

No. 1072

**SPAIN
and
COLOMBIA**

Convention on extradition. Signed at Bogotá on 23 July 1892

Authentic text: Spanish.

Filed and recorded at the request of Spain on 30 April 1993.

**ESPAGNE
et
COLOMBIE**

Convention d'extradition. Signée à Bogotá le 23 juillet 1892

Texte authentique : espagnol.

Classée et inscrite au répertoire à la demande de l'Espagne le 30 avril 1993.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON EXTRADITION. SIGNED AT BOGOTÁ ON
23 JULY 1892

Her Majesty the Queen Regent of Spain, on behalf of her august son Don Alfonso XIII, and His Excellency the President of the Republic of Colombia, desirous of promoting the proper administration of justice and preventing their respective countries from serving as a refuge for the evasion of prosecution and punishment by criminals or offenders, have deemed it appropriate to conclude the present Agreement and for that purpose have appointed as their plenipotentiaries:

Her Majesty the Queen Regent of Spain, Don Bernardo J. de Cólogan, her Resident Minister in Colombia, and His Excellency the President of the Republic of Colombia, Don Marco Fidel Suárez, Under-Secretary for Foreign Affairs, chargé d'affaires,

Who, having exchanged their full powers and finding them in good and due form, have agreed on the following articles:

Article I

The Government of Spain and the Government of Colombia undertake to surrender to each other any persons whom the courts or the competent authorities of either of the two Contracting States have convicted of or charged with committing or aiding in the commission of the offences or crimes set out in article III and who have taken refuge in the territory of the other State.

Article II

The Contracting Parties shall not be required to surrender their own citizens or nationals, including individuals who had become naturalized citizens before the commission of the crime.

Both Parties agree, however, to prosecute and to try, in accordance with their respective laws, crimes or offences committed by nationals of one of the Contracting Parties against the laws of the other, pursuant to a timely request from the latter and provided that said offences or crimes are included in the list in article III.

In such cases, the request shall be accompanied by the necessary articles, documents, records, statements and other reports.

Article III

Extradition shall be granted in respect of individuals convicted of or charged with committing or aiding in the commission of any of the following crimes:

1. Homicide, including murder, parricide, poisoning, infanticide and abortion;
2. Any attempt to commit the crimes specified in the preceding item;
3. Rape, assault, kidnapping and aggravated indecent assault;

¹ Came into force on 17 June 1893 by the exchange of the instruments of ratification, which took place at Bogotá, in accordance with article XXI.

4. Bigamy;
5. Arson or wilful flooding of homes or fields;
6. Robbery or aggravated theft of money, funds, documents or any type of public or private property, and any fraudulent removal carried out by means of violence or intimidation, or by breaking and entering by night;
7. Kidnapping or holding of persons in order to extort money from the victim, his family or relatives, or for any other illicit purposes;
8. Falsification, sale and fraudulent circulation of public or private documents;
9. Falsification or forgery of official documents of the Government or the public authority, including the courts, or the sale and fraudulent use of such documents;
10. The manufacture of counterfeit coins or paper bills, bonds or coupons of the public Treasury, banknotes or other credits, seals, stamps, sealed paper, molds and marks of the State Administration, and the sale or fraudulent use thereof;
11. Embezzlement and theft or criminal misuse of public funds by employees or depositaries;
12. The defrauding or criminal misappropriation of private capital by a banker, agent, administrator, tutor, guardian, executor, depositary, receiver, trustee, director, member, teller or employee of an association, company or enterprise;
13. Abuse of trust and fraud by any employee against his directors or chiefs;
14. Bankruptcy or fraudulent insolvency, and fraud committed in connection with a bankruptcy;
15. Concealment, abduction, substitution or corruption of a minor; illegal use of an assumed name;
16. Damage to railways, telegraphs, sailing vessels or steamships which could endanger the lives of passengers or employees;
17. Wilful damage to dikes, aqueducts and public works by means of, *inter alia*, the exploding of mines, steam engines, and the criminal use of explosive substances, when such actions endanger life or property;
18. Piracy, under international law;
19. Wilful destruction or loss of a vessel; conspiring and attempting to cause such loss by anyone on the high seas;
20. Mutiny fomented by crew members or other persons on board a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of that vessel for any illicit purpose, or, by means of deception or violence, seizure or attempted seizure of the vessel.

Article IV

Extradition shall not be granted:

1. When it is requested in respect of a crime or offence for which the person sought is serving or has already served the sentence, or has been tried and acquitted in the territory of the other Contracting Party;