

EXTRADITION

Convention signed at Buenos Aires September 26, 1896
*Senate advice and consent to ratification, with amendments, January 28, 1897*¹
*Ratified by the President of the United States, with amendments, May 28, 1898*¹
Senate advice and consent to ratification of amended convention February 5, 1900
Amended convention ratified by the President of the United States April 7, 1900
Ratified by Argentina June 2, 1900
Ratifications exchanged at Buenos Aires June 2, 1900
Entered into force July 2, 1900
Proclaimed by the President of the United States June 5, 1900

31 Stat. 1883; Treaty Series 6

The President of the United States of America and the President of the Argentine Republic, interested in the improvement of the administration of justice and in the prevention of crime within their respective territories, have agreed to celebrate a treaty by which fugitives from justice will be, in de-

¹ On Jan. 28, 1897, the Senate gave its advice and consent to ratification with the following amendments:

Article 2, subarticle 1, after "infanticide" strike out "and" and insert "manslaughter, when voluntary";

Article 2, subarticle 3, after "Larceny" insert "of property of the value of two hundred dollars, or upwards";

Article 2, subarticle 6, after "principals" insert "where in either class of cases the embezzlement exceeds the sum of two hundred dollars";

Article 2, subarticle 11, paragraph (a), after "Piracy" insert "by the law of nations";

Article 3, after "treaty" insert "but neither Government shall be bound to deliver its own citizens for extradition under this Convention; but either shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so".

The convention, as amended by the Senate, was ratified by the President on May 28, 1898. The amendments in the English text were accepted by the National Congress of Argentina on Dec. 29, 1898. At the same time the National Congress adopted a Spanish text which conformed to the English text as amended. The original convention (signed English and Spanish texts), the amendments by the Senate, and the revised Spanish text adopted by the Argentine Congress were resubmitted to the Senate by the President on Dec. 20, 1899.

The text printed here is the amended text as proclaimed by the President.

terminated circumstances, reciprocally delivered up, to which effect they have named as their plenipotentiaries, to wit:

The President of the United States of America, William I. Buchanan, their Envoy Extraordinary and Minister Plenipotentiary, to the Argentine Republic, and the President of the Argentine Republic, H. E. Señor Doctor Don Amancio Alcorta, Minister of Foreign Relations, who, after communicating to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE 1

The Government of the United States of America and the Government of the Argentine Republic mutually agree to deliver up those persons found accused of, or convicted of having committed, in the territory of one of the high contracting parties, any of the crimes or offenses specified in the following article, who shall take refuge or be found within the territory of the other.

This will only take place when the evidence of criminality is of such a character that according to the laws of the country where the fugitive or person so accused is found, would legally justify his arrest and commitment for trial, if the crime or offense had been there committed.

ARTICLE 2

Extradition will be granted for the following crimes and offenses.

1. Homicide (comprehending assassination, parricide, poisoning[,] infanticide, manslaughter, when voluntary), or the attempt to commit any of these crimes.
2. Arson.
3. Burglary, house-breaking, shop-breaking, robbery committed with violence, actual attempted or threatened. Larceny of property of the value of two hundred dollars, or upwards.
4. Forgery, or the utterance of forged papers; the forgery of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.
5. The counterfeiting, or falsifying of money, whether coin or paper, or of instruments of debt created by national, State, provincial or municipal Governments, or of coupons thereof, or of bank notes, or the utterance or circulation of these; the counterfeiting, falsifying or altering of seals of State.
6. Embezzlement of public moneys, committed within the jurisdiction of either of the high contracting parties by public functionaries or depositaries; embezzlement committed by one or more persons, hired or salaried, to the detriment of their employers or principals; where in either class of cases the embezzlement exceeds the sum of two hundred dollars.
7. Fraud, or breach of trust, committed by a bailee, banker, agent, factor, trustee, director, member or public officer of any company, when such act is

punishable by the laws of both contracting parties, and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

8. Perjury, or subornation of perjury.
9. Rape, abduction, kidnapping and child-stealing.
10. Any act, committed with criminal intent, the object of which is to endanger the safety of any person travelling or being upon a railway.
11. Crimes and offenses committed at sea :
 - (a) Piracy by the law of nations.
 - (b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authorities of the ship.
 - (c) Wrongfully sinking or destroying a ship at sea, or attempting to do so.
 - (d) Assault on board a ship at sea with intent to do serious bodily harm.
12. Trading in slaves when the offense is declared criminal by the laws of both countries.

In all cases the extradition of agents, participants or cooperators in any of the crimes or offenses enumerated herein, or attempts thereof, will be granted when the punishment fixed for the crime or offense is greater than one year's imprisonment.

ARTICLE 3

In no case shall the nationality of the person accused be an impediment to his extradition, under the conditions stipulated by the present treaty, but neither Government shall be bound to deliver its own citizens for extradition under this Convention; but either shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE 4

The requisition for extradition shall be made through the diplomatic agents of the high contracting parties or, in case of their defect, by the superior consular officers thereof, accompanied by a legalized copy of the sentence of the judge, or of the warrant of arrest; issued in the country where the crime or offense may have been committed, as also the depositions or other testimony by virtue of which the warrant of arrest was issued.

Besides the sentence of the judge, or the warrant of arrest, it will be necessary in the formal request for extradition, to accompany it with such evidence as may be necessary to establish the identity of the person demanded, together with a duly certified copy of the law applicable to the act charged, as shown by statute or judicial decision.

For the purpose of extradition the two high contracting parties will proceed, in accordance with this treaty, in conformity with the laws regulating judicial proceedings at the time being in force in the country to which the demand for extradition shall be directed.

ARTICLE 5

In urgent cases the two high contracting parties may request, by mail or telegraph, the provisional arrest of the person accused and the retention of the objects relating to the crime or offense, in each case setting forth the existence of a sentence, or warrant of arrest, and clearly stating the nature of the crime or offense charged.

Such provisional detention will cease and the person held will be placed at liberty if the formalities for his extradition, in the required form set out in the preceding article, are not presented within two months, counting from the day of the arrest.

ARTICLE 6

Extradition will not be granted for a crime or offense of a political character nor for those connected therewith.

No person delivered up in virtue of this treaty can be tried, or punished, for a political crime or offense, nor for an act having connection therewith, committed before the extradition or surrender of such person.

In cases of doubt with relation to the present article, the decision of the judicial authorities of the country to which the demand for extradition is directed will be final.

ARTICLE 7

Extradition will not be granted when the crime or offense charged, or for which the fugitive has been condemned, is found unpunishable, by reason of statutory limitation, in accordance with the laws of the country of asylum.

ARTICLE 8

In no case can the person surrendered be held or tried in the country to which he has been surrendered for any crime other than that for which extradition was granted until he has returned, or had an opportunity to return, to the surrendering State.

This stipulation will not apply to crimes or offenses committed after extradition has taken place.

ARTICLE 9

All articles at the time of apprehension in the possession of the person demanded, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE 10

If the individual claimed by one of the high contracting parties, in pursuance of the present treaty, shall also be claimed by one or several powers, on account of crimes or offenses committed within their respective jurisdictions,

his extradition shall be granted to the State whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE 11

All expenses connected with the extradition of a fugitive, excepting the compensation of public officers who receive a fixed salary, will be borne by the State asking such extradition.

ARTICLE 12

The present treaty shall take effect on the thirtieth day after the date of the exchange of the ratifications.

The ratifications of the present treaty shall be exchanged at Buenos Aires as soon as possible, and it shall remain in force for a period of six months after the date on which either of the contracting governments shall give notice to the other of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed this Treaty and affixed thereto their seals.

Done in duplicate, at the city of Buenos Aires, this twenty sixth day of September eighteen hundred and ninety six.

WILLIAM I. BUCHANAN [SEAL]

AMANCIO ALCORTA [SEAL]