

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 49

Senator Ludwig asked the following question at the hearing on 23 May 2007:

Dragan Vasiljkovic

- (a) Can the Department provide an overview of where the matter is up to at the moment in terms of his extradition?
- (b) What has been the total expenditure on this case so far?
- (c) Has the government *received* any representations from the International Criminal Court in the Hague on this matter?

If so:

- (i) When did the government receive them?
- (ii) What was the content of the representations?

- (d) Has the government *sought* any representations from the ICC on this matter?

If so:

- (i) When did the government seek them?
- (ii) What was the content of the representations that were sought?

- (e) Have there been any other form of communication between the government and the ICC on this matter?

If so:

- (i) When did the government seek them?
- (ii) What was the content of the representations that were sought?

- (f) What would the effect of cooperation with the ICC mean for a person in this sort of situation?
- (g) Would it be taken into account in deciding whether or not to extradite?
- (h) Are there other circumstances where it *has* been taken into account?

The answer to the honourable senator's question is as follows:

- (a) On 12 April 2007, a magistrate found Mr Vasiljkovic to be eligible for extradition under section 19 of the *Extradition Act 1988* (Cth). On 23 April 2007, Mr Vasiljkovic filed an application in the Federal Court for review of the magistrate's decision under section 21 of the Extradition Act. This application is listed to be heard by the Federal Court on 10 March 2008.
- (b) This is an ongoing matter but, as of 29 January 2008, the Commonwealth's approximate expenditure on legal services during the various extradition related litigation in respect of Mr Vasiljkovic is \$167,000.

- (c) As this is an ongoing matter, it would be inappropriate to comment on representations received or sought by the Australian government.
- (d) Please refer to (c).
- (e) No.
- (f) The issue of a person's cooperation with the ICC is not a matter to be considered by the magistrate when determining whether someone is eligible for extradition under section 19 of the Extradition Act. Depending on the circumstances, the issue may be relevant to a determination under section 22 whether to surrender a person to a requesting country.
- (g) Persons whose extradition is sought are afforded an opportunity to make representations as to why they should not be surrendered. Any such representations are considered by the Minister in determining whether to surrender the person. As noted in the response at (f) cooperation with the ICC could be a relevant consideration in the context of a surrender determination under section 22 of the Extradition Act.
- (h) It would be inappropriate to comment on factors which may have been taken into account in previous extradition matters.