

Extradition Act

Part I - GENERAL - PRELIMINARY

1. Arrangements for surrender of criminals

(1) Where an arrangement has been made with any country with respect to the surrender to that country of any fugitive criminal, the Minister may, by statutory instrument, order that this Part of this Act shall apply in the case of that country subject to such conditions, exceptions and qualifications as may be specified in the order, and this Part shall apply accordingly.

(2) An order made under the preceding subsection shall recite or embody the terms of the arrangement and shall not remain in force for any longer period than the arrangement.

(3) Every order made under this section shall be laid before the National Assembly.

2. Restrictions on surrender of criminals

(1) The following provisions shall be observed with respect to the surrender of fugitive criminals, that is to say,

(a) a fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if it appears to a court or the Minister that the requisition for his surrender has in fact been made with a view to trying or punishing him for an offence of a political character;

(b) a fugitive criminal shall not be surrendered to any country unless provision is made by the law of that country, or by arrangement, that the fugitive criminal shall not, unless he has been restored or had an opportunity of returning to Uganda, be detained or tried in that country for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded;

(c) a fugitive criminal who has been accused of some offence within the jurisdiction of Uganda, not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in Uganda, shall not be surrendered until after he has been discharged, whether by acquittal or on the expiration of his sentence or otherwise;

(d) a fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

3. Application to Commonwealth countries

(1) A country to which Part I of the Fugitive Offenders Act, 1881, applied immediately before the commencement of this Act, shall be a country to which this Part of this Act applies.

(2) A country with which an arrangement, in force immediately before the commencement of this Act, was made under the Fugitive Criminals Surrender Ordinance shall be a country to which this part of this Act applies.

(3) The Ministry may, by statutory instrument, declare, as respects any country, (a) that it is a country to which, by virtue of subsection (1) of this section, this Part of this Act applies; or (b) that an arrangement to which subsection (2) of this section applies and which is recited or embodied in the declaration is in force; and the declaration shall be conclusive as to the matters to which it relates.

(4) For the avoidance of doubts it is hereby declared that the purpose of a declaration under the provisions of subsection (3) of this section, is to facilitate the ascertainment of the matters to which it relates and the fact that a declaration has not been made as respects any country shall not affect the question whether by virtue of the provisions of subsection (1) or subsection (2) of this section this Part of this Act applies to that country.

4. Discontinuance

Whenever it appears to the Minister that the law of a country to which the provisions of subsection (1) of the immediately preceding section of this Act applies no longer contains reciprocal provisions or that an arrangement with any country referred to in subsection (2) of the said section is no longer in force, the Minister may, by statutory instrument, discontinue the application of this Part of this Act to that country.

Surrender of criminals

5. Liability of criminal to surrender

Where this Part of this Act applies in the case of any country, every fugitive criminal of that country who is in or suspected of being in Uganda shall be liable to be apprehended and surrendered in manner provided by this Part of this Act,

(a) whether the crime in respect of which the surrender is sought was committed before or after the commencement of this Act or the application of this Part of this Act to that country; and

(b) whether there is or is not any concurrent jurisdiction in a court of Uganda over that crime.

6. Liability of accessories to be surrendered

Every person who is accused or convicted of having counselled, procured, commanded, aided or abetted the commission of an extradition crime or of being accessory before or after the fact to any extradition crime, shall be deemed, for the purpose of this Part of this Act, to be accused or convicted of having committed that crime, and shall be liable to be apprehended and surrendered accordingly.

7. Minister's order for surrender

(1) A requisition for the surrender of a fugitive criminal of any country, who is in or suspected of being in Uganda shall be made to the Minister by a diplomatic representative or consular officer of that country.

(2) The Minister may, upon a requisition being made under the provisions of the preceding subsection signify in writing to a Magistrate that a requisition has been made and require the Magistrate to issue his warrant for the apprehension of the fugitive criminal.

(3) Where the Minister is of the opinion that the offence is one of a political character, he may refuse to make an order and may also at any time order a fugitive criminal accused or convicted of the offence to be discharged from custody.

8. Issue of warrant

(1) The warrant for the apprehension of a fugitive criminal whether accused or convicted of a crime, who is in or suspected of being in Uganda, may be issued by a Magistrate,

(a) on the receipt of the order by the Minister and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in Uganda; or

(b) on such information or complaint and such evidence or after such proceedings as would, in the opinion of the Magistrate issuing the warrant, justify the issue of a warrant if the crime had been committed or the criminal convicted in the district in which he exercises his jurisdiction.

(2) A magistrate issuing a warrant under this section without an order from the Minister shall forthwith send a report of the fact of the issue, together with the evidence and information or complaint or certified copies thereof to the Minister who may order the warrant to be cancelled and the person who has been apprehended on the warrant to be discharged.

(3) A fugitive criminal apprehended on a warrant under this section shall be brought before a Magistrate within the next twenty-four hours.

(4) A fugitive criminal apprehended on a warrant issued without the order of the Minister shall be discharged by the Magistrate unless the Magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from the Minister an order signifying that a requisition has been made for the surrender of the criminal.

11. Surrender of fugitive by warrant of Minister

(1) Whenever a Magistrate commits a fugitive criminal to prison, he shall inform the criminal that he will not be surrendered until after the expiration of fifteen days and that he has a right to apply for an order of habeas corpus.

(2) Upon the expiration of the period of fifteen days, or, if an order of habeas corpus is issued, after the decision of the court upon the return of the order, as the case may be, or after such further period as may be allowed in either case by the Minister, the Minister may by warrant order the fugitive criminal, if not delivered on the decision of the court, to be surrendered to such person as is in his opinion, duly authorised to receive the fugitive criminal by the country from which the requisition for the surrender proceeded, and the fugitive criminal shall be surrendered accordingly.

(3) A person to whom the warrant is directed, and the person so authorised, may receive, hold in custody and convey into the jurisdiction of that country the criminal mentioned in the warrant.

(4) Where a criminal mentioned in a warrant issued under the provisions of this section escapes out of any custody to which he may be delivered on or in pursuance of the warrant, he may be retaken in the same manner as any person accused of any crime against the laws of Uganda may be retaken upon an escape.

12. Discharge of persons apprehended

Whenever a fugitive criminal who has been committed to prison is not surrendered and conveyed out of Uganda within two months after the committal, or if an order of habeas corpus is issued, after the decision of the court upon the return of the order, any Judge of the High Court may,

(a) upon application made to him by or on behalf of the criminal; and

(b) upon proof that reasonable notice of the intention to make the application has been given to the Minister,

order the criminal to be discharged out of custody unless sufficient cause is shown to the contrary.

Part II - RECIPROCAL BACKING OF WARRANTS

22. Exclusion of political offences

The Minister shall not transmit a requisition under the provisions of section 21 of this Act and a warrant shall not be endorsed under this Part of this Act for the apprehension of any person if the offence is one of a political character or it appears to the Minister or a court that the requisition has in fact been made with a view to trying or punishing him for an offence of a political character.

Part III - MISCELLANEOUS PROVISIONS

Supplementary

27. Extradition crimes

(1) For the purposes of this Act, "extradition crime" means a crime which, if committed within the jurisdiction of Uganda, would be an indictable offence described in the First Schedule to this Act.

(2)The Minister may, by statutory instrument, amend the First Schedule to this Act by the insertion of further offences, deletion of any offence or the alteration of any description of any offence.

28. Interpretation

In this Act unless the contrary intention requires,

"accused person" includes a person convicted for contumacy;

"conviction" and "convicted" do not include or refer to a conviction which, under foreign law, is a conviction for contumacy;

"fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any other country who is in or is suspected of being in Uganda;

"Magistrate" means a Magistrate of the first class;

"Minister" means the Minister to whom functions under this Act are assigned;

"warrant" in the case of any country, includes any judicial document authorising the arrest of a person accused or convicted of a crime.