

## APPENDIX 11

**Extradition and Mutual Assistance and Criminal Justice  
Certificates****11.1 EXTRADITION MATTERS DEALT WITH IN 1997-98 OR CONTINUING AS AT  
30 JUNE 1998****Extradition requests by Australia**

Requests carried forward from 1996-97	16
New requests made	22
Requests granted	10

The requests were granted by the following countries:

Hong Kong	2
Republic of Korea	1
Thailand	1
United Kingdom	1
United States of America	5

The persons surrendered to Australia were citizens of the following countries:

Australia	6
Austria	1
New Zealand	1
United Kingdom	2

Two requests, to Cyprus and Italy, were withdrawn. A request is classified as withdrawn where a foreign government has been requested to surrender a person and either Australia decides that the matter should not proceed or the person is subsequently located in another country. Extradition practice is to advise the requested country of the withdrawal of the request. One request, to the United Arab Emirates, resulted in the voluntary return of the person to Australia.

Persons were surrendered for the following major categories of offences:

Drug trafficking	2
Child sex offences	2
Murder	2
Armed robbery	1
Corporate & securities misconduct	3

Most of the above persons surrendered faced multiple types of charges upon extradition.

Australia has requested the prosecution of three persons in foreign countries following the refusal by those countries of Australian extradition requests on the grounds of nationality.

Requests refused	2
Requests continuing	23

Requests were still being considered by the following countries:

Canada	1
France	3
Italy	1
Malaysia	2
Netherlands	1
Philippines	2
Poland	1
South Africa	2
United Arab Emirates	1
United Kingdom	8
United States of America	1

**Extradition requests of Australia**

Requests carried forward from 1996-97	27
New requests received	21
Requests granted	8

Requests were granted to the following countries:

France	1
United Kingdom	1
United States of America	6

The people surrendered by Australia were citizens of the following countries:

Australia	2
France	1
India	1
Indonesia	1
United Kingdom	1
United States of America	2

Six of the people surrendered consented to being returned to the requesting country.

Persons were surrendered for the following major categories of offences:

Armed robbery	1
Murder	1
Sexual assault	1
Rape	1
Child sex	1
Securities fraud	1
Immigration fraud	1
Unlawful wounding	1

Three of the above people surrendered faced multiple types of charges upon extradition.

Requests discontinued in Australia	5
Requests withdrawn	0
Requests refused by Attorney-General	2
Requests refused by courts	0
Requests continuing	33

Requests were still under consideration for the follow countries:

Argentina	1
Germany	3
Greece	2
Hong Kong	2
Hungary	3
India	1
Indonesia	1
Kenya	1
Philippines	1
Republic of Korea	1
South Africa	2
Spain	1
Switzerland	2
United Kingdom	8
United States of America	4

**Note:** Extradition requests vary considerably in complexity and time taken to resolve. The complexity of an extradition request is dependent on the complexity of the criminal offences and the criminal conduct underlying the offences. The time taken to resolve an extradition request can vary from a few years, if a fugitive wishes to contest extradition and exercise all appeals, to a few months if a fugitive consents to extradition.

## 11.2 MUTUAL ASSISTANCE MATTERS DEALT WITH IN 1997-98 OR CONTINUING AS AT 30 JUNE 1998

### Mutual assistance requests made by Australia

Requests carried forward from 1996-97	88
New requests made	77
Requests granted	83

The requests were granted by the following countries:

Albania	1	Israel	2
Bahamas	1	Japan	3
Bermuda	1	Korea	1
Bulgaria	1	Lebanon	1
Canada	4	Liechtenstein	1
Chile	1	Netherlands	7
Croatia	1	New Zealand	3
Dominican Republic	1	Singapore	3
France	4	South Africa	2
Germany	3	Spain	1
Gibraltar	2	Switzerland	6
Greece	3	Syria	1
Guernsey	1	Turkey	1
Hong Kong	6	United Kingdom	10
Ireland	1	United States of America	8
Isle of Man	1	Vanuatu	1

The types of assistance granted to Australia can be categorised as follows:

Bank/business records	28
Official records	7
Proceeds of crime	7
Search and seizure	5
Serve documents	10
Take evidence	37

Note that some requests required the provision of more than one type of assistance.

Requests otherwise completed	4
Requests continuing	78

### Mutual assistance requests made to Australia

Requests carried forward from 1996–97	50
New requests	104
Requests granted	119

Requests were granted to the following countries:

Austria	6	Lithuania	1
Azerbaijan	1	Monaco	1
Barbados	1	Netherlands	6
Brazil	1	New Zealand	4
Cameroon	1	Norway	1
Canada	1	Pakistan	1
Czech Republic	1	Papua New Guinea	1
France	6	Portugal	1
Georgia	1	Philippines	1
Germany	6	Russia	1
Greece	8	Slovenia	1
Hong Kong	1	South Africa	1
India	1	Spain	4
Italy	8	Switzerland	6
Japan	1	Turkey	22
Latvia	1	United Kingdom	13
Liechtenstein	2	United States of America	7

The types of assistance granted by Australia can be categorised as follows:

Bank/business records	14
Official records	7
Other	5
Search & seizure	10
Serve documents	49
Take evidence	36

Note that some requests required the provision of more than one type of assistance.

Requests refused	1
Requests continuing	34

In addition to mutual assistance requests, substantial advices were provided in 46 cases during the year.

At the end of the year there were 110 cases on hand concerning the International War Crimes Tribunal in the Hague. However, many of these required no formal action to be taken. During 1996–97, 31 witnesses were located in Australia and assistance was provided to the Tribunal's investigators to conduct interviews and take statements.

*Note:* In the case of mutual assistance requests, most are completed within a few months. However, the increasing number of collateral attacks being made upon the mutual assistance process, including Federal Court challenges, and the complexity of multi-jurisdictional corporate fraud cases being handled, means that some cases may take several years to complete.

### 11.3 CRIMINAL JUSTICE CERTIFICATES DEALT WITH IN 1997-98 OR CONTINUING AS AT 30 JUNE 1998

#### Criminal Justice Certificates issued:

Commonwealth entry <sup>1</sup>	5
Commonwealth stay <sup>2</sup>	33
State entry (endorsed) <sup>2</sup>	10

#### Criminal Justice Certificates<sup>3</sup> cancelled:

Commonwealth entry	1
Commonwealth stay	20

#### Criminal Justice Certificates current as at 30 June 1998:

Commonwealth entry	18
Commonwealth stay	77

#### Nationalities of persons who hold current Commonwealth Criminal Justice Certificates as at 30 June 1998:

Albania	1	Japan	3
Austria	1	Malta	1
Belguim	1	New Zealand	2
Brazil	3	Nigeria	1
Canada	4	Pakistan	1
China	9	Papua New Guinea	1
Estonia	1	Philippines	6
Fiji	6	Singapore	9
France	2	Spain	1
Germany	1	Tonga	2
Hong Kong	5	United Kingdom	15
Indonesia	11	United States of America	6
Israel	2		

<sup>1</sup> Commonwealth certificates are issued in relation to proceedings involving Commonwealth offences.

<sup>2</sup> State certificates are issued in relation to proceedings involving State offences. State entry certificates are issued by the relevant State agency, and endorsed by the Commonwealth Attorney-General's Department. State stay certificates are issued by the relevant State agency. State entry and state stay certificates are cancelled by the relevant State agency without notification to the Commonwealth Attorney-General's Department.

<sup>3</sup> Commonwealth certificates are cancelled by the Commonwealth Attorney-General's Department.

## 11.4 COMPARATIVE STATISTICS FOR EXTRADITION AND MUTUAL ASSISTANCE CASES 1993-94 TO 1997-98

### Extradition requests made by Australia

<i>Year</i>	<i>Cases carried forward</i>	<i>New requests made</i>	<i>Requests granted</i>	<i>Requests refused</i>	<i>Requests otherwise completed</i>
1993-94	19	15	8	5	3
1994-95	18	16	14	2	1
1995-96	18	7	9	0	1
1996-97	15	18	13	2	2
1997-98	16	22	10	2	3

### Extradition requests made to Australia

<i>Year</i>	<i>Cases carried forward</i>	<i>New requests made</i>	<i>Requests granted</i>	<i>Requests refused</i>	<i>Requests otherwise completed</i>
1993-94	14	9	2	1	3
1994-95	17	12	7	1	2
1995-96	20	11	11	2	3
1996-97	15	22	8	1	1
1997-98	27	21	8	2	5

### Mutual assistance requests made by Australia

<i>Year</i>	<i>Cases carried forward</i>	<i>New requests made</i>	<i>Requests granted</i>	<i>Requests refused</i>	<i>Requests otherwise completed</i>
1993-94	59	58	45	1	15
1994-95	56	64	33	1	15
1995-96	71	73	46	7	8
1996-97	83	79	64	0	10
1997-98	88	77	83	0	4

### Mutual assistance requests made to Australia

<i>Year</i>	<i>Cases carried forward</i>	<i>New requests made</i>	<i>Requests granted</i>	<i>Requests refused</i>	<i>Requests otherwise completed</i>
1993-94	25	51	37	2	10
1994-95	27	105	48	5	28
1995-96	51	87	78	2	12
1996-97	46	84	72	4	4
1997-98	50	104	119	1	0