

- (b) when surrender would be unjust or oppressive having regard to all the circumstances or the Requested State has substantial grounds to believe that the request for extradition has been made for the purpose of prosecuting or punishing the person claimed by reason of race, religion, nationality or political opinion, ethnic origin, language, colour, sex, sexual orientation, age, mental or physical disability or status or that the person's position may be prejudiced for any of those reasons;
- (c) when the offence for which extradition is requested is an offence under military law, but not under the ordinary criminal law of the Contracting States;
- (d) when final judgment has been passed in the Requested State in respect of the offence for which the person's extradition is requested;
- (e) when the prosecution or the enforcement of the sentence for the offence identified in the request for extradition is barred by lapse of time under the law of the Requesting State.

#### ARTICLE IV

##### Discretionary Refusal of Extradition

Extradition may be refused in any of the following circumstances:

- (a) when the offence for which extradition is requested is subject to the jurisdiction of the Requested State and the Requested State is prosecuting or will prosecute the person sought by the Requesting State for the conduct constituting the offence for which extradition is requested;
- (b) when the person sought was a minor within the meaning of the law of the Requested State at the time of the offence and the law that will apply to that person in the Requesting State is not consistent with the fundamental principles of the law of the Requested State dealing with minors;
- (c) when the person sought has been finally acquitted or convicted in a third State for conduct constituting the offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable;