

ARTICLE 3

Mandatory Refusal of Extradition

Extradition shall not be granted in any of the following circumstances:

- a) 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;
- b) where there are substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of the person's race, religion, nationality or political beliefs;
- c) where final judgment has been passed in the Requested State upon the person sought in respect of the offence for which the person's extradition is requested;
- d) where the prosecution or the punishment for the offence for which extradition is requested would be barred by prescription under the law of the Requesting State or the Requested State;
- e) where the offence for which extradition is requested constitutes an offence under military law that is not an offence under ordinary criminal law.

ARTICLE 4

Discretionary Refusal of Extradition

Extradition may be refused in any of the following circumstances:

- a) where the offence for which extradition is requested is subject to the jurisdiction of the Requested State and that State will prosecute that offence. In such a case, before refusing, the Requested State, after consulting with the Requesting State, shall decide whether to extradite the person or submit the case to its competent authorities for the purpose of prosecution. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:
 - (i) the time and place of commission of each offence or place of intended commission;
 - (ii) the place where injury occurred or was intended to occur;
 - (iii) the respective interests of the Contracting States;
 - (iv) the nationality of the person and victim;
 - (v) the habitual place of residence of the person; and
 - (vi) the availability and location of the evidence;