

Draft Extradition Bill published

Justice and Constitutional Development Minister, Ronald Lamola, says international cooperation is imperative in fighting against sophisticated, multinational crimes.



Image source: scyther5 – [123RF.com](https://www.123RF.com)

This as the department published the draft Extradition Bill for public comment.

The Minister said the State capture commission had demonstrated how intricate and refined corruption schemes can be and the State's need to guard against it in all ways.

“Some of these schemes often involve the commission [with regard to] criminal acts in multiple jurisdictions. This is a challenge for our criminal legislation, especially for law enforcement and prosecution agencies. To address this, we need to improve our international cooperation capacity in its various forms.

“Effective international cooperation is critically important for successfully investigating and prosecuting high-profile and complex corruption and white-collar crime cases,” Lamola said.

The department explained that the draft bill seeks to bring South Africa in line with modern international standards.

“The international community has developed a series of mechanisms for international cooperation in criminal matters concerned in particular with extradition, mutual legal assistance, the transfer of criminal proceedings, the transfer of convicted persons, recognition of decisions of foreign criminal jurisdictions, the freezing or seizure of assets, and cooperation between law enforcement agencies. Those mechanisms relate to all types of criminality – international, transnational or national – including terrorism.

“The current Extradition Act No 67 of 1962 is outdated. It is not in line with the Constitution of South Africa, modern extradition practices, and it does not cater for all procedures which are currently followed internationally,” the department said.



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Anait Miridzhanian 26 Jul 2022



It is envisioned that the new bill, if passed and assented to, will address these deficiencies.

“The changes proposed in the Bill also cater for the seizure of property which may be transferred to the State that requested extradition. It clarifies the role of magistrates in extradition proceedings and provides for a provisional arrest, surrender of a person sought by an international entity in respect of international crimes such as genocide, war crimes and crime against humanity.

“Currently, the only international entity that can have persons extradited to it is the International Criminal Court,” the department said.

Public comments and questions on the bill are now open with a deadline set for 4 October this year.

“Once the deadline for the receipt of the comments has passed, all comments will be considered and evaluated and the draft Bill will be redrafted, taking these inputs into account.

“Only then will the Bill be sent to Cabinet for approval for introduction into Parliament. Once in Parliament, the public will have further opportunities to make input on the Bill as it passes through the National Assembly and National Council of Provinces,” the department explained.

Comments must be submitted to Ms R Baloyi on or before 4 October 2022.

Comments can be posted to: The Department of Justice and Constitutional Development Chief Directorate: Legislative Development, Private Bag X81, Pretoria, 0001.

E-mail comments can be sent to RegoBaloyi@justice.gov.za

Send a fax to 012 406 4769.