

ARTICLE 5

Discretionary Refusal of Extradition

Extradition may be refused when:

- a) the person sought is being prosecuted by the Requested State for the offence for which extradition is requested, or if the competent authorities of the Requested State have decided, in accordance with the law of that State, not to prosecute or to terminate the prosecution if it has already been instituted;
- b) the person sought has been finally acquitted or convicted in a third State for conduct constituting the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable;
- c) the Requested State considers that the offence was committed outside the territory of the Requesting State and the law of the Requested State does not, in corresponding circumstances, provide for the same jurisdiction;
- d) the Requested State, while also taking into account the nature of the offence and the interests of the Requesting State, considers that, because of the health or age of the person sought, the extradition would be incompatible with humanitarian considerations.

ARTICLE 6

Capital Punishment

If the offence for which extradition is requested is punishable by death under the law of the Requesting State, and if in respect of such offence the death penalty is not provided for by the law of the Requested State or is not normally carried out, extradition may be refused unless the Requesting State gives such assurances as the Requested State considers sufficient that the death penalty will not be carried out.

ARTICLE 7

Presentation of a Request for Extradition

1. Requests for extradition, supporting documents and related correspondence may be exchanged between the Departments of Justice of the Contracting States.
2. Nothing in this article excludes the use of diplomatic channels.