

HK and Ireland sign Surrender of Fugitive Offenders Agreement

The Secretary for Justice, Mr Wong Yan Lung, SC, on behalf of the Hong Kong Special Administrative Region (HKSAR) Government, and the Irish Minister for Justice, Equality and Law Reform, Mr Brian Lenihan, representing the Government of the Republic of Ireland, today (October 5, Dublin time) signed a bilateral agreement on the Surrender of Fugitive Offenders.

The agreement signed is 17th of its kind concluded by the HKSAR to facilitate international co-operation against crimes.

Mr Wong said the signing of the agreement represented closer and more comprehensive judicial co-operation between the two sides. It also strengthened both side's capability in denying safe haven to criminals.

The agreement sets out the conditions for the surrender of fugitive offenders between Hong Kong and Ireland, and contains the usual safeguards of similar international agreements. These include:

- * the double criminality rule: the conduct in respect of which a person's return is required must constitute an offence punishable by imprisonment for at least one year according to the law of both Parties;
- * death penalty: surrender shall be refused if the offence for which surrender of a fugitive is requested is punishable with the death penalty;
- * the political offences rule: surrender shall be refused if the offence in question is an offence of a political character;
- * the prima facie rule: a requirement that the evidence against the person sought by the Requesting Party should be sufficient to justify his committal for trial according to the law of the Requested Party;
- * the specialty rule: a person returned must not be tried for offences other than those for which he was surrendered; and
- * protection against re-surrender to a third jurisdiction.

The agreement will enter into force 30 days after both parties have notified each other that their respective requirements for the entry into force of the agreement have been complied with.

Ends/Friday, October 5, 2007

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