



# GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2033.

16 September 1987

No. 2033.

16 September 1987

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

—No. 46 of 1987: Extradition Amendment Act, 1987.

No. 46 van 1987: Wysigingswet op Uitlewering, 1987.

Act No. 46, 1987

EXTRADITION AMENDMENT ACT, 1987

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

**]** Words underlined with solid line indicate insertions in existing enactments.

**ACT**

To amend the Extradition Act, 1962, so as to provide that certain documents certified in the prescribed manner may be received in evidence at an enquiry relating to the extradition of a person to a State in Africa with which an extradition agreement for the endorsement of warrants of arrest has been concluded; to make provision that where the extradition of a person who has committed an offence in such a State has been requested through diplomatic channels, the extradition enquiry shall be conducted in accordance with section 10 of the said Act; and to provide expressly that an extradited person may also be detained or tried for an offence of which he may lawfully be convicted on a charge of the offence in respect of which his extradition was requested, and that he may also with his consent be detained or tried for other offences; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 3 September 1987.)*

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 67 of 1962, as amended by section 18 of Act 93 of 1963, section 53 of Act 70 of 1968 and section 15 of Act 29 of 1974.

1. Section 2 of the Extradition Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph: 5

“(c) unless provision is made by the law of the foreign State or by the agreement, that no person surrendered to such State shall, until he has been returned or had an opportunity of returning to the Republic, be detained or tried in the foreign State for any offence committed prior to his surrender other than the offence in respect of which extradition was sought or an offence of which he may lawfully be convicted on a charge of the offence in respect of which extradition was sought or that no such person shall be so detained or tried without the consent of himself or the Minister.” 10 15

Amendment of section 9 of Act 67 of 1962.

2. Section 9 of the principal Act is hereby amended—  
 (a) by the substitution for subsection (3) of the following subsection:

“(3) Any deposition, statement on oath or affirmation taken, whether or not taken in the presence of the accused person, or any record of any conviction or any warrant issued in a foreign State, or any copy or sworn translation thereof, may be received in evidence at any such enquiry if— 20 25

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(a) authenticated in the manner foreign documents may be authenticated to enable them to be produced in any court in the Republic or in the manner provided for in the extradition agreement concerned; or 5

(b) certified as original documents or as true copies or translations thereof by a judge or magistrate, or by an officer authorized thereto by one of them, of the associated State concerned, in the case of an enquiry with the view to the extradition of a person to an associated State.”; and 10

(b) by the substitution for subsection (4) of the following subsection:

“(4) At any enquiry relating to a person alleged to have committed an offence— 15

(a) in a foreign State other than an associated State, the provisions of section [ten] 10 shall apply;

(b) in an associated State—

(i) the provisions of section 10 shall apply in the case of a request for extradition contemplated in section 4 (1); and 20

(ii) the provisions of section [twelve] 12 shall apply in any other case.”.

Amendment of section 19 of Act 67 of 1962, as amended by section 19 of Act 93 of 1963 and section 54 of Act 70 of 1968.

3. Section 19 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words: 25

“No person surrendered to the Republic by any foreign State in terms of an extradition agreement shall, until he has been returned or had an opportunity of returning to such foreign State, be detained or tried in the Republic for any offence committed prior to his surrender other than the offence in respect of which extradition was sought or an offence of which he may lawfully be convicted on a charge of the offence in respect of which extradition was sought, unless such foreign State or such person consents thereto.”. 35

Short title.

4. This Act shall be called the Extradition Amendment Act, 1987.