

E101302

TREATY BETWEEN THE UNITED KINGDOM AND PANAMA FOR THE MUTUAL SURRENDER
OF FUGITIVE CRIMINALS

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British
Dominions beyond the Seas,

Emperor of India, and the President of the Republic of Panamá, having determined, by common
consent, to conclude a Treaty for the extradition of criminals, have accordingly named as their
Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British
Dominions beyond the Seas, Emperor of India,

Claude Coventry Mallet, Esquire, companion of His Most Distinguished Order of Saint Michael
and Saint George, and His Consul for the Republic of Panamá, and

The President of the Republic of Panamá,

His Excellency Ricardo Arias, Secretary of State for the Department of Government and Foreign
Affairs;

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

ARTICLE I

The High Contracting Parties engage to deliver up to each other, under certain circumstances
and conditions stated in the present Treaty, those persons who, being accused or convicted of
any of the crimes or offences enumerated in Article II, committed in the territory of the one Party,
shall be found within the territory of the other Party.

ARTICLE II

Extradition shall be reciprocally granted for the following crimes or offences:

1. Murder, or attempt or conspiracy to murder.
2. Manslaughter.

3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Carnal knowledge or any attempt to have unlawful carnal knowledge of a girl under the age of 16 years, so far as such acts are punishable by the law of the State upon which the demand is made.
6. Indecent assault.
7. Kidnapping and false imprisonment, child stealing.
8. Abandoning, exposing, or detaining children.
9. Abduction.
10. Bigamy.
11. Maliciously wounding or inflicting grievous bodily harm.
12. Assault occasioning actual bodily harm.
13. Threats, by letter or otherwise, with intent to extort money or other things of value.
14. Perjury or subornation of perjury.
15. Arson, or attempt to commit arson.
16. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.
17. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company.
18. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
19. (a) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

(b) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of the coin of the realm.
20. Forgery, or knowingly uttering what is forged.
21. Crimes against bankruptcy law.
22. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.
23. Malicious injury to property, if such offence be indictable.

24. Piracy and other crimes or offences committed at sea against persons or things which, according to the laws of the High Contracting Parties, are extradition offences.

25. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

Extradition shall also be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the law of both the Contracting Parties for the time being in force, the grant can be made.

ARTICLE III

Neither Party is obliged to surrender its own subjects or citizens to the other Party.

ARTICLE IV

Extradition shall not take place if the person claimed on the part of His Britannic Majesty's Government, or of the Government of Panama, has already been tried and discharged or punished or is waiting trial in the territory of the United Kingdom or in the Republic of Panama respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of His Britannic Majesty's Government or of the Government of Panama should be awaiting trial or undergoing sentence for any other crime in the territory of the United Kingdom, or in the Republic of Panama respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of sentence, or otherwise.

ARTICLE V

Extradition shall not be granted if exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applying or applied to.

Neither shall it be granted if, according to the law of either country, the maximum punishment for the offence charged is imprisonment for less than one year.

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

ARTICLE VII

A person surrendered shall 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, until he has been restored, or has had an opportunity of returning to the State by which he has been surrendered.

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

ARTICLE VIII

The requisition for extradition shall be made through the Diplomatic Agents or Consuls-General 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 a copy of the judgment passed on the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

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.

ARTICLE X

A criminal fugitive may be apprehended under a warrant issued by any competent authority in either country, on such information or complaint, and such evidence, or after such proceedings, as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the said authority exercises jurisdiction; provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a competent Magistrate.

He shall, in accordance with this Article, be discharged, as well in the Republic of Panama as in the United Kingdom, if within the term of sixty days a requisition for extradition shall not have been made by the Diplomatic Agent or Consul-General of his country in accordance with the

stipulations of this Treaty. The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty and committed in the high seas on board any vessel of either country which may come into port of the other.

ARTICLE XI

The extradition shall take place 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 same State, or if extradition is claimed in respect of an offence of which the fugitive has been already convicted, to prove that the prisoner is the person convicted, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to.

ARTICLE XII

The extradition of fugitives under the provisions of this Treaty shall be carried out in His Britannic Majesty's Dominions and in the Republic of Panama, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering State.

ARTICLE XIII

In the examination which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as valid evidence the sworn disposition or the affirmations of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating, the fact of a conviction, provided the same are authenticated as follows:

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State.
2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or judicial document stating, the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated, either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the other State but any other mode of authentication for the time being permitted by the law of the country where the examination is taken may be substituted for the foregoing.

ARTICLE XIV

If the individual claimed by one of the High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to the State whose demand is earliest in date.

ARTICLE XV

If sufficient evidence for the extradition be not produced within ninety days from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICLE XVI

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 of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVII

All expenses connected with extradition shall be borne by the demanding State.

ARTICLE XVIII

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of His Britannic Majesty so far as the laws in such Colonies and foreign possessions respectively will allow.

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 the Republic of Panama in such Colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, 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.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions of the surrender of criminals from the Republic of Panama who may take refuge within such Colonies and foreign possessions, on the basis, so far as the law of such Colony and foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of His Britannic Majesty shall be governed by rules laid down in the preceding Articles of the present Treaty.

ARTICLE XIX

The present Treaty shall come into force ten 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 by a notice not exceeding one year, and not less than six months.

It shall be ratified, and the ratifications shall be exchanged as Panama as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done in duplicate in the Spanish and English languages at Panamá the 25th day of August, 1906.

C. Mallet

Ricardo Arias