

ARTICLE 3**Mandatory Refusal of Extradition**

Extradition shall be refused in any of the following circumstances:

1. Where the offence for which extradition is requested is considered by the Requested State to be a political offence or an offence of a political character. For the purpose of this paragraph, the following conduct does not constitute a political offence or an offence of a political character:
 - (a) conduct that constitutes an offence mentioned in a multilateral agreement to which Canada and the Republic of South Africa are parties and are obliged to extradite the person or submit the matter to appropriate authorities for prosecution;
 - (b) murder;
 - (c) inflicting serious bodily harm;
 - (d) sexual assault;
 - (e) kidnapping, abduction, hostage-taking or extortion;
 - (f) using explosives, incendiaries, devices or substances in circumstances in which human life is likely to be endangered or serious bodily harm or substantial property damage is likely to be caused; and
 - (g) an attempt or conspiracy to engage in, counseling, aiding or abetting another person to engage in, or being an accessory after the fact in relation to, the conduct referred to in any of paragraphs (a) to (f).
2. Where there are substantial grounds for believing that the request for extradition is made for the purpose of prosecuting or punishing the person by reason of that person's race, religion, nationality, ethnic origin, language, colour, political opinion, sex, sexual orientation, age, mental or physical disability or status or that the person's position may be prejudiced for any of those reasons.
3. Where the prosecution for the offence for which extradition is requested would be barred by prescription under the law of the Requesting State.
4. Where the offence for which extradition is requested constitutes an offence under military law, which is not an offence under ordinary criminal law.
5. Where the person sought has been finally acquitted or convicted in the Requested State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.