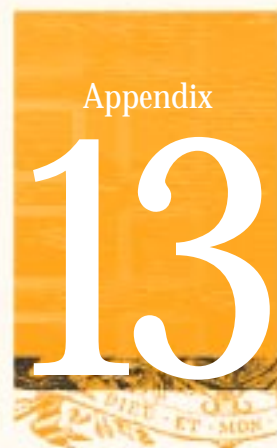


Extradition, Mutual Assistance and Criminal Justice Certificates

Achieving a Just & Secure Society



13.1 Extradition matters dealt with in 2000–01 or continuing as at 30 June 2001

Extradition requests by Australia

Requests carried forward from 1999–2000	16
New requests made	7
Requests granted	4
Requests refused and or withdrawn	1
Requests continuing	18

The requests were granted by the following countries:

Canada	1
Hong Kong - Special Administrative Region of the People's Republic of China	1
Switzerland	1
Austria	1

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

Australia	2
Canada	1
Netherlands	1

Persons were surrendered for the following major categories of offences:

Drug trafficking	1
Fraud	2
Manslaughter	1

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

In previous reporting years, Australia has requested the prosecution of persons in foreign countries following the refusal by those countries of Australian extradition requests on the grounds of nationality. As at 30 June 2001, two such cases are continuing.

Requests were still being considered by the following countries:

Canada	2
Hong Kong - Special Administrative Region of the People's Republic of China	1
France	1
Indonesia	1
Poland	1
South Africa	1
Spain	1
Netherlands	1
Thailand	1
United Arab Emirates	1
United Kingdom	3
United States of America	4

Extradition requests of Australia

Requests carried forward from 1999–2000	39
New requests received	15
Requests granted	13
Requests discontinued in Australia	0
Requests withdrawn	2
Requests refused, including refusals by Minister for Justice and Customs	1
Requests refused by courts	0
Requests continuing	38

Requests were granted to the following countries:

Hungary	1
Germany	1
United Kingdom	1
United States of America	10

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

Australia	6
Guyana	1
Hungary	1
Netherlands	1
New Zealand	1
United Kingdom	1
United States of America	2

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

Persons were surrendered for the following major categories of offences:

Money laundering and fraud (including using false instrument)	8
Offences against a person (including murder, manslaughter and rape)	3
Theft	1
Drug offences	1

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

Requests were still under consideration for the follow countries:

Germany	1
Greece	1
Hong Kong - Special Administrative Region of the People's Republic of China	1
Hungary	5
Indonesia	1
Iraq	1
Italy	1
Latvia	1
Macedonia	2
Mexico	3
Portugal	1
Poland	5
Republic of Korea	2
South Africa	2
Spain	2
United Kingdom	3
United States of America	6

Note: Extradition requests vary considerably in complexity and time taken to resolve. The complexity of an extradition request is dependent on 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.

13.2 Mutual assistance matters dealt with in 2000–01 or continuing as at 30 June 2001

Mutual assistance requests made by Australia

Requests carried forward from 1999–2000	32
New requests made	63
Requests executed	31
Requests otherwise completed	10
Requests continuing	54

The requests were executed by the following countries:

Cayman Islands	1
Colombia	1
Guernsey	1
Hong Kong - Special Administrative Region of the People's Republic of China	6
Israel	1
Netherlands	6
New Zealand	2
Panama	1
South Africa	1
Spain	1
United Kingdom	1
United States of America	9

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

Obtain bank/business records	13
Take evidence	1
Search and seizure	2
Proceeds of crime	1
Service of documents	1
Other (obtain statement/conduct interview; obtain criminal records; obtain company records; obtain telecommunications records; obtain e-mail records etc.)	18

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

Ten requests made by Australia were not executed by the foreign countries to which the requests were made. In five of those cases, the requests were withdrawn by Australia.

Mutual assistance requests made to Australia

Requests carried forward from 1999–2000	78
New requests	153
Requests executed	148
Requests otherwise completed	38
Requests continuing	45

Requests were executed for the following countries:

Austria	2	Lithuania	1
Belgium	3	Malta	1
Canada	1	Mexico	1
Croatia	1	The Netherlands	9
Czech Republic	4	New Zealand	4
France	2	Pakistan	1
Germany	3	Poland	3
Greece	1	Russia	1
Hong Kong - Special Administrative Region of the People's Republic of China	2	Spain	6
Hungary	59	Sri Lanka	1
India	2	Switzerland	3
Israel	1	Thailand	1
Italy	7	Tonga	1
Korea	1	Turkey	8
Latvia	5	United Kingdom	5
		United States of America	8

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

Obtain bank/business records	9
Take evidence	7
Search and seizure	9
Service of documents	72
Other (obtain statement/conduct interview; obtain telecommunications records; obtain brief of evidence; obtain certificates of conviction etc.)	62

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

Thirty-seven requests made to Australia were not executed by the Australian authorities. Most of those requests (involving service of documents) could not be executed because the subjects of the foreign requests could not be located in Australia. One foreign request was refused by Australia, and one request was withdrawn by the requesting country.

Four requests (from Papua New Guinea and the United Kingdom) were received and executed under the *Mutual Assistance in Business Regulation Act 1992* in the past financial year.

In addition to mutual assistance requests, substantial advices were provided in 27 matters during the year.

International War Crimes

At the end of the year, 113 cases were on hand concerning the International War Crimes Tribunal for the former Yugoslavia in The Hague. However, not all requests required formal action to be taken under the *International War Crimes Tribunals Act 1995*. During 2000–01, assistance provided to the Tribunal included locating witnesses in Australia, conducting interviews and taking statements from potential witnesses and suspects. There were no cases on hand concerning the International War Crimes Tribunal for Rwanda.

13.3 Criminal Justice Certificates dealt with in 2000–01 or continuing as at 30 June 2001

Criminal Justice Certificates issued:

– Commonwealth Entry ¹	12
– Commonwealth Stay ¹	33
– State Entry (endorsed) ²	14

Criminal Justice Certificates cancelled³:

– Commonwealth Entry	13
– Commonwealth Stay	26
– State Entry ⁴	3

Criminal Justice Certificates current as at 30 June 2001:

– Commonwealth Entry	13
– Commonwealth Stay	106

Nationalities of persons who hold current Commonwealth Criminal Justice Certificates as at 30 June 2001:

Belgium	2	Malaysia	7
Brazil	4	Netherlands	2
Canada	2	New Zealand	1
China	10	Nigeria	2
France	1	Peru	1
Germany	1	Singapore	14
Hong Kong - Special Administrative Region of the People's Republic of China	6	South Africa	3
Kosovo	2	Spain	4
India	1	St Vincent and Grenadines	1
Indonesia	12	Thailand	2
Iraq	1	Tonga	1
Ireland	2	Turkey	1
Israel	2	Turkish Republic of Northern Cyprus	1
Italy	3	United Kingdom	17
Japan	5	United States of America	8

1 Commonwealth Certificates are issued in relation to proceedings involving Commonwealth offences.

2 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 may be cancelled by the relevant State agency without notification to the Commonwealth Attorney-General's Department.

3 Commonwealth Certificates are cancelled by the Commonwealth Attorney-General's Department.

4 First notification of cancellation of State Entry Certificates were made in February 2001.

13.4 Comparative statistics for extradition and mutual assistance cases 1995–96 to 2000–01

Extradition requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
1995–96	18	7	9	0	1
1996–97	15	18	13	2	2
1997–98	16	22	10	2	3
1998–99	23	6	10	0	2
1999–2000	17	6	6	1	0
2000–01	16	7	4	1	0

Extradition requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
1995–96	20	11	11	2	3
1996–97	15	22	8	1	1
1997–98	27	21	8	2	5
1998–99	33	16	8	2	5
1999–2000	34	22	13	3	1
2000–01	39	15	13	1	2

Mutual assistance requests made by Australia

Year	Cases carried forward	New requests made	Requests executed	Requests refused	Requests otherwise completed
1995–96	71	73	46	7	8
1996–97	83	79	64	0	10
1997–98 *	88	77	83	0	4
1998–99 *	72	60	64	1	17
1999–2000 *	41	61	61	1	6
2000–01	32	63	31	0	10

Mutual assistance requests made to Australia

Year	Cases carried forward	New requests made	Requests executed	Requests refused	Requests otherwise completed
1995–96	51	87	78	2	12
1996–97	46	84	72	4	4
1997–98 *	50	104	119	1	0
1998–99 *	33	117	84	0	10
1999–2000 *	66	149	122	0	5
2000–01	78	153	148	0	38

* Figures for mutual assistance requests during the 1997–98, 1998–99 and 1999–2000 reporting years included work done on matters preparatory and ancillary to the making and execution of mutual assistance requests and therefore differ from corresponding figures for the present reporting year.