

**EXTRADITION (AMENDMENT) BILL, 2021**

(Bill No. 3 of 2021)

**OBJECTS AND REASONS**

The Extradition Act, 1991 (Cap 78) (hereinafter referred to as Extradition Act) was enacted to reform the law relating to the extradition of offenders. The applicable laws before the enactment of Extradition Act are the United Kingdom Extradition Acts, 1870 to 1935 and the Fugitive Offenders Act, 1967 which were made part of the laws of Seychelles during the time when Seychelles was a colony. The Extradition Act, 1991 came into operation on the 1<sup>st</sup> day of July, 1995 (S.I. 45 of 1995). The Extradition Act was based on a scheme, which was prepared by the Commonwealth Secretariat and adopted by a large number of Commonwealth countries. Subsequent to the enactment of the said Act, certain orders have been issued to apply the Extradition Act to some of the Commonwealth countries. Some of the countries have been declared as designated Foreign States in pursuance of section 3 of the Extradition Act.

The Financial Action Task Force (FATF), an inter-governmental body established in 1989 by the Ministers of the member jurisdictions has set out the standards to promote effective implementation of the measures for combating money laundering activities. Recommendation No. 39 of the said recommendations relates to Extradition. The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a regional body has been, *inter alia*, tasked by the FATF to oversee the implementation of FATF Recommendations in the Region. The said ESAAMLG evaluated the steps taken for implementation of FATF recommendations and submitted its Mutual Evaluation Report (MER) in September, 2018. In the said MER, the ESAAMLG, *inter alia*, observed that criterion No. 39.1 has been partly met and criterion No.'s 39.2 to 39.4 have been met with the recommendations of the FATF. In order to meet with the said observations, it is proposed to amend sections 2, 4, 17 and First Schedule to the Extradition Act (Cap. 78). The salient features of the proposed Bill are as follows:

- (A) Amendment of section 2 (Definitions): The Bill proposes to define the terms “Minister” and “terrorist financing

activities”. In respect of “terrorist financing activities” it proposes to be given the same meaning provided in the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020).

- (B) Amendment of section 4 and the First Schedule: It is proposed to insert a new subsection (5) to declare money laundering and terrorist financing activities as an extraditable offence and consequentially to include the offence of money laundering and terrorist financing activities under section 3 of the AMLCFT Act, 2020 in the First Schedule of the Extradition Act.
- (C) Insertion of new subsection (4) in section 17: It is proposed to insert a new subsection (4) in section 17 of the Extradition Act to have a case management register both manual and digital copies to retrieve the data regarding the extradition cases dealt with in the Republic.
- (D) Amendment of First Schedule: It is proposed to include an entry in the First Schedule to provide offence of money laundering as an extraditable offence.

**Dated this 19<sup>th</sup> day of February, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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*(Bill No. 3 of 2021)*



**A BILL  
FOR**

**AN ACT to amend the Extradition Act (*Cap. 78*).**

**ENACTED** by the President and the National Assembly.

**Short title and commencement**

**1.** This Act may be cited as the Extradition (Amendment) Act, 2021 and shall come into operation on such date as the Minister may by notice in the *Gazette*, appoint.

**Amendments to Cap. 78**

2. The Extradition Act (Cap. 78) is hereby amended as follows —

(a) in section 2, —

(i) after the definition “Interpol”, the following definition shall be added —

“Minister” means the Minister responsible for legal affairs;’;

(ii) after the definition “person committed”, the following definition shall be added —

’ “terrorist financing activities” shall have the same meaning assigned to it in section 2 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);’;

(iii) in section 4, after subsection (4), the following subsection shall be added —

“(5) Notwithstanding anything in any other law in force, —

(a) the offence of money laundering under section 3 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);

(b) terrorist financing activities as defined under section 2 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);

(c) terrorist financing activities under section 5 of the Prevention of Terrorism Act (Cap. 179),

shall be an extraditable offence for the purposes of this Act.”;

- (iv) in section 17, after subsection (3) the following new section shall be added —

“(4) The Attorney General shall maintain a case management system in manual and electronic form to be known as “register of extradition cases”, with such details and in such form as the Attorney General may determine.”.

- (d) in the First Schedule, after serial number 29, the following serial number and description of the extraditable offence shall be added —

“(30) Offence of money laundering under section 3 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020) and offence of terrorist financing activities under section 5 of the Prevention of Terrorism Act (Cap. 179).”.