

SURVEY OF EXTRADITION, MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND TRANSFER OF PRISONER LAWS IN COMMONWEALTH JURISDICTIONS

A Note by the Commonwealth Secretariat

1. In response to the request by Senior Officials of Law Ministries, the Secretariat has updated and extended the scope of the 1989 publication entitled *Survey of Extradition and Fugitive Offenders Legislation as Between Commonwealth Jurisdictions*. It is anticipated that the publication will require further modification prior to it being issued in loose leaf form to all governments. The revised volume contains information on the extradition, mutual assistance in criminal matters and transfer of prisoner laws of Commonwealth countries. It draws on all information available to the Commonwealth Secretariat as at February 1996. The information, although largely related to national laws designed to give effect to:

- (a) The London Scheme on the Rendition of Fugitive Offenders;
- (b) The Harare Scheme on Mutual Legal Assistance in Criminal Matters; and
- (c) The Scheme for the Transfer of Convicted Offenders

also contains information on laws which permit member countries to co-operate with non-Commonwealth countries. Part II covering Mutual Assistance in Criminal Matters includes information on laws enacted to give effect to other mutual assistance obligations (for example those arising under multilateral conventions) and on laws permitting courts to render assistance to other countries pursuant to commissions rogatoire, letters of request and similar documents.

2. In compiling the information in the publication the Secretariat has relied on various sources including copies of national laws and information provided to it; information contained in the 1989 volume on the subject of extradition; answers to the 1995 survey and, where appropriate, Halsbury's Laws of England and Halsbury's Statutes.

3. The publication contains information which has not been certified as correct by all member countries

and, accordingly, the Secretariat believes that its distribution should be limited until such time as each country has had a reasonable opportunity to peruse its entry and make such alterations and additions as it considers appropriate. The publication will therefore be made available to each delegation at the Kuala Lumpur Meeting where it is anticipated that Ministers may wish to set a date by which final confirmation of entries should be received so as to enable publication.

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