



**Supreme Court of New Zealand
Te Kōti Mana Nui**

29 NOVEMBER 2019

MEDIA RELEASE

MINISTER OF JUSTICE V KIM

(SC 57/2019)

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. Given the breadth and complexity of the issues raised in the proceeding, it involves some simplification and addresses only the major points in issue. The synopsis does not comprise part of the reasons for the judgments of the lower Courts. The full judgments with reasons are the only authoritative documents and can be found at www.courtsofnz.govt.nz

A High Court order which prohibits publication of the identity of the countries that have provided details about their dealing with the People's Republic of China in news media or on the internet or other publicly available database remains in force.

The respondent, Mr Kim, was alleged by Chinese authorities to have killed a woman in Shanghai in 2009. Chinese authorities requested his extradition in 2011. There has been a lengthy and complex history of proceedings since then as Mr Kim opposed his extradition to the People's Republic of China.

The Minister decided that Mr Kim was eligible for surrender. The [Court of Appeal](#) quashed this decision and remitted it to the Minister of Justice. Leave to appeal to this Court was [granted](#) on the question of whether the Court of Appeal was correct to quash and remit the Minister of Justice's decision to surrender Mr Kim under s 30 of the Extradition Act 1999.

The hearing on 4 December 2019 is not to determine the substantive issue. This hearing addresses whether a permanent or acting judge of the Supreme Court can sit on the Supreme Court whilst they are a member of a royal commission or government inquiry. At present, both William Young J and Arnold J are conducting inquiries. Which Judges can sit on the appeal must be determined first before the substantive appeal can be heard.

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