

**EXTRADITION TREATY AND MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
BETWEEN THE GOVERNMENTS OF THE UNITED MEXICAN STATES AND THE REPUBLIC
OF CHILE**

The governments of the United Mexican States and the Republic of Chile, hereinafter referred to as “the Parties,”

AWARE of the existing strong ties between both nations;

DESIROUS of promoting greater cooperation between the two countries in all areas of common interest and convinced of the need to provide mutual assistance to envision the better administration of justice;

HAVE RESOLVED to complete an Extradition Treaty and Mutual Legal Assistance in Criminal Matters.

TITLE I

EXTRADITION

ARTICLE 1

Both Parties are obliged to surrender the individuals against whom a criminal proceeding has been initiated or who will be required for the enforcement of a term of imprisonment judicially imposed as the result of an offense according to the laws and under the conditions established in the following Articles.

ARTICLE 2

- 1.** Acts punished with a term of imprisonment exceeding one year will result in extradition as set forth in the laws of both Parties.
- 2.** If the extradition is requested for the execution of a sentence, the portion of the sentence left to complete must be no less than six months.

ARTICLE 3

Under this Treaty, offenses included in multilateral agreements in which both Parties participate and that are duly included in their national laws will also result in extradition.

ARTICLE 4

- 1.** The extradition will not be granted for offenses considered political by the Surrendering Party or connected with offenses of this nature. With application of this Treaty, homicide or another offense against life, liberty or the freedom of a Head of State or Government or a member of their family, will not be considered a political offense.
- 2.** Nor will extradition be granted if the Surrendering Party has reason to believe that the extradition request motivated by a common offense has been submitted with the intent to persecute or punish an individual due to their race, religion, nationality, or political opinions or that this individual’s case could be impacted on these grounds.

ARTICLE 5

Extradition for strictly military offenses remains excluded from the scope of application of this Treaty.

ARTICLE 6

1. Neither Party will be obliged to surrender its nationals.
2. If the Surrendering Party denies extradition due to nationality, it will submit the case, at the request of the Receiving Party, to the proper authorities for the processing of the claimed individual. Under these circumstances, the legislation of the Surrendering Party will be enforced. If the State needs additional documents or other evidence, they will be provided at no charge. It will inform the Receiving Party concerning the results of the request.

ARTICLE 7

The Surrendering Party may deny extradition when, in accordance with its own laws, its courts are competent to determine the offense for which the extradition has been requested.

ARTICLE 8

Extradition will not be granted if the individual has already been adjudicated by the authorities of the Surrendering Party for the same acts that generated the request.

ARTICLE 9

The extradition will not be granted when the criminal responsibility or the penalty would expire due to limitation or other grounds, pursuant to either Party's legislation.

ARTICLE 10

If the offense that initiated the claim is punished according to the legislation of the Receiving Party with capital punishment or with a penalty greater than the maximum established for confinement in the legislation of the Surrendering Country, the extradition will not be granted unless the Surrendering State received sufficient prior guarantee that the extradited individual would not be subjected to the death penalty, or greater penalty, but to a prison sentence that does not exceed the maximum set forth by the Surrendering Party.

ARTICLE 11

The person subject to extradition cannot be tried in a special court in the territory of the Receiving Party. The extradition will not be granted for this or for the execution of a penalty imposed by courts that have that character.

ARTICLE 12

The extradition request will be transmitted through diplomatic channels.

ARTICLE 13

With the extradition request they will submit:

- a) A detailed description of the acts for which the extradition is requested, indicating in the most exact manner possible the time and place of their commission and their legal classification.
- b) An original or authentic copy of the court conviction, arrest warrant, detention order, or any other court decision that stems from the existence of the offense and reasonable evidence of the accused's participation.
- c) An authentic copy of the legal provisions pertaining to the offense or offenses involved, corresponding penalty or statute of limitations.
- d) Information that allows the claimed individual's identity and nationality to be established and, if possible, leading to their location.

ARTICLE 14

If the information or documents sent with the extradition request are insufficient or defective, the Surrendering Party will inform the Receiving Party of the omissions or defects so they may be corrected in the following two months.

ARTICLE 15

1. The individual surrendered for extradition will not be prosecuted, judged, or arrested for the execution of a penalty for a previous and different act from that which motivated the extradition, except in the following instances:
 - a) When the Surrendering Party provides consent, after the presentation of a request in this context, which will be accompanied by the documents provided in Article 13 and legal testimony containing the statements of the accused. Consent will be granted when the violation for which it is requested results in the obligation to grant extradition pursuant to this Treaty.
 - b) When being free to leave the territory of the Receiving Party, the accused has remained more than forty-five days without making use of this ability.
2. When the rating or classification of the deed charged is modified during the process, the surrendered individual will only be prosecuted or judged in the event that the constituent elements of the offense would have also permitted extradition.

ARTICLE 16

Except in the event set forth in Paragraph b) of Section 1 of Article 15, the extradition in the interest of a third State will be granted with the consent of Surrendering Party. This could require the previous submission of the documentation prescribed in Article 13, as well as a record that contains the reasoned statement of the claimed individual regarding whether they accept the extradition or oppose it.

ARTICLE 17

1. In case of emergency, the appropriate authorities of the Receiving Party may request the preventive detention of the claimed individual. The preventive detention request will indicate the existence of one of the resolutions mentioned in Paragraph b) of Article 13 and the intention to formalize the extradition request. It will likewise note the offense, the time, the place it was committed, and the information that allow the establishment of the identity and nationality of the individual claimed.

2. The preventive detention request will be transmitted to the appropriate authorities of the Surrendering Party, through the fastest channel. Any method of communication may be used provided it leaves a written record.
3. Upon receipt of the request referred to in Paragraph 1, the Surrendering Party will adopt the measures to detain the claimed individual. The Receiving Party will be informed on the progress of their request.
4. Preventive detention must be revoked if, within two months, the Receiving Party has not formalized the extradition request, providing the tools mentioned in Article 13.
5. The revocation of the preventive detention will not prevent the normal course of the extradition proceeding if the request and the documents mentioned in Article 13 are subsequently received.

ARTICLE 18

If the extradition is requested concurrently by one of the Parties and other States, either for the same deed or different deeds, the Surrendering Party will resolve it, taking into special consideration the relative severity of the acts, the location of the offenses, the respective dates of the requests, the individual's nationality, and the possibility of a subsequent extradition. Preference will always be given to the request presented by a State with which an extradition treaty exists.

ARTICLE 19

1. The Surrendering Party will communicate their decision regarding the extradition request to the Receiving Party through diplomatic channels.
2. Any complete or partial refusals will be explained.
3. If the extradition is approved, the Parties will make an agreement to carry out the surrender of the claimed individual, which must take effect within sixty days after the date that the Receiving Party has received the communication referred to in Paragraph 1.
4. If the claimed individual has not been received within the period indicated, they will be released, and the Surrendering Party may subsequently deny the extradition for the same offense.

ARTICLE 20

1. After having resolved the extradition request, the Surrendering Party may delay the surrender of the claimed individual so that they may be judged or, if they have already been convicted, so that they may complete a penalty in their territory imposed due to a different act than that for which the extradition was granted.
2. If their legislation allows it, in place of delayed surrender, the Surrendering Party may temporarily surrender the claimed individual, as mutually agreed by both Parties.
3. The surrender may likewise be delayed when, due to the claimed individual's health conditions, the transfer could put their life in danger or exacerbate their condition.

ARTICLE 21

1. Upon request of the Receiving Party, the Surrendering Party will secure and surrender, to the extent permitted by law and without damaging third-party rights, the items:
 - a) That can serve as means of proof.
 - b) Stemming from the violation that are found in possession of the claimed individual at the time of their detention or previously discovered.
2. The surrender of the items cited in the Paragraph above will be carried out even if the already agreed upon extradition cannot proceed due to death, disappearance, or escape of the claimed individual.
3. The Surrendering Party may retain temporarily, or if their legislation permits it, surrender under the condition of restitution, the items referred to in Paragraph 1 when they may be subject to seizure in the territory of said Party within an ongoing criminal proceeding.
4. When the Surrendering Party or third Parties have legal rights to items that have been surrendered to the Receiving Party for the purposes of the criminal process, pursuant to this Article, these items will be returned to the Surrendering Party as soon as possible and at no charge.

ARTICLE 22

1. Transfer through the territory of one of the Parties of a person that is not a citizen of that Party, surrendered in the other Party by a third State, will be permitted access through submission via diplomatic channels of a certified copy of the resolution within which the extradition was granted provided law and order considerations are not raised to oppose it.
2. State authorities will be responsible for the custody of the prisoner while the prisoner remains in their territory.
3. This authorization will not be required when transporting via plane and no landing has been planned in the other Party's territory.
4. The Receiving Party will reimburse the Transferring State any cost incurred for this reason.

ARTICLE 23

The costs incurred due to the extradition in the territory of the Surrendering Party will be covered by that Party, except those related to the claimed individual's transport, which will fall on the Receiving Party.

TITLE II

MUTUAL ASSISTANCE

ARTICLE 24

1. As set forth in this Treaty, the Parties are obligated to lend mutual assistance in the conducting of investigations and procedures related to any criminal proceeding

initiated by acts of which the Receiving Party has knowledge at the time assistance is requested.

2. This Treaty will not apply in the event of contraventions or errors, nor to political offenses or those subject to military jurisdiction.

3. To implement measures for seizing items, searches, break-ins, or house searches, the act must also be considered an offense by the laws of the Surrendering Party.

ARTICLE 25

Judicial assistance may be refused:

- a)** if the request refers to political violations, is connected with violations of this type, at the discretion of the Surrendering Party, or tax violations.
- b)** if the Surrendering Party assesses that fulfillment of the request will impinge upon law and order.

ARTICLE 26

The fulfillment of an assistance request will be carried out pursuant to the laws of the Surrendering Party, expressly limiting the measure requested.

ARTICLE 27

1. The Surrendering Party will proceed with the letters or commissions rogatory pertaining to a criminal proceeding that are sent by judicial authorities or by the prosecution authorities of the Receiving Party and with the objective of previous inquiry proceedings, investigation, or communication.

2. If the objective of the letter or commission rogatory is transmitting cars, items, evidence elements, and in general any type of documents, the Surrendering Party will hand over only certified copy or photocopies, leaving at the discretion of the Surrendering Party the delivery of the originals upon explicit request from the Receiving Party.

3. The items or documents that have been sent in fulfillment of a commission rogatory will be returned as soon as possible unless the Surrendering Party relinquishes them.

ARTICLE 28

If the Receiving Party expressly requests, they will be informed of the date and time of the fulfillment of the commission rogatory.

ARTICLE 29

1. The Surrendering Party will deliver to the recipient the judicial decisions or documents pertaining to proceedings that are being sent for that purpose for the Receiving Party.

2. The delivery may be carried out by sending the document to the recipient or through some of the manners set forth by the laws of the Surrendering Party, or in any other manner compatible with those laws, upon request of the Receiving Party.

3. The delivery will be verified through a receipt dated and signed by the recipient or through certification of the relevant authority who will verify the fact, form, and date of delivery.

This document will be sent to the Receiving Party and, if delivery cannot take place, it will be communicated and the causes therefor officially recorded.

4. The request summoning the accused, witness, or expert before the authorities of the Receiving Party may not be applied if it is received within the forty-five days before the date indicated for the appearance. The Receiving Party will allow for this deadline when making their request.

ARTICLE 30

1. If the Receiving Party requests the appearance before their authorities of a person that is in the other Party's territory as witness or expert, they will proceed to the summons without being able to impose effects of the condemnatory clauses or sanctions set forth for failure to appear.

2. The request that the previous Paragraph refers to must mention the amount and form of payment for the travel expenses, allowances, and compensation that the witness or expert will receive.

ARTICLE 31

If the Receiving Party assesses that the personal appearance of a witness or expert before their authorities proves especially necessary, this will be officially recorded in the summons request.

ARTICLE 32

1. Whatever their nationality, the witness or expert appearing before the authorities of the Receiving Party due to a summons may not be prosecuted or detained in this State for acts or convictions prior to their departure from the territory of the Surrendering Party.

2. The immunity provided in the preceding Paragraph will cease when the witness or expert, being free to leave the territory, remains more than forty-five days in the territory of the Receiving Party after their presence is no longer required by the judicial authorities of this Party.

ARTICLE 33

1. If in a criminal case a personal appearance as a witness or before the judicial authorities is deemed necessary by one of the Parties, as a witness or for a confrontation, of an individual detained in the territory of the other Party, the corresponding request will be made. It will be agreed to if the detainee provides their consent and no legal obstacle exists opposing the transfer.

2. The Receiving Party will be obligated to hold the transferred person in custody and return them as soon as they have performed the procedure specified in the request that resulted in the transfer.

3. The costs incurred by the application of this Article will be borne by the Receiving Party.

ARTICLE 34

The Parties will inform each other of the guilty verdicts that one Party's judicial authorities have issued against nationals of the Other.

ARTICLE 35

When one of the Parties requests from the Other the criminal records of an individual, clarifying the grounds for the petition, those records will be released if not prohibited by the laws of the Surrendering Party.

ARTICLE 36

- 1.** The requests for assistance must contain the following specifications:
 - a)** The authority on which the document or resolution is based.
 - b)** The nature of the document or resolution.
 - c)** A precise description of the assistance requested.
 - d)** The offense to which the procedure refers.
 - e)** To the extent possible, the identity and nationality of the individual indicted or convicted.
 - f)** The name and address of the recipient.
- 2.** The commissions rogatory that have as an objective any application different from the simple delivery of the documents shall also state the charge made and shall contain a summary exposition of the deeds, if not prohibited by the laws of the Surrendering Party.
- 3.** When a request for assistance is not completed by the Surrendering Party, it will be returned with explanation of the reasons therefor.

ARTICLE 37

- 1.** For purposes of what is set forth in this Treaty, each Party will designate authorities to send and receive communications relating to assistance in criminal matters.
- 2.** Notwithstanding the above, the Parties may use diplomatic channels in any case or entrust to their Consulates the performance of procedures permitted by the laws of the Surrendering Party.

TITLE III

CLOSING PROVISIONS

ARTICLE 38

The documents transmitted in application of this Treaty will be exempt from all formalities of legalization when they are filed through diplomatic channels or through the authorities referenced in Paragraph 1 of the previous Article.

ARTICLE 39

Any disagreement arising from the application of this Treaty will be resolved by the Parties through diplomatic channels.

ARTICLE 40

- 1.** This Treaty will come into effect on the date that both Parties notify through diplomatic channels that they have completed their respective requirements and constitutional procedures.
- 2.** The Treaty will stay in force as long as neither Party denounces it through written communication sent to the Other through diplomatic channels with a minimum of six months in advance of the date that they wish to terminate the Treaty.
- 3.** The extraditions requested after this Treaty enters into force will be governed through its provisions, regardless of the date of commission of the crime.

ARTICLE 41

The Parties will annually review the manner in which this Treaty is applied and possible areas of cooperation that could be expanded. The resulting modifications or amendments will come into effect pursuant to Article 40, Paragraph 1.

Created in Mexico City on October second, nineteen-ninety, in two originals, in the Spanish language, both texts being equally authentic. -For the Government of the United Mexican States: the Foreign Secretary, Fernando Solana.-Signature.- For the Government of the Republic of Chile: the Foreign Secretary, Enrique Silva Cimma.-Signature.

EXTRADITION TREATY BETWEEN COLOMBIA AND COSTA RICA

(Reference: Law No. 60, Effective date: 1928-07-18 Source: Third Chamber, Supreme Court of Justice of Costa Rica)

The Republics of Colombia and Costa Rica, with the desire to ensure the prompt and effective pursuit of justice and punish offenders who seek to elude convictions set forth by the laws in one country seeking shelter in the other, have resolved to enter into an extradition treaty, and for that purpose they have appointed as their Plenipotentiaries namely:

The President of the Republic of Colombia appoints General Faraón Pertuz, the Colombian chargé d'affaires in Costa Rica; The President of the Republic of Costa Rica appoints Mr. Ricardo Castro Beeche, Secretary of State in the Office of Foreign Affairs in Costa Rica who, after having mutually reported their full powers and found them in due and proper form, have agreed to the following Articles:

ARTICLE I

Pursuant to that which is stipulated in this Treaty, both Contracting States agree to surrender individuals who, accused or convicted by the judicial authorities of either of the Contracting States, as perpetrators, accomplices, or accessories of a crime or offense, within the jurisdiction of one of the Contracting Parties, seek asylum or are found within the territory of one of the Parties. For the extradition to be carried out proof of the infraction must be such that the laws where the fugitive or offender is found justify their detention or submission to judgment, if the commission, attempt, or thwarting of the crime or offense are verified by this proof.

ARTICLE II

When the crime or offense that is grounds for the extradition has been committed, attempted, or thwarted outside the State that makes the request, it can only proceed when the legislation of the Surrendering State authorizes the prosecution of those infractions when they are committed outside of its jurisdiction.

ARTICLE III

Under no circumstances will the extradition be approved:

- a) If the act that caused the request is considered by the Surrendering State a political offense or an act related to such political offense, excluding attacks against the life of the Head of State or when it regards offenses against religion or purely military infringements or transgressions.
- b) If the individual the request is made against proves that it has been done with the intent to judge them or punish them for a political offense or an act connected to one.
- c) When the individual whose extradition is requested is prosecuted or has already been tried or pardoned in the Surrendering State for the same offense.
- d) When the act indicted as an offense is not punishable by law in the Surrendering State.

The issue of whether or not it is a political offense or an act connected to one will be decided by the Surrendering State, utilizing the legislation that is more fair to the fugitive. Acts considered anarchic by the laws of both States will not be considered political offenses.

ARTICLE IV

Neither will the extradition be agreed upon in the following circumstances:

- a) If pursuant to the laws of one State or the other the maximum penalty does not exceed six months of confinement, being the maximum penalty applicable to the involvement that indicts the claimed individual, for the act for which the extradition is requested.
- b) When, according to the laws of the State to which the request is made, the action or penalty to which the prosecuted or convicted person was subject has expired.

ARTICLE V

The extradition will also not take place if the individual claimed is a native national of the Surrendering State or nationalized in it, except, in this last case, if the naturalization occurred after the act that establishes the extradition request.

However, when the extradition of an individual is denied for this reason, the Surrendering State is obligated to the court, pursuant to its own laws and through evidence provided by the Receiving State and evidence that competent authorities from the Surrendering State approve as expedient to identify. The final sentence or ruling in the case that is pronounced must be communicated by the Government that requested the extradition.

ARTICLE VI

The civil obligations of the fugitive with the Surrendering State or with individuals will not be a barrier for extradition, even when judicially established.

ARTICLE VII

The extradition request must be made strictly through diplomatic channels. It will also be requested through Consuls or directly from Government to Government in the absence of diplomatic officials.

ARTICLE VIII

When the claimed individual is prosecuted or convicted by the Surrendering State, the delivery will not be carried out if the claimed individual is acquitted or pardoned or the sentence has been served or when the judgment has been completed in any way.

ARTICLE IX

The extradition request must be accompanied by a guilty verdict if the fugitive has been judged and convicted, an arrest warrant issued by the relevant court, with a precise designation of the offense or crime that motivated it, and the date of its perpetration, as well as declarations or other evidence which caused the warrant to be issued, if the fugitive was only prosecuted.

These documents will be submitted as duly authenticated originals or copies with a copy of the text of the law applied in the case and when possible, the identifying features of the claimed individual.

ARTICLE X

The individual whose extradition has been granted may not be prosecuted for a separate offense from that which causes the extradition, unless the Surrendering State gives prior consent, or when it regards the offense connected to it and supported by the same evidence submitted with the request.

ARTICLE XI

That which is laid out in the preceding Article does not include the case in which the surrendered individual freely and expressly consents to be tried for any other act, nor the case in which after release they remain in the Receiving State for more than one month, or to offenses committed after the extradition.

ARTICLE XII

The claimant State will not surrender the fugitive whose extradition has been obtained to a third State that claims them without the consent of the Surrendering State, except for the cases set forth in the preceding Article.

ARTICLE XIII

In emergency cases the fugitive may be provisionally arrested, even through a telegraph petition, but will be released if within sixty days the extradition request has not been formalized.

All responsibility generated by the provisional arrest will correspond to the State that requests it.

ARTICLE XIV

When the documents that accompany the request are considered insufficient for the Government for which they are made, they will be returned so that the deficiencies can be addressed or the errors corrected, and the claimed individual will continue to be detained if they were subject to a provisional arrest until the deadline referenced in the preceding Article is reached.

ARTICLE XV

All extradition requests will be processed and decided pursuant to the legislation of the Surrendering State so long as it does not conflict with the stipulations of this Treaty.

ARTICLE XVI

In conjunction with the claimed individual, or at a later stage, all objects and articles in their possession or deposited or hidden in the Sheltering State and that are related to the perpetration of the punishable act or have been obtained through this act, as well as those that serve as evidential elements will be surrendered. These objects and articles will be surrendered even if due to the death or escape of the fugitive the extradition that has been granted does not take place.

Even if extradition has not been granted, the proceedings will continue for this purpose.

Third Party rights on the aforementioned objects and articles will be respected in any event.

ARTICLE XVII

The fugitive will be transported by agents of the Sheltering State up to the border or on to the most appropriate port to board and there the fugitive will be surrendered to the agents of the Receiving State.

ARTICLE XVIII

The costs of the extradition will be borne by each State within the limits of their territory.

ARTICLE XIX

The Nation that obtained the extradition of a person who has not been sentenced will be obligated to communicate to the Nation that granted the extradition the final sentence that is issued in the trial for which the extradition was requested.

ARTICLE XX

If the penalty identified for the offense attributed to the offender is death, the Sheltering State may require assurance through diplomatic channels that this penalty, provided that their legislation does not prohibit it, will be commuted to a lesser sentence to grant the extradition.

ARTICLE XXI

If multiple nations request extradition for the same person and the same act, the Nation in whose territory the act was committed will receive preferential attention; if the extradition was requested for different acts, the Nation in which the most severe offense has been committed will receive preference based on the opinion of the Sheltering Nation, or will give preference to the first Nation that requested the extradition if the acts were of the same severity.

When all requests have been presented on the same date, the request from the birth Country of the individual to be extradited will prevail. If the Nation of birth is not amongst the applicants, the Sheltering Nation will determine the order to follow. In all cases that refer to this Article except the first, the re-extradition of the offender may be stipulated in the way that they were surrendered subsequently to other Receiving Nations.

ARTICLE XXII

The duration of this Treaty will be five years to begin one month after the exchange of ratifications. When this term is completed, any of the Contracting States may denounce it through a notification given to the other Party one year in advance.

ARTICLE XXIII

The ratification of this Treaty will be made in each of the Contracting States pursuant to their respective legislation, and the exchange of the ratifications will be verified in the city of San Jose, Costa Rica, within the period of one month calculated from the last ratification.

In witness thereof, the undersigned Plenipotentiaries sign this Treaty in duplicate and certify it with their respective seals in San Jose on the seventh of May 1928.

**EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE
UNITED MEXICAN STATES AND THE GOVERNMENT OF THE
DOMINICAN REPUBLIC**

The Government of the United Mexican States and the Government of the Dominican Republic, hereinafter referred to as “the Parties;”

DESIROUS of improving cooperation between both countries with the intention of preventing crime;

CONVINCED of the importance of collaborating in the strongest way in the fight against lawlessness, with a greater and more efficient presence in extradition matters, based on the principles with respect to sovereignty and equality;

Have agreed to the following.

**ARTICLE 1
Obligation to Extradite**

In accordance with the provisions of this Treaty, both Parties commit to surrender in extradition those individuals concerning which the competent authorities of the Receiving Party have initiated criminal proceedings or have surrendered for the imposition or execution of a sentence that entails a term of imprisonment.

**ARTICLE 2
Offenses that Will Result in
Extradition**

1. The extradition will be authorized when it relates to criminally penalized behaviors with a term of imprisonment that has a maximum term no less than one (1) year pursuant to the legislation of both Parties.

2. When the extradition request is conducted for the execution of a final judgment, the period of the term of imprisonment that the claimed individual has left to complete must be at least six (6) months.

3. For the purposes of this Article, it will not matter if the Parties' legislation qualifies the constitutive elements of the offense in a different form, or if it is not named with the same terminology.

4. If the extradition request references two or more offenses, which each constitute an offense pursuant to the legislation of both Parties and provided that one of them satisfies the conditions laid out in numerals 1 and 2 of this Article, the Surrendering Party may grant the extradition for all of those offenses.

5. Extradition will be granted when the offense has been committed outside the Receiving Party's territory, provided that:

- a) The Receiving Party has jurisdiction over the offense for which the extradition is requested, and
- b) The Surrendering Party's legislation will anticipate the criminal punishment for the acts that it covers, though the tort classifications and the sanctions that they gather will not be identical to those of the Receiving Party.

ARTICLE 3

Fiscal Offenses

The extradition request will be authorized even when it concerns an offense that relates to taxes, customs, or other types of payments of a fiscal nature.

ARTICLE 4
Grounds to Deny an Extradition

Extradition will not be granted:

- a) for offenses considered by the Surrendering Party as political or acts connected to offenses of that nature. For the purposes of this section, the deliberate attack against the liberty of individuals, including a Head of State and the members of their family, freedom, and/or property, will not be considered political offenses;
 - b) if the Surrendering Party has established reasons to believe that the extradition request has been presented in order to prosecute or condemn a person on the grounds of race, religion, nationality or political opinions;
 - c) when the claimed individual would be judged in the Receiving State by a Special Court or when the extradition was requested for the implementation of a penalty imposed by that Court;
 - d) if the statute of limitations has expired for the criminal proceeding or the penalty for which the extradition is requested pursuant to the legislation of the Receiving Party;
 - e) when the Surrendering Party regards the offense that is subject to extradition as an exclusively military offense;
 - f) when the extradition request refers to the same acts for which the claimed individual has already been tried and sentenced, either by the Receiving Party or a third State;
 - g) when the extradition request refers to a criminally sanctioned act as a prohibited penalty for the legislation of the Surrendering Party. However, the Surrendering Party may grant the extradition if the Receiving Party issues assurances that such a penalty will not be imposed or implemented;
 - h) if the Receiving Party's sentence has been issued by default and they do not provide assurances that the case will reopen to hear the defendant and allow the exercise of the right to defense and issue a new sentence accordingly, and
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- i) when the extradition request lacks one of the documents noted in Article 6 of this Treaty and the omission has not been corrected.

ARTICLE 5

Extradition of Nationals

1. When the claimed individual is a national of the Surrendering Party, they may grant the extradition if at their sole discretion they consider it pertinent.
2. For the purposes indicated in the previous Numeral, nationality acquired after the date that the offense was committed will not be considered.
3. If the extradition request is denied exclusively because the claimed individual is a national of the Surrendering Party, it must submit the case to its proper authorities for the prosecution of the offense. For this purpose, the Surrendering Party will request from its counterpart the evidence that proves the participation of the claimed individual in the acts for which they are indicted, which must be provided by the Receiving Party.

The Surrendering Party must inform the Receiving Party regarding action taken with respect to the request.

ARTICLE 6

Documents Necessary for the Submission of Extradition Requests

1. The extradition request will be submitted via diplomatic channels.
 2. The extradition request must contain statement of the offense for which the extradition is requested and be accompanied by:
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- a) An explanation of the acts accused, which must indicate the place and date at which they occurred;
 - b) text of the legal provisions that determine the constituent elements of the offense;
 - c) text of the legal provisions that determine the corresponding penalty for the offense;
 - d) text of the legal provisions pertaining to the limitations of the criminal proceeding or the penalty;
 - e) details and background information for the claimed individual that enable their identification and, when possible, those that allow their tracking, and
 - f) a certified copy of the arrest warrant or guilty verdict, as the case may be, issued by the competent authorities of the Receiving Party.
3. When the extradition request refers to a sentenced individual, proof will be enclosed that indicates the proportion of the penalty that remains to be completed.
4. All the documents that must be presented by the Receiving Party in accordance with the provisions of this Treaty, will not require the formalities of legalization or apostille when transmitted through diplomatic channels.

ARTICLE 7 **Supplementary Information**

If the information provided by the Receiving Party for the processing of the extradition request was insufficient to allow the Surrendering Party to decide pursuant to what is set forth in this Treaty, the latter Party may request that additional information be provided.

ARTICLE 8
Preventive Detention with the Aim of Extradition

1. In case of emergency, any Party may request the preventive detention of an individual through diplomatic channels. The preventive detention request must contain connection to the acts for which the extradition is requested, a description of the claimed individual and their whereabouts, the promise to formalize the extradition request and demonstration of the existence of an arrest warrant issued by the competent judicial authority or a guilty verdict against the claimed individual.
2. Immediately upon receiving a request of this nature, the Surrendering Party will take the necessary measures to detain the claimed individual.
3. The preventive detention will end if the Surrendering Party has not received the formal extradition request with the documents mentioned in Article 6 of this Treaty within a term of sixty (60) days counted as of the detention of the claimed individual.
4. The event that puts an end to the preventive detention as set forth in numeral 3 of this Article, will not prevent the formal request that fulfills the requirements mandated in this Treaty from being presented at a later stage.

ARTICLE 9
Concurrent Requests

1. If extradition is requested for the same individual by two or more States, the Surrendering Party must determine which of those States will extradite the individual and will inform the Receiving Party of their decision.

2. To determine which State will extradite the individual, the Surrendering Party will take all of the relevant circumstances into account, including:

- a) the severity of the acts, if the requests refer to different acts;
- b) the time and place of the acts committed;
- c) the dates the requests were submitted;
- d) the nationality of the claimed individual;
- e) the habitual residence of the claimed individual, and
- f) the existence of the international treaties with other States.

ARTICLE 10 Procedure

The extradition requests that are submitted to the Surrendering Party will be transmitted in accordance with the procedures established on the matter and regulated by that Party's legislation.

ARTICLE 11 Simplified Extradition

At any stage of the process, the claimed individual may give their consent to the extradition to the competent authority of the Surrendering Party, in which case this authority must decide promptly and proceed with the surrender within the period set for those purposes. Consent must be free, explicit, and voluntary; the claimed individual must be notified regarding their rights and the consequences of their decision. Once the extradition is decided, consent will be irrevocable.

ARTICLE 12
Ruling and Surrender

1. The Surrendering Party will communicate promptly, through diplomatic channels, to the Receiving Party their resolution with respect to the extradition request once it has been decided.
2. In the case of complete or partial refusal of an extradition request, the Surrendering Party will present the basis of their reasoning.
3. If the extradition is granted, the Parties will agree to carry out the surrender of the claimed individual, which must be carried out within sixty (60) days following the date that the Receiving Party has received the communication referred to in Numeral 1 of this Article.
4. If the claimed individual has not been transferred within the term indicated, they will be released and the Surrendering Party may subsequently deny their extradition for the same offense, unless the non-compliance is due to unforeseen circumstances or force majeure; in this case both Parties will mutually agree to a new surrender date.

ARTICLE 13
Deferred Surrender

1. The Surrendering Party may, after resolving to grant the extradition, defer that surrender of the claimed individual when there are ongoing criminal proceedings against them or when they are completing a penalty in the Surrendering Party's territory for a different offense from that for which the extradition was granted, until the conclusion of the proceedings or the full execution of the punishment that has been imposed.
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2. The deferral of the surrender will suspend counting of the statute of limitation in the judicial proceedings that take place in the Receiving State for the acts subject to the extradition request.

ARTICLE 14
Provisional
Surrender

1. After granting the extradition and the petition of the Receiving Party, the Surrendering Party may temporarily surrender the claimed individual that has received a guilty verdict or is subject to a pending criminal proceeding in the Surrendering State, so that they may be processed in the Receiving State during the execution of the sentence in the Surrendering State. The individual thereby surrendered, must remain in the custody of the Receiving Party and be returned to the Surrendering Party at the end of the corresponding process or of the term referred to in Subparagraph c) of the following Paragraph.

2. The provisional surrender request for the claimed individual must contain the following:

- a) justification of the need to carry out the surrender;
- b) demonstration that the duration of the corresponding process will not exceed three (3) years, and
- c) the commitment of the Receiving Party to return the claimed individual once the proceeding for which the surrender is requested is complete, or when three (3) years have elapsed. In this last case, the return will be carried out even when the case in the Receiving State has not ended.

3. The temporary surrender will be appropriate when the term of imprisonment that the claimed individual has left to complete in the Surrendering State is more than three (3) years.

4. The time that the temporarily surrendered individual has remained in the Receiving Party's territory will be taken into account for completion of their sentence in the Surrendering State.

ARTICLE 15 **Surrender of Objects**

1. Inasmuch as is permitted in the legislation of the Surrendering Party and without impact on the rights of third parties, which will be duly respected, all the articles, instruments, valuable items or documents related to the offense, even when they have not been utilized for its execution, or that may in any way serve as evidence in the process and that are found in the claimed individual's possession at the time of their detention, will be surrendered to the Receiving Party when the extradition is granted.

2. The Surrendering Party may temporarily retain or surrender under the condition of restitution or return the objects referenced in Numeral 1, when they may be subject to a measure of assurance in said Party's territory within the ongoing criminal proceeding.

3. When rights of the Surrendering Party or third Parties exist on the surrendered objects, it shall be verified that they have been delivered to the Receiving Party for purposes of the criminal proceeding, in accordance with the provisions of this Article, and will be returned to the Surrendering Party within the time period that it deems fit and free of charge.

ARTICLE 16 **Extradition in Transit**

1. Transit through the territory of one of the Parties of an individual surrendered to the other Party through a third State will be permitted subject to submission of a request through diplomatic channels accompanied by a certified copy of the resolution in which the extradition was granted.

2. State authorities will be responsible for custody of the extradited individual in transit while the individual remains in their territory.
3. The Receiving Party will reimburse the State for transportation, upon the latter's request, for any expense that was incurred for this reason.

ARTICLE 17
Principle of Specification

1. In accordance with this Treaty the extradited individual will not be arrested, prosecuted, or punished in the Receiving Party's territory for an offense committed before the surrender and separate from the offense for which the extradition was granted, nor will they be extradited from said Party to a third State unless:

- a) they have left the Receiving Party's territory after their extradition and have voluntarily returned;
- b) they have not left the Receiving Party's territory within thirty (30) days after the date that they have been at liberty to do so. However, said period will not include time during which the individual did not leave the Receiving State due to force majeure, or
- c) the Surrendering Party has given its consent that the claimed individual be arrested, prosecuted, or punished in the Receiving Party's territory or extradited to a third State for an offense different from the offense for which the extradition was granted after the Receiving Party has submitted the request through diplomatic channels for this matter along with the documents indicated in Article 6 of this Treaty.

Consent may be granted when the offense for which the extradition is requested results in the obligation to grant the extradition in accordance with this Treaty.

2. If during the proceeding, the classification of the offense for which the claimed individual was extradited is changed, they will be prosecuted and sentenced provided that the offense, as legally reclassified:

- a) is based in the same group of acts established in the extradition request and in the documents submitted in its support, and
- b) is punishable with the same maximum penalty as the offense for which they were extradited or with a lower maximum penalty.

3. The provisions do not apply to offenses committed after the extradition.

ARTICLE 18

Expenses

All the expenses and costs that derive from the extradition proceeding must be covered by the Party in whose territory they are disbursed. The expenses and costs from transferring the extradited and those that result from a transit permit will be borne by the Receiving Party.

ARTICLE 19

Relationship to Other Treaties

This Treaty will not prevent the Parties from cooperating with regard to extradition, in accordance with other international instruments in which they participate.

ARTICLE 20

Confidentiality of Information

The Parties will guarantee strict protection of the information that they exchange with purpose of executing this Treaty.

ARTICLE 21

Queries and Disputes

1. The Parties will consult with each other when they deem it appropriate with the purpose of facilitating the application of the provisions of this Treaty.
2. The disputes that arise between the Parties based on the application, interpretation, or performance of the provisions of this Treaty will be resolved through consultations via diplomatic channels.

ARTICLE 22

Timeframe of Application

This Treaty will apply to requests made after its entry into force, even when the acts establishing the offense occurred before that date.

ARTICLE 23

Entry into Force and Termination

1. Each one of the Parties will notify the Other, through diplomatic channels, of the completion of the procedures required by their legislation for the entry into force of this Treaty. This Treaty will enter into force the first day of the second month following the date of receipt of the last notification, received through diplomatic channels.
 2. Any of the Parties may terminate this Treaty at any time, through written notification addressed to the other Party, via diplomatic channels. In this case, the termination will take effect the first day of the third month
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following the date of receipt of said notification. However, the extradition requests that have been received before the date in which the termination of this Treaty takes effect will continue to be processed in accordance with its provisions.

3. This Treaty may be modified by mutual consent of the Parties and formalized through written communications. The modifications will enter into force pursuant to the procedure set forth in Numeral 1 of this Article.

Signed in Mexico City, July twenty-third two-thousand and thirteen, in two original texts in the Spanish language, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
THE UNITED MEXICAN STATES

FOR THE GOVERNMENT OF
DOMINICAN REPUBLIC

[signature]

[signature]

Jesus Murillo Karam

Francisco Javier Domínguez Brito

Attorney General of the Republic

Attorney General of the Republic

TREATIES

Law 26.082

Approve the Extradition Treaty between the Argentine Republic and the Republic of Peru, signed in Buenos Aires on June 11, 2004.

Authorized: February 22, 2006

Promulgated on: March 14, 2006

The Senate and the House of Representatives
of the Argentine Nation assembled in Congress, etc.

authorize with force of Law:

ARTICLE 1 - Approve the EXTRADITION TREATY BETWEEN THE ARGENTINE REPUBLIC AND THE REPUBLIC OF PERU, signed in Buenos Aires June 11, 2004, that consists of NINETEEN (19) articles, whose authenticated photocopy forms part of this law.

ARTICLE 2 - Communicate to the National Executive Branch.

PASSED IN THE SESSIONS ROOM OF THE ARGENTINE CONGRESS IN BUENOS AIRES ON FEBRUARY TWENTY-SECOND, TWO-THOUSAND AND SIX.

--REGISTERED UNDER THE NUMBER
26.082 --

ALBERTO BALESTRINI. — DANIEL O. SCIOLI. — Enrique Hidalgo. — Juan Estrada.

EXTRADITION TREATY BETWEEN THE ARGENTINE REPUBLIC AND THE REPUBLIC OF PERU

The Argentine Republic and the Republic of Peru, desirous of strengthening their relationships and motivated by the purpose of facilitating the administration of justice in the suppression of offenses and to avoid their impunity, have agreed to enter into an Extradition Treaty, for which they have agreed to the following:

ARTICLE I OBLIGATION TO EXTRADITE

Pursuant to the provisions of this Treaty, the Party States agree to extradite individuals charged, prosecuted, or convicted by the authorities of the Receiving State of the commission of an offense that results in extradition.

ARTICLE II
OFFENSES THAT RESULT IN EXTRADITION

1.- Offenses punishable with a maximum term of imprisonment greater than one year or a more severe penalty will result in extradition pursuant to the legislation of both Party States.

2.- For the purposes of this Article, an offense will result in extradition regardless of whether:

A.- the laws of the Party States classify an offense in a different category or typified with different terminology, provided that the underlying conduct is considered criminal in both Party States;

B.- the offense has been committed partially or completely outside of the territory of the Receiving State, provided that under their legal system, that State has jurisdiction over such an act. Extradition will also be granted for those offenses committed outside the territory of the Receiving State if:

a.- the action or actions that constitute the offense affect the territory of the Receiving State; or

b.- the laws of the Surrendering State provide a punishment for an offense committed outside of their territory under similar circumstances.

3.- Extradition for an offense or offenses that result in the same will also be granted for any other specified in the request, even when it is punishable with a term of imprisonment of one year or less, provided that it meets the other requirements for extradition.

4.- When the extradition request refers to a convicted individual and a term of imprisonment by a court in the Receiving State for an offense that warrants extradition, this will be granted only if there are at least six months of the sentence left to complete.

ARTICLE III
EXTRADITION OF NATIONALS

Extradition will not be denied because the claimed individual is a national of the Surrendering State.

ARTICLE IV
GROUND TO DENY EXTRADITION

1.- Extradition will not be granted:

a.- if the claimed individual was subject to firm resolution in the Surrendering State for the offense that motivated the extradition request. However, if the Surrendering State has begun proceedings against that individual for those acts but has not continued,

the extradition will not be denied provided that the legislation of the Surrendering State allows the reopening of these proceedings and does not cite res judicata; and,
 b.- if the offense or penalty has been stipulated pursuant to the legislation of the Receiving State.

2.- The extradition will also not be granted if the offense for which it is requested constitutes a political offense or is connected with an offense of this nature.

The mere allegation of a political purpose or motive in the commission of an offense will not determine whether an offense is of this nature.

For the purposes of this Treaty, the following will not be considered political offenses:

a.- assassination or other violent offense against the Head of State of one of the Party States or members of their family;
 b.- attacks against life, bodily integrity, or liberty of diplomatic personnel or other internationally protected individuals;
 c.- genocide, war crimes, or those committed against the peace and safety of humanity; and,
 d.- offenses for which both Party States have an obligation, pursuant to an international multilateral agreement, to extradite the claimed individual or refer the case to their competent authorities to decide on their processing, including, among others:

(i) illicit drug trafficking and related offenses according to that which is set forth in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed in Vienna on December 20, 1988;

(ii) offenses related to terrorism, according to that which is set forth in the current international multilateral agreements for both Party States; and,

(iii) the Inter-American Convention Against Corruption.

3.- Extradition will not be granted if the Surrendering State determines that the request was presented for persecutory purposes due to political opinions, nationality, race, sex, or religion of the individuals involved, or if there is reasonable cause to assume that those reasons may impair the right to defense during trial.

4.- Nor will extradition be granted by the Surrendering State if the offense that motivated the request was based exclusively on military criminal law.

5.- The Surrendering State will not grant extradition of the claimed individual when they were convicted or must be tried in the Receiving State by an “ad hoc” or special Court.

6.- Extradition may be denied if the claimed individual has been tried in the territory of the Surrendering State because of the act or acts for which the request was made.

7.- Nor will the extradition request be granted when there are special considerations of national sovereignty, safety, public orders, or other essential interests for the Surrendering State that are a hindrance to the acceptance of the request.

**ARTICLE V
DEATH PENALTY**

1.- The extradition will not proceed if the acts that justify the request may be punished in the Receiving State with the death penalty.

2.- However, the extradition may be granted if the Receiving State grants sufficient assurances that the penalty left to complete is the maximum accepted in the criminal law of the Surrendering State.

**ARTICLE VI
EXTRADITION REQUEST AND REQUIRED DOCUMENTATION**

1.- The extradition request will be clearly and precisely stated in writing and transmitted through diplomatic channels.

2.- The extradition request must be submitted with:

a.- the documents, statements, or other types of information that describe the identity and probable whereabouts of the claimed individual;

b.- a summary statement of the criminal acts and a brief disclosure of the procedural stages completed;

c.- texts of the legal provisions that typify the offense for which the extradition was requested and the corresponding penalties;

d.- texts of the legal provisions that indicate that neither the criminal procedure nor the penalty have been barred by statute of limitations in the Receiving State; and,

e.- the documents, statements, or other types of information specified in Sections 3 or 4 of this Article, accordingly.

3.- The extradition request that refers to the individual accused or prosecuted for the commission of an offense must be submitted with:

a.- a copy of the mandate or detention order from a judge or other competent authority; and,

b.- a copy of the bill of indictment or equivalent ruling if it exists.

4.- If the extradition request refers to an individual declared guilty or convicted for the offense for which the extradition was requested, the request must also be submitted with:

a.- a copy of the guilty verdict, or if it does not exist, a record issued by a competent judicial authority that the claimed individual has been declared guilty;

b.- information that demonstrates that the claimed individual is the same as the individual referenced in the guilty decision; and,

c.- a copy of the issued sentence, and if that is the case, a record of length of the sentence left to complete.

5.- If the Surrendering State requests additional evidence or information to decide on the extradition request, such evidence or information must be presented within a term of thirty (30) days.

ARTICLE VII

LEGALIZATION AND AUTHENTICATION OF DOCUMENTS

1.- The extradition request as well as the documents of any nature submitted with it on that occasion or at a later time, will be exempt from legalization or similar formality in the application of the provisions of this Treaty.

2.- When accompanied by copies of documents, copies must be certified by the competent authorities.

ARTICLE VIII

PREVENTIVE DETENTION

1.- In case of emergency, the Receiving State may request the preventive detention of the claimed individual when submitting the extradition request. The preventive detention request must be processed through diplomatic channels, or directly between the Ministry of Justice for the Republic of Peru and the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic, or through the International Criminal Police Organization (INTERPOL).

2.- The preventive detention request will contain:

a.- a description of the claimed individual;

b.- the whereabouts of the individual, if known;

c.- a brief statement of the relevant facts of the case including, if possible, the date and location of the offense;

d.- a reference to the violated law or laws;

e.- a statement of the existence of an arrest warrant, guilty decision, or guilty verdict against the claimed individual; and,

f.- a statement that the extradition request will be subsequently submitted.

3.- The Receiving State will immediately convey its decision regarding the preventive detention request and the reasons for any refusal of it.

4.- The preventively arrested individual may be released if the surrendering competent authority has not received the extradition request and the supporting documents laid out in Article VI of this Treaty.

5.- The provision of release of the claimed individual pursuant to Paragraph 4 of this Article will not prevent the individual from being newly arrested and their extradition granted if the corresponding request is subsequently received.

ARTICLE IX DECISION CONCERNING THE EXTRADITION REQUEST AND SURRENDER OF THE CLAIMED INDIVIDUAL

1.- The Surrendering State will immediately notify the Receiving State of their decision regarding the extradition request.

2.- If the extradition was granted, the Party States will agree on a date and location for the surrender of the claimed individual. The Receiving State must transfer the claimed individual within a period of thirty (30) calendar days, as of the notification laid out in Paragraph 1 of this Article.

3.- In the event that unforeseen circumstances prevent surrender of the claimed individual, the State so affected will inform the other State and will agree on a new date for the surrender, pursuant to the legislation of the Surrendering State.

4.- When the period expires without the transfer being carried out, the claimed individual will be released and the Receiving State may not replicate the extradition request.

5.- When the extradition is completely or partially denied, the Surrendering State will provide a reasoned explanation for their refusal and will forward a copy of the relevant decision in response to the request of the Receiving State.

ARTICLE X DEFERRED OR TEMPORARY SURRENDER

1.- If the extradition is granted for an individual subject to a procedure or who is completing a sentence in the Surrendering State, they may temporarily surrender the claimed individual to the Receiving State so they may be subject to a procedure. Individuals surrendered in this manner will be held in custody in the Receiving State and will be returned to the Surrendering State after completion of the procedure against that individual, or when their presence is no longer necessary pursuant to the legislation of the Receiving State. The provisional surrender will be subject to the conditions agreed to between the Party States.