

Prof. dr. Miguel De Jonckheere, Dean of the faculty Law and Criminology, kindly invites you to the public defence to obtain the academic degree of

## DOCTOR OF LAWS

of Ms. Sibel Top

which will take place on

Monday 21 November 2022 at 10 AM

In the Promotion Room D2.01 and [Online](#)

Building D of the Vrije Universiteit Brussel  
Pleinlaan 2 – 1050 Brussels

## The political offence exception clause to extradition in Europe: An analysis of its evolution and application with a special focus on the Catalan independence crisis

### SUPERVISORS

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You are warmly invited at the reception afterwards. **Please register [here](#)** for the reception not later than 17 November 2022.

Are you not able to come in person? You can watch the livestream [here](#).

A map of the campus and directions to reach the VUB can be found [here](#). If you are coming by car, please register your numberplate [here](#) in advance for easy parking access.



## **The political offence exception clause to extradition in Europe: An analysis of its evolution and application with a special focus on the Catalan independence crisis**

*Sibel Top*

### **Abstract**

This research examines the evolution and current application of the political offence exception clause to extradition in the European context. The political offence exception is a clause traditionally found in extradition treaties that aims to protect people who fought for democratic and liberal values from extradition to a country where they may not get a fair trial. However, in the European institutional context (Council of Europe and European Union), the protection granted to political offenders has been progressively diminished because of the similarity of political regimes of European countries. It was indeed considered that, in a framework where mutual trust prevailed among partner countries sharing similar values, there was no need to uphold this type of protection. In an unexpected turn of events, however, the Catalan independence crisis, the subsequent self-imposed exile of some of the Catalan leaders to other EU and Council of Europe countries, and the systematic refusal of European partners to surrender Catalan leaders to Spain turned all previous certitudes on the obsolescence of the clause around. The discomfort of European partners to surrender Catalan exiles to Spain came, first, from the fact that the Catalan project - albeit illegal- had democratic ambitions; and, second, from the severe reaction of Spanish authorities to the process that did not appease emerging questions about their ability to provide a fair trial to Catalan leaders. Using Bourdieu's theory on state creation as its prism of analysis, this work scrutinises the shrinking protection of political offenders in the Council of Europe and European Union contexts to understand the dynamics at play behind this evolution. Looking at the specific case of the Catalan independence crisis, this research argues that a form of 'ghost political offence exception' has been applied by European countries to the case of Catalan leaders.