

No. 756

**BRAZIL
and
URUGUAY**

Treaty on the extradition of criminals. Signed at Rio de Janeiro on 27 December 1916

Authentic texts: Portuguese and Spanish.

Filed and recorded at the request of Brazil on 16 December 1976.

**BRÉSIL
et
URUGUAY**

Traité relatif à l'extradition des criminels. Signé à Rio de Janeiro le 27 décembre 1916

Textes authentiques : portugais et espagnol.

Classé et inscrit au répertoire à la demande du Brésil le 16 décembre 1976.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE REPUBLIC OF THE UNITED STATES OF BRAZIL AND THE EASTERN REPUBLIC OF URUGUAY ON THE EXTRADITION OF CRIMINALS

His Excellency the President of the Republic of the United States of Brazil and His Excellency the President of the Eastern Republic of Uruguay, in the interest of facilitating and ensuring the effective and speedy operation of justice in the territory of the two countries, have decided to conclude a treaty on the extradition of criminals and, for that purpose, have appointed as their plenipotentiaries:

His Excellency the President of the Republic of the United States of Brazil: Brigadier-General Lauro Müller, Minister for Foreign Affairs of Brazil; and

His Excellency the President of the Republic of Uruguay: Dr. Baltasar Brum, Minister for Foreign Affairs of Uruguay;

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

Article 1

The High Contracting Parties shall surrender to each other offenders who are passing through or are fugitives in their respective territories, under the following conditions:

- (a) the applicant party must be competent to prosecute and try the offence giving rise to the application;
- (b) the offence, whether committed before or after the conclusion of this Treaty, must be an offence under ordinary law;
- (c) the criminal must already have been prosecuted or convicted as a principal, co-principal or accessory;
- (d) the penalty imposed or to be imposed under the laws of the country to which application is made must be not less than one year's imprisonment, for both accused and convicted persons;
- (e) the applicant party must present documents which, under its laws and the laws of the party to which application is made, establish the criminality of the person whose extradition is sought or justify a single trial.

The foregoing subparagraphs shall also apply to attempts to commit offences in respect of which extradition may be granted.

Article 2

Extradition shall not be granted:

- (a) when proceedings or punishment are barred by reason of time limitation under the laws of the applicant State, or when the accused has already been tried in the

¹ Came into force on 21 January 1919, i.e., 10 days after the date of the exchange of the instruments of ratification, which took place at Rio de Janeiro on 11 January 1919, in accordance with article 19.

On 7 December 1921, at Montevideo, the Parties concluded an Additional Protocol to the Treaty for the Extradition of Criminals of 27 December 1916. The said Additional Protocol, which entered into force on 20 November 1926, was registered with the Secretariat of the League of Nations under number 1492 and published in *League of Nations, Treaty Series*, vol. LXIII, p. 223.

applicant State or in the State to which application is made for the same offence in respect of which the application is made;

- (b) when the subject of the application is a national of either country by birth or by naturalization obtained before the commission of the offence; in such cases, however, the authorities of the country in which the offence was committed may report it to the judicial authorities of the country of refuge, providing particulars and evidence, and the latter authorities shall, to the extent possible, apply their own laws to the perpetrator of the offence so reported;
- (c) in the case of military or political offences, offences against religion or the press laws, or related offences;
- (d) when the accused would have to appear in the applicant State before a special tribunal or court.

Sole paragraph. The fact that a political object or motive is alleged shall not prevent extradition if the act committed is primarily an offence under criminal law. The country to which application is made shall in each case determine the nature of the offence.

Article 3

In urgent cases, the signatory Governments may request, by means of a communication transmitted by post or by telegraph, that administrative action should be taken to detain the accused in custody and to seize the objects connected with the offence; the request shall be granted provided that reference is made to the existence of a sentence or the nature of the offence for which the accused is to be punished or prosecuted is clearly stated in the committal decision. Detention in custody shall be effected in the manner and in accordance with the regulations laid down in the legislation of the State to which application is made and shall be terminated if, within 60 days from the date of the detention, the documents referred to in the following article have not been submitted to the country to which application is made.

Article 4

Applications for detention in custody and extradition shall be made direct from Government to Government, or through their respective diplomatic agents, and shall be accompanied by the following documents:

- (a) in the case of persons charged with an offence, in order to justify detention in custody, at least a certified copy of the arrest warrant or committal decision where the individual was caught *in flagrante delicto*;
- (b) in the case of persons tried for an offence, a certified copy of the sentence or a record of the criminal proceedings issued by the competent judge, containing an exact description of the offence giving rise to the application, the place and date of its commission, and a copy of the text of the criminal law applicable to the case in question;
- (c) in the case of persons convicted of an offence, a certified copy of the final sentence, together with the information mentioned above;
- (d) in the case of escaped prisoners, it shall be sufficient, in order to obtain extradition, to present a document issued by the competent administrative or judicial authority reproducing the sentence and the court's notice of conviction to that authority, the amount of the sentence remaining to be served, the date and circumstances of the escape, a copy of the legal provisions on which the convic-