

Appendix 10: Extradition, mutual assistance and criminal justice certificates

Extradition matters dealt with in 2004-05 or continuing as at 30 June 2005

Extradition requests made by Australia	
Requests carried forward from 2003-04	14
New requests made	9
Requests granted	7
Requests withdrawn	2
Requests refused	0
Requests otherwise discontinued	0
Requests continuing	14

The following countries granted Australian extradition requests:

Hong Kong – Special Administrative Region of the People's Republic of China	1
Netherlands	1
Solomon Islands	1
Thailand	2
United Kingdom	1
United States of America	1

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

Australia	2
Fiji	1
Hong Kong – Special Administrative Region of the People's Republic of China	1
Netherlands	1
Pakistan	1
United Kingdom	1

People were surrendered for the following major categories of offences:

Child sex	2
Drugs	1
Manslaughter	1
Murder	1
People smuggling	1
Perverting course of justice	1

In previous reporting years, Australia has requested the prosecution of people in foreign countries that had refused Australian extradition requests for those people on the grounds of nationality. At 30 June 2005, one such case was continuing.

The following countries were still considering requests:

Canada	2
Hong Kong – Special Administrative Region of the People's Republic of China	2
Ireland	1
Malaysia	1
South Africa	1
United Kingdom	5
United States of America	2

Extradition requests made to Australia

Requests carried forward from 2003–04	44
New requests received	15
Requests granted	12
Requests withdrawn	3
Requests refused by the Attorney-General	1
Requests refused by the Courts	0
Requests otherwise discontinued	10
Requests continuing	33

Australia granted extradition requests made by the following countries:

Belgium	2
Brazil	1
Germany	2
Hong Kong – Special Administrative Region of the People's Republic of China	2
Pitcairn Island	1
Sri Lanka	1
Switzerland	1
United Kingdom	1
United States of America	1

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

Australia	3
Belgium	1
Brazil	1
Germany	2
Sri Lanka	1
Switzerland	1
United Kingdom	2
United States of America	1

* Nine of the people surrendered consented to being returned to the requesting country.

People were surrendered for the following major categories of offences:

Assault	1
Child sex	2
Drugs	1
Fraud	3
Money laundering	1
Sexual assault	1
Taxation offences/fraud	1
Theft	2

Australia was still considering requests made by the following countries:

Argentina	2
Cambodia	1
Canada	1
Germany	1
Greece	1
Hong Kong – Special Administrative Region of the People's Republic of China	1
Hungary	1
India	1
Ireland	1
Italy	1
Lebanon	2
Philippines	1
Poland	4
Portugal	1
Singapore	1
South Africa	2
Spain	1
United Kingdom	4
United States of America	6

Note: Extradition requests vary considerably in complexity and the time it takes to resolve them. The complexity of an extradition request depends 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.

Mutual assistance matters dealt with in 2004-05 or continuing as at 30 June 2005

Mutual assistance in criminal matters requests made by Australia

Requests carried forward from 2003-04	170
New requests made	151
Requests finalised*	126
Requests continuing	195

* Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From this year, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

The following countries finalised requests by Australia for mutual assistance in criminal matters in 2004-05:

Argentina	2
Austria	3
Belgium	6
British Virgin Islands	1
Brunei	1
Canada	3
China	2
Dominica	1
Fiji	3
Finland	1
France	1
Germany	10
Greece	2
Hong Kong – Special Administrative Region of the People's Republic of China	7
Indonesia	1
Iran	1
Ireland	1
Italy	2
Japan	2
Lebanon	1
Monaco	1

Netherlands	14
Netherlands Antilles	1
New Zealand	6
Peru	1
Singapore	5
South Africa	2
Spain	1
Switzerland	4
Thailand	4
Turkey	1
United Arab Emirates	1
United Kingdom	27
United States of America	7

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

Obtain bank/business records	28
Search and seizure	18
Proceeds of crime (restraining and confiscation orders)	3
Service of documents	3
Other (obtain statement/conduct interview; obtain criminal records; obtain company records; obtain telecommunications records; obtain email records, etc)	74

** Only the primary type of assistance provided is listed.

Mutual assistance in criminal matters requests made to Australia

Requests carried forward from 2003-04	162
New requests	205
Requests finalised*	191
Requests refused	0
Requests continuing	176

* Past annual reports have distinguished between 'requests executed' and 'requests otherwise completed'. From this year, these two categories have been combined under the single heading of 'requests finalised'. This category includes all requests for which assistance is no longer sought, including requests completely executed, requests partially executed where the remainder of the assistance is no longer required, and requests withdrawn.

Australia finalised requests for mutual assistance in criminal matters from the following countries in 2004–05:

Argentina	2
Austria	6
Belarus	1
Belgium	5
Burma/Myanmar	1
Chile	1
Croatia	3
Czech Republic	1
Denmark	3
Estonia	1
Fiji	1
France	1
Germany	9
Hong Kong – Special Administrative Region of the People's Republic of China	2
Hungary	47
Italy	7
Latvia	1
Liechtenstein	2
Mexico	1
Monaco	1
Netherlands	18
New Zealand	6
Norway	1
Poland	3
Portugal	1
Russian Federation	4
Scotland	2
Serbia and Montenegro	1
Slovak Republic	1
Slovenia	2
Spain	4
Sri Lanka	1
Sweden	1
Switzerland	10
Turkey	8

Ukraine	2
United Kingdom	18
United States of America	10
Vanuatu	1
Zambia	1

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

Obtain bank/business records	14
Take evidence	35
Search and seizure	19
Service of documents	98
Other (obtain statement/conduct interview; obtain telecommunications records; obtain brief of evidence; obtain certificates of conviction, etc)	25

** Only the primary type of assistance provided is listed.

Mutual assistance in business regulation requests made to Australia

Two requests (one from the United States of America and one from New Zealand) were received and executed under the *Mutual Assistance in Business Regulation Act 1992* in the past financial year.

International war crimes

There were four new requests for assistance from the International War Crimes Tribunal for the former Yugoslavia in The Hague during 2004–05 (and four carried over from 2003–04). Included in the four new requests were requests to locate a witness, serve documents on a witness and make arrangements for witnesses to travel to The Hague to give evidence.

There were no cases on hand concerning the International War Crimes Tribunal for Rwanda or the Special Court for Sierra Leone or the International Criminal Court.

Criminal justice certificates dealt with in 2004-05 or continuing as at 30 June 2005

Criminal justice certificates issued	
Commonwealth entry ^a	51
Commonwealth stay ^a	78
Commonwealth trafficking stay ^b	23
State entry (endorsed) ^c	18

Criminal justice certificates cancelled^d

Commonwealth entry	42
Commonwealth stay	67
Commonwealth trafficking stay	5
State entry	11

Criminal justice certificates current as at 30 June 2005

Commonwealth entry	22
Commonwealth stay	192
Commonwealth trafficking stay	23

- a Commonwealth certificates are issued in relation to proceedings involving Commonwealth offences.
- b Criminal justice stay certificates are issued to suspected victims of people-trafficking offences who are assisting with the investigation or prosecution of those offences.
- c State certificates are issued for proceedings involving State offences. State entry certificates are issued by the relevant State agency, and endorsed by the Australian Attorney-General or his delegate. 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 notifying the Australian Attorney-General or his delegate.
- d Commonwealth certificates are cancelled by the Australian Attorney-General or his delegate.

Nationalities of persons who hold current Commonwealth criminal justice certificates as at 30 June 2005

Belgium	1
Bolivia	1
Brazil	2
Canada	6
Colombia	6
France	1
Germany	1
Hong Kong – Special Administrative Region of the People's Republic of China	9
India	10
Indonesia	14
Iran	1
Iraq	8
Israel	2
Japan	2
Korea	1
Malaysia	17
Mexico	1
Netherlands	9
New Zealand	2
Nigeria	3
North Korea	1
Pakistan	3
People's Republic of China	28
Peru	1
Republic of China (Taiwan)	1
Singapore	14
South Africa	9
South Korea	1
Spain	7
St Vincent and the Grenadines	1
Thailand	36
Tonga	1
United Kingdom	16
United States of America	15
Uruguay	1
Uzbekistan	1
Vietnam	3
Unknown	1

Table 13: Comparative statistics for extradition and mutual assistance cases, 2000-01 to 2004-05

Extradition requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	16	7	4	1	0
2001-02*	13	7	4	1	5
2002-03	10	12	6	0	1
2003-04	15	9	6	1	3
2004-05	14	9	7	0	2

* During 2001-02, the Extradition Unit developed and implemented an electronic records and statistical retrieval system to replace the paper-based system used in previous reporting periods. This more accurate and comprehensive system, and the process of transcribing paper-based records and archival information to it, identified some discrepancies between opening and closing balances.

Extradition requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	39	15	13	1	2
2001-02*	32	16	8	3	1
2002-03	36	23	8	6	2
2003-04	43	23	14	3	5
2004-05	44	15	12	1	13

* During 2001-02, the Extradition Unit developed and implemented an electronic records and statistical retrieval system to replace the paper-based system used in previous reporting periods. This more accurate and comprehensive system, and the process of transcribing paper-based records and archival information to it, identified some discrepancies between opening and closing balances.

Mutual assistance requests made by Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	32	63	31	0	10
2001-02	54	88	44	2	19
2002-03	77	135	62	0	22
2003-04	133*	161	104	0	51
2004-05	170	151	126	0	n/a

* The higher figures for mutual assistance requests carried forward in 2003-04 for requests made to and from Australia reflect the practice adopted in 2003-04 of counting supplementary requests as separate requests.

Mutual assistance requests made to Australia

Year	Cases carried forward	New requests made	Requests granted	Requests refused	Requests otherwise completed
2000-01	78*	153	148	0	38
2001-02	45*	156	78	0	13
2002-03	110	166	124	2	38
2003-04	117†	179	109	1	30
2004-05	162	205	198	0	n/a

* During 2003-04, the Mutual Assistance Unit implemented an electronic records and statistical retrieval database to replace the paper-based system used in previous reporting periods. This new mutual assistance database has provided a more accurate and comprehensive records system, which has identified some discrepancies between the figures in 2003-04 and previous reporting periods.

† The higher figures for mutual assistance requests carried forward in 2003-04 for requests made to and from Australia reflect the practice adopted in 2003-04 of counting supplementary requests as separate requests.