

Article 4 - Mandatory Refusal of Extradition

Extradition shall not be granted:

a. if the offence for which extradition is requested is considered by the requested State to be a political offence or an offence connected with such an offence. The taking or attempted taking of the life of the Head of State or the Head of Government or a member of their families shall not be considered to be a political offence;

b. if the offence for which extradition is requested is an offence under military law and is not an offence under the general criminal law of both States;

c. if the person sought has been finally acquitted or convicted in the requested State for conduct constituting the same offence for which extradition is requested; or

d. if the right to prosecute the offence or to enforce the sentence would be barred by lapse of time under the law of the requested State.

Article 5 - Discretionary Refusal of Extradition

Extradition may be refused:

a. if the person sought is being prosecuted by the requested State for the offence for which extradition is requested or if the competent authorities of the requested State have decided, in accordance with the law of that State, not to prosecute or to terminate the prosecution that has been instituted;

b. if the person sought has been finally acquitted or convicted in a third State for conduct constituting the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable;

c. if, in the opinion of the requested State, the offence was committed outside the territory of the requesting State and the law of the requested State does not, in corresponding circumstances, provide for the same jurisdiction; or

d. if the requested State, taking into account the nature of the offence and the interests of the requesting State, considers that the extradition of the person sought would be incompatible with humanitarian considerations, particularly in view of the person's age or health.