

140 / 11 VOL V

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF
JAMAICA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

The Government of Jamaica and the Government of the United States of America,

Recalling the Treaty for the Mutual Extradition of Criminals between the United Kingdom and the United States of America concluded in London in 1931;

Noting that both the Government of Jamaica and the Government of the United States of America have continued to apply the terms of that Treaty; and

Desiring to provide for more effective cooperation between the two States in the suppression of crime and, for that purpose, to conclude a new treaty for the extradition of offenders;

Have agreed as follows:

ARTICLE I

Obligation to Extradite

(1) The Contracting Parties agree to extradite to each other, subject to the provisions of this Treaty:

- (a) persons whom the competent authorities in the Requesting State have charged with an extraditable offence committed within its territory; or

(b) persons who have been convicted in the Requesting State of such an offence and are unlawfully at large.

(2) With respect to an offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if there is jurisdiction under the laws of both States for the punishment of such an offence in corresponding circumstances.

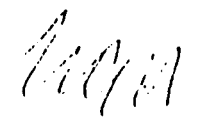
ARTICLE 11

Extraditable Offences

(1) An offence shall be an extraditable offence if it is punishable under the laws of both Contracting Parties by imprisonment or other form of detention for a period of more than one year or by any greater punishment.

(2) The following offences shall be extraditable if they meet the requirements of paragraph (1):

- (a) conspiring in, attempting to commit, aiding or abetting, assisting, counselling or procuring the commission of, or being an accessory before or after the fact to, an offence described in that paragraph; or
- (b) impeding the apprehension or prosecution of a person charged with an offence described in that paragraph.



(3) For the purposes of this Article, an offence shall be an extraditable offence:

- (a) whether or not the laws of the Contracting Parties place the offence within the same category of offences or denominate the offence by the same terminology; or
- (b) whether or not the offence is one for which United States federal law requires proof of interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.

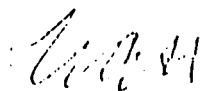
ARTICLE III

Political and Military Offences

(1) Extradition shall not be granted if the offence for which extradition is requested is of a political character.

(2) Extradition shall also not be granted if:

- (a) it is established that extradition is requested for political purposes; or
- (b) it is established that the request for extradition, though purporting to be on account of the extraditable offence, is in fact made for the purpose of prosecuting or punishing the person sought on account of his race, religion, nationality, or political opinions; or



(c) the person sought is by reason of his race, religion, nationality, or political opinions, likely to be denied a fair trial or punished, detained or restricted in his personal liberty for such reasons.

(3) It shall be the responsibility of the competent authorities of the Requested State to decide any question arising under paragraph (1). However, it shall be the responsibility of the executive authority of the Requested State to decide any question arising under paragraph (2) or (5) except to the extent that the national laws of that State expressly grant such powers to its courts.

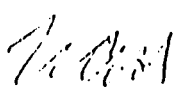
(4) Paragraphs (1) and (2) shall not apply to an offence which is extraditable pursuant to a treaty or convention to which both Contracting Parties are parties, the purpose of which is to prevent or repress a specific category of offences, and which imposes on States an obligation either to extradite the person sought or submit the matter to the competent authorities for decision as to prosecution.

(5) Extradition may be refused for offences under military law which are not offences under ordinary criminal law.

ARTICLE IV

Effect of Decision Not to Prosecute

Extradition shall not be precluded by the fact that the competent authorities in the Requested State have decided not to prosecute the person sought for the acts for which extradition is requested or have decided to discontinue any criminal proceedings



which have been initiated against the person sought.

ARTICLE V

Capital Punishment

(1) When the offence for which extradition is requested is punishable by death under the laws of the Requesting State, and the laws of the Requested State do not permit such punishment for that offence, the executive authority of the Requested State may refuse to grant extradition.

(2) In exercising its discretion pursuant to paragraph (1), the executive authority of the Requested State shall give due and sympathetic consideration to any assurance given by the Requesting State, insofar as the laws of the Requesting State permit, that the death penalty will not be carried out.

ARTICLE VI

Lapse of Time

Extradition shall not be granted when prosecution of the offence for which extradition has been sought, or enforcement of the penalty for such an offence, has become barred by lapse of time according to the laws in the Requesting State.

ARTICLE VII

Nationality

(1) Neither Contracting Party shall be bound to deliver up its own nationals but the executive authority of the Requested State shall, if not prevented by the laws of that State, have the power to deliver them up if, in its discretion, it be deemed proper to do so.

(2) Extradition shall not be refused on the ground that the

fugitive is a national of the Requested State if the fugitive is also a national of the Requesting State.

(3) If extradition is not granted for an offence pursuant to paragraph (1), the Requested State shall, if it has jurisdiction over the offence, submit the case to its highest competent authorities for decision as to prosecution, in accordance with the law of that State.

ARTICLE VIII

Extradition Procedures and Required Documents

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

(2) The request for extradition shall be supported by:

- (a) documents, statements, or other evidence which describe the identity and probable location of the person sought;
- (b) a statement of the facts of the case, including, if possible, the time and location of the offence;
- (c) a statement of the provisions of the law describing the essential elements and the designation of the offence for which extradition is requested;
- (d) a statement of the provisions of the law prescribing the punishment for the offence; and
- (e) a statement of the provisions of the law prescribing any time limit on the prosecution or the execution of punishment for the offence.

(3) A request for extradition relating to a person who is sought



for prosecution shall also be supported by:

- (a) a copy of the warrant of arrest issued by a judge or other judicial authority in the Requesting State; and
- (b) such evidence as would justify the committal for trial of that person if the offence had been committed in the Requested State.

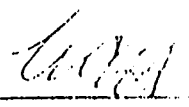
(4) When the request for extradition relates to a convicted person, in addition to those items required by paragraph (2), it shall be supported by a certificate of conviction or copy of the judgment of conviction rendered by a court in the Requesting State. If the person has been convicted and sentenced, the request for extradition shall also be supported by a statement showing to what extent the sentence has been carried out. If the person has been convicted but not sentenced, the request for extradition shall also be supported by a statement to that effect.

(5) Statements, depositions and other documents transmitted in support of the request for extradition shall be transmitted through the diplomatic channel and shall be admissible if certified or authenticated in such manner as may be required by the law of the Requested State.

ARTICLE IX

Additional Information

(1) If the executive authority of the Requested State considers that the information furnished in support of the request for extradition is not sufficient to fulfill the requirements of this Treaty, it



shall notify the Requesting State in order to enable that State to furnish additional information before the request is submitted to a court of the Requested State.

(2) The executive authority may fix a time limit for such information to be furnished.

(3) Nothing in paragraph (1) or (2) shall prevent the executive authority of the Requested State from presenting to a court of that State information sought or obtained after submission of the request to the court or after expiration of the time stipulated pursuant to paragraph (2).

ARTICLE X

Provisional Arrest

(1) In case of urgency either Contracting Party may request the provisional arrest in accordance with the law of the Requested State of any accused or convicted person pending the request for extradition. Application for provisional arrest shall be made through the diplomatic channel or directly between the Minister responsible for extradition in Jamaica and the Department of Justice in the United States of America.

(2) The application shall contain:

- (a) a description of the person sought;
- (b) the location of that person if known;
- (c) such information as would be necessary to justify the issuance of a warrant of arrest had the offence been committed, or the person sought been convicted, in the territory of the Requested State; and



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(d) a statement that a request for extradition of the person sought will follow.

(3) On receipt of such an application, the Requested State shall take the appropriate steps to secure the arrest of the person sought. The Requesting State shall be promptly notified of the result of its application.

(4) A person who is provisionally arrested shall be discharged from custody upon the expiration of sixty (60) days from the date of arrest pursuant to the application for provisional arrest if the executive authority of the Requested State has not received the formal request for extradition and the supporting documents required by Article VIII.

(5) The fact that a person is discharged from custody pursuant to paragraph (4) shall not prejudice the extradition of that person if the extradition request and the supporting documents mentioned in Article VIII are delivered at a later date.

ARTICLE XI

Decision and Surrender

(1) The Requested State shall promptly communicate through the diplomatic channel to the Requesting State its decision on the request for extradition.

(2) If the request for extradition is denied by reason of any statutory or treaty prohibition against extradition, the Requested State shall provide such information as may be available as to the reason for the denial.



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(3) If the extradition is granted, the competent authorities of the Contracting Parties shall agree on the time and place of the surrender of the person sought.

(4) If the person sought is not removed from the territory of the Requested State within the time prescribed by the law of that State, that person may be discharged from custody and the Requested State may subsequently refuse extradition for the same offence.

ARTICLE XII

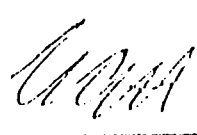
Deferred Surrender

If the extradition request is granted in the case of a person who is being prosecuted or is serving a sentence in the territory of the Requested State for a different offence, the Requested State shall, unless its laws otherwise provide, defer the surrender of the person sought until the conclusion of the proceedings against that person or the full execution of any punishment that may be or may have been imposed.

ARTICLE XIII

Requests for Extradition Made by Several States

The executive authority of the Requested State, upon receiving requests from the other Contracting Party and from any other State or States for the extradition of the same person, either for the same offence or for different offences, shall determine to which State it will extradite that person.



ARTICLE XIV

Rule of Speciality

(1) A person extradited under this Treaty may only be detained, tried or punished in the Requesting State for the offence for which extradition is granted, or -

- (a) for a lesser offence proved by the facts before the court of committal, or in the case of extradition pursuant to Article XV, any lesser offence disclosed by the facts upon which the request is based; or
- (b) for an offence committed after the extradition; or
- (c) for an offence in respect of which the executive authority of the Requested State, in accordance with its laws, consents to the person's detention, trial or punishment; and for the purposes of this sub-paragraph the Requested State may require the submission of documents mentioned in Article VIII or the written views of the extradited person with respect to the offence concerned, or both; or
- (d) if the person -
 - (i) having left the territory of the Requesting State after his extradition, voluntarily returns to it; or
 - (ii) being free to leave the territory of the Requesting State after his extradition, does not so leave within

forty-five (45) days after the first day on which he was free to do so.

(2) A person extradited under this Treaty may not be extradited to a third State unless -

- (a) the Requested State consents; or
- (b) the circumstances are such that he could have been dealt with in the Requesting State pursuant to sub-paragraph (d) of paragraph (1).

ARTICLE XV

Simplified Extradition

If the person sought agrees in writing to extradition after personally being advised by a Judge or competent magistrate of his right to further extradition proceedings, the Requested State may grant extradition without formal proceedings. Extradition pursuant to this Article shall be subject to Article XIV.

ARTICLE XVI

Seizure and Surrender of Property

(1) To the extent permitted under the laws in the Requested State all articles, instruments, objects of value, documents or other evidence relating to the offence may be seized and such items may be surrendered upon the granting of the extradition. The items mentioned in this Article may be surrendered even when extradition cannot be effected due to the death, disappearance, or escape of the person sought.

(2) The rights of third parties in such property shall be duly respected.

(3) The Requested State may impose conditions designed to ensure that the rights of third parties are protected and that the property is returned to the Requested State as soon as practicable.

ARTICLE XVII

Expenses and Representation

(1) Expenses related to the transportation of the person sought to the Requesting State shall be paid by that State. All other expenses relating to the apprehension of the person sought and to subsequent proceedings shall be borne by the Requested State. However, expenses which, in the opinion of the Parties, constitute special expenditures shall be borne by the Requesting State.

(2) The Requested State shall also provide for the representation of the Requesting State in any proceedings arising in the Requested State out of a request for extradition.

(3) No pecuniary claim arising out of the arrest, detention, examination and surrender of the person sought under the terms of this Treaty shall be made by the Requested State against the Requesting State.

(4) Paragraph (3) shall not apply to claims arising out of failure of the Requesting State to comply with conditions imposed pursuant to paragraph (3) of Article XVI.

ARTICLE XVIII

Scope of Application

This Treaty shall apply to offences encompassed by Article II committed before as well as after the date this Treaty enters into force if at the time of the act or omission comprising the offence such act or omission constituted an offence under the laws of both States.

ARTICLE XIX

Ratification and Entry into Force

(1) This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Washington as soon as possible.

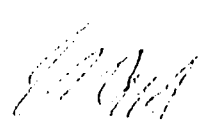

(2) This Treaty shall enter into force thirty (30) days after the exchange of the instruments of ratification.

(3) Upon entry into force of this Treaty, the Extradition Treaty between the United States of America and the United Kingdom signed at London, December 22, 1931, shall cease to have effect between Jamaica and the United States of America. Nevertheless, the 1931 Treaty shall continue to have effect in relation to any request for extradition made before this Treaty enters into force.

ARTICLE XX

Termination

(1) Either Contracting Party may terminate this Treaty at any time by giving written notice to the other Party, and the termination shall be effective six (6) months after the date of receipt of such notice.




(2) Nothing in paragraph (1) shall affect any request for extradition made before the date on which the termination becomes effective.

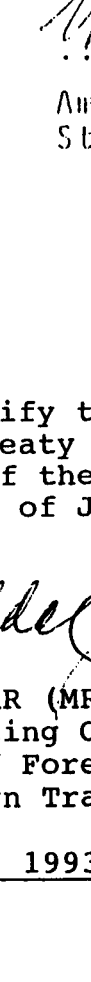
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this treaty.

DONE AT KINGSTON, in duplicate, this 14th day of June, 1983.


For the Government of
Jamaica

For the Government of the
United States of America


.....
Minister of National Security
and Justice


.....
Ambassador of the United
States of America

I, Deta Cheddar, hereby certify that this is a true copy of the **Original Extradition Treaty** between the Government of Jamaica and the Government of the United States of America which was signed on 14th day of June 1983, Kingston, Jamaica.


DETA CHEDDAR (MRS)
Authenticating Officer
Ministry of Foreign Affairs
and Foreign Trade - JAMAICA

October 26, 1993

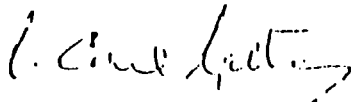


INSTRUMENT OF RATIFICATION

WHEREAS the Extradition Treaty between the Government of the United States of America and the Government of Jamaica was signed on behalf of both Governments on the 14th day of June 1983

AND WHEREAS Article 19 of the said Treaty provides that the said Treaty shall be by ratification

NOW THEREFORE the undersigned Minister of Justice, on behalf of the Government of Jamaica, hereby ratifies that Extradition Treaty between the United States of America and Jamaica.



R C Rattray

Minister of Justice

Done this 31st day of May, 1991 at Kingston,
Jamaica.

EXTRADITION ACT, 1991

The Extradition (Forms) Regulations, 1992

In exercise of the power conferred upon the Minister by section 20 of the Extradition Act, the following Regulations are hereby made:-

- 1. These Regulations may be cited as the Extradition (Forms) Regulations, 1992.
- 2. The Forms set out in the Schedule are the prescribed forms for purposes of the Extradition Act, 1991.

SCHEDULE

FORM A

THE EXTRADITION ACT, 1991

AUTHORITY TO PROCEED

(Section 8(1))

To the Resident Magistrate for the parish of

WHEREAS a request has been duly made to me, Minister of National Security and Justice, on behalf of for the surrender of

[accused] [alleged to be unlawfully at large after conviction] of :

NOW I hereby, by this order under my hand and seal, signify to you that such request has been made, and require you to issue your warrant for the apprehension of such fugitive provided that the conditions of the Extradition Act, 1991, relating to the issue of such warrant, are, in your judgment, complied with.

Given under the hand and seal of the undersigned Minister of National Security and Justice this day of , 19 .

Minister of National Security and Justice

FORM B
 THE EXTRADITION ACT, 1991
 WARRANT OF ARREST (Section 9)

The Jamaica) To all and each of the Constables of the
 Constabulary) Jamaica Constabulary Force
 Force)

WHEREAS I have received from the Honourable
 Minister of National Security and Justice an authority to proceed in
 the case of _____ who is [accused] [alleged to be
 unlawfully at large after conviction] of the extradition offence(s)
 _____, within the jurisdiction of _____ :

AND WHEREAS informaton has been presented to me which would, in
 my opinion, authorize the issue of a warrant for the arrest of a person
 [accused of committing a corresponding offence] or [alleged to be
 unlawfully at large after conviction of such offence] within my
 jurisdiction:

This is therefore to command you forthwith to arrest the said
 _____ and bring him before me or some other
 Resident Magistrate sitting at this Court to be further dealt with
 according to law, for which THIS SHALL BE YOUR WARRANT.

Given under my hand and seal at the Resident Magistrate's Court
 for the parish of _____ this _____ day of _____, 19 .

Resident Magistrate
 for the parish of _____

3.

FORM C

THE EXTRADITION ACT, 1991

PROVISIONAL WARRANT OF ARREST

(Section 9)

The Jamaica) To all and each of the Constables of the
Constabulary) Jamaica Constabulary Force
Force)

WHEREAS it has been shown to the undersigned, one of Her Majesty's Resident Magistrates in and for the parish of , that is [accused] [alleged to be unlawfully at large after conviction] of the extradition offence(s) , within the jurisdiction of :

AND WHEREAS information has been presented to me which would, in my opinion, authorize the issue of a warrant for the arrest of a person [accused of committing a corresponding offence] or [alleged to be unlawfully at large after conviction of such an offence] within my jurisdiction:

AND WHEREAS there is information that the said is or is believed to be in or on his way to Jamaica:

This is therefore to command you forthwith to arrest the said and bring him before me or some other Magistrate sitting at this Court to be further dealt with according to law, for which THIS SHALL BE YOUR WARRANT.

Given under my hand and seal at the Resident Magistrate's Court for the parish of this day of , 19 .

Resident Magistrate
for the parish of

FORM D

THE EXTRADITION ACT, 1991

ORDER CANCELLING PROVISIONAL WARRANT OF ARREST (Section 9(4))

To: Resident Magistrate for the parish of
, a Magistrate within the meaning of the Extradition Act,
1991.

WHEREAS -

- (a) I have received -
 - (i) notice from a Magistrate under section 9(4) of the Extradition Act, 1991, stating that the Magistrate has issued a warrant under section 9(1)(b) of that Act for the arrest of ; and
 - (ii) with that notice, a certified copy of the information and evidence upon which the warrant was issued;
- (b) [has not been arrested under that warrant] [has been arrested under that warrant and is at present being detained at];
- (c) I consider that the warrant should be cancelled [and that should be discharged from custody]:

NOW, THEREFORE, I , the Minister of National Security and Justice under section 9(4) of the Extradition Act, 1991, order that the warrant be cancelled [and that be discharged from custody].

Dated this day of , 19 .

Minister of National Security and Justice

FORM E
 THE EXTRADITION ACT, 1991
 WARRANT OF COMMITTAL (Section 10(5))

The Jamaica) To all and each of the Constables of the Jamaica
 Constabulary) Constabulary Force, and to the Superintendent of the
 Force) Correctional Institution.

Be it remembered that on this _____ day of _____, 19____,
 _____ of _____ is brought before me
 pursuant to a warrant for his arrest issued under section 9 of the
 Extradition Act, 1991, on the ground of his being [accused] [alleged to
 be unlawfully at large after conviction] of the crime of _____,
 and inasmuch as the provisions of section 10(5) of the Act with regard
 to his committal have been satisfied.

This is therefore to command you the said Constables forthwith
 to convey and deliver the body of the said _____
 into the custody of the said Superintendent of the _____
 at _____, and you the said Superintendent to
 receive the said _____ into your custody, and
 keep him safely there until he is delivered pursuant to the provisions
 of the Extradition Act, 1991, for which THIS SHALL BE YOUR WARRANT.

Given under my hand and seal at the Resident Magistrate's Court
 for the parish of _____, this _____ day of _____, 19____.

Resident Magistrate
 for the parish of _____

FORM F
 THE EXTRADITION ACT, 1991
 WARRANT OF MINISTER FOR EXTRADITION OF (Section 12(1))
 FUGITIVE

To the Superintendent of _____ and to all and each of
 the Constables of the Jamaica Constabulary Force.

WHEREAS _____ of _____ [accused]
 [alleged to be unlawfully at large after conviction] of the crime
 of _____ within the jurisdiction of _____,
 was delivered into the custody of you _____, the
 Superintendent of _____ by warrant
 dated _____ pursuant to the Extradition Act, 1991:

AND WHEREAS _____ has not been discharged by
 order of the _____ and I am satisfied that there
 is no other provision of the said Act prohibiting his extradition:

THEREFORE, I, do hereby order that
 _____ be extradited to _____ in respect of the offence(s)
 for which he was committed to custody by the court of committal.

Given under the hand and seal of the undersigned Minister of
 National Security and Justice this _____ day of _____,
 19 .

Minister of National Security and Justice

7.

FORM G

THE EXTRADITION ACT, 1991

WARRANT OF MINISTER FOR EXTRADITION ON (Section 12(2)(b))
TERMS AGREED WITH APPROVED STATE

To the Superintendent of _____,
and to all and each of the Constables of the Jamaica Constabulary
Force.

WHEREAS _____ of _____ [accused]
[alleged to be unlawfully at large after conviction] of the crime
of _____ within the jurisdiction of _____, was
delivered into the custody of you _____, the Superintendent
of _____ by warrant dated _____ pursuant
to the Extradition Act, 1991:

AND WHEREAS _____ has not been discharged by
order of the _____ and I am satisfied that there is no
other provision of the said Act prohibiting his extradition:

AND WHEREAS _____ is also [serving a sentence
of imprisonment] [detained] [charged with the offence of
_____]
] in Jamaica:

AND WHEREAS _____, has requested the
extradition of the said _____ for such
period as may be necessary to permit proceedings in that State
against him for the offence of _____:

AND WHEREAS Jamaica and the said _____
have agreed on the terms for such extradition as follows -

THEREFORE, I, do hereby order that
be extradited to _____ on the terms set out above in

Minister of National Security and Justice

FORM II

THE EXTRADITION ACT, 1991

WARRANT OF COMMITTAL UNDER SECTION 17(2) IN (Section 17(2))
RELATION TO CONSENT TO BEING EXTRADITED

The Jamaica) To all and each of the Constables of the Jamaica
Constabulary) Constabulary Force, and the Superintendent of
Force) in the parish of .

WHEREAS , who was arrested pursuant to a
warrant under section 9 of the Extradition Act, 1991, has been brought
before me:

AND WHEREAS, upon being informed of his right to formal
extradition proceedings under this Act, the said ,
has consented in writing to be extradited without such proceedings to
, an approved State, in relation to the following
extradition offence(s) -

(here specify offences)

being all the extradition offences for which surrender of
is sought by that State:

8.

respect of the offence(s) for which he was committed to custody by the court of committal.

Given under my hand and seal of the undersigned Minister of National Security and Justice this _____ day of _____, 19__.

Minister of National Security and Justice

FORM II

THE EXTRADITION ACT, 1991

WARRANT OF COMMITTAL UNDER SECTION 17(2) IN (Section 17(2))
RELATION TO CONSENT TO BEING EXTRADITED

The Jamaica) To all and each of the Constables of the Jamaica
Constabulary) Constabulary Force, and the Superintendent of
Force) in the parish of

WHEREAS _____, who was arrested pursuant to a warrant under section 9 of the Extradition Act, 1991, has been brought before me:

AND WHEREAS, upon being informed of his right to formal extradition proceedings under this Act, the said _____, has consented in writing to be extradited without such proceedings to _____, an approved State, in relation to the following extradition offence(s) -

(here specify offences)

being all the extradition offences for which surrender of _____ is sought by that State:

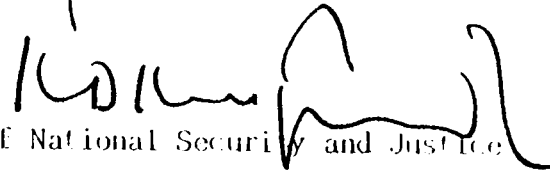
9.

NOW, THEREFORE, I _____ a Magistrate within
 the meaning of the Extradition Act, 1991, under section 17(2) of that
 Act, hereby order you the said Constables forthwith to convey and
 deliver the body of the said _____ into the custody of the
 said Superintendent of the _____ at _____
 and you the said Superintendent to receive the said _____
 into your custody and keep him safely there until he is delivered
 pursuant to the provisions of the Extradition Act, 1991, for which THIS
 SHALL BE YOUR WARRANT.

Given under my hand and seal at the Resident Magistrate's Court
 for the parish of _____ this _____ day of _____, 19____.

Resident Magistrate
 for the parish of _____

Dated this 21st day of April, 1992.


 Minister of National Security and Justice