

Singapore: Extradition Act of 1968

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Comments This is the official text as published and printed in 1970 by the Government Printer, Singapore. Last amendment included here is Act 16 of 1969. This document includes only selected provisions.

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This legislation includes amendments up to and including: 1969

Part II - EXTRADITION TO FOREIGN STATES

7. Restrictions on surrender of persons to foreign States

(1) A person shall not be liable to be surrendered to a foreign State if the offence to which the requisition for his surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character.

(2) A person shall not be liable to be surrendered to a foreign State unless provision is made by a law of that State, or by an extradition treaty in force between Singapore and that State, by virtue of which the person shall not, unless he has been returned, or has had an opportunity of returning, to Singapore

(a) be detained or tried in that foreign State for any offence that is alleged to have been committed, or was committed, before his surrender other than the offence to which the requisition for his surrender relates or any other offence of which he could be convicted upon proof of the facts on which that requisition was based; or

(b) be detained in that foreign State for the purpose of his being surrendered to another country for trial or punishment for any offence that is alleged to have been committed, or was committed, before his surrender to that foreign State other than an offence of which he could be convicted upon proof of the facts on which the requisition referred to in paragraph (a) of this subsection was based.

(3) A person who is held in custody, or has been admitted to bail, in Singapore in respect of an offence that is alleged to have been committed in Singapore, or is undergoing a sentence for a conviction in Singapore, shall not be liable to be surrendered to a foreign State until he has been discharged from custody, or the recognizances upon which he was admitted to bail have been discharged, as the case may be, whether as a result of his acquittal, on the expiration of his sentence or otherwise.

(4) A person shall not be liable to be surrendered to a foreign State in respect of an offence if he has been acquitted or pardoned by a competent tribunal or authority in any country, or has undergone the

punishment provided by the law of, or of a part of, any country, in respect of that offence or of another offence constituted by the same act or omission as that offence.

8. Restriction on power of Minister to authorise the apprehension, or order the surrender, of a fugitive

The Minister shall not give a notice under subsection (1) of section 9 of this Act, or issue a warrant under subsection (2) of section 12 of this Act, in respect of a fugitive from a foreign State, if the Minister has substantial grounds for believing that -

(a) the requisition for the surrender of the fugitive, although purporting to have been made in respect of an offence for which, but for this section, he would be liable to be surrendered to that State, was made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or

(b) if the fugitive is surrendered to that State, he may be prejudiced at his trial, or punished, detained or restricted in his personal liberty, by reason of his race, religion, nationality or political opinions.

Part IV - EXTRADITION TO AND FROM DECLARED COMMONWEALTH COUNTRIES

20. Restrictions on surrender of persons to Commonwealth countries

(1) A person shall not be liable to be surrendered to a declared Commonwealth country if the offence to which the requisition for his surrender relates is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character.

(2) A person who is held in custody, or has been admitted to bail, in Singapore in respect of an offence that is alleged to have been committed in Singapore, or is undergoing a sentence of imprisonment for a conviction in Singapore, shall not be liable to be surrendered to a declared Commonwealth country until he has been discharged from custody, or the recognizances upon which he was admitted to bail have been discharged, as the case may be, whether as a result of his acquittal, on the expiration of his sentence or otherwise.

(3) A person shall not be liable to be surrendered to a declared Commonwealth country in respect of an offence if he has been acquitted or pardoned by a competent tribunal or authority in any country, or has undergone the punishment provided by the law of, or of a part of, any country, in respect of that offence or of another offence constituted by the same act or omission as that offence.

21. Restriction on power of Minister to authorise the apprehension, or order the surrender, of a fugitive

(1) The Minister shall not give a notice under subsection (1) of section 22 of this Act, or issue a warrant under subsection (2) of section 26 of this Act, in respect of a fugitive from a declared Commonwealth country if the Minister has substantial grounds for believing that -

(a) the requisition for the surrender of the fugitive, although purporting to have been made in respect of an offence for which, but for this section, he would be liable to be surrendered to that country, was made for the purpose of prosecuting or punishing him on account of his race, religion, nationality, or political opinions; or

(b) if the fugitive is surrendered to that country, he may be prejudiced at his trial, or punished, detained or restricted in his personal liberty, by reason of his race, religion, nationality or political opinions.

(2) If the Minister is satisfied that, by reason of -

- (a) the trivial nature of the offence that a fugitive is alleged to have committed or has committed;
- (b) the accusation against a fugitive not having been made in good faith or in the interests of justice; or
- (c) the passage of time since the offence is alleged to have been committed or was committed,

and having regard to the circumstances under which the offence is alleged to have been committed or was committed it would be unjust, oppressive or too severe a punishment to surrender the fugitive, or to surrender him before the expiration of a particular period, the Minister shall not issue a warrant under subsection (2) of section 26 of this Act in respect of the fugitive, or shall not issue such a warrant before the expiration of that period, as the case may be.

(3) The Minister shall not issue a warrant under subsection (2) of section 26 of this Act in respect of a fugitive from a declared Commonwealth country unless provision is made by the law of that country, or that country has entered into an agreement with, or given an undertaking to, Singapore, by virtue of which the fugitive will not, unless he has been returned, or has had an opportunity of returning, to Singapore -

(a) be detained or tried in that country for any offence that is alleged to have been committed, or was committed, before his surrender other than -

(i) the offence to which the requisition for his surrender relates or any lesser offence of which he could be convicted upon proof of the facts on which that requisition was based; or

(ii) any other extradition crime in respect of which the Minister consents to his being so detained or tried, as the case may be; or

(b) be detained in that country for the purpose of his being surrendered to another country for trial or punishment for any offence that is alleged to have been committed, or was committed, before his surrender to the first-mentioned country other than -

(i) a lesser offence of which he could be convicted upon proof of the facts on which the requisition referred to in paragraph (a) of this subsection was based; or

(ii) any other offence in respect of which the Minister could issue a warrant under this Part for his surrender to that other country and in respect of which the Minister consents to his being so detained.

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