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EXTRADITION TREATY WITH THE REPUBLIC OF CHILE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE

SEPTEMBER 17, 2014.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE
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LETTER OF TRANSMITTAL

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Chile (the "Treaty"), signed at Washington on June 5, 2013. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would replace the outdated extradition treaty between the United States and Chile, signed at Santiago on April 17, 1900 (the "1900 Treaty"). The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list from the 1900 Treaty. The Treaty also contains a modernized "political offense" clause and provides that extradition shall not be refused based on the nationality of the person sought. Finally, the Treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to its ratification.

BARACK OBAMA.

THE WHITE HOUSE, *September 17, 2014.*

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, March 10, 2014.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I have the honor to submit to you the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Chile ("Treaty"), signed at Washington, on June 5, 2013. Upon its entry into force, the Treaty would replace the Treaty between the United States of America and the Republic of Chile providing for the extradition of fugitives from justice, signed at Santiago on April 17, 1900 ("1900 Treaty"). I recommend that the Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It is an important part of a concerted effort by the Department of State and the Department of Justice to modernize the legal tools available for the extradition of serious offenders. The Treaty is self-executing. It will not require implementing legislation.

An overview of the Treaty, including a detailed article-by-article analysis, is enclosed with this report. The Department of Justice joins the Department of State in favoring approval of the Treaty by the Senate at the earliest possible date.

Respectfully submitted,

JOHN F. KERRY.

Enclosures: As stated.

Extradition Treaty between the Government of the United States and the Government of the Republic of Chile

Overview

Introduction

The Extradition Treaty between the Government of the United States and the Government of the Republic of Chile ("Treaty") replaces an outdated extradition treaty between the countries signed in 1900 ("1900 Extradition Treaty").

Article-by-Article Analysis

The following is an article-by-article description of the provisions of the Treaty:

Article 1 obligates each Party to extradite to the other persons sought by the Requesting State for prosecution or for imposition or service of a sentence for an extraditable offense.

Article 2 defines extraditable offenses. Under Article 2(1), an offense is extraditable if it is punishable under the laws of both States by deprivation of liberty for a period of more than one year or by a more severe penalty. This formulation is consistent with the modern "dual criminality" approach. The new Treaty eliminates the requirement, found in the 1900 Extradition Treaty, that the offense be among those listed in the treaty. The dual criminality formulation obviates the need to renegotiate or supplement the Treaty as additional offenses become punishable under the laws of both States and ensures a comprehensive coverage of criminal conduct for which extradition may be sought.

Article 2(2) further defines an extraditable offense to include an attempt or a conspiracy to commit, or participation in the commission of, an extraditable offense, if the offense of attempt, conspiracy, or participation is punishable under the laws of both States by deprivation of liberty for a period of more than one year or by a more severe penalty. Under the broad term of "participation," the Treaty covers such offenses as aiding, abetting, counseling, or procuring the commission of an offense, as well as being an accessory to an offense, at whatever stage of development of the criminal conduct and regardless of the alleged offender's degree of involvement.

Additionally, Article 2(3) identifies a number of situations in which an offense will be extraditable despite potential differences in the criminal laws of both States. For instance, an offense shall be extraditable whether or not the laws of the Requesting and Requested States place the acts constituting the offense within the same category of offenses or describe the offense by the same terminology. In addition, an offense involving tax fraud, customs duties, and import/export controls shall be extraditable regardless of whether the Requested State provides for the same sort of taxes, duties, or controls. This provision also makes explicit that an offense is extraditable where U.S. federal law requires the showing of certain matters merely for the purpose of establishing U.S. federal jurisdiction, including interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce; this clarifies an important issue for the United States in requesting extradition for certain federal crimes.

Article 2(4) addresses issues of territorial jurisdiction and requires the Parties to grant extradition if the offense for which extradition is requested has been committed in whole or in part in the territory of the Requesting State. With regard to offenses committed outside the territory of the Requesting State, extradition shall be granted if the laws of the Requested State provide for the punishment of such an offense committed outside its territory under similar circumstances. If the laws of the Requested State do not so provide, the Requested State may still grant extradition at its discretion.

Article 2(5) prescribes that, if extradition is granted for an extraditable offense, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by a maximum of one year's deprivation of liberty or less, provided that all other requirements for extradition are met.

Article 2(6) provides that, where the extradition request is for service of a sentence of imprisonment, extradition may be denied if, at the time of the request, the remainder of the sentence to be served is less than six months.

Article 3 establishes that extradition and surrender shall not be refused based on the nationality of the person sought.

Article 4 governs political and military offenses as a basis for the denial of extradition. As is customary in extradition treaties, extradition shall not be granted if the offense for which extradition is requested is a political offense.

Article 4(2) enumerates offenses that shall not be considered to be political offenses, including murder, manslaughter, serious sexual assault, and kidnapping.

Notwithstanding Article 4(2), Article 4(3) provides that extradition shall not be granted if the competent authority of the Requested State determines that the request was politically motivated.

Under Article 4(4) the competent authority of the Requested State may refuse extradition for offenses under military law that are not offenses under ordinary criminal law. Desertion would be an example of such an offense.

Article 5 addresses instances in which an individual has previously been prosecuted for the offense for which extradition is requested. Article 5(1) precludes extradition of a person who has been convicted or acquitted in the Requested State for the offense for which extradition is requested. Under Article 5(2), a person shall not be considered to have been convicted or acquitted where the authorities of the Requested State: (a) have decided not to prosecute the person sought for the acts for which extradition is requested; (b) have decided to discontinue any criminal proceedings against the person for those acts; or (c) are still proceeding against the person sought for those acts.

Article 6 addresses punishment. When an offense for which extradition is sought is punishable by death under the laws of the Requesting State but not under the laws of the Requested State, under Article 6(1) the Requested State may grant extradition for the person sought on the condition that the death penalty shall not be imposed, or if imposed that it shall not be carried out. Except in instances in which the death penalty applies, Article 6(2) precludes the Parties from imposing conditions or refusing extradition on the basis that the penalty for the offense is greater in the Requesting State than in the Requested State.

Article 7 provides that only the laws of the Requesting State regarding lapse of time shall be considered for purposes of deciding whether or not to grant extradition. The Requesting State's certification that the statute of limitations has not run is binding on the Requested State.

Article 8 specifies the procedures and documents required to support a request for extradition. Article 8(1) prescribes that all extradition requests be submitted through the diplomatic channel. Among several other requirements, Article 8(3) establishes that extradition requests must be supported by such

information as would provide a reasonable basis to believe that the person sought committed the offense(s) for which extradition is requested. Notably, this language mirrors the probable cause standard applied in U.S. criminal law.

Article 9 requires that all documents that the Requesting State submits pursuant to the Treaty must be accompanied by a translation into the language of the Requested State, unless otherwise agreed.

Article 10 sets out the procedures for certification and admissibility of documents.

Article 11 establishes the possibility of and procedures for requesting the provisional arrest of the person sought pending presentation of the formal extradition request. Article 11(2) specifies the information that must accompany a provisional arrest request. Article 11(4)-(5) set out procedures to be followed if the Requesting State is unable to provide the formal extradition request within the specified time period.

Article 12 requires the Requested State to promptly notify the Requesting State of its decision on an extradition request. Under Article 12(2), if the Requested State denies extradition, it must provide an explanation of the reasons for the denial.

Article 13 addresses deferred and temporary surrender of the person sought. Under Article 13(1), if extradition has been authorized, but the person sought is being proceeded against or is serving a sentence in the Requested State, the Requested State may defer the surrender of the person sought until the proceedings have been concluded or the sentence has been served. Alternatively, the Requested State may temporarily surrender the person to the Requesting State for the purpose of prosecution. Article 13(3) requires the person temporarily surrendered to be kept in custody while in the Requesting State and to be returned to the Requested State at the conclusion of proceedings.

Pursuant to Article 14, if the Requested State receives extradition requests for the same person from more than one State, either for the same offense or for different offenses, the competent authority of the Requested State shall determine to which State, if any, it will surrender that person. Additionally, this Article sets forth a non-exclusive list of factors to be considered by the Requested State in making its decision.

Article 15 provides that, subject to certain conditions, the Requested State may seize and surrender to the Requesting State all items that are connected with the offense for which extradition is sought or that may be required as evidence in the Requesting State.

Article 16 sets forth the rule of specialty, which prohibits a person extradited under the Treaty from being detained, tried, or punished in the Requesting State, except for any offense for which extradition was granted, or a differently denominated offense that is based on the same facts, carries the same or lesser penalty and is extraditable or is a lesser included offense. The rule of specialty does not bar such actions against the extradited person if the offense is committed after the extradition of the person, or the competent authority of the Requested State consents to the person's detention, trial, or punishment for that offense. Article 16(2) provides that a person extradited under the Treaty may not be the subject of onward extradition or surrender for any offense committed prior to extradition, unless the Requested State consents. This provision would preclude Chile from transferring to a third State or an international tribunal a fugitive that the United States surrendered to Chile, unless the United States consents.

Article 17 allows the Parties to conduct a simplified extradition procedure when the person sought consents to extradition or waives extradition before a judicial authority. Notably, the rule of specialty protections in Article 16 do not apply if the person sought waives extradition.

Article 18 governs the transportation of a person being extradited between a Party and a third State through the other Party's territory.

Article 19 requires the Requested State to advise, assist, appear in court on behalf of, and represent the interests of the Requesting State in any proceedings arising out of an extradition request. Additionally, the Requested State must bear all expenses incurred in that State in connection with the extradition proceedings, except for expenses related to translation and transportation of the person surrendered.

Article 20 provides that the U.S. Department of Justice and the Chilean Office of the Public Prosecutor may consult with each other directly in connection with individual cases and in furtherance of efficient implementation of the Treaty.

Article 21 establishes that the Treaty shall only apply to offenses committed after the Treaty's entry into force.

Article 22 notes that the Treaty is subject to ratification and shall enter into force upon the exchange of the instruments of ratification. Article 22(3) provides that, upon entry into force, the Treaty shall supersede the 1900 Extradition Treaty with respect to all requests involving offenses committed on or after the date of the Treaty's entry into force. The 1900 Extradition Treaty shall continue to govern requests for extradition relating to offenses committed before the date of the Treaty's entry into force.

Under Article 23, either Party may terminate the Treaty by giving written notice to the other Party through the diplomatic channel. The termination shall be effective six months after the date of such notice. Nevertheless, extradition requests made before the termination becomes effective shall be governed by the Treaty until final resolution of the request.

EXTRADITION TREATY BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF CHILE

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The Government of the United States of America and the Government of the Republic of Chile, hereinafter referred to as "the Parties,"

Recalling the Treaty between the United States of America and the Republic of Chile providing for the extradition of fugitives from justice, signed at Santiago on April 17, 1900,

Noting that both the Government of the United States of America and the Government of the Republic of Chile currently apply the terms of that Treaty, and

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

Have agreed as follows:

Article 1
Obligation to Extradite

The Parties agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought by the authorities in the Requesting State for prosecution or for imposition or service of a sentence for an extraditable offense.

Article 2
Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both States by deprivation of liberty for a maximum period of more than one year or by a more severe penalty.

2. An offense shall also be an extraditable offense if it:

(a) consists of an attempt or a conspiracy to commit, or participation in the commission of, any offense described in paragraph 1 at whatever stage and regardless of the degree of involvement; and

(b) is punishable under the laws of both States by deprivation of liberty for a maximum period of more than one year or by a more severe penalty.

3. For purposes of this Article, an offense shall be an extraditable offense:

(a) whether or not the laws in the Requesting and Requested States place the acts or omissions constituting the offense within the same category of offenses or describe the offense by the same terminology; or

(b) whether or not the offense is one for which United States federal law requires the showing of certain matters merely for the purpose of establishing jurisdiction in a United States federal court, including but not limited to interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce.

(c) for offenses involving fraud or evasion of obligations with respect to taxes, customs duties, or controls on the import or export of commodities or currency, whether or not the laws of the Requesting and Requested States provide for the same sort of taxes or duties or for controls on the same sorts of commodities or on the same amounts of currency.

4. In accordance with the provisions of this Treaty, extradition shall be granted when the offense for which extradition is requested has been committed in whole or in part in the territory of the Requesting State. Where the offense has been committed outside the territory of the Requesting State, extradition shall be granted where the law of the Requested State provides for the punishment of an offense committed outside its territory under similar circumstances, including where such jurisdiction is authorized by a multilateral international agreement to which the latter is a party. Where the law of the Requested State does not so provide, the Requested State may, in its discretion, grant extradition, giving special consideration to the effects or intended effects of the offense on the Requesting State.

5. If extradition has been granted for an offense specified in paragraphs 1 or 2, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by a maximum of one year's deprivation of liberty or less, provided that all other requirements for extradition are met.

6. When the request for extradition refers to a person sought for service of a sentence of imprisonment, the competent authority of the Requested State, which for the United States shall be the Executive Authority, may deny extradition if, at the time of the request, the remainder of the sentence to be served is less than six months.

Article 3
Nationality

Extradition and surrender shall not be refused on the ground that the person sought is a national of the Requested State.

Article 4
Political and Military Offenses

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.

2. For the purposes of this Treaty, the following offenses shall not be considered political offenses:

(a) an offense for which both the Requesting and Requested States have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution;

(b) murder, manslaughter, malicious wounding, inflicting grievous bodily harm, assault with intent to cause serious physical injury, and serious sexual assault;

(c) an offense involving kidnapping, abduction, or any form of unlawful detention, including the taking of a hostage;

(d) an offense involving placing, using, threatening the use of, or possessing an explosive, incendiary or destructive device, or a biological, chemical or

radiological agent, where such device or agent is capable of endangering life, or causing substantial bodily harm, or of causing substantial property damage; and

(e) a conspiracy or attempt to commit, or participation in, any of the foregoing offenses, at whatever the stage and regardless of the degree of involvement.

3. Notwithstanding the terms of paragraph 2 of this Article, extradition shall not be granted if the competent authority of the Requested State, which for the United States shall be the Executive Authority, determines that the request was politically motivated.

4. The competent authority of the Requested State, which for the United States shall be the Executive Authority, may refuse extradition for offenses under military law that are not offenses under ordinary criminal law.

Article 5
Prior Prosecution

1. Extradition shall be denied when the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.

2. Without prejudice to the laws of the Requested State regarding double jeopardy, a person shall not be considered to have been convicted or acquitted where the competent authorities of the Requested State:

(a) have decided not to prosecute the person sought for the acts for which extradition is requested;

(b) have decided to discontinue any criminal proceedings which have been instituted against the person sought for those acts; or

(c) are still investigating or otherwise proceeding against the person sought for the same acts for which extradition is sought.

Article 6
Punishment

1. Where the offense for which extradition is sought is punishable by death under the laws in the Requesting State and not punishable by death under the laws in the Requested State, the Requested State may grant extradition on the condition that the death penalty shall not be imposed on the person sought, or if for procedural reasons such condition cannot be complied with by the Requesting State, on condition that the death penalty if imposed shall not be carried out. If the Requesting State accepts extradition subject to conditions pursuant to this Article, it shall comply with the conditions. If the Requesting State does not accept the conditions, the request for extradition may be denied.

2. Except in instances in which the death penalty applies, extradition shall not be refused, or conditions imposed, on the basis that the penalty for the offense is greater in the Requesting State than in the Requested State.

Article 7
Lapse of Time

With respect to laws regarding lapse of time, only the laws of the Requesting State shall be considered for purposes of deciding whether or not to grant extradition. In this regard, the Requesting State shall certify that neither the offense nor execution of the penalty relating to the offense(s) for which extradition is sought is barred by its laws regarding lapse of time, and such certification shall be binding on the Requested State.

Article 8
Extradition Procedures and Required Documents

1. All requests for extradition shall be submitted through the diplomatic channel.

2. All requests shall be supported by:

(a) documents, statements, or other types of information which describe the identity, nationality, and probable location of the person sought;

(b) information describing the facts of the offense or offenses and the procedural history of the case;

(c) the text of the law or laws describing the offense or offenses for which extradition is requested and the applicable penalty or penalties;

(d) the certification required by Article 7; and

(e) the documents, statements, or other types of information specified in either paragraph 3 or paragraph 4 of this Article, as applicable.

3. In addition to the requirements in paragraph 2 of this Article, a request for extradition of 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 competent authority;

(b) a document setting forth the charges against the person sought; and

(c) such information as would provide a reasonable basis to believe that the person sought committed the offense or offenses for which extradition is requested.

4. In addition to the requirements in paragraph 2 of this Article, a request for extradition relating to a person who is sought for imposition or service of a sentence shall also be supported by:

(a) a copy of the judgment of conviction, or, if a copy is not available, a statement by a judicial or other competent authority that the person has been convicted or found guilty;

(b) information establishing that the person sought is the person to whom the finding of guilt refers; and

(c) if the person has been sentenced, a copy of the sentence imposed, or if a copy is not available, a statement by a competent authority stating what sentence was imposed, as well as a statement establishing to what extent the sentence has been carried out.

5. If the Requested State requires additional information to enable it to decide on the request for extradition, the Requesting State may provide such information within the period specified by the Requested State. If special circumstances prevent the Requesting State from complying within the specified period, the Requesting State may request that the Requested State extend this period.

Article 9
Translation

All documents submitted under this Treaty by the Requesting State shall be accompanied by a translation into the language of the Requested State, unless otherwise agreed.

Article 10
Admissibility of Documents

1. The documents, statements, and other types of information that accompany an extradition request shall be received and admitted as evidence in extradition proceedings if:

(a) they bear the certificate or seal of the Department of Justice, or Ministry or Department responsible for foreign affairs, of the Requesting State; or

(b) they are certified or authenticated in any other manner consistent with the laws in the Requested State.

2. Documents certified or authenticated pursuant to this Article shall not require further certification, authentication, or other legalization.

Article 11
Provisional Arrest

1. In case of urgency, the Requesting State may request the provisional arrest of the person sought pending presentation of the extradition request and supporting documents. A request for provisional arrest may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Chilean Ministry of Foreign Affairs. The request may also be transmitted by any other means that may be agreed upon by the Parties.

2. The application for provisional arrest shall contain:

(a) a description of the person sought and such other information as may be useful in identifying the person;

(b) the location of the person sought, if known;

(c) a brief statement of the facts of the case, including, if possible, the time and location of the offense;

(d) a reference to the law(s) violated;

(e) information concerning the warrant of arrest; and

(f) a statement that the extradition request and supporting documents will follow within the time specified by this Treaty.

3. The Requesting State shall be notified without delay of the date of the provisional arrest or the reasons for any inability to proceed with the request.

4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) calendar days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the extradition request and supporting documents required in Article 8.

5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 of this Article shall not prejudice the subsequent re-arrest and extradition of that person if the extradition request and supporting documents are received at a later date.

Article 12
Decision and Surrender

1. The Requested State shall promptly notify the Requesting State through the diplomatic channel and otherwise as appropriate of its decision on the request for extradition.

2. If the request is denied in whole or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.

3. If the request for extradition is granted, the authorities of the Requesting and Requested States shall agree on the time and place for the surrender of the person sought.

4. If the person sought is not removed from the territory of the Requested State within sixty (60) calendar days from the time of the notification described in paragraph 1 of this Article or within the time prescribed by the law of that State, whichever is longer, the person sought may be discharged from custody, and the Requested State, in its discretion, may subsequently refuse extradition for the same offense.

Article 13
Deferred and Temporary Surrender

1. When the extradition proceedings have been concluded and extradition has been authorized, but the person sought is being proceeded against or is serving a sentence in the Requested State, that State may:

(a) defer the surrender of the person sought until the proceedings have been concluded or until the sentence has been served; or

(b) temporarily surrender the person to the Requesting State for the purpose of prosecution.

2. In the case of deferred surrender, the person may be kept in custody until surrendered.

3. A person temporarily surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person, in accordance with any conditions that may be agreed to by the Parties. The return of the person to the Requested State shall not require any further extradition request or proceedings.

Article 14
Requests for Extradition Made by Several States

If the Requested State receives requests from the Requesting State and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the competent authority of the Requested State, which for the United States shall be the Executive Authority, shall determine to which State, if any, it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to:

(a) whether the requests were made pursuant to a treaty;

(b) the place where each of the offenses was committed;

(c) the respective interests of the Requesting States;

(d) the gravity of the offenses;

(e) the nationality of the victim;

(f) the possibility of any subsequent extradition between the Requesting States; and

(g) the chronological order in which the requests were received from the Requesting States.

Article 15
Seizure and Surrender of Items

1. To the extent permitted under its law, the Requested State may seize and surrender to the Requesting State all items that are connected with the offense for which extradition is sought or that may be required as evidence in the Requesting State. The items mentioned in this Article may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.

2. The Requested State may condition the surrender of the items upon satisfactory assurances from the Requesting State that the property will be returned to the Requested State as soon as practicable. The Requested State may also defer the surrender of such items if they are needed as evidence in the Requested State.

3. The rights of third parties in such items shall be duly respected in accordance with the laws of the Requested State.

Article 16
Rule of Specialty

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for:

(a) any offense for which extradition was granted, or a differently denominated offense, provided that such offense is based on the same facts, carries the same or lesser penalty, and is extraditable or is a lesser included offense;

(b) any offense committed after the extradition of the person; or

(c) any offense for which the competent authority of the Requested State, which for the United States shall be the Executive Authority, consents to the person's detention, trial, or punishment. For the purpose of this subparagraph:

(i) the Requested State may require the submission of the documentation specified in Article 8; and

(ii) the person extradited may be detained by the Requesting State for 90 days, or for such longer period of time as the Requested State may authorize, while the request is being processed.

2. A person extradited under this Treaty may not be the subject of onward extradition or surrender for any offense committed prior to extradition unless the Requested State consents.

3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the onward extradition or surrender of that person, if that person:

(a) leaves the territory of the Requesting State after extradition and voluntarily returns to it; or

(b) does not leave the territory of the Requesting State within thirty (30) days of the day on which that person is free to leave.

Article 17
Simplified Extradition and Waiver of Extradition Proceedings

The Requested State may expedite the transfer of the person sought to the Requesting State:

(a) when the person sought consents to extradition or to a simplified extradition proceeding; or

(b) when the person sought, fully informed of his rights, waives extradition before a judicial authority, who may direct the transfer of the person to the Requesting State without further proceedings. In the case of a waiver under this subsection, the provisions of Article 16 do not apply.

Article 18
Transit

1. Either Party may authorize transportation of a person being extradited or otherwise transferred through its territory to the other Party by a third State or from the other Party to a third State for purposes of prosecution or imposition or service of a sentence. A request for transit may be transmitted through the facilities of the International Criminal Police Organization (Interpol) or directly between the United States Department of Justice and the Chilean Ministry of Foreign Affairs. The request for transit shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.

2. Authorization is not required when air transportation is used by one Party and no landing is scheduled on the territory of the other Party. If an unscheduled landing does occur, the Party in whose territory the unscheduled landing occurs may require a request for transit pursuant to paragraph 1, and it may detain in custody the person being transported until the request for transit is received and the transit is effected, as long as the request is received within 96 hours of the unscheduled landing.

Article 19
Representation and Expenses

1. The Requested State shall advise, assist, appear in court on behalf of, and shall represent the interests of the Requesting State, in any proceedings arising out of a request for extradition.

2. The Requesting State shall pay all the expenses related to the translation of extradition documents and the transportation to that State of the person surrendered. The Requested State shall pay all other expenses incurred in that State in connection with the extradition proceedings.

3. Neither Party shall make any pecuniary claim against the other Party arising out of the arrest, detention, examination, or surrender of persons under this Treaty.

Article 20
Consultation

The United States Department of Justice and the Chilean Office of the Public Prosecutor may consult with each other directly in connection with individual cases and in furtherance of efficient implementation of this Treaty.

Article 21
Application

This Treaty shall only apply to offenses committed after its entry into force.

Article 22
Ratification and Entry into Force

1. This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible.

2. This Treaty shall enter into force upon the exchange of the instruments of ratification.

3. Upon the entry into force of this Treaty, this Treaty shall supersede the Treaty between the United States of America and the Republic of Chile providing for the extradition of fugitives from justice, signed at Santiago on April 17, 1900 (the "prior Treaty") with respect to all requests involving offenses committed on or after the date of this Treaty's entry into force. The prior Treaty shall apply to all requests relating to offenses committed prior to the entry into force of this Treaty.

Article 23
Termination

Either Party may terminate this Treaty at any time by giving written notice to the other Party through the diplomatic channel, and the termination shall be effective six months after the date of such notice. Nevertheless, extradition

requests presented to the Requested State before the termination becomes effective shall continue to be governed by the provisions of this Treaty until the final resolution of the extradition request.

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

DONE at Washington, in duplicate, this 5th day of June, 2013, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF CHILE: