

No. 53965*

**South Africa
and
Argentina**

**Extradition Treaty between the Republic of South Africa and the Argentine Republic.
Pretoria, 28 February 2007**

Entry into force: *16 October 2015, in accordance with article 22*

Authentic texts: *English and Spanish*

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**Afrique du Sud
et
Argentine**

**Traité d'extradition entre la République sud-africaine et la République argentine. Pretoria,
28 février 2007**

Entrée en vigueur : *16 octobre 2015, conformément à l'article 22*

Textes authentiques : *anglais et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

EXTRADITION TREATY

BETWEEN

THE REPUBLIC OF SOUTH AFRICA

AND

THE ARGENTINE REPUBLIC

THE REPUBLIC OF SOUTH AFRICA AND THE ARGENTINE REPUBLIC, hereinafter referred in the singular as "a Party" and in the plural as "the Parties",

DESIRING to make more effective their co-operation in the prevention and suppression of crime by concluding a new Treaty on Extradition;

AFFIRMING their respect for each other's legal systems and judicial institutions;

HEREBY AGREE as follows:

ARTICLE 1
Obligation to Extradite

Each Party agrees to extradite to the other, in accordance with the provisions of this Treaty, persons who are wanted for prosecution, or the imposition or enforcement of a sentence in the Requesting State for an extraditable offence.

ARTICLE 2
Extraditable Offence

1. For the purposes of this Treaty, extradition shall be granted for conduct which constitutes an offence under the laws of both Parties, that is punishable by deprivation of liberty for a maximum period of more than one year or by a more severe punishment.
2. An extraditable offence includes an attempt or a conspiracy or unlawful association to commit, or participation in or instigation of the commission of any offence envisaged under paragraph 1 of this Article.
3. Where the request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting State for an extraditable offence, extradition shall be granted if a period of at least six months of the sentence remains to be served.
4. For the purpose of this Article, in determining whether conduct is an offence against the laws of both Parties it shall not matter:
 - (a) whether the laws of the Parties place the conduct constituting the offence within the same category of offence or describe the offence by the same terminology; or
 - (b) whether, pursuant to the laws of the Parties, the elements of the offence differ, in which case the totality of the conduct alleged against the person whose extradition is sought shall be taken into account.

5. Where extradition of a person is sought for an offence against laws relating to taxation, customs duties, exchange control, or other revenue matters, extradition may not be refused on the ground that the laws of the Requested State do not impose the same kind of tax or duty or do not contain tax, customs duty or exchange regulations of the same kind as the laws of the Requesting State.

6. An offence is extraditable whether or not the conduct on which the Requesting State bases its request occurred in the territory over which it has jurisdiction. However, where the law of the Requested State does not provide for jurisdiction over an offence in similar circumstances, the Requested State may refuse extradition on this basis.

7. Extradition may be granted pursuant to the provisions of this Treaty in respect of an offence provided that:

- (a) it was an offence in the Requesting State at the time of the conduct constituting the offence; and
- (b) the alleged conduct would, if it had taken place in the Requested State at the time of making the request for extradition, have constituted an offence against the law of the Requested State.

8. If the request for extradition relates to a sentence of both imprisonment and a fine, the Requested State may grant extradition for the enforcement of both.

9. If extradition has been granted for an extraditable offence, it shall also be granted for any other offence specified in the request, even if this offence is punishable by deprivation of liberty for a period of one year or less, provided that all other requirements for extradition are met.

ARTICLE 3 **Mandatory Refusal of Extradition**

Extradition shall be refused in circumstances where:

1. The offence for which extradition is requested is considered to be a political offence. For the purpose of this paragraph however, the following conduct does not constitute a political offence:

- (a) an attack on or intentional crime against the physical integrity of a Head of State or a member of that person's family;
- (b) any offence mentioned in a multilateral agreement pursuant to which the Parties have assumed or will assume the obligation to extradite the person sought or to submit the case to the competent authorities for prosecution;
- (c) murder or grievous bodily harm;

- (d) offences against sexual integrity;
- (e) kidnapping, abduction, hostage-taking or extortion;
- (f) using explosives, incendiary elements, devices or substances in circumstances in which human life is likely to be endangered, or serious bodily harm or substantial property damage is likely to be caused; and
- (g) an attempt, a conspiracy or unlawful association, participation in or instigation of, the commission of any offence envisaged in this paragraph.

2. There are substantial grounds to believe that the request for extradition is made for the purpose of prosecuting or punishing a person by reason of that person's race, religion, nationality, ethnic origin, language, colour, political opinion, sex, sexual orientation, age, mental or physical disability or status, or that that person's position may be prejudiced for any of those reasons.

3. There are substantial grounds to believe that the person sought may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

4. The prosecution for the offence or penalty for which extradition is requested would be barred by prescription under the law of the Requesting State.

5. The offence for which extradition is requested is an offence exclusively under the military law and is not an offence under ordinary criminal law.

6. The person sought has been finally acquitted or convicted in the Requested State for the same offence for which extradition is requested.

ARTICLE 4 **Death Penalty**

The request for extradition shall be refused where the offence for which extradition is sought is punishable by the death penalty under the laws of the Requesting State, unless the Requesting State provides assurances that the death penalty shall not be imposed.

ARTICLE 5 **Nationality**

Extradition shall not be refused on the grounds of the nationality of the person sought.