

justify a conviction in law. It is stressed that the extradition judge does not determine the guilt or innocence of the person sought.

There are certain basic principles which apply to extradition treaties. These include:

- (1) dual criminality, i.e., the act for which extradition is requested must be a criminal offence in both states;
- (2) the Rule of Specialty, i.e., the person sought may only be tried in the requesting state for the offences for which extradition was granted unless the condition is waived by the requested state;
- (3) extradition is not granted for purely military or political offences; and
- (4) the offence must have been committed within the jurisdiction of the requesting state.

Many states will not extradite their own citizens or nationals as they claim extraterritorial jurisdiction over their own nationals for crimes committed anywhere in the world. If, however, they will not extradite, they undertake to try the fugitive in their own country. In Canada the practice generally is to prosecute offences which are committed here. In all other cases, where Canadians cannot be prosecuted in Canada, Canadian nationals can be extradited.

In accordance with Canadian practice, either country may submit an extradition request in respect of an offence committed before the treaty comes into effect.