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TREATY BETWEEN GREAT BRITAIN AND THE ORIENTAL REPUBLIC OF THE URUGUAY, FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Oriental Republic of the Uruguay, having judged it expedient, with a view to the better administration of justice and the prevention of crime, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude the present Treaty, and have appointed as their Plenipotentiaries, namely:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable Edmund John Monson, a Companion of the Most Honourable Order of the Bath, Her Majesty's Minister Resident and Consul-General to the Oriental Republic of the Uruguay; and

His Excellency the President of the Oriental Republic of the Uruguay, Dr. Don Manuel Herrera y Obes, his Minister Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The High Contracting Parties engage to deliver up to each other reciprocally, under the circumstances and conditions stated in the present Treaty, all persons, excepting their own subjects or citizens, who, being accused or convicted of any of the crimes enumerated in Article II committed in the territory of the one party, shall be found within the territory of the other party.

ARTICLE II

The extradition shall be reciprocally granted for the following crimes and offences:

1. Murder (including assassination, parricide, infanticide, poisoning, or attempt to murder).

2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Aggravated or indecent assault. Carnal knowledge of a girl under the age of 10 years; carnal knowledge of a girl under the age of 10 years and under the age of 12 years; indecent assault upon any female or any attempt to have carnal knowledge of a girl under 12 years of age.
6. Kidnapping and false imprisonment, child-stealing, abandoning, exposing, or unlawfully detaining children.
7. Abduction of minors.
8. Bigamy.
9. Wounding, or inflicting grievous bodily harm, when such acts cause permanent disease or incapacity for personal labour, or the absolute loss or privation of a member or organ.
10. Arson.
11. Burglary or housebreaking, robbery with violence, larceny or embezzlement.
12. Fraud by banker, agent, factor, trustee, director, member, or public officer of any Company, made criminal by any law for the time being in force.
13. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property knowing the same to have been feloniously stolen or unlawfully obtained, the quantity or value of which shall be greater in amount than 200/ sterling.
14. (a) Counterfeiting or altering money, or bringing to circulation counterfeited or altered money;
(b) Forgery, or counterfeiting, or altering or knowingly uttering what is forged, counterfeited, or altered;
(c) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.
15. Crimes against the Bankruptcy Law.
16. Any malicious act done with intent to endanger persons in a railway train.
17. Malicious injury to property if such offence be indictable, and punishable with one year's imprisonment or more.
18. Crimes committed at sea:
 - (a) Piracy by the law of nations
 - (b) Sinking or destroying a vessel at sea, or attempting or conspiring to do so

(c) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master

(d) Assault on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm.

19. Dealing in slaves in such manner as to constitute an offence against the laws of both countries.

The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by the laws of both Contracting Parties.

ARTICLE III

The provisions of the present Treaty shall not be applicable to offences committed before the date of its conclusion.

ARTICLE IV

A person surrendered shall not be detained or tried for any crime or offence committed in the other country before the extradition other than the crime or offence for which his surrender has been granted.

ARTICLE V

No person shall be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he proves to the satisfaction of the competent authority of the State in which he is that the requisition for his surrender has in fact been made with a view to try to punish him for an offence of a political character.

ARTICLE VI

In the Oriental Republic of the Uruguay the proceedings for the demand and obtaining extradition shall be as follows:

The Diplomatic Representatives or Consul-General of Great Britain shall address to the Minister Secretary of State in the Department of Foreign Relations, with the demand for extradition, an authentic and legalized copy of the sentence or mandate of arrest issued by competent authority, or other documents of the same legal force, against the accused person, setting forth clearly the crime or offence on account of which proceedings are being taken against the fugitive. These judicial documents shall be accompanied, if possible, by a description of the person claimed, and by any other information which may serve to identify such person.

These documents shall be communicated by the Minister of Foreign Relations to the Superior Tribunal of Justice, which, in its turn, shall transmit them to the Stipendiary Magistrate (Juez Letrado del Crimen). This functionary shall have power, authority, and jurisdiction, in virtue of the claim preferred, to issue the formal order of arrest of the person so claimed, in order that he may be brought before him, and that, in his

presence, and after hearing his defence, the proofs of his criminality may be taken into consideration; and if the result of this audience be that the said proofs are sufficient to sustain the charge, he shall be obliged to issue the formal order of delivery, giving notice thereof, by the medium of the Superior Tribunal of Justice, to the Minister of Foreign Relations, who shall dictate the necessary measures for placing the fugitive at the disposal of the British Agents charged to receive him.

In case the documents furnished by Her Britannic Majesty's Government for the identification of the person claimed, or the information obtained for the same end by the authorities of the Oriental Republic of the Uruguay, be held to be insufficient, notice shall immediately be given of the fact to the Diplomatic Representative or Consular Agent of Great Britain, the person under arrest remaining in custody until the British Government shall have furnished new proofs to establish the identity of such person, or evidence to clear up other difficulties relating to the examination of, and decision upon, the matter.

The arrest above referred to of the person proceeded against for any of the crime or offences specified in this Treaty shall not be prolonged more than three months. At the expiration of that period, if the Government making the claim shall not have fulfilled the conditions above stated, the prisoner shall not be liable to be rearrested on the same charge.

ARTICLE VII

In the dominions of Her Britannic Majesty, other than the Colonies or foreign possessions of Her Majesty, the manner of proceeding, in order to demand and obtain extradition, shall be as follows:

(a) In the case of a person accused - The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Diplomatic Representative or Consul-General of the Oriental Republic of the Uruguay. The said demand shall be accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in that Republic and duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him.

The said Principal Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive. On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime has been committed in the United Kingdom, he shall issue his warrant accordingly.

When the person claimed shall have been apprehended, he shall be brought before the Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in the United Kingdom, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender, sending immediately to the Secretary of State a certificate of the committal and a Report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than 15 days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal, to be surrendered to such person as may be duly authorized to receive him on the part of the Oriental Republic of the Uruguay.

(b) In the case of a person convicted - The course of proceeding shall be the same as above indicated, except that the warrant to be transmitted by the Diplomatic Representative or Consul-General of the Oriental Republic of Uruguay in support of his requisition shall clearly set forth the crime or offence of which the person claimed has been convicted, and state the place and date of his conviction.

The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

(c) Persons convicted by judgement in default or *arrêt de contumace* shall be, in the matter of extradition, considered as persons accused, and, as such, be surrendered.

(d) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case the Court may at once order his delivery to the person authorized to receive him, without the order of a Secretary of State for his surrender, or commit him to prison to await such order.

ARTICLE VIII

Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the fact of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge Magistrate, or officer of the country where they were issued or taken, provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath of some witness, or by being sealed with the official seal of the official seal of the Minister of Justice, or some other Minister of State.

ARTICLE IX

A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime has been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: Provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall in accordance with this Article be discharged, as well as in the United Kingdom as in the Oriental Republic of the Uruguay, if within the term of 30 days a requisition for extradition shall not have been made by the Diplomatic or Consular Agency of his country in accordance with the stimulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE X

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or chief authority of such Colony or Possession by the Chief Consular Officer of the Oriental Republic of the Uruguay in such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the said Governor or chief authority who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of Uruguayan criminals who may take refuge within such Colonies and foreign Possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

ARTICLE XI

The claim for extradition shall not be complied with if the individual claimed has been already tried for the same offence in the country whence the extradition is demanded, or if, since the commission of the acts charged, the accusation or the conviction, exemption from prosecution or punishment, has been acquired by lapse of time, according to the laws of that country.

ARTICLE XII

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XIII

If the individual claimed should be under prosecution, or have been condemned for a crime of offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been discharged in due course of law.

In case he should be proceeded against or detained in such country, on account of obligations contracted towards private individuals, the extradition shall nevertheless take place.

ARTICLE XIV

Every article found in the possession of the individual claimed at the time of his arrest shall, if the competent authority so decide, be delivered up with his person at the time when the extradition takes place. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime or offence, and shall take

place even when the extradition, after having been granted, cannot be carried out by reason of the escape of death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

ARTICLE XV

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance as far as the frontier; they reciprocally agree to bear such expenses themselves.

ARTICLE XVI

The present Treaty shall be ratified, and the ratifications shall be exchanged at Monte Video as soon as possible.

It shall come into operation 10 days after its publication, in conformity with the laws of the respective countries, and each of the Contracting Parties may at any time terminate the Treaty on giving to the other six months' notice of its intention to do so.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

DONE at Monte Video, the 26th day of March, in the year of Our Lord 1884.

Edmond Monson

Manuel Herrera y Obes