

EXTRADITION

Treaty signed at Quito June 28, 1872

Senate advice and consent to ratification January 6, 1873

Ratified by the President of the United States January 10, 1873

Ratified by Ecuador November 12, 1873

Ratifications exchanged at Quito November 12, 1873

Entered into force November 12, 1873

Proclaimed by the President of the United States December 24, 1873

*Second article supplemented by treaty of September 22, 1939*¹

18 Stat. 199; Treaty Series 79

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ECUADOR

The United States of America and the Republic of Ecuador, having deemed it conducive to the better administration of justice and the prevention of crime within their respective territories that all persons convicted of or accused of the crimes enumerated below, being fugitives from justice, shall be, under certain circumstances, reciprocally delivered up, have resolved to conclude a treaty upon the subject; and the President of the United States has for this purpose named Rumsey Wing, a citizen of the United States, and their Minister-Resident in Ecuador, as Plenipotentiary on the part of the United States, and the President of Ecuador has named Francisco Javier Leon, Minister of the Interior and of Foreign Affairs, as Plenipotentiary on the part of Ecuador; who, having reciprocally communicated their full powers, and the same having been found in good and due form, have agreed upon the following articles, viz:

ARTICLE 1ST

The Government of the United States and the Government of Ecuador mutually agree to deliver up such persons as may have been convicted of or may be accused of the crimes set forth in the following article, committed within the jurisdiction of one of the contracting parties, and who may have sought refuge or be found within the territory of the other; it being understood that this is only to be done when the criminality shall be proved in such

¹ TS 972, *post*, p. 346.

manner that, according to the laws of the country where the fugitive or accused may be found, such persons might be lawfully arrested and tried, had the crime been committed within its jurisdiction.

ARTICLE 2ND

Persons convicted of or accused of any of the following crimes shall be delivered up, in accordance with the provisions of this treaty:

1st. Murder, including assassination, parricide, infanticide, and poisoning.

2d. The crime of rape, arson, piracy, and mutiny on ship-board when the crew, or a part thereof, by fraud or violence against the commanding officer, have taken possession of the vessel.

3d. The crime of burglary, this being understood as the act of breaking or forcing an entrance into another's house with intent to commit any crime; and the crime of robbery, this being defined as the act of taking from the person of another goods or money with criminal intent, using violence or intimidation.

4th. The crime of forgery, which is understood to be the wilful use or circulation of forged papers or public documents.

5th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank bills and securities, and in general of any kind of titles to or instruments of credit, the counterfeiting of stamps, dies, seals, and marks of the state and of the administrative authorities, and the sale or circulation thereof.

6th. Embezzlement of public property, committed within the jurisdiction of either party, by public officers or depositaries.²

ARTICLE 3RD

The stipulations of this treaty shall not be applicable to crimes or offences of a political character; and the person or persons delivered up, charged with the crimes specified in the foregoing article, shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

ARTICLE 4TH

If the person whose extradition may have been applied for, in accordance with the stipulations of the present treaty, shall have been arrested for offences committed in the country where he has sought refuge, or if he shall have been sentenced therefor, his extradition may be deferred until his acquittal, or the expiration of the term for which he shall have been sentenced.

² For additions to the list of crimes enumerated in the second article, see supplementary treaty of Sept. 22, 1939 (TS 972), *post*, p. 346.

ARTICLE 5TH

Requisitions for the extradition of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in case of the absence of these from the country or its capital, they may be made by superior consular officers. If the person whose extradition is asked for shall have been convicted of a crime, the requisition must be accompanied by a copy of the sentence of the court that has convicted him, authenticated under its seal, and an attestation of the official character of the judge who has signed it, made by the proper executive authority; also by an authentication of the latter by the Minister or Consul of the United States or Ecuador, respectively. On the contrary, however, when the fugitive is merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime has been committed, and of any evidence in writing upon which such warrant may have been issued, must accompany the aforesaid requisition. The President of the United States, or the proper executive authority of Ecuador, may then order the arrest of the fugitive, in order that he may be brought before the judicial authority which is competent to examine the question of extradition. If, then, according to the evidence and the law, it be decided that the extradition is due in conformity with this treaty, the fugitive shall be delivered up, according to the forms prescribed in such cases.

ARTICLE 6TH

The expenses of the arrest, detention, and transportation of persons claimed shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE 7TH

This treaty shall continue in force for ten (10) years from the day of the exchange of ratifications; but in case neither party shall have given to the other one (1) year's previous notice of its intention to terminate the same, then this treaty shall continue in force for ten (10) years longer, and so on.

The present treaty shall be ratified, and the ratifications exchanged in the capital of Ecuador, within two months from the day on which the session of the coming Congress of Ecuador shall terminate, which will be in October, 1873.

In testimony whereof the respective Plenipotentiaries have signed the present treaty in duplicate, and have hereunto affixed their seals.

Done in the city of Quito, capital of the Republic of Ecuador, this twenty-eighth day of June, one thousand eight hundred and seventy-two.

RUMSEY WING	[SEAL]
FRANCISCO JAVIER LEON	[SEAL]