
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NOTICE 3869 OF 2026****PUBLICATION OF EXPLANATORY SUMMARY OF THE EXTRADITION BILL, 2026**

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Justice and Constitutional Development intend to introduce the Extradition Bill, 2025 (the Bill), in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.
3. The Bill seeks to address the deficiencies and outdated provisions of the Extradition Act, 1962 (Act No. 67 of 1962), in order to align it with South Africa's constitutional framework, international obligations and contemporary legal standards.
4. The purpose of the Bill is amongst others to:
 - (a) provide clarity on jurisdiction, extra-territorial jurisdiction, and provisional arrest to ensure compliance with international treaties and obligations;
 - (b) introduce explicit provisions for surrendering individuals to international entities, such as tribunals handling crimes like genocide, war crimes and crimes against humanity;
 - (c) expand the list of offenses for which extradition may not be granted, including protections for LGBTQI+ individuals;
 - (d) clarify the role of Magistrates in extradition inquiries and the Minister's authority in making extradition decisions, which addresses the confusion raised by prior legal interpretations, including the Constitutional Court's judgment in the *Jason Smit* case. The Bill also updates punishable thresholds for extraditable offenses from six months to twelve months of imprisonment;
 - (d) simplify evidentiary requirements through certificates issued by competent authorities;
 - (e) provide detailed regulations on provisional arrests, including arrests based on INTERPOL Red Notices pending formal extradition requests;
 - (f) establish the criteria for handling multiple extradition requests for the same individual;
 - (g) introduce provisions for individuals to consent to extradition under certain safeguards and allows temporary extradition under specific circumstances as determined by the Minister;
 - (h) regulate situations where extradition requests are accompanied by requests for the transfer of property related to the offense and enables courts to issue search and seizure warrants alongside arrest warrants; and
 - (i) require extradition inquiries to be conducted only by designated Magistrates with relevant training and experience and limits factors considered during extradition inquiries to avoid treating them as criminal trials.
5. A copy of the Bill can be found on the websites of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and the Department of Justice and Constitutional Development at www.justice.gov.za and, after introduction, may also be obtained from the Government Printers: Cape Town (Telephone number: (021) 465-7531).

NDZAWULO YA VULULAMI NA NHLUVUKISO WA VUMBIWA

KU HUMELERISIWA KA NKOMISO WA NHLAMUSELO WA NAWUMBISI WA EKISITIRADIXINI, 2026

1. Xitivi hi lexi xi nyikiweke hi ku landzelela Nawu wa 276(1)(b) wa Milawu ya Huvo ya Tiko lexi Holobye wa Vululami na Nhluvukiso wa Vumbiwa a lavaka ku tivisa Nawumbisi wa Ekisitiradixini, 2025 (Nawumbisi), eka Huvo ya Tiko ku nga ri khale.
2. Nkomiso wa nhlamuselo wa Nawumbisi hi lowu wu humelerisiweke hi ku landzelela Nawu wa 276(1)(c) wa Milawu ya Huvo ya Tiko.
3. Nawumbisi wu lava ku lulamisa ku kayivela na ku hundzeliwa ka malulamiselu ya Nawu wa Ekisitiradixini, 1962 (Nawu wa No. 67 lembe ra 1962), ku kota ku endla leswaku wu fambisana na rimba ra vumbiwa ra Afrika-Dzonga, leswi swi fanelaka ku landzeleriwa eka matiko ya misava na mimpimo ya swa nawu ya ximanguvalawa.
4. Xikongomelo xa Nawumbisi exikarhi ka swin'wana:
 - (a) ku lulamisela ku veka erivaleni eka ndzhawu leyi ku nga na matimba ya ku tirha, matimba yak u tirha eka tindhawu tin'wana leti ku nga vun'winyi, na ku khoma swa xikarhana ku tiyisisa ku landzelela na mitwanano ya matiko ya le handla na leswi swi bohiweke;
 - (b) tivisa malulamiselu lawa ya twisisekeke eka munhu loyi a nyikeriweke eka mitwanano ya matiko ya misava, kufana na tihuvo leti ti tirhanaka na vugevenga byofana na dlaya nhlayo ya le henhla ya vanhu, vugevenga bya tinyipi na vugevenga mayelana na ximunhu;
 - (c) engetela nongonoko wa milandzu laha eka wona ekisitiradixini yi nga taka yi nga nyikiwi, ku katsa na vusirheleli eka vanhu va LGBTQI+;
 - (d) veka erivaleni ntirho wa Majisitarata eka mindzavisiso ya swa ekisitiradixini na matimba ya Holobye eka ku endla swiboho swa ekisitiradixini, leswi swi tirhanaka na ku ka ku nga ri na ku twisiseka loku ku vikiweke hi mihlahluvo ya milawu ya nkarhi lowu wu taka, ku katsa na xiboho xa Khoto ya Vululami eka *Jason Smit* case. Nawumbisi wu tlela antswisa mitshinyo leyi yi pimiweke eka milandzu ya ekisitiradixini ku suka eka tsevu wa tin'hwetwi kufika eka makumembirhi ekhotsweni;
 - (d) ku olovisa swilaveko swa vumbhoni hi swtifikheti leswi swi nyikiweke hi matimba lawa ya ringaneleke;
 - (e) lulamisela swinawana leswi swi eteke eka vukhomi bya nkarhinyana, ku katasa na ku khoma eka switiviso swa INTERPOL Red Notices loko ka ha yimeliwi swikombelo swa ximfumo xa ekisitiradixini;
 - (f) tumbuluxa ndlela yak u khoma swikombelo swo hlaya swa ekisitiradixini eka munhu un'we;
 - (g) tivisa malulamiselu eka vanhu ku vava nyika pfumelelo eka ekisitiradixini ehansi ka vuhlayisi byo karhi na ku pfumelela ekisitiradixini ya nkarhinyana eka swiyimo swo karhi tani hi loko swi vekiwile hi Holobya;
 - (h) lawula xiyimo laha swikombelo swa ekisitiradixini swi heleketiweke hi swikombelo eka ku hundziseriwa ka nhundzu mayelana na nandzu na ku endla leswaku khoto yi nyika pfumelela wa ku secha xikan'we na pfumelelo wa ku khoma; na lava mindzavisiso ya ekisitiradixini leswaku yi endliwa ntsena hi voMajisitarata lava va nga na vuleteri na vuswikoti na swihlawulekisi swo hlawuleka leswi swi

tekeleliwaka enhlokweni eka mindzaivisiso ya ekisitiradixini ku endlela leswaku swi nga tekiwi tani hi vutengisi bya swa vugevenga.

5. Nkandziyiso wa Nawumbisi wu nga kumeka eka webusayiti ya Ntlawa wa Vlandzelerisi wa Palamende ka <http://www.pmg.org.za> na Ndzawulo ya Vululami na Nhluvukiso wa Vumbiwa ka www.justice.gov.za na, endzhaku ka ku tivisiwa, wu nga kueka eka Mikandziyiso ya Mfumo: Cape Town (Nomboro ya riqingho: (021) 465-7531).