

# ECUADOR

**Extradition Treaty. Signed at Quito June 28, 1872;  
entered into force November 1873.**

**18 Stat.199; TS 79; 7 Bevans 321.**

**Supplementary extradition treaty. Signed at Quito  
September 22, 1939; entered into force  
May 29, 1941.**

**55 Stat.1196; TS 972; 7 Bevans 346.**

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EXTRADITION

*Treaty signed at Quito June 28, 1872*  
*Senate advice and consent to ratification January 6, 1873*  
*Ratified by the President of the United States January 10, 1873*  
*Ratified by Ecuador November 12, 1873*  
*Ratification exchanged at Quito November 12, 1873*  
*Entered into force November 12, 1873*  
*Proclaimed by the President of the United States December 24, 1873*  
*Second article supplemented by treaty of September 22, 1939*

*18 Stat. 199; Treaty Series 79*

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA  
AND THE REPUBLIC OF ECUADOR

The United States of America and the Republic of Ecuador, having deemed it conducive to the better administration of justice and the prevention of crime within their respective territories that all persons convicted of or accused of the crimes enumerated below, being fugitives from justice, shall be, under certain circumstances, reciprocally delivered up, have resolved to conclude a treaty upon the subject; and the President of the United States has for this purpose named Rumsey Wing, a citizen of United States, and their Minister-Resident in Ecuador, as Plenipotentiary on the part of the United States, and the President of Ecuador has named Francisco Javier Leon, Minister of the Interior and of Foreign Affairs, as Plenipotentiary on the part of Ecuador; who having reciprocally communicated their full powers, and the same having been found in good and due form, have agreed upon the following articles, viz:

ARTICLE 1st

The Government of the United States and the Government of Ecuador mutually agree to deliver up such persons as may have been convicted of or may be accused of the crimes set forth in the following article, committed within the jurisdiction of one of the contracting parties, and who may have sought refuge or be found within the territory of the other; it being understood that this is only to be done when the criminality shall be proved in such manner that, according to the laws of the country where the fugitive or accused may be found, such persons might be lawfully arrested and tried had the crime been committed within its jurisdiction.

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### ARTICLE 2nd

Persons convicted of or accused of any of the following crimes shall be delivered up, in accordance with the provisions of this treaty:

1st. Murder, including assassination, parricide, infanticide, and poisoning.

2nd. The crime of rape, arson, piracy, and mutiny on ship-board when the crew, or a part thereof, by fraud or violence against the commanding officer, have taken possession of the vessel.

3rd. The crime of burglary, this being understood as the act of breaking or forcing an entrance into another's house with intent to commit any crime: and the crime of robbery, this being defined as the act of taking from the person of another goods or money with criminal intent, using violence or intimidation.

4th. The crime of forgery, which is understood to be the willful use or circulation of forged papers or public documents.

5th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank bills and securities, and in general of any kind of titles to or instruments of credit, the counterfeiting of stamps, dies, seals, and marks of the state and of the administrative authorities, and the sale or circulation thereof.

6th. Embezzlement of public property, committed within the jurisdiction of either party, by public officers or depositaries.<sup>1</sup>

### ARTICLE 3rd

The stipulations of this treaty shall not be applicable to crimes or offenses of a political character; and the person or persons delivered up, charged with the crimes specified in the foregoing article, shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

### ARTICLE 4th

If the person whose extradition may have been applied for, in accordance with the stipulations of the present treaty, shall have been arrested for offenses committed in the country where he has sought refuge, or if he shall have been sentenced therefor, his extradition may be deferred until his acquittal, or the expiration of the term for which he shall have been sentenced.

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<sup>1</sup>For additions to the list of crimes enumerated in the second article, see supplementary treaty of Sept. 22, 1939.

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**ARTICLE 5th**

Requisitions for the extradition of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in case of the absence of these from the country or its capital, they may be made by superior consular officers. If the person whose extradition is asked for shall have been convicted of a crime, the requisition must be accompanied by a copy of the sentence of the court that has convicted him, authenticated under its seal, and an attestation of the official character of the judge who has signed it, made by the proper executive authority; also by an authentication of the latter by the Minister or Consul of the United States or Ecuador, respectively. On the contrary, however, when the fugitive is merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime has been committed, and of any evidence in writing upon which such warrant may have been issued, must accompany the aforesaid requisition. The President of the United States, or the proper executive authority of Ecuador, may then order the arrest of the fugitive, in order that he may be brought before the judicial authority which is competent to examine the question of extradition. If, then, according to the evidence and the law, it be decided that the extradition is due in conformity with this treaty, the fugitive shall be delivered up, according to the forms prescribed in such cases.

**ARTICLE 6th**

The expenses of the arrest, detention, and transportation of persons claimed shall be paid by the Government in whose name the requisition shall have been made.

**ARTICLE 7th**

This treaty shall continue in force for ten (10) years from the day of the exchange of ratification; but in case neither party shall have given to the other one (1) year's previous notice of its intentions to terminate the same, then this treaty shall continue in force for ten (10) years longer, and so on.

The present treaty shall be ratified, and the ratification exchanged in the capital of Ecuador, within two months from the day on which the session of the coming Congress of Ecuador shall terminate, which will be in October, 1873.

In testimony whereof the respective Plenipotentiaries have signed the present treaty in duplicate, and have hereunto affixed their seals.

Done in the city of Quito, capital of the Republic of Ecuador, this twenty-eighth day of June, one thousand eight hundred and seventy-two.

RUMSEY WING

[SEAL]

FRANCISCO JAVIER LEON

[SEAL]

## U.S. EXTRADITION TREATIES

### EXTRADITION

*Treaty signed at Quito September 22, 1939, supplementing treaty of June 28, 1872*  
*Senate advice and consent to ratification November 26, 1940*  
*Ratified by Ecuador December 11, 1940*  
*Ratified by the President of the United States December 20, 1940*  
*Ratification exchanged at Washington January 23, 1941*  
*Entered into force May 29, 1941*

55 Stat. 1196; Treaty Series 972

### SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES AND ECUADOR

The United States of America and the Republic of Ecuador, being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the two countries on June 28, 1872, with a view to the better administration of justice and the prevention of crimes in their respective territories and jurisdictions, have resolved to conclude a supplementary treaty for this purpose and have appointed as their Plenipotentiaries, to wit:

The President of the United States of America; His Excellency Boaz Long, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Ecuador, and

The President of the Republic of Ecuador; His Excellency the Minister for Foreign Affairs, Doctor Julio Tobar Donoso.

Who, after having exhibited to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE 1

The High Contracting Parties agree that the following crimes are added to the list of crimes numbered 1st to 6th in the second Article of the Treaty of Extradition concluded between the United States of America and the Republic of Ecuador on June 28, 1872; this is to say:

- 7th. Embezzlement by a person hired or salaried, the detriment of his employer, where the amount of money or the value of the property embezzled exceeds two hundred dollars, or Ecuadorean equivalent.
- 8th. Perjury or the subornation of perjury.
- 9th. Malicious destruction, or attempted destruction of railways, bridges, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

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- 10th. Abortion.
- 11th. Abduction or detention of women or girls for immoral purposes.
- 12th. Bigamy.
- 13th. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.
- 14th. Larceny, defined to be the fraudulent taking of effects, personal property, or money, of the value of twenty-five dollars or more, of Ecuadorean equivalent.
- 15th. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars, or Ecuadorean equivalent.
- 16th. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars, or Ecuadorean equivalent.
- 17th. Bribery.
- 18th. Crimes against the bankruptcy laws.
- 19th. Crimes against the laws for the suppression of the traffic in narcotics.
- 20th. Wilful desertion or wilful non-support of minor or dependent children, or of other dependent persons, provided that the crime is punishable by the laws of both countries.
- 21st. Extradition shall also take place for participation in any of the crimes before referred to as an accessory before or after the fact or in any attempt to commit any of the aforesaid crimes.

The extradition for the crimes or misdemeanors specified in the paragraphs 7 to 21 will be granted when the individual required is accused or condemned as author, accomplice or concealer of an infraction of the Penal Code, punishable in the United States and Ecuador with a penalty of not less than one year in prison.

## ARTICLE II

The present Treaty shall be considered as an integral part of the said Extradition Treaty of June 28, 1872 and it is agreed that the paragraph or crimes added by the present Treaty and numbered 21st herein shall be applicable under appropriate circumstances to all the crimes listed in the said Treaty of June 28, 1872.

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**ARTICLE III**

The present Treaty shall ratified and the ratification shall be exchanged at Washington as soon as possible. It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, such period to be computed from its publication in the country las publishing, and it shall continue and terminate in the same manner as the said Treaty of June 28, 1872.

In testimony whereof, the respective Plenipotentiaries have signed the present Treaty, in duplicate, and have hereunto affixed their seals.

Done, in duplicate, at Quito, this twenty-second day of September, one thousand nine hundred and thirty nine.

BOAZ LONG [SEAL]  
J. TOBAR DONOSO [SEAL]