

No. 31866

**NEW ZEALAND
and
FIJI**

**Agreement on extradition. Signed at Auckland on 21 March
1992**

Authentic text: English.

Registered by New Zealand on 1 June 1995.

**NOUVELLE-ZÉLANDE
et
FIDJI**

**Accord relatif à l'extradition. Signé à Auckland le 21 mars
1992**

Texte authentique : anglais.

Enregistré par la Nouvelle-Zélande le 1^{er} juin 1995.

AGREEMENT¹ ON EXTRADITION BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF FIJI

The Government of New Zealand and the Government of the Republic of Fiji,
Considering it necessary to put in place arrangements between the two countries for the reciprocal extradition of offenders,
Have agreed as follows:

Article I

Both Parties agree to extradite to the other, in the circumstances and subject to the conditions described below, persons found in its territory who have been charged with or convicted of any of the offences mentioned in Article II of this Agreement committed within the territory of the other or committed outside the territory of the other but constituting an offence under the law of both Parties.

Article II

Extradition shall be granted, in accordance with the provisions of this agreement, in respect of the following offences:

1. Murder.
2. Manslaughter.
3. Aiding and abetting suicide.
4. Aggravated wounding, injuring or assault; wounding or injuring with intent to cause grievous bodily harm; disabling.
5. Threatening to kill or do grievous bodily harm.
6. Discharging firearm or doing dangerous act with intent; endangering transport.
7. Unlawful throwing or application of any corrosive or injurious substances; poisoning; infecting with disease.
8. Sexual violation, including rape under Fiji law, or inducing sexual connection by coercion; incest; indecent assault; including sexual intercourse under pretence of marriage; conspiracy to induce sexual intercourse; sexual or anal intercourse with severely subnormal person; compelling indecent act with animal.
9. Killing unborn child.
10. Unlawfully procuring abortion; supplying means of procuring abortion.
11. Unlawful sexual acts, indecency or anal intercourse with or upon children under the age specified by the laws of both the requesting and requested parties.
12. Procuring sexual intercourse.
13. Abandonment of a minor under the age of six years; cruelty to a child.

¹ Came into force on 14 April 1992 by the exchange of the instruments of ratification, in accordance with article XIX.

14. Bigamy.
15. Kidnapping; abduction.
16. Robbery; aggravated robbery; assault with intent to rob; compelling execution of documents by force; demanding with intent to steal.
17. Burglary; entering with intent.
18. Theft.
19. Criminal breach of trust.
20. Obtaining property, money or valuable securities by false pretences or by conspiracy to defraud the public or any person by deceit or falsehood or other fraudulent means, whether such deceit or falsehood or any fraudulent means would or would not amount to a false pretence.
21. Falsifying accounts or registers; false accounting; making of false statement; concealing documents; fraudulent concealment, destruction or procuring of execution of documents; acknowledging instrument in false name; drawing document without authority.
22. Extortion.
23. Receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained.
24. Personation.
25. Forgery; uttering forged documents or false certificates; other offences relating to forgery.
26. The making or the utterance, circulation or fraudulent use of counterfeit money or counterfeit seals and stamps of the government or public authority; other offences relating to counterfeiting.
27. Knowingly and without lawful authority, making or having in possession any instrument, tool, or machine adopted and intended for the counterfeiting of money, whether coin or paper.
28. Perjury.
29. False swearing; fabricating evidence.
30. Unlawful obstruction of justice through corruption and bribery of judicial officers, public servants, members of parliament, law enforcement officers; conspiracy to bring false accusation; corrupting juries and witnesses by threats, bribes, or other corrupt means.
31. Arson; damage to property by fire or explosive.
32. Wilful damage to property.
33. Wrecking.
34. Interfering with means of transport, utilities or communications.
35. Piracy; piratical acts; dealing in slaves.
36. Offences against the bankruptcy laws which are punishable by more than three months' imprisonment.
37. Dealing with controlled drugs; cultivation of prohibited plants; aiding any such offence against corresponding law in another country.

38. Hijacking of aircraft; other crimes relating to aircraft.
39. Crimes, including threats, against internationally protected persons or against premises or vehicles of or used by internationally protected persons.
40. Hostage taking.
41. Committing or being party to an act of torture.

Extradition shall also be granted for attempts to commit or for conspiring to commit or for being a party or an accessory after the fact to any of the offences mentioned in this Article.

Article III

A reference in this agreement to the territory of a Party is a reference to all the territory falling under the jurisdiction of that Party, including territorial waters, and the airspace thereover belonging to or under the control of one of the Parties, and vessels and aircraft belonging to one of the Parties or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas.

Article IV

Extradition shall be granted only if the evidence be found sufficient, according to the laws of the place where the person sought shall be found, either to justify that person's committal for trial if the offence of which the person is accused had been committed in that place or to prove that the person is the person convicted by the courts of the requesting Party.

Article V

Neither of the Parties shall be bound to deliver up its own citizens, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

Article VI

Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished or is otherwise lawfully detained in consequence of such acquittal or conviction in the territory of the requested Party for the offence for which the extradition of that person is requested.
2. When the person whose surrender is sought has been tried and acquitted or has undergone punishment in a third State for the offence for which the extradition of that person is requested.
3. When the prosecution or the enforcement of the penalty for the offence has become barred by lapse of time under statute law of the requesting Party or would be barred by lapse of time under statute law of the requested Party had the offence been committed in its territory.
4. If the offence for which extradition is requested is of a political character, or if the offender proves that the request for his surrender has in fact been made with a view to try or punish him for an offence of a political character. If any question arises as to whether a case comes within the provisions of this paragraph, it shall be determined according to the laws of the requested Party.