

No. 6592

**SOUTH AFRICA
and
FEDERATION OF RHODESIA AND NYASALAND**

Extradition Agreement. Signed at Salisbury, on 19 November 1962

Official texts: English and Afrikaans.

Registered by South Africa on 9 April 1963.

**AFRIQUE DU SUD
et
FÉDÉRATION DE RHODÉSIE ET DU NYASSALAND**

Accord d'extradition. Signé à Salisbury, le 19 novembre 1962

Textes officiels anglais et afrikaans.

Enregistré par l'Afrique du Sud le 9 avril 1963.

No. 6592. EXTRADITION AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE FEDERATION OF RHODESIA AND NYASALAND. SIGNED AT SALISBURY, ON 19 NOVEMBER 1962

Whereas the Government of the Republic of South Africa and the Government of the Federation of Rhodesia and Nyasaland desire to make reciprocal and expedient arrangements for the surrender of offenders, they have agreed as follows :

Article 1

The Contracting Parties undertake to surrender to each other, in the circumstances and subject to the conditions specified in the present Agreement, those persons who, being accused or convicted of offences referred to in Article 3 hereof committed within the territory of the one Party or on the high seas on board a vessel registered in the territory of that Party, shall be found within the territory of the other Party.

Article 2

The territories to which the present Agreement shall apply are the Republic of South Africa and any other territory falling under the jurisdiction of the Republic of South Africa on the one hand and the Federation of Rhodesia and Nyasaland on the other hand.

Article 3

Subject to the provisions of the present Agreement, surrender shall reciprocally be granted in respect of any offence which is punishable by the law of each Party by death or by imprisonment for a period exceeding six months (whether direct or as an alternative to any fine prescribed) :

Provided that, if the offence in respect of which the surrender of any person is requested may be punished by death under the law of the requesting Party but may not be so punished under the law of the requested Party, the surrender of that person in respect of that offence may be refused by the requested Party.

¹ Came into force on 16 March 1963, one month after the date of exchange of the instruments of ratification which took place at Pretoria, in accordance with article 18.

Article 4

A person claimed shall not be surrendered if the offence in respect of which his surrender is requested is regarded by the requested Party as one of a political character or if he satisfies the requested Party that the request for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Article 5

Surrender shall not be granted if proceedings are pending against the person claimed or if that person has already been acquitted or otherwise discharged or found guilty in the territory of the requested Party for the offence in respect of which his surrender is requested.

Article 6

Surrender shall not be granted if the person claimed—

- (a) has, according to the law of the requesting Party, become immune by lapse of time from prosecution or punishment for the offence in respect of which the surrender is requested; or
- (b) would, according to the law of the requested Party, have become so immune had the offence been committed in its territory.

Article 7

If it appears that, by reason of the trivial nature of the offence or by reason of the surrender not being required in good faith or in the interests of justice or for any other reason, it would, having regard to the distance, the facilities for communication and to all the other circumstances of the case, be unjust or unreasonable or too severe a punishment to surrender the person claimed either at all or until the expiration of a certain period, the surrender of that person may be refused or may be delayed until the expiration of such period.

Article 8

(1) A person surrendered shall not be kept in custody or proceeded against in the territory of the requesting Party for any offence other than an offence (in respect of which surrender may be granted in terms of this Agreement) established by the facts in respect of which his surrender has been granted or on account of any other matters, nor shall he be surrendered by that Party to a third State until he has been restored or until the expiration of thirty days after he has had an opportunity of returning to the territory of the requested Party.