
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 The Bill seeks to address the deficiencies and outdated provisions of the Extradition Act, 1962 (Act No. 67 of 1962), in order to align it with South Africa's constitutional framework, international obligations and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).