



THE CONSTITUTIONAL PROHIBITION ON THE EXTRADITION OF NATIONALS IN THE LEGAL SYSTEM OF THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

This thesis examines the constitutional prohibition on extraditing citizens of the Republic of Uzbekistan, introduced as an absolute guarantee following the constitutional referendum of 2023. The author traces how this constitutional norm relates to its procedural counterpart in the Criminal Procedure Code and considers the interpretive questions that arise from placing an extradition bar at the constitutional level.

Extradition law typically situates the bar on surrendering a state's own nationals within ordinary legislation – a criminal procedure code, an extradition statute, or a bilateral treaty. The Republic of Uzbekistan has taken a different path. Following the constitutional referendum of April 30, 2023, the prohibition was elevated into the text of the Constitution itself, in Article 24: a citizen of the Republic of Uzbekistan may not be expelled from Uzbekistan or extradited to another state. Placing this guarantee at the constitutional level, alongside the prohibition on expulsion, changes its legal character in ways that deserve closer examination.

The first consequence is one of hierarchy. Where the non-extradition of nationals rests on an ordinary statute, it can in principle be qualified or displaced by a later law or by a treaty ratified in the ordinary legislative order. Once the same rule is written into the Constitution, it acquires supremacy over any statute or treaty that might attempt to narrow it, and any future extradition agreement permitting the surrender of a citizen would first have to overcome the constitutional text itself. This is a markedly stronger form of protection than the statutory bar found in Article 10 of the Criminal Procedure Code, which restates the same prohibition at the procedural level but does so as an implementation of the constitutional guarantee rather than as its independent source.

The second consequence concerns the wording itself. Article 24 links the extradition bar to expulsion within the same sentence, treating both as instances of a single underlying guarantee – that a citizen cannot be forcibly removed from the state to which their nationality ties them. Article 15 of the Constitution, which affirms the priority of international treaties ratified by Uzbekistan, does not appear to create an exception here, since the constitutional text sets no explicit reservation in favor of treaty obligations, unlike Article 10 of the Criminal Procedure Code, which expressly allows treaties to provide otherwise. Whether this

difference in wording is a matter of drafting economy or a deliberate closing of the exception is a question the existing commentary has not yet settled, and one the author regards as central to understanding how absolute the constitutional guarantee actually is.

This tension has direct practical significance for the *aut dedere aut judicare* mechanism through which Uzbekistan discharges its international cooperation obligations when extradition of a national is refused. If the constitutional prohibition is read as leaving no room for treaty-based exceptions, the domestic prosecution of the citizen becomes not simply the preferred alternative but the only route by which international obligations can be satisfied. Clarifying the exact relationship between Articles 24, 15, and Article 10 of the Criminal Procedure Code is therefore a necessary step toward a coherent doctrinal account of how Uzbekistan reconciles national sovereignty with its treaty commitments in this area.

References:

1. Constitution of the Republic of Uzbekistan, Art. 15, Art. 24 (as amended by the Constitutional Law of May 1, 2023, No. 3PY-837).
2. Criminal Procedure Code of the Republic of Uzbekistan, Art. 10.
3. Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Chisinau, 2002).