

# EXTRADITION

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# Extradition Act 1973

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# Extradition Act 1973

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## TABLE OF AMENDMENTS

The Extradition Act 1973 No 5 was certified and commenced on 31 May 1973 (GN No 102/1973; Gaz 22/1973).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Anti Money Laundering Act 2001 No 3	28 August 2001	28 August 2001
Anti Money Laundering Act 2004 No 11	6 September 2004	6 September 2004
Counter Terrorism and Transnational Organised Crime Act 2004 No 14*	3 November 2004	s 80: 26 November 2008
Anti Money Laundering Act 2008 No 13	26 November 2008	26 November 2008
Statute Law Revision Act 2011 No 8	15 April 2011	15 April 2011
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Extradition (Amendment) Act 2024 No 10	20 August 2024	20 August 2024

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\* As amended by *Counter Terrorism and Transnational Organised Crime Act 2008* No 12 which was certified and commenced on 26 November 2008.

[The next page is 120,601]

An Act to provide for the return from the Republic to other countries of persons accused or convicted of offences in those countries, to regulate the treatment of persons accused or convicted of offences in the Republic who are returned from such countries and for purposes connected with the matters aforesaid.

Enacted by the Parliament of Nauru as follows:

## PART 1 — PRELIMINARY

### 1 Short title and commencement

This Act may be cited as the *Extradition Act 1973* and came into effect on 31 May 1973.

[s 1 am Act 8 of 2011 s 12 and Sch 1[62], opn 15 Apr 2011]

### 2 Interpretation

(1) In this Act:

*‘application for habeas corpus’* means an application to the Supreme Court for a writ of *habeas corpus ad subjiciendum*;

*‘country’* includes any territory;

*‘dealt with’* means tried or returned or surrendered to any country or detained with a view to trial or with a view to such return or surrender;

*‘designated country’* has the meaning assigned by Section 4 of this Act;

*‘foreign country’* means a country other than the Republic, whether or not such country is one of the territories for the time being forming the Commonwealth;

*‘imprisonment’* includes detention of any description;

*‘Pacific Islands Forum Country’* means Australia, Cook Islands, Federated States of Micronesia, French Polynesia, Kiribati, Kingdom of Tonga, Marshall Islands, Niue, New Zealand, Palau, Papua New Guinea, Republic of the Fiji Islands, New Caledonia, Samoa, Solomon Islands, Tokelau, Tuvalu, Vanuatu or any other country as may from time to time become a member of the Pacific Islands Forum; and

[def insrt Act 10 of 2024 s 4, opn 20 Aug 2024]

*‘race’* includes tribe.

- (2) For the purposes of this Act, a person convicted of an offence in his or her absence shall be treated as a person accused of that offence.
- (3) Any order made by the Cabinet under this Act, may contain such transitional or other incidental and supplementary provisions as may appear to the Cabinet to be necessary or expedient.
- (4) Any power to make an order under this Act includes power to revoke or vary such an order by a subsequent order.
- (5) For the purposes of this Act, every ship and aircraft of a foreign country

shall, when on the high seas or in flight, as the case may be, outside the Republic be deemed to be within the jurisdiction of, and to be part of, that foreign country.

[s 2 am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

**[The next page is 120,801]**



## PART 2 — RETURN OF OFFENDERS TO FOREIGN COUNTRIES

### 3 Persons liable to be returned

- (1) Subject to the provisions of this Act, a person found in the Republic who is accused of a relevant offence in any foreign country being a country designated for the purposes of this Act under Section 4(1) or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.
- (2) Save as is from time to time provided by any written law relating to the control of the entry into, or the residence in, the Republic of persons who are not Nauruans or to the expulsion from the Republic of undesirable persons, no person shall be arrested in the Republic and returned to any foreign country otherwise than in accordance with the provisions of this Act:

Provided that nothing in this Act shall render unlawful the arrest of a person, not being a Nauruan citizen, on a ship of a foreign country within the territorial waters of Nauru for an offence committed on that ship and his or her removal from Nauru on that ship otherwise than in accordance with the provisions of this Act, if such arrest and removal are otherwise lawful.

[subs (2) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

### 4 Designated countries

- (1) The Cabinet may by regulations published in the Gazette designate for the purposes of this Act any foreign country; and any foreign country so designated is in this Act referred to as a designated country.

[subs (1) am Act 10 of 2024 s 5, opn 20 Aug 2024]

- (2) The Cabinet may by regulations published in the Gazette direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, any designated country subject to such exceptions, adaptations or modifications as may be specified in the regulations.

[subs (2) am Act 10 of 2024 s 5, opn 20 Aug 2024]

- (3) For the purposes of any regulations under subsection (1), any territory for the external relations of which any foreign country is responsible may be treated as part of that foreign country or, if the Government of that country so requests, as a separate foreign country.

[subs (3) renum Act 8 of 2011 s 12 and Sch 1[63], opn 15 Apr 2011; am Act 10 of 2024 s 5, opn 20 Aug 2024]

- (4) No regulations shall be made under this Section in respect of any foreign country unless that foreign country has made, or has agreed to make, substantially similar provision for the arrest in that country and the return to the Republic of persons who are accused of relevant offences in the Republic or who are alleged to be unlawfully at large after conviction of such an offence:

Provided that, notwithstanding that the provision made, or agreed to be made, by any foreign country for the return of offenders to the Republic does not relate to all the relevant offences prescribed in the Schedule, the

regulations may be made in respect of that country if such provision relates to some of those offences and the Cabinet considers it reasonable in all the circumstances to make the regulations and, where any such regulations are made, it may provide that this Part is to apply to the return of offenders to that country as though one or more of the offences prescribed in the said Schedule, to be specified in the order, were not so prescribed.

[subs (4) renum Act 8 of 2011 s 12 and Sch 1[63], opn 15 Apr 2011; am Act 10 of 2024 s 5, opn 20 Aug 2024]

## 5 Relevant offences

- (1) For the purposes of this Act, an offence of which a person is accused or has been convicted in a designated country is a relevant offence if:
  - (a) it is an offence which, however described in that law, falls within any of the descriptions set out in the Schedule and is punishable under that law with imprisonment for a term of 12 months or any greater punishment; and
  - (b) the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of the Republic if it took place within the Republic or, in the case of an extra-territorial offence, in corresponding circumstances outside the Republic.
- (2) In determining for the purposes of this Section, whether an offence against the law of a designated country falls within a description set out in the said Schedule, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.
- (3) The descriptions set out in the said Schedule include in each case offences of attempting or conspiring to commit, of assisting, counselling or procuring the commission of, or being accessory before or after the fact to, the offences therein described, and of impeding the apprehension or prosecution of persons guilty of those offences.
- (4) References in this Section to the law of any country include references to the law of any part of that country.

## 6 General restrictions on return

- (1) A person shall not be returned under this Act to a designated country, or committed to or kept in custody for the purposes of such return, if it appears to the Minister, the District Court in the committal proceedings or the Supreme Court on an application for *habeas corpus* or for review of the order of committal:
  - (a) that the offence of which that person is accused or was convicted is an offence of a political character;
  - (b) that the request for his or her return, though purporting to be made on account of a relevant offence, is in fact made for the purpose of prosecuting or punishing him or her on account of his or her race, religion, nationality or political opinions; or
  - (c) that he or she might, if returned, be prejudiced at his or her trial or punished, detained or restricted in his or her personal liberty by reason of his or her race, religion, nationality or political opinions.
- (2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return,

if it appears as aforesaid that if charged with that offence in the Republic he or she would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

- (3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he or she will not, unless he or she has first been restored or had an opportunity of returning to the Republic, be dealt with in that country for or in respect of any offence committed before his or her return under this Act other than:
  - (a) the offence in respect of which his or her return under this Act is requested;
  - (b) any lesser offence proved by the facts proved before the District Court in the committal proceedings; or
  - (c) any other offence being a relevant offence in respect of which the Minister may consent to his or her being so dealt with.
- (4) Any such arrangement as is mentioned in subsection (3) may be an arrangement made for the particular case or an arrangement of a more general nature and for the purposes of that subsection, a certificate issued by or under the authority of the Minister confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in the certificate.

## 7 Authority to proceed

- (1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with thereunder except in pursuance of an order of the Minister, in this Act referred to as an authority to proceed, issued in pursuance of a request made to the Minister by or on behalf of the Government of the designated country in which the person to be returned is accused or was convicted.
- (2) There shall be furnished with any request made for the purposes of this Section on behalf of any country:
  - (a) in the case of a person accused of an offence, a warrant for his or her arrest issued in that country;
  - (b) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence in that country, and a statement of the amount if any of that sentence which has been served; and
  - (c) together in each case with particulars of the person whose return is requested and of the facts upon which and the law under which he or she is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his or her arrest under Section 8.

[subs (2) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

- (3) On receipt of such a request, the Minister may issue an authority to proceed unless it appears to him or her that an order for the return of the person concerned could not lawfully be made, or would not in fact be made, in accordance with provisions of this Act.

## 8 Arrest for purposes of committal

- (1) A warrant for the arrest of a person accused of a relevant offence, or alleged to be unlawfully at large after conviction of such an offence, in a designated country may be issued:
  - (a) on the receipt of an authority to proceed, by the Resident Magistrate; or
  - (b) without such an authority, by the Resident Magistrate on information that the said person is or is believed to be in or on his or her way to the Republic,and any warrant issued by virtue of paragraph (b), is in this Act referred to as a provisional warrant.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

- (2) A warrant of arrest under this Section may be issued upon such evidence as would, in the opinion of the Resident Magistrate, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence, within the Republic.
- (3) Where a provisional warrant is issued under this Section, the Resident Magistrate shall forthwith give notice to the Minister and transmit to him or her the information and evidence, or certified copies of the information and evidence, upon which it was issued and the Minister may in any case, and shall if he or she decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him or her from custody.
- (4) A warrant of arrest issued under this Section may be executed in any part of the Republic by a person to whom it is directed or by any police officer.
- (5) Where a warrant is issued under this Section for the arrest of a person accused of an offence of stealing or receiving stolen property or any other offence in respect of property, the Resident Magistrate shall have the like power to issue a warrant to search for the property as if the offence had been committed in the Republic.

## 9 Proceedings for committal

- (1) A person arrested in pursuance of a warrant under Section 8 shall, unless previously discharged under Section 8(3), be brought as soon as practicable before the District Court.
- (2) For the purposes of proceedings under this Section the District Court shall have the like jurisdiction and powers, as nearly as may be, including power to remand in custody or on bail, as it has in committal proceedings under the *Criminal Procedure Act 1972*.
- (3) Where the person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him or her, the District Court may fix a reasonable period, of which the court shall give notice to the Minister, after which he or she will be discharged from custody unless such an authority has been received.
- (4) Where an authority to proceed has been issued in respect of the person arrested and the District Court is satisfied, after hearing any evidence

tendered in support of the request for the return of that person or on behalf of that person, that the offence to which the authority relates is a relevant offence and is further satisfied:

- (a) where that person is accused of the offence, that the evidence would be sufficient to warrant his or her trial for that offence if it had been committed in the Republic; or
- (b) where that person is alleged to be unlawfully at large after conviction of the offence, that he or she has been so convicted and appears to be so at large,

the court shall, unless his or her committal is prohibited by any other provision of this Act, commit him or her to custody to await his or her return and if the court is not so satisfied or if the committal of that person is so prohibited, the court shall discharge him or her from custody.

## 10 Application for habeas corpus, etc

- (1) Where a person is committed to custody under Section 9, the court shall inform him or her in ordinary language of his or her right to make an application for *habeas corpus* and shall forthwith give notice of the committal to the Minister.
- (2) A person committed to custody under Section 9 shall not be returned under this Act:
  - (a) in any case, until the expiration of the period of 15 days beginning with the day on which the order of his or her committal is made; or
  - (b) if an application for *habeas corpus* is made in his or her case, so long as proceedings on that application are pending.
- (3) On any such application the Supreme Court may, without prejudice to any other jurisdiction of the Court, order the person committed to be discharged from custody if it appears to the Court that:
  - (a) by reason of the trivial nature of the offence of which he or she is accused or was convicted;
  - (b) by reason of the passage of time since he or she is alleged to have committed it or to have become unlawfully at large, as the case may be; or
  - (c) because the accusation against him or her is not made in good faith in the interests of justice,it would, having regard to all the circumstances, be unjust or oppressive to return him or her.
- (4) On any such application the Supreme Court may receive additional evidence relevant to the exercise of its jurisdiction under Section 6 or subsection (3).
- (5) For the purposes of this Section, proceedings on an application for *habeas corpus* shall be treated as pending until any appeal in those proceedings is disposed of and an appeal shall be treated as disposed of at the expiration of the time within which the appeal may be brought or, where leave to appeal is required, within which the application for leave may be made, if the appeal is not brought or the application made within that time.

## 11 Order for return to requesting country

- (1) Where a person is committed under Section 9 to await his or her return and

is not discharged by order of the Supreme Court under Section 10, the Minister may by warrant order him or her to be returned to the foreign country by which the request for his or her return was made unless the return of that person is prohibited, or prohibited for the time being, by Section 6 or this Section, or the Minister decides under this Section to make no such order in his or her case.

- (2) An order shall not be made under this Section in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence, in the Republic:
- (a) in the case of a person serving such a sentence, until the sentence has been served; or
  - (b) in the case of a person charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment, not being a suspended sentence, until the sentence has been served.

[subs (2) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

- (3) The Minister shall not make an order under this Section in the case of a person if it appears to the Minister, on the grounds in Section 10(3), that it would be unjust or oppressive to return that person.
- (4) The Minister may decide to make no order under this Section in the case of a person accused or convicted of a relevant offence not punishable with death in the Republic if that person could be or has been sentenced to death for that offence in the foreign country by which the request for his or her return is made.
- (5) The Minister may decide to make no order under this Section for the return of a person committed in consequence of a request made on behalf of any foreign country, if another request for his or her return under this Act has been made on behalf of another country and it appears to the Minister, having regard to all the circumstances of the case and in particular:
- (a) the relative seriousness of the offences in question;
  - (b) the date on which each such request was made; and
  - (c) the nationality or citizenship of the person concerned and his or her ordinary residence,
- that preference should be given to the other request.
- (6) Notice of the issue of a warrant under this Section shall forthwith be given to the person to be returned thereunder.

## 12 Discharge in case of delay in returning

- (1) Where a person committed to await his or her return is in custody in the Republic under this Act after the expiration of the following period, that is to say:
- (a) in any case, the period of 2 months beginning with the first day on which, having regard to Section 10(2), he or she could have been returned; or
  - (b) where a warrant for his or her return has been issued under Section 11, the period of 1 month beginning with the day on which that warrant was issued,
- he or she may apply to the Supreme Court for his or her discharge.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

- (2) Where upon any such application the Court is satisfied that reasonable notice of the proposed application, has been given to the Minister, the Court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his or her return has been issued under Section 11, quash that warrant.

### 13 Evidence

- (1) In any proceedings under this Act, including proceedings on an application for *habeas corpus* in respect of a person in custody thereunder:
  - (a) a document, duly authenticated, which purports to set out evidence given on oath in a designated country, shall be admissible as evidence of the matters stated in a document;
  - (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any such country shall be admissible in evidence; and
  - (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of a part of, any such country shall be admissible as evidence of the fact and date of the conviction.

[subs (1) am Act 8 of 2011 s 12 and Sch 1[65], opn 15 Apr 2011]

- (2) A document shall be deemed to be duly authenticated for the purposes of this Section:
  - (a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a Judge, magistrate or officer in or of the country in question to be the original document containing or recording that evidence or a true copy of such a document;
  - (b) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been, so received; and
  - (c) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid, and in any such case the document is authenticated either by the oath of a witness or by the official seal of a Minister of the designated country, as the case may be.
- (3) In this Section, '*oath*' includes affirmation or declaration and nothing in this Section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this Section.
- (4) Where any document which is admissible as evidence under subsection (1) is not in the English language, the provisions of the *Supreme Court Act 2018* and any rules of court shall apply, as though such document were an affidavit.

### 14 Custody

- (1) A person remanded or committed to custody under Section 9 shall be committed to the correctional centre.
- (2) Where a person who is in custody by virtue of a warrant under this Act escapes out of custody, he or she may be retaken in any place in the

Republic in like manner as a person escaping from custody under a warrant for his or her arrest issued in the Republic in respect of an offence committed therein.

- (3) A warrant under Section 11 for the return of a person to any foreign country shall be sufficient authority for all persons to whom it is directed and all police officers to receive that person, keep him or her in custody and convey him or her into the jurisdiction of that country.

## **15 Form of warrants and orders**

- (1) Any warrant or order to be issued or made by the Minister under any of the provisions of this Act shall be given under the hand of the Minister.
- (2) The Minister may make regulations prescribing the form of any warrant or order to be issued or made under the provisions of this Act.

[The next page is 121,001]



## **PART 3 — SIMPLIFIED PROCEDURE FOR EXTRADITION**

[Pt 3 insrt Act 10 of 2024 s 6, opn 20 Aug 2024]

### **16 Simplified procedure for extradition**

- (1) A simplified procedure may be considered by the Minister for the returning of an offender to a designated country under Part 2, where:
  - (a) a person who is accused or convicted of a relevant offence voluntarily consents to be returned to a designated country having been informed of a request being made by the designated country for the return of the person;
  - (b) the request is made by a Pacific Islands Forum Country and which is a designated country under this Act; or
  - (c) any other circumstances which the Cabinet may deem necessary.
- (2) In considering an application under subsection (1), the Minister shall consider:
  - (a) the person accused or convicted of a relevant offence is given a fair hearing and opportunity to take legal advice; and
  - (b) that a person accused or convicted of a relevant offence to which Section 6 and Section 12 applies is not extradited from the Republic.

[The next page is 121,201]

## **PART 4 — TREATMENT OF PERSONS RETURNED FROM FOREIGN COUNTRIES**

[Pt 3 renum as Pt 4 Act 10 of 2024 s 6, opn 20 Aug 2024]

### **17 Restriction upon proceedings for other offences**

- (1) This Section applies to a person accused or convicted of an offence under the law of the Republic who is returned to the Republic from any designated country under any law of that country corresponding with this Act.
- (2) A person to whom this Section applies shall not, during the period described in subsection (3), be dealt with in the Republic for or in respect of any offence committed before he or she was returned to the Republic other than:
  - (a) the offence in respect of which he or she was returned;
  - (b) any lesser offence proved by the facts proved for the purposes of securing his or her return; or
  - (c) any other offence in respect of which the Government of the country from which he or she was returned may consent to his or her being dealt with.
- (3) The period referred to in subsection (2) in relation to a person to whom this Section applies is the period beginning with the day of his or her arrival in the Republic on his or her return as mentioned in subsection (1) and ending 45 days after the first subsequent day on which he or she has the opportunity to leave the Republic.

[s 16 renum as s 17 Act 10 of 2024 s 6, opn 20 Aug 2024]

### **18 Restoration of persons acquitted or not tried**

- (1) This Section applies to a person accused of an offence under the written laws of the Republic who is returned to the Republic under Section 17(1).
- [subs (1) am Act 10 of 2024 s 6, opn 20 Aug 2024]
- (2) Where in the case of a person to whom this Section applies, either:
    - (a) proceedings against him or her for the offence for which he or she was returned are not begun within the period of 6 months beginning with the day of his or her arrival in the Republic on being returned; or
    - (b) on his or her trial for that offence, he or she is acquitted,he or she shall forthwith be restored by the Minister to the country from which he or she has returned to the Republic.

[s 17 renum as s 18 Act 10 of 2024 s 6, opn 20 Aug 2024]

[The next page is 121,401]

## PART 5 — MISCELLANEOUS

[Pt 4 renum as Pt 5 Act 10 of 2024 s 7, opn 20 Aug 2024]

### 19 Power of foreign countries to obtain evidence in the Republic

The testimony of a witness may be obtained in the Republic in relation to any criminal matter pending in any court or tribunal in a foreign country in like manner as it may be obtained in relation to any civil matter under Section 47 of the *Civil Procedure Act 1972* and the provisions of that Section shall apply to the obtaining of such testimony:

Provided that such testimony shall not be obtained in the Republic in the case of any criminal matter of a political character or relating to an alleged offence under the fiscal laws of a foreign country.

[s 18 renum as s 19 Act 10 of 2024 s 7, opn 20 Aug 2024]

### 20 Power to make regulations

- (1) The Cabinet may make regulations as are necessary or expedient to give effect to this Act.
- (2) Without limiting subsection (1), regulations may give effect to this Act by prescribing the following matters:
  - (a) designating any foreign country with which the Republic may have mutual arrangements for extradition;
  - (b) procedure for receiving applications for extradition, considering applications for extradition and extraditing persons under this Act;
  - (c) establishing simplified procedure for the purposes of Part 3 of this Act or any other written law;
  - (d) amending the Schedule in relation to the offences for which extradition applications may be considered by the Republic;
  - (e) rules and procedure for taking evidence by a foreign country in the Republic either through the court procedures or any other arrangement with the law enforcement agencies;
  - (f) providing the list of designated countries; and
  - (g) prescribing the form of any warrant or order to be issued or made under the provisions of this Act.

[s 20 subst Act 10 of 2024 s 7, opn 20 Aug 2024]

### 21 Savings and transitional provision

An act, decision, undertaking, arrangement, understanding entered into or order or other subsidiary legislation made under the provisions that are amended by the *Extradition (Amendment) Act 2024*, shall be deemed to have been made under this Act and shall remain valid unless it is varied, suspended or revoked under this Act.

[s 21 insrt Act 10 of 2024 s 8, opn 20 Aug 2024]

[The next page is 121,601]

## SCHEDULE

[Section 5]

### DESCRIPTION OF RELEVANT OFFENCES

[Sch am Act 3 of 2001 s 34, opn 28 Aug 2001; Act 14 of 2004 s 80, opn 26 Nov 2008; Act 8 of 2011 s 12 and Sch 1[64], opn 15 Apr 2011]

- 1 Murder
- 2 Genocide
- 3 Manslaughter or culpable homicide
- 4 An offence against the law relating to abortion
- 5 Maliciously or wilfully wounding or inflicting grievous bodily harm
- 6 Assault occasioning actual bodily harm
- 7 Rape
- 8 Unlawful sexual intercourse with a female
- 9 Indecent assault
- 10 Procuring, or trafficking in, women or young persons for immoral purposes
- 11 Bigamy
- 12 Kidnapping, abduction or false imprisonment, or dealing in slaves
- 13 Stealing, abandoning, exposing or unlawfully detaining a child
- 14 Bribery
- 15 Perjury or subornation of perjury or conspiring to defeat the course of justice
- 16 Arson or fire-raising
- 17 An offence concerning counterfeit currency
- 18 An offence against the law relating to forgery
- 19 Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud
- 20 Burglary, housebreaking or any similar offence
- 21 Robbery
- 22 Blackmail or extortion by means of threats or by abuse of authority
- 23 An offence against bankruptcy law or corporation law
- 24 Malicious or wilful damage to property
- 25 An act done with the intention of endangering a vehicle, vessel or aircraft
- 26 An offence against the law relating to dangerous drugs or narcotics
- 27 Piracy
- 28 Revolt against the authority of the master of a ship or the commander of an aircraft
- 29 Hi-jacking aircraft
- 30 An offence under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and *Proceeds of Crime Act 2004*
- 31 An offence under the *Counter Terrorism and Transnational Organised Crimes Act 2004*

[The next page is 130,001]



# Extradition (Forms) Regulations 1973

## TABLE OF PROVISIONS

*Regulation*

*Title*

1

Citation

2

Forms

### SCHEDULE

FORM 1 — AUTHORITY TO PROCEED

FORM 2 — WARRANT OF ARREST

FORM 3 — PROVISIONAL WARRANT OF ARREST

FORM 4 — WARRANT OF COMMITTAL FOR SAFE CUSTODY

FORM 5 — WARRANT OF COMMITTAL PENDING RETURN TO  
REQUESTING COUNTRY

FORM 6 — WARRANT FOR RETURN OF OFFENDER

FORM 7 — DISCHARGE OF OFFENDER

[The next page is 130,201]

# Extradition (Forms) Regulations 1973

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## TABLE OF AMENDMENTS

The Extradition (Forms) Regulations 1973 were made and commenced on 31 May 1973.

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 130,401]

IN EXERCISE of the powers conferred on me by Section 15 of the *Extradition Act 1973*, I hereby make the following Regulations:

**1 Citation**

These Regulations may be cited as the *Extradition (Forms) Regulations 1973* and came into effect on 31 May 1973.

**2 Forms**

Warrants and orders issued or made under the *Extradition (Forms) Regulations 1973* shall be substantially in accordance with the forms set out in the Schedule.

[The next page is 130,601]

**SCHEDULE**

**FORM 1**

FORM NO EXT/1



**REPUBLIC OF NAURU**  
EXTRADITION ACT 1973

**AUTHORITY TO PROCEED**

*[Section 7]*

To the Resident Magistrate and the District Court

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated for the purposes of the *Extradition Act 1973*;

AND WHEREAS a request has been received by me from the Government of \_\_\_\_\_ for the return to that country\*/ \_\_\_\_\_, being a territory for the external relations of which \_\_\_\_\_ is responsible, of \_\_\_\_\_, late of \_\_\_\_\_, accused\*/convicted of \_\_\_\_\_, being a relevant offence for the purposes of the said Act, within the jurisdiction of \_\_\_\_\_;

NOW I hereby authorise the Resident Magistrate, to proceed to issue a warrant for the said \_\_\_\_\_ to be arrested and brought before the District Court;

AND I hereby also authorise the District Court, upon the said \_\_\_\_\_ being brought before it, to deal with him or her in accordance with Section 9(4) of the said Act.

DATED the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Minister for Foreign Affairs

\* Delete whichever is not applicable

# Delete if not required

**FORM 2**

FORM NO EXT/2



**REPUBLIC OF NAURU**  
**EXTRADITION ACT 1973**

**WARRANT OF ARREST***[Section 8(1)(a)]*

To Commissioner of Police

Warrant No

WHEREAS an order of the Cabinet published on                    designated                    for the purposes of  
the                    *Extradition Act 1973*;

AND WHEREAS a request has been received by the Minister for Foreign Affairs from the  
Government of                    for the return to that country\* I                    , being a territory for the  
external relations of which                    is responsible, of                    , late of                    ,  
accused\* /convicted of                    , being a relevant offence for the purposes of the said Act,  
within the jurisdiction of                    ;

AND WHEREAS the Minister for Foreign Affairs has authorised me to issue a warrant for the  
said                    to be arrested and brought before the District Court;

YOU ARE HEREBY authorised and required to arrest the said                    and to bring him or her  
as soon as practicable before the District Court at the Court House at Yaren.

DATED the                    day of                    20                    .

Resident Magistrate

\* Delete whichever is not applicable



**FORM 3**

FORM NO EXT/3



**REPUBLIC OF NAURU**  
EXTRADITION ACT 1973

**PROVISIONAL WARRANT OF ARREST***[Section 8(1)(b)]*

To Commissioner of Police

Warrant No

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated \_\_\_\_\_ for the purposes of the *Extradition Act 1973*;

AND WHEREAS I have been informed by \_\_\_\_\_ that \_\_\_\_\_, late of \_\_\_\_\_, is accused of \*/unlawfully at large after conviction for \_\_\_\_\_, a relevant offence the purposes of the said Act, within the jurisdiction of \_\_\_\_\_;

YOU ARE HEREBY authorised and required to arrest the said \_\_\_\_\_ and to bring him or her as soon as practicable before the District Court at the Court House at Yaren.

DATED the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Resident Magistrate

\* Delete whichever is not applicable

## FORM 4

FORM NO EXT/4



REPUBLIC OF NAURU  
EXTRADITION ACT 1973

## WARRANT OF COMMITTAL FOR SAFE CUSTODY

[Section 9(2)]

In the District Court

Warrant No

To Commissioner of Police and Chief Correctional Officer

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated \_\_\_\_\_ for the purposes of the *Extradition Act 1973*;

\* AND WHEREAS a request has been received by the Minister for Foreign Affairs from the Government of \_\_\_\_\_ for the return to that country\*/ \_\_\_\_\_ being a territory for the external relations of which \_\_\_\_\_ is responsible, of \_\_\_\_\_, late of \_\_\_\_\_, accused\*/ convicted of \_\_\_\_\_, being a relevant offence for the purposes of the Act within the jurisdiction of \_\_\_\_\_;

\* AND WHEREAS the Minister for Foreign Affairs has authorised me to issue a warrant for the said \_\_\_\_\_ to be arrested and brought before the District Court;

AND WHEREAS the said \_\_\_\_\_ has been arrested and brought before this court under the provisions of the Act and the proceedings of this court in the matter have been adjourned until \_\_\_\_\_;

You, the said Commissioner of Police, are authorised and required to take the said into your custody and to convey him or her to the correctional centre and there deliver him or her to the Chief Correctional Officer;

And you, the Chief Correctional Officer, are authorised and required to receive the said \_\_\_\_\_ into your custody and to keep him or her in the correctional centre and produce him or her before this court on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_

Resident Magistrate

\* Delete whichever is not applicable

**FORM 5**

FORM NO EXT/5



**REPUBLIC OF NAURU**  
EXTRADITION ACT 1973

**WARRANT OF COMMITTAL PENDING RETURN TO REQUESTING COUNTRY***[Section 9(4)]*

In the District Court

Warrant No

To Commissioner of Police and to the Chief Correctional Officer

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated \_\_\_\_\_ for the purposes of the *Extradition Act 1973*;

AND WHEREAS a request has been received by the Minister for Foreign Affairs from the Government of \_\_\_\_\_ for the return to that country\*/ \_\_\_\_\_ being a territory for the external relations of which \_\_\_\_\_ is responsible, of \_\_\_\_\_, late of \_\_\_\_\_, accused\*/ convicted of \_\_\_\_\_, being a relevant offence for the purposes of the said Act within the jurisdiction of \_\_\_\_\_;

AND WHEREAS the Minister for Foreign Affairs has authorised the District Court to deal with the said \_\_\_\_\_ in accordance with Section 9(4) of the Act;

AND WHEREAS the District Court is satisfied that there is sufficient evidence to warrant the trial of the said \_\_\_\_\_ for the said offence\*/ the said \_\_\_\_\_ has been convicted of the said offence and appears to be unlawfully at large;

You, the said Commissioner of Police, are authorised and required to take the said into your custody and to convey him or her to the correctional centre and there deliver him or her to the Chief Correctional Officer;

And you, the Chief Correctional Officer, are authorised and required to receive the said \_\_\_\_\_ into your custody and to keep him or her in the correctional centre to await his or her return to \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Resident Magistrate

**FORM 6**

FORM NO EXT/6



**REPUBLIC OF NAURU**  
EXTRADITION ACT 1973

**WARRANT FOR RETURN OF OFFENDER***[Section 11(1)]*

To the Chief Correctional Officer

Warrant No

and

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated \_\_\_\_\_ for the purpose of the *Extradition Act 1973*;

AND WHEREAS a request has been received by me from the Government of \_\_\_\_\_ for the return to that country\*/ \_\_\_\_\_, being a territory for the external relations of which \_\_\_\_\_ is responsible, of \_\_\_\_\_, late of \_\_\_\_\_, accused\*/convicted of \_\_\_\_\_, being a relevant offence for the purposes of the said Act, within the jurisdiction of \_\_\_\_\_;

AND WHEREAS the District Court has committed the said \_\_\_\_\_ to the correctional centre to await his or her return to \_\_\_\_\_;

I HEREBY ORDER that the said \_\_\_\_\_ be returned to \_\_\_\_\_;

AND I hereby authorise and require the Chief Correctional Officer of the correctional centre to deliver the said \_\_\_\_\_ to \_\_\_\_\_ for his or her said return to \_\_\_\_\_;

AND I hereby authorise \_\_\_\_\_ to receive the said \_\_\_\_\_ into his or her custody and to take him or her out of the Republic to \_\_\_\_\_ and there to deliver him or her into the custody of such person as is appointed to receive him or her.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Minister for Foreign Affairs

**FORM 7**

FORM NO EXT/7



**REPUBLIC OF NAURU**  
EXTRADITION ACT 1973

**DISCHARGE OF OFFENDER***[Section 11]*

To the Chief Correctional Officer

WHEREAS an order of the Cabinet published on \_\_\_\_\_ designated \_\_\_\_\_ for the purpose of the \_\_\_\_\_ *Extradition Act 1973*;

AND WHEREAS a request has been received by me from the Government of \_\_\_\_\_ for the return to that country\*/ \_\_\_\_\_, being a territory for the external relations of which \_\_\_\_\_ is responsible, of \_\_\_\_\_, late of \_\_\_\_\_, accused\*/convicted of \_\_\_\_\_, being a relevant offence for the purposes of the said Act, within the jurisdiction of \_\_\_\_\_;

NEVERTHELESS it appears to me that

and I, therefore, order you to discharge the said \_\_\_\_\_ from your custody forthwith.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

Minister for Foreign Affairs

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# Extradition (Designated Countries) Order 2023

## TABLE OF PROVISIONS

*Clause*

1	Citation
2	Designated countries
3	Case Management
4	Forms and procedure
	SCHEDULE

[The next page is 133,201]



# Extradition (Designated Countries) Order 2023

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## TABLE OF AMENDMENTS

The Extradition (Designated Countries) Order 2023 SL 32 was notified and commenced on 6 October 2023 (GN No 1106/2023; Gaz 214/2023).

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<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
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[The next page is 133,401]

This Order is made by the Cabinet under Section 2(3) and 4(1) of the *Extradition Act 1973*:

**1 Citation**

This Order may be cited as the *Extradition (Designated Countries) Order 2023*.

**2 Designated countries**

The countries specified in the Schedule are hereby designated as countries to which the provisions of the Act apply.

**3 Case Management**

- (1) For the purposes of extradition under the Act and ensuring that the requirements of the Act are met in a timely manner, the Secretary for Justice shall in consultation with the Minister maintain a Register of the requests made under the Act.
- (2) The Register shall be kept and maintained by the Secretary, who shall record all important activities, events or matters relating to the requests.
- (3) The Register shall keep a list of persons extradited into or out of the Republic with all the necessary information which includes name, address, email address, extradition date and reasons for extradition.
- (4) The information contained under this Regulation may be made available to the public upon payment of fees, unless exempted by the Secretary for Justice.

**4 Forms and procedure**

- (1) Where there are no specific forms or procedures prescribed, any proceeding so filed under the Act shall be conducted in accordance with existing written laws, including Rules or Practice Directions issued by the Chief Justice.
- (2) An appeal from one hierarchy of a court to another shall be instituted and heard in the same manner as is undertaken in other causes or matters.
- (3) The enforcement of an order shall be undertaken in accordance with existing procedures under any written law including, the *Administration of Justice Act 2018*.

[The next page is 133,501]

**SCHEDULE**

Australia	Republic of the Fiji Islands
Cook Islands	Palau
Kingdom of Tonga	Papua New Guinea
Kiribati	Samoa
New Caledonia	Solomon Islands
New Zealand	Tokelau
Niue	Tuvalu
Marshall Islands	Vanuatu

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