



**EXTRADITION AGREEMENT BETWEEN CANADA AND THE
REPUBLIC OF AUSTRIA**

Canada and the Republic of Austria, desiring to promote the cause of justice by providing for the reciprocal extradition of fugitives from justice, have decided to conclude the following Extradition Agreement:

Article 1

The Contracting Parties undertake to deliver up to each other, in accordance with this Agreement, persons who, being accused (an "accused fugitive") or convicted (a "convicted fugitive") of an extradition offence committed in the territory of the one Party (the "requesting State"), shall be found within the territory of the other Party (the "requested State"), and duly committed for extradition in accordance with the laws of the requested State governing extradition procedure.

Article 2

For the purposes of this Agreement the territory of a State includes its territorial waters and vessels and aircraft registered in its territory, and an offence committed partly within the territory of a State shall be deemed to have been committed within its territory.

Article 3

An extradition offence for the purposes of this Agreement is an offence which is mentioned in the Schedule and which constitutes an offence according to the law of the requesting and the requested State and which was committed after the coming into force of this Agreement provided, in the case of an accused or convicted fugitive, that such offence, at the time when it was committed, was punishable by a maximum period of at least one year's imprisonment and in the case of a convicted fugitive that imprisonment for a period of at least four months was actually imposed.

Article 4

A fugitive shall not be extradited

1. if the act for which his extradition is sought was not punishable, at the time it was committed, by the law of the requesting and requested State;
2. if the act for which his extradition is sought constitutes an offence solely against military law;
3. if he has already been tried and discharged or punished in the requesting or requested State for the act for which his extradition is sought;
4. if he is under examination or trial in the requested State for the act for which his extradition is sought;
5. if, before the time set for his surrender, he has acquired exemption from prosecution or punishment by lapse of time or other lawful cause according to the law of the requesting or requested State for the act for which his extradition is sought;