

No. 52219*

**South Africa
and
Iran (Islamic Republic of)**

Extradition Treaty between the Government of the Republic of South Africa and the Government of the Islamic Republic of Iran. Tehran, 31 August 2004

Entry into force: *12 February 2014 by notification, in accordance with article 25*

Authentic texts: *English and Persian*

Registration with the Secretariat of the United Nations: *South Africa, 8 October 2014*

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**Afrique du Sud
et
Iran (République islamique d')**

Traité d'extradition entre le Gouvernement de la République sud-africaine et le Gouvernement de la République islamique d'Iran. Téhéran, 31 août 2004

Entrée en vigueur : *12 février 2014 par notification, conformément à l'article 25*

Textes authentiques : *anglais et persan*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 8 octobre 2014*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

EXTRADITION TREATY

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

PREAMBLE

The Government of the Republic of South Africa and the Government of the Islamic Republic of Iran;

Desiring to provide for more effective cooperation between the two States in the fight against crime, and, for that purpose, to conclude a treaty for the extradition of offenders;

HAVE AGREED as follows:

Article 1 Obligation to Extradite

The Parties agree to extradite to each other, pursuant to the provisions of this Treaty and subject to their respective domestic laws relating to extradition, persons whom the authorities in the Requesting State have charged with or convicted of an extraditable offence.

Article 2 Extraditable Offences

1. An offence shall be an extraditable offence if it is punishable under the laws in both States by deprivation of liberty for a period of at least one year or by a more severe penalty.
2. An offence shall also be an extraditable offence if it consists of attempting or conspiring to commit, or aiding, abetting, inducing, counselling or procuring the commission of, or being an accessory before or after the fact to, any offence contemplated in paragraph 1.
3. For the purposes of this Article, an offence shall be an extraditable offence whether or not the laws in the Requesting and Requested States place the offence within the same category of offences or describe the offence by the same terminology.

4. If an offence has been committed outside the territory of the Requesting State, extradition shall be granted where the laws in the Requested State provide for the punishment of an offence committed outside its territory in similar circumstances. Where the laws in the Requested State do not so provide, the competent authority of the Requested State may, in its discretion, grant extradition.

5. Extradition shall also be granted in respect of a person convicted of but not yet sentenced, or convicted of and sentenced for an offence as contemplated in this Article, for the purpose of sentence, or for enforcing such sentence or the remaining portion thereof, as the case may be.

6. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control, or other revenue matters, extradition may be granted notwithstanding that the law of the Requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the Requesting State.

7. If the request for extradition relates to more than one offence and extradition is granted for an extraditable offence, it shall also be granted for any other offence specified in the request even if the latter offence is punishable by one year's deprivation of liberty or less, provided that all other requirements for extradition are met.

Article 3

Treatment of Nationals

1. Neither State shall be bound to extradite its own nationals.

2. If extradition is refused solely on the basis of the nationality of the person sought, the Requested State shall, at the request of the Requesting State, submit the case to its prosecuting authorities.

Article 4

Political and Military Offences

1. Extradition shall not be granted if the offence for which extradition is requested is a political offence.
2. For the purposes of this Treaty, the following offences shall not be considered political offences:
 - (a) a murder or any other violent crime;
 - (b) an offence for which both the Requesting and Requested States have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their respective competent authorities for decision as to prosecution;
 - (c) terrorism offences;
 - (d) an offence involving kidnapping, abduction or any form of unlawful detention, including the taking of a hostage; and
 - (e) attempting or conspiring to commit, aiding, abetting, inducing, counselling or procuring the commission of, or being an accessory before or after the fact to such offences.
3. Notwithstanding the provisions of paragraph 2, extradition shall not be granted if the competent authority of the Requested State determines that there are substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's gender, race, religion, nationality or political opinion.
4. The competent authority of the Requested State shall refuse extradition for offences under military law that are not offences under ordinary criminal law.

Article 5

Other Grounds for Refusal

1. Extradition may be refused if the Requested State has substantial grounds to believe that the probable sentence of the offence in the Requesting State is qualitatively different from the probable sentence given on the same offence in the courts of the Requested State.
2. Extradition may be refused unless the Requesting Party undertakes or gives such assurance as considered sufficient by the Requested Party