentation to the Supreme Court of Justice, to initiate proceedings. The Court may issue an opinion in favor or against. If its opinion is against, that opinion is binding on the national government.
Once the Court has issued its opinion, the case is referred to the Ministry of the Interior, so that the government may decide whether or not to grant extradition. Once the decision to grant extradition has been made, the Ministry of Interior communicates that decision to the Fiscalía General de la Nación. The national government may deny extradition or grant it on a deferred basis, namely after the person has served his sentence in Colombia, if applicable.

Throughout the process, the Fiscalía General de la Nación is in charge of custody of the requested person. As soon as the decision is communicated, the Fiscalía General de la Nación places the requested person at the disposal of the foreign state, by written communication.

As soon as the foreign state receives the communication from the Fiscalía General de la Nación, it has 30 days to receive the person in extradition. If the foreign state does not receive the person during those 30 days, the detained person is immediately released.

The process ends when the person in extradition is delivered.