

ARTICLE 17

Rule of Specialty

1. A person who has been extradited shall not be prosecuted, sentenced or detained for any offence committed prior to surrender other than the offences for which that person was extradited, nor shall the person's liberty be restricted for any other reason, except:

- a) where the Requested State consents;
- b) where the person, having had an opportunity to leave the Requesting State, has not done so within forty-five days of final discharge, or has returned to that State after having left it; or
- c) where the person extradited consents before a judicial authority in the Requesting State.

2. A request for the consent of the Requested State under paragraph 1 shall, upon the request of the Requested State, be accompanied by the relevant documentation required by Article 7 as well as a record of any statement made by the extradited person in respect of the offence concerned.

3. If the charge for which the person was extradited is subsequently changed, that person may be prosecuted or sentenced provided the offence under its new description is:

- a) based on substantially the same facts contained in the extradition request and its supporting documentation; and
- b) punishable by the same maximum penalty as, or a lesser maximum penalty than, the offence for which that person was extradited.

ARTICLE 18

Re-extradition to a Third State

1. Where a person has been surrendered, the Requesting State shall not extradite the person to any third State for an offence committed before that person's surrender unless:

- a) the Requested State consents to that extradition; or
- b) the person has had an opportunity to leave the Requesting State and has not done so within forty-five days of final discharge in respect of the offence for which that person was surrendered by the Requested State or has voluntarily returned to the Requesting State after having left it.

2. The Requested State may request the production of the documentation submitted by the third state in relation to any consent pursuant to sub-paragraph 1(a).