EXTRADITION IN TRINIDAD AND TOBAGO

Trinidad and Tobago's domestic legislation dealing with the extradition of fugitives is contained in the *Extradition (Commonwealth and Foreign Territories) Act, 1985*. Trinidad and Tobago can extradite both citizens and non-citizens.

The *Extradition (Commonwealth and Foreign Territories) Act, 1985* (hereinafter referred to as "the Act") provides the domestic legal framework for extradition to and from Trinidad and Tobago.

The Attorney General has the exclusive authority to decide whether to order the return of fugitives to declared commonwealth and declared foreign territories. The Attorney General also presents requests for the extradition of fugitives who are abroad and wanted in Trinidad and Tobago for prosecution or fugitives who are abroad and unlawfully at large after conviction.

I. Extradition from Trinidad and Tobago

Trinidad and Tobago may extradite a fugitive to a requesting country only if it is declared commonwealth territory, or a treaty has been concluded and the Attorney General has declared the treaty partner to be a foreign territory to which the Act applies (hereinafter referred to as "declared foreign territory").

Trinidad and Tobago is currently party to a bilateral extradition treaty with the United States of America. Several additional bilateral extradition treaties are at various stages of negotiation.

Requests for extradition of a fugitive must be received through the diplomatic channel. Requests for the provisional arrest (in urgent cases) may be received through diplomatic channels, or Interpol or the channel prescribed by the relevant treaty. Once received by the Attorney General, these requests and their supporting documents are examined by counsel in the Central Authority Department to ensure that they are complete and conform with the Act and if applicable, the relevant treaty.

After review by counsel in the Central Authority Department, the documentation will be transmitted to the Director of Public Prosecutions. If necessary, additional evidence or information will be sought by counsel in the Central Authority Department from the requesting country.

The Director of Public Prosecutions will represent the requesting country in the extradition proceedings. This includes obtaining the arrest warrant from a magistrate and taking part in the extradition hearing. Any appeal proceedings are handled by the Solicitor General's Department in the Ministry of the Attorney General and Legal Affairs in consultation with the Director of Public Prosecutions.
At the extradition hearing, if the person sought is accused of an offence, the magistrate must be satisfied that the evidence submitted in support of the request reveals conduct which would amount to an extraditable offence and would be sufficient to warrant the person's committal for trial for that offence if the offence had been committed in Trinidad and Tobago. Where the person is alleged to be unlawfully at large after conviction of an offence, the magistrate must be satisfied that the conviction relates to an extraditable offence, that the person has been so convicted and appears to be so at large. If so satisfied and committal is not prohibited by any provision of the Extradition (Commonwealth and Foreign Territories) Act, the magistrate will commit the fugitive to custody to await the warrant of the Attorney General for his return.

Section 16(1) of the Act gives the Attorney General the authority to order the return of the fugitive to the territory by which the request for his return in accordance with the Act.

II. Extradition to Trinidad and Tobago

The Attorney General, at the request of the prosecution or correctional authorities in Trinidad and Tobago, will seek the provisional arrest and the arrest of a fugitive found outside of Trinidad and Tobago.

Criminal activity has become increasingly transnational in nature. Criminals who orchestrate international crime have no regard for international borders; they are quick to take advantage of national borders to shield themselves from justice. Accordingly, members of the international law enforcement community must enhance their level of cooperation if they are to be successful in the fight against transnational crime. Extradition and mutual legal assistance are two very important means through which the international community can fight the transnational criminal. The Republic of Trinidad and Tobago is committed to these and other forms of international cooperation in criminal matters.

For further information please do not hesitate to contact the Central Authority Department of Trinidad and Tobago at this address.

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