

Treaty Between Great Britain and Hayti for the Mutual Surrender of Fugitive Criminals

E101280

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Republic of Hayti, having judged it expedient, with a view to a better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up;

Her Britannic Majesty and the President of Hayti have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Spenser St. John, Esq., Minister Resident and Consul-General of Her Britannic Majesty in the Republic of Hayti and Her Chargé d’Affaires in the Dominican Republic,

And His Excellency the President of the Republic of Hayti M. Surville Toussaint, ex-Senator;

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

Article I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one party, shall be found within the territory of the other party, under the circumstances and conditions stated in the present Treaty.

Article II

The crimes for which the extradition is to be granted are the following:

1. Murder, or attempt to murder.
2. Manslaughter.
3. Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money.
4. Forgery, or counterfeiting, or altering, or uttering what is forged or counterfeited or altered.
5. Embezzlement or larceny.
6. Obtaining money or goods by false pretences.
7. Malicious injury to property, if the offence be indictable.
8. Crimes against bankruptcy law.
9. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company, made criminal by any law for the time being in force.
10. Perjury or subornation of perjury.

11. Rape.
12. Abduction.
13. Child-stealing.
14. imprisonment.
15. Burglary or housebreaking.
16. Arson.
17. Robbery with violence.
18. Threats, by letter or otherwise, with intent to extort.
19. Piracy by law of nations.
20. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
21. Assaults on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm.
22. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master.

The extradition is also to take place for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Article III

No Haytian shall be delivered up by the Government of Hayti to the Government of the United Kingdom, and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of Hayti.

Article IV

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of the Republic of Hayti, has already been tried and discharged, or punished, or is still under trial in Hayti or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the: United Kingdom, or if the person claimed on the part of the Government of the Republic of Hayti, should be under examination for any other crime in Hayti or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

Article V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

Article VI

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the

requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

Article VII

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

Article VIII

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be found on sentences passed in contumaciam.

Article IX

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent magistrate, who is to examine him, and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

Article X

The extradition shall not take place before the expiration of 15 days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

Article XI

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a judge, magistrate, or officer of such State and are authenticated by the oath of some witnesses, or by being sealed with the official seal of the Minister of Justice or some other Minister of State.

Article XII

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

Article XIII

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything which may serve as a proof of the crime.

Article XIV

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 till placed on board ship: they reciprocally agree to bear such expenses themselves.

Article XV

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 Hayti in such colony or possession.

Such requisitions 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 Haitian 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.

The requisition for the surrender of a fugitive criminal from any colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

Article XVI

The present Treaty shall come into force 10 days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for 6 months after notice has been given for its termination.

The President of the Republic of Hayti engages to apply to the Senate for the necessary authorisation to give effect to the present Treaty, immediately after its meeting.

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

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

DONE at Port-au-Prince, the 7th day of December, in the year of Our Lord, 1874.

Spenser St. John

Surville Toussaint