

TITLE 32 – CRIMINAL PROCEDURES
CHAPTER 2 - CRIMINAL EXTRADITION



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CRIMINAL EXTRADITION ACT

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CRIMINAL EXTRADITION ACT

AN ACT to provide for procedures to govern criminal extraditions and matters associated therewith. This Act was codified formerly as Part X of Chapter 1 of this Title.

Commencement:

Not Specified

Source:

TTC 1966

Amended By: 12 TTC 1970
12 TTC 1980

COM P.L. 7-4 (1977)

§201. Short title.

This Chapter may be cited as the “Criminal Extradition Act”. [Short title supplied by the Commissioner]

§202. Interpretation.

Where appearing in this Part:

- (a) “**Cabinet**” includes a member of the Cabinet or any person acting on authority of the Cabinet;
- (b) “**executive authority**” includes the head of state, and any person or body performing the functions of head of state in any nation, state, territory, or subdivision thereof, outside of the Republic. [12 TTC 1970, §451; COM P.L. 7-4, §1 (1977); 12 TTC 1980, §451, modified.]

§203. Fugitives from justice; duty of the Cabinet.

Subject to the provisions of this Chapter the Cabinet shall have arrested and delivered up to the executive authority of another government any person charged with treason, felony, or other crime, who has fled from justice and is found in the Republic. [12 TTC 1970, §452; 12 TTC 1980, §452, modified.]

§204. Form of request.

- (1) No request for the extradition of a person charged with or convicted of crime in another nation, state, territory or subdivision thereof, hereinafter “foreign country” shall be recognized by the Cabinet unless in writing alleging, except in cases arising under Section 208 of this Chapter, that the accused was present in the requesting foreign country at the time of the commission of the alleged crime and that thereafter has fled from such foreign country. Such demand shall be accompanied by:
 - (a) a copy of an indictment found;
 - (b) a copy of an information supported by an affidavit filed in the foreign country having jurisdiction of the crime;
 - (c) a copy of an affidavit made before a magistrate in such foreign country together with a copy of any warrant which was issued thereon; or
 - (d) a copy of a judgment of conviction or of a sentence imposed in execution thereof together with a statement by the executive authority of the requesting state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole.
- (2) The indictment, information or affidavit made before the magistrate must substantially charge the person requested with having committed a crime under the law of the requesting foreign country and the copy must be authenticated by the executive authority making the request, which shall be prima facie evidence of its truth. [12 TTC 1970, §453; 12 TTC 1980, §453, modified.]

§205. Official investigation of request for extradition.

When a request shall be made upon the Cabinet by the executive authority of a foreign country for the surrender of a person charged with or convicted

of a crime, the Cabinet may call upon the Attorney-General or any prosecuting officer in the Republic to investigate or assist in investigating the request and to report to it the situation and circumstances of the person so requested, and whether he ought to be surrendered. [12 TTC 1970, §454; 12 TTC 1980, §454, modified.]

§206. Extradition of person imprisoned or awaiting trial in another country.

When it is desired to have returned to the Republic a person charged in the Republic with a crime and such person is imprisoned or is held under criminal proceedings then pending against him in a foreign country, the Cabinet may agree with the executive authority of such foreign country for the extradition of such person before the conclusion of such proceedings or his term of sentence in such foreign country, upon condition that such person be returned to such foreign country at the expense of the Republic as soon as the prosecution in the Republic is terminated. [12 TTC 1970, §455; 12 TTC 1980, §455, modified.]

§207. Extradition of persons who have left requesting foreign country involuntarily.

The Cabinet may also surrender on request of the executive authority of any foreign country any person in the Republic who is charged, in the manner provided in Section 225 of this Chapter, with having violated the laws of the foreign country whose executive authority is making the request, even though such person left the requesting foreign country involuntarily. [12 TTC 1970, §456; 12 TTC 1980, §456, modified.]

§208. Extradition of persons not present in requesting foreign country at time of commission of crime.

The Cabinet may also surrender, on request of the executive authority of any foreign country, any person in the Republic charged in such state, in the manner provided in Section 204 of this Chapter, with committing an act in the Republic, or in a third state, intentionally resulting in a crime in the foreign country whose executive authority is making the request. The provisions of this Chapter not otherwise inconsistent shall apply to such cases, even though the accused was not in that foreign country at the time of the commission of the crime, and has not fled therefrom. [12 TTC 1970, §457; 12 TTC 1980, §457, modified.]