

BELIZE:

EXTRADITION (AMENDMENT) ACT, 2016

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of heading to Part II of principal Act.
3. Insertion of new heading to Part III of principal Act.
4. Renumbering of heading to section 9 of principal Act as Part IV.
5. Amendment of section 9 of principal Act
6. Insertion of new Part V in principal Act.
7. Insertion of new Second Schedule to principal Act.



No. 10 of 2016

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

14th April, 2016.

AN ACT to amend the Extradition Act, Chapter 112 of the Substantive Laws of Belize, Revised Edition 2011; to make provision for the extradition of fugitive criminals between Belize and the United Mexican States; and to provide for matters connected therewith or incidental thereto.

(Gazetted 16th April, 2016.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

EXTRADITION (AMENDMENT) ACT, 2016,

and shall be read and construed as one with the Extradition Act, which as amended, is hereinafter referred to as the principal Act.

Amendment of heading to Part II of principal Act.

2. The principal Act is amended in the heading to Part II by deleting the words, “Guatemala and United States of America”.

Insertion of new heading to Part III of principal Act.

3. The principal Act is amended by inserting next before section 8 the following heading.

“Part III

Extradition (Guatemala)”.

Renumbering of heading to section 9 of principal Act as Part IV.

4. The principal Act is amended by deleting the heading “PART III” appearing next before section 9 and substituting therefore the heading “PART IV”.

Amendment of section 9 of principal Act.

5. Section 9 of the principal Act is amended by deleting the word “Schedule” and substituting therefore the words “First Schedule”.

Insertion of new Part V in principal Act.

6. The principal Act is amended by inserting next after section 9 the following as Part V –

“Part V

Extradition (United Mexican States)

United Mexican States extradition regulated.

10. The extradition of fugitive criminals between Belize and the United Mexican States shall be as directed in accordance with the Extradition Treaty between the Government of Belize and the Government of the United Mexican States, signed on the 29th day of August, 1988, a copy of which is set forth in the Second Schedule hereto.”

Second Schedule.

7. The principal Act is amended by-

- (a) renumbering the Schedule as the First Schedule;
and
- (b) inserting next after the First Schedule, as renumbered, the following as the Second Schedule-

**Insertion of
new Second
Schedule to
principal Act.**

SECOND SCHEDULE

EXTRADITION AGREEMENT BETWEEN THE GOVERNMENT OF BELIZE AND THE GOVERNMENT OF THE UNITED MEXICAN STATES (Section 10)



EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE
UNITED MEXICAN STATES
AND THE GOVERNMENT OF BELIZE

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INSTRUMENT OF RATIFICATION

WHEREAS a Treaty on Extradition was signed at Mexico City on the 29th day of August, One Thousand nine hundred and eighty-eight by representatives of the Government of the United Mexican States and the Government of Belize which Treaty is, word for word, contained in the Schedule attached hereto;

The Government of Belize having considered the Treaty aforesaid hereby confirm and ratify the same and undertake faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS WHEREOF this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of the Government of Belize.

DONE at Belmopan this 25th day of May, One thousand nine hundred and eighty-nine.


DEAN O. BARRON

Minister of Foreign Affairs

EXTRADITION TREATY
BETWEEN
THE GOVERNMENT OF THE
UNITED MEXICAN STATES
AND THE GOVERNMENT OF BELIZE

— * * * —
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IN WITNESS WHEREOF this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of the Government of Belize.

DONE at Belmopan this 25TH day of May, One thousand nine hundred and eighty-nine.


DEAN O. BARROW

Minister of Foreign Affairs

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF
BELIZE AND THE GOVERNMENT OF THE UNITED MEXICAN STATES

The Government of Belize and the Government of the United Mexican States;

Desiring to cooperate more closely in the fight against crime and, to this end, to mutually render better assistance in matters of extradition;

Have agreed as follows:

ARTICLE 1

Obligation to Extradite

1. The Contracting Parties agree to mutually extradite, subject to the provisions of this Treaty, persons whom the competent authorities of the requesting Party have charged with an offence or have found guilty of committing an offence, or who are wanted by the said authorities to complete a judicially pronounced penalty of deprivation of liberty for an offence committed within the territory of the requesting Party.
2. For an offence committed outside the territory of the requesting Party, the requested Party shall grant extradition if:
 - a) Its laws would provide for the punishment of such an offence committed in similar circumstances, or
 - b) the person sought is a national of the requesting Party and that Party has jurisdiction under its own laws to try that person.

ARTICLE 2

Extraditable Offences

1. Extradition shall be granted for an act or omission the facts of which disclose an offence within any of the descriptions listed in the Schedule annexed to this Treaty, which is an integral part of the Treaty.
2. Extradition shall also be granted for any other offence which, although not included in the Schedule, is punishable, in accordance with the laws of both Contracting Parties, by imprisonment or other form of detention for more than one year, or in the case of Belize and subject to Article 8, to the death penalty.
3. Extradition shall also be granted for any attempt or conspiracy to commit an offence within paragraphs 1 and 2 of this Article if such attempt or conspiracy is one for which extradition may be granted under the laws of both Parties and is punishable under the laws of both Parties by imprisonment or other form of detention for more than one year, or in the case of Belize and subject to Article 8, to the death penalty.
4. A person convicted of and sentenced for an offence shall not be extradited therefor unless he was sentenced to imprisonment or other form of detention for a period of six months or more, or in the case of Belize and subject to Article 8, to the death penalty.

ARTICLE 3

Evidence Required

Extradition shall be granted only if the evidence be found suf-

ficient, according to the laws of the requested Party, either to justify the committal for trial of the person sought if the offence of which he has been accused had been committed in the territory of the requested Party, or to prove that he is the identical person convicted by the courts of the requesting Party.

ARTICLE 4

Territorial Application

1. For the purposes of this Treaty, the territory of a Contracting Party shall include all the territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in the territory of that Contracting Party if any such aircraft is in flight when the offence is committed.
2. For the purposes of this Treaty, an aircraft shall be considered to be in flight at any time from the moment when all its external doors are closed following the embarkation until the moment when any such door is opened for disembarkation.

ARTICLE 5

Political and Military Offences

1. Extradition shall not be granted when the offence for which it is requested is political or of a political character.
2. If any question arises as to the application of the foregoing paragraph, the competent authority of the requested Party shall decide the same.
3. For the purpose of this Treaty, the following offences shall not

be considered to be offences included in paragraph 1:

a) Murder or other offence against the life or person of a Head of State or Head of Government or of his family, including attempts to commit any such offence.

b) An offence which the Contracting Parties may have the obligation to prosecute by reason of any international agreement.

4. Extradition shall not be granted when the offence for which extradition is requested is a purely military offence.

ARTICLE 6

Non Bis in Idem

Extradition shall not be granted when the person sought has been prosecuted or has been tried and convicted or acquitted by the requested Party for the offence for which extradition is requested.

ARTICLE 7

Lapse of Time

Extradition shall not be granted when the prosecution or the enforcement of the penalty for the offence for which extradition has been requested has become barred by lapse of time according to the laws of the requesting or requested Party.

ARTICLE 8

Capital Punishment

If the offence for which extradition is requested is punishable by death under the laws of the requesting Party, but the laws of the

requested Party do not permit such punishment for that offence, extradition may be refused unless the requesting Party furnishes such assurances as the requested Party considers sufficient that the death penalty shall not be executed.

ARTICLE 9

Extradition of Nationals

1. Either Contracting Party may, in its absolute discretion, refuse to extradite its own nationals.

2. If extradition is refused pursuant to paragraph 1 of this Article, the requested Party shall submit the case to its competent authority for the purpose of prosecution, provided that Party has jurisdiction over the offence.

ARTICLE 10

Extradition Procedures and Required Documents

1. The request for extradition shall be made through the diplomatic channel.

2. The request for extradition shall contain the description of the offence for which extradition is requested and shall be accompanied by:
 - a) a statement of the facts of the case;

 - b) the text of the legal provisions describing the essential elements of the offence;

 - c) the text of the legal provisions describing the punishment for

the offence;

d) the text of the legal provisions relating to the time limit on the prosecution or the execution of the punishment of the offence;

e) the facts and personal information of the person sought which will permit his identification and, where possible, information concerning his location.

3. In addition, when the request for extradition relates to a person who has not yet been convicted, it shall be accompanied by:

a) a certified copy of the warrant of arrest issued by a judge, magistrate or other competent authority of the requesting Party;

b) Evidence which, in accordance with the laws of the requested Party, would justify the apprehension and committal for trial of the person sought if the offence had been committed in the territory of the requested Party including evidence that the person sought is the person to whom the warrant of arrest refers.

4. When the request for extradition relates to a convicted person, it shall be accompanied by a certified copy of the judgment of conviction imposed by a court of the requesting Party.

If the person was found guilty but not sentenced, the request for

extradition shall be accompanied by a certificate to that effect and a certified copy of the warrant of arrest.

If such person has already been sentenced, the request for extradition shall be accompanied by a certificate of the sentence imposed and a statement indicating which part of the sentence has not been carried out.

5. All the documents that must be presented by the requesting Party in accordance with the provisions of this Treaty shall be accompanied by a translation in the language of the requested Party.

6. The documents which, according to this Article, shall accompany the request for extradition, shall be received in evidence in any proceedings for extradition when:

a) in the case of a request emanating from Belize, they are certified by the principal diplomatic or consular officer of Belize in the United Mexican States.

b) in the case of a request emanating from the United Mexican States, they are certified by the principal diplomatic or consular officer of the United Mexican States in Belize.

ARTICLE 11

Provisional Arrest

1. In the case of urgency, either Contracting Party may request through the diplomatic channel, the provisional arrest of an accused or convicted person. The application shall contain a description of the

offence for which the extradition is requested, a description of the person sought and his whereabouts, and undertaking to formalize the request for extradition, and a declaration of the existence of a warrant of arrest issued by a competent authority or a judgment of conviction made against the person sought.

2. On receipt of such a request, the requested Party shall take necessary steps to ensure the arrest of the person sought.

3. Provisional arrest shall be terminated if, within a period of sixty days after the apprehension of the person sought, the competent authority of the requested Party has not received the formal request for extradition and the documents mentioned in Article 10.

4. The fact that the provisional arrest is terminated pursuant to paragraph 3, shall not prejudice the extradition of the person sought if the formal request for extradition and the necessary documents mentioned in Article 10 are received at a later date.

ARTICLE 12

Additional Evidence

If the competent authority of the requested Party considers that the evidence furnished in support of the request for extradition is not sufficient in order to fulfill the requirements of this Treaty, that Party shall request the presentation of the necessary additional evidence.

ARTICLE 13

Procedure

1. The request for extradition shall be processed in accordance with

the laws of the requested Party.

2. The requested Party shall make all arrangements necessary for internal procedures arising out of the request for extradition.

3. The competent legal authorities of the requested Party shall be authorized to employ all legal means within their power to obtain from the judicial authorities the decisions necessary for compliance with the request for extradition.

ARTICLE 14

Decision and Surrender

1. The requested Party shall promptly communicate to the requesting Party through the diplomatic channel its decision on the request for extradition.

2. In the case of complete or partial rejection of a request for extradition, the requested Party shall give the reasons on which it was based.

3. If the extradition is granted, the surrender of the person sought shall take place within such time as may be prescribed by the laws of the requested Party. The competent authorities of the Contracting Parties shall agree on the date and place of the surrender of the person sought.

4. If the competent authority has issued the warrant or order for the extradition of the person sought and he is not removed from the territory of the requested Party within the prescribed period, he shall be set at liberty and the requested Party may subsequently refuse to extra

dite him for the same offence.

ARTICLE 15

Delayed Surrender

The requested Party, after granting the extradition, may defer the surrender of the person sought when that person is being proceeded against or is serving a sentence in the territory of the requested Party for a different offence, until the conclusion of the proceeding or the full execution of the punishment that has been imposed.

ARTICLE 16

Requests for extradition made by Third States

If the extradition of a person is requested concurrently by one of the Contracting Parties and by one or more Third States, either for the same offence or for different offences, the requested Party shall make its decision, in so far as its law allows, having regard to all the circumstances, including the provisions in this regard in any Agreements in force between the requested Party and the requesting States, the relative seriousness and the place of commission of the offences, the respective dates of the requests, the nationality of the person sought and the possibility of subsequent extradition to another State.

ARTICLE 17

Rule of Speciality

1. A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offence other than that for which extradition has been granted nor extra-

dited by that Party to a third State unless:

- a) he has left the territory of the requesting Party after his extradition and has voluntarily returned to it;
- b) he has not left the territory of the requesting Party within 60 days after being free to do so, or
- c) the requested Party has given its consent to his detention, trial, punishment or extradition to a third State for an offence other than that for which the extradition was granted.

These stipulations shall not apply to offences committed after the extradition.

2. If, subsequent to the extradition of the person sought, the classification of the offence for which that person was extradited, is changed, he shall be tried and sentenced on the condition that the offence, in its new legal form:

- a) is based on the same set of facts established in the request for extradition and in the documents presented in its support; and
- b) is punishable with the same maximum sentence as the crimes for which he was extradited or with a lesser sentence.

ARTICLE 18

Summary Extradition

If the person sought informs the competent authorities of the

requested Party that he agrees to be extradited, that Party may grant his extradition without further proceedings, and shall take all measures under its laws to expedite the extradition. In such cases Article 17 shall not be applicable.

ARTICLE 19

Surrender of Property

1. To the extent permitted under the laws of the requested Party and subject to the rights of third parties, which shall be duly protected, all articles, instruments, objects of value or documents related to the offence, whether or not used for its commission, or which in any manner may be material evidence for the prosecution, shall be surrendered upon the granting of the extradition even when extradition cannot be effected due to the death, disappearance or escape of the person sought.

2. The requested Party may condition the surrender of articles on receiving satisfactory assurance from the requesting Party that the articles shall be returned to the requested Party as soon as possible.

ARTICLE 20

Transit

1. Each Contracting Party shall, subject to its laws, allow a person who is not its own national and who has been surrendered to the other Contracting Party by a third State, to be transported through its territory upon presentation made through the diplomatic channel of a certified copy of the decision on extradition, provided that reasons of public order are not opposed to the transit.

2. The authorities of the transit State shall be in charge of the

custody of the extradited person while that person is in its territory.

3. The Party to which the person has been extradited shall reimburse to the Party through whose territory such person is transported all expenses incurred by the latter in connection with such transportation.

ARTICLE 21

Expenses

The requested Party shall bear the expenses of the arrangements referred to in Article 13, with the exception that the expenses incurred in the translation of documents and, if applicable, for the transportation of the person extradited shall be paid by the requesting Party.

ARTICLE 22

Scope of Application

1. This Treaty shall apply to the offences specified in Article 2 and the annexed Schedule committed before or after this Treaty enters into force, provided that extradition shall not be granted for an offence committed before this Treaty enters into force which was not an offence under the laws of both Contracting Parties at the time of its commission.

2. Requests for extradition that are under process on the date of entry into force of this Treaty, shall be resolved in accordance with the provisions of the Treaty of 7th September, 1886, between the United Kingdom of Great Britain and Ireland and the United Mexican States.

ARTICLE 23

Ratification, Entry into Force, Termination

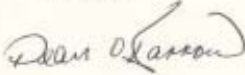
1. This Treaty shall be subject to ratification; the exchange of instruments of ratification shall take place in Belmopan as soon as possible.
2. This Treaty shall enter into force on the date of exchange of instruments of ratification.
3. On entry into force of this Treaty, the Treaty of Extradition dated the 7th September, 1886, between the United Kingdom of Great Britain and Ireland and the United Mexican States, shall cease to have effect between Belize and the United Mexican States subject to the provisions of Article 22.
4. Either of the Contracting Parties may terminate this Treaty at any time by giving notice to the other through the diplomatic channel. In that event the Treaty shall cease to have effect six months after the receipt of the notice.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

Done in two originals, in the English and Spanish languages each

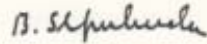
of which is equally authentic, at Mexico City this 29th day of August,
one thousand nine hundred and eighty-eight.

For the Government of
Belize



Dean O. Barrow
Attorney General Minister of
Foreign Affairs and Economic
Development

For the Government of the
United Mexican States



Bernardo Sepulveda Amor
Minister of Foreign Affairs

SCHEDULE

LIST OF OFFENCES REFERRED TO IN ARTICLE 2

1. Murder, manslaughter, patricide, infanticide, abortion, unlawfully administering drugs or using instruments with intent to procure the miscarriage of a woman.
2. Intentionally wounding or inflicting dangerous or grievous bodily harm.
3. Abandoning or stealing a child.
4. Kidnapping, abduction, false imprisonment.
5. Rape, indecent assault, carnal knowledge, including illicit sexual acts committed with children.
6. Pimping, procuring a woman or young person for immoral purposes, living on the earnings of prostitution.
7. Robbery, theft, assault with intent to rob, burglary or house-breaking.
8. Fraud in all its forms.
9. Embezzlement, misuse of public funds, maladministration of property.
10. Crimes relating to forgery and falsification in all their forms.

11. Blackmail and extortion.
12. Receiving or otherwise handling any goods, money, valuable securities or other property, knowing or believing the same to have been stolen or unlawfully obtained.
13. Arson, destroying or damaging property.
14. All offences against the law relating to narcotic drugs, cannabis sativa L, hallucinogenic or psychotropic drugs, opium, cocaine and its derivatives, and other dangerous drugs or dangerous chemical products.
15. Crimes relating to the control of poisonous chemical products or the control of substances harmful to health.
16. Piracy.
17. Crimes against the security of the means of transport, including any act which endangers the safety of persons travelling or being upon any transport.
18. Hijacking or other unlawful seizure of trains, aircrafts, ships or other means of transport.
19. Crimes relating to prohibited arms, and control of firearms, ammunition, explosives, incendiary apparatus or nuclear materials.
20. Crimes against international commerce and crimes relating to international transmission of funds and precious metals.

21. Crimes relating to the importation, exportation, or transaction or conveyance of international assets, merchandise or articles, including historical or archaeological objects.
22. Crimes relating to customs.
23. Crimes relating to the control of mercantile societies and partnerships, bank institutions and other trustees.
24. Crimes relating to stock markets, including sale of shares, bonds and certificates of credit.
25. Crimes relating to bankruptcy or suspension of payments of a mercantile society or a partnership.
26. Crimes relating to monopolies and unfair practices.
27. Crimes relating to the protection of industrial property and the rights of the author.
28. Crimes relating to the abuse of authority.
29. Bribery, including soliciting, offering or accepting bribes.
30. Perjury, subornation of perjury, making false statutory declarations or other false statements without oath.
31. All crimes relating to the obstruction of justice, including the harbouring of a criminal or a suspected criminal, and the destruction of evidence.