

N° 3189.

BRÉSIL ET PARAGUAY

Traité d'extradition. Signé à Assomp-
tion, le 24 février 1922.

BRAZIL AND PARAGUAY

Treaty of Extradition. Signed at
Asuncion, February 24, 1922.

TEXTE ESPAGNOL. — SPANISH TEXT.

N^o 3189. — TRATADO¹ DE EXTRADICION ENTRE LA REPUBLICA DE LOS ESTADOS UNIDOS DEL BRASIL Y LA REPUBLICA DEL PARAGUAY. FIRMADO EN ASUNCION, EL 24 DE FEBRERO DE 1922.

*Texte officiel espagnol communiqué par le délégué du Paraguay auprès de la Société des Nations.
Texte officiel portugais communiqué par le Gouvernement des États-Unis du Brésil.
L'enregistrement de ce traité a eu lieu le 24 mai 1933.*

EL PRESIDENTE DE LA REPÚBLICA DEL PARAGUAY y EL PRESIDENTE DE LA REPÚBLICA DE LOS ESTADOS UNIDOS DEL BRASIL, animados del deseo de amparar la causa de la justicia por una asistencia legal y recíproca, han resuelto firmar el presente Tratado de Extradición y han nombrado a ese fin sus Plenipotenciarios a saber :

EL PRESIDENTE DE LA REPÚBLICA DEL PARAGUAY :

Al señor Doctor Alejandro ARCE, Ministro de Relaciones Exteriores ;

EL PRESIDENTE DE LA REPÚBLICA DE LOS ESTADOS UNIDOS DEL BRASIL :

Al señor Doctor José de Paula RODRÍGUEZ ALVES, Enviado Extraordinario y Ministro Plenipotenciario.

Quienes, después de haberse comunicado sus plenos poderes, que hallaron en buena y debida forma, han convenido en las estipulaciones siguientes :

Artículo I.

Las Repúblicas del Paraguay y de los Estados Unidos del Brasil, de acuerdo con las formalidades legales adoptadas en cada país y con las de este Tratado, y salvando la competencia constitucional del Poder Judicial, se obligan a entregarse recíprocamente los individuos que cometieren delitos en uno de los dos países y se refugiaren o estuvieren de tránsito en el otro.

Artículo II.

La extradición de nacionales y extranjeros será solicitada por vía diplomática, debiendo ir el pedido acompañado de copia autenticada de la sentencia de condenación o de las decisiones de pronunciamiento o de la orden de prisión preventiva dictadas por jueces competentes. Estos documentos deberán contener : la indicación precisa del hecho imputado, el lugar y la fecha en que fué cometido, las señas características del individuo cuya extradición se pide, la transcripción de la sentencia, y el texto de la ley aplicable al caso, a más de otros datos e indicaciones que fuese posible dar :

1^o La tramitación, por vía diplomática, del pedido de extradición, constituye prueba bastante de autenticidad de los documentos presentados, como si fuesen legalizados.

¹ L'échange des ratifications a eu lieu à Rio-de-Janeiro, le 22 mai 1925.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

Nº 3189. — TRATADO¹ DE EXTRADIÇÃO DE CRIMINOSOS ENTRE O BRASIL E O PARAGUAY. ASSIGNADO EM ASSUMPÇÃO EM 24 DE FEVEREIRO DE 1922.

*Spanish official text communicated by the Delegate of Paraguay accredited to the League of Nations.
Portuguese official text communicated by the Government of the United States of Brazil.
The registration of this Treaty took place May 24, 1933.*

O PRESIDENTE DA REPUBLICA DOS ESTADOS UNIDOS DO BRASIL e O PRESIDENTE DA REPUBLICA DO PARAGUAY, animados do desejo de amparar a causa da justiça por uma assistencia legal e reciproca entre os dois paizes, resolveram assignar o presente Tratado de Extradicação e nomearam para este fim os seus Plenipotenciarios a saber :

O PRESIDENTE DA REPUBLICA DOS ESTADOS UNIDOS DO BRASIL :

O Senhor Doutor José de Paula RODRÍGUES ALVES, Enviado Extraordinario e Ministro Plenipotenciario ; e

O PRESIDENTE DA REPUBLICA DO PARAGUAY :

O Senhor Doutor Alejandro ARCE, Ministro de Estado das Relações Exteriores.

Os quaes, depois de se communicarem os seus plenos poderes, que acharem em boa a devida forma, convieram nas estipulações seguintes :

Artigo 1º.

As Republicas dos Estados Unidos do Brasil e do Paraguay, de accordo com as formalidades legaes adoptadas em cada paiz e as deste Tratado, e resalvada a competencia constitucional do Poder judiciario, obrigam-se a entrega reciproca dos individuos que commetterem crimes num dos dois paizes e se refugiarem ou estiverem em transito no outro.

Artigo 2º.

A extradicação de nacionaes e estrangeiros será solicitada por via diplomatica, sendo o pedido acompanhado de copia authentica da sentença de condemnação, ou das decisões de pronuncia ou de prisão preventiva, proferidas por juizes competentes. Estes documentos deverão conter : a indicação precisa do facto incriminado, o logar, e data em que foi praticado, os signaes caracteristicos do criminoso, a transcripção das decisões e dos textos da lei applicavel ao caso, além de outros esclarecimentos ou indicações possiveis :

Paragrapho primeiro. — O tramite pela via diplomatica do pedido de extradicação constitue prova bastante da authenticidade dos documentos apresentados, como se legalizados fossem.

¹ The exchange of ratifications took place at Rio de Janeiro, May 22, 1925.

¹ TRANSLATION.

No. 3189. — TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF BRAZIL AND THE REPUBLIC OF PARAGUAY.
SIGNED AT ASUNCION, FEBRUARY 24, 1922.

THE PRESIDENT OF THE REPUBLIC OF PARAGUAY and THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL, desirous of promoting the cause of justice by reciprocal legal assistance, have resolved to sign the present treaty of extradition, and have appointed as their Plenipotentiaries for that purpose :

THE PRESIDENT OF THE REPUBLIC OF PARAGUAY :

Dr. Alejandro ARCE, Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL :

Dr. José de Paula RODRÍGUEZ ALVES, Envoy Extraordinary and Minister Plenipotentiary ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

The Republic of Paraguay and the Republic of the United States of Brazil, subject to compliance with the legal formalities in force in each country and with the provisions of the present Treaty, and without prejudice to the competence of the judicial authorities under the constitution, undertake to surrender to each other persons who have committed an offence in one of the two countries and have taken refuge in the other country or are passing through the same.

Article II.

The extradition both of nationals and of aliens shall be applied for through the diplomatic channel, and the application shall be accompanied by a certified copy of the sentence or of the decision to take proceedings against the person in question or of the order for detention pending trial issued by competent magistrates. These documents shall contain an exact definition of the charge, the place and date on which the alleged offence was committed, the distinguishing marks by which the person whose extradition is applied for can be identified, a copy of the sentence, and the text of the law applicable to the case, together with any other data and information that it may be possible to supply.

(1) The transmission, through the diplomatic channel, of the application for extradition shall be held to be adequate proof of the authenticity of the documents presented, and to be equivalent to legalisation.

¹ Translated by the Secretariat of the League of Nations, for information.

(2) The offender thus handed over may only be tried for the offence in respect of which extradition was applied for, unless, once released, he remains in the territory of the applicant country more than thirty days, whereafter he may be tried for another offence committed in the said territory.

Article III.

Once extradition has been granted and notice thereof given to the applicant State or its diplomatic representative, the said State or representative shall ensure that the offender be removed from the territory of the State applied to within twenty days from the date of the said notification, failing which the person in question shall be set at liberty and may not be arrested again for the offence for which extradition was granted.

Article IV.

Should the person whose extradition is applied for have proceedings taken against him or be serving a sentence in the State applied to, in respect of some other offence, the surrender of the said person to the applicant State shall only take place after the proceedings have terminated or he has completed the sentence which he was serving.

Article V.

In urgent cases, the police or judicial authorities, in virtue of a penal sentence or order of remand, arrest and incarceration when taken in the act and order for detention pending trial or, lastly, escape of the accused after the offence, may reciprocally and directly require the provisional detention of their nationals otherwise than through the diplomatic channel. In that case, they must state the nature of the offence and the reasons for the application for detention. The applicant State must then, within a period of sixty days, dating from the said request, confirm it through the diplomatic channel, which confirmation must be accompanied by the necessary documents.

(1) In the case of aliens or nationals of the country applied to, provisional detention, as provided for in the present Article, shall only be granted when applied for through the diplomatic channel.

(2) In the case of persons who have escaped from prison, it shall be sufficient for the administrative or judicial authority to issue a document quoting the sentence in full and stating the time still to be served to complete the sentence, the date and circumstances of the escape, and particulars regarding the identity of the escaped prisoner.

Article VI.

Should the legislation of either or both of the Contracting Parties now or hereafter provide for corporal punishment or the death penalty, the country applied to reserves the right not to surrender the person whose extradition is requested for offences which would make him liable to the said penalties, unless the applicant country undertakes, through the diplomatic channel, to commute the said penalties to penal servitude.

Article VII.

Expenditure arising out of the detention, subsistence, and transport of the person whose extradition has been granted, including the transport of articles found in his possession, shall be chargeable to the applicant State from the date on which the offender is handed over to the diplomatic representative, or, failing him, to the consular agent, of the same State.

Article VIII.

Should one of the High Contracting Parties simultaneously receive applications for extradition from the other Contracting Party and from other States in respect of the same person, the following procedure shall be adopted :

- (a) If it is for the same offence, preference shall be given to the application of the country in whose territory the offence was committed.
- (b) If application is made in respect of different offences, preference shall be given to the application in respect of the offence that carries the most serious penalty.
- (c) In the case of offences the penalties for which are the same or equivalent, preference shall be given to the application first received.

Article IX.

Should it be necessary, the Contracting Parties may, provided that previous permission is obtained, send duly-qualified agents from one country to the other to assist in identifying the offender, such agents being under the orders of the authorities of the territory in which they are appointed.

Article X.

Extradition or detention pending trial shall not take place :

- (1) When the maximum penalties applicable or already inflicted in respect of the offences committed, including attempts to commit the offence and being accessory to the same, are less than one year ;
- (2) When the person whose extradition is applied for has already had proceedings brought against him or been sentenced or acquitted in respect of the same offence in the country applied to ;
- (3) When there is prescription in respect of the offence or penalty according to the laws of the applicant country ;
- (4) When the accused has to be brought before a special court in the applicant country.
- (5) When the offence is of a military or political character, or is an offence against religion or the press laws. Nevertheless, an allegation of political ends or motives shall not prevent extradition should the act constitute an offence against the ordinary law ; but political ends or motions shall not cause the penalty to be increased.

Article XI.

The present Treaty shall remain in force for six months after one of the High Contracting Parties has denounced it. When it has been sanctioned in the legal form obtaining in each of the two countries, it shall be ratified by both Governments, and the instruments of ratification shall be exchanged at Rio de Janeiro as soon as possible.

In faith whereof the respective Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Asuncion, in Spanish and Portuguese, the twenty-fourth day of February, one thousand nine hundred and twenty-two.

(L. S.) José de Paula RODRÍGUEZ ALVES.
Alejandro ARCE.