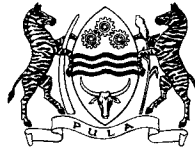


EXTRADITION (AMENDMENT) ACT, 2018

No. 12



of 2018

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 3 of Cap. 09:03
3. Amendment of section 8 of the Act

An Act to amend the Extradition Act.

Date of Assent: 29.06.18

Date of Commencement: 29.06.18

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Extradition (Amendment) Act, 2018. Short title
2. The Extradition Act (hereinafter referred to as “the Act”) is amended in section 3 by inserting immediately after subsection (3), the following new subsections — Amendment of section 3 of Cap. 09:03
 - “(4) Where an arrangement has not been made under subsection (1) with respect to the surrender to a country of any fugitive criminal, the President may, by order published in the *Gazette*, direct that this Act shall apply in the case of that country subject to such conditions, exceptions and qualifications as may be specified in the order.
 - (5) Any order under subsection (4) may prescribe what crimes shall be deemed to be extradition crimes for the purposes of the order and this Act.”.
3. Section 8 of the Act is amended by inserting immediately after subsection (2), the following new subsection — Amendment of section 8 of the Act
 - “(3) Subject to the provisions of subsection (1), where a fugitive criminal has not been surrendered, the requesting country may subject to the laws of Botswana submit the case to the Director of Public Prosecutions for assessment of the evidence and where the evidence is sufficient to warrant prosecution of the matter the Director of Public Prosecutions may prosecute.”.

PASSED by the National Assembly this 11th day of June, 2018.

BARBARA N. DITHAPO,
Clerk of the National Assembly.