

Supplementary extradition convention between the United States of America and Guatemala. Signed at Guatemala City February 20, 1940; ratification advised by the Senate of the United States November 26, 1940; ratified by the President of the United States December 20, 1940; ratified by Guatemala June 20, 1940; ratifications exchanged at Guatemala City February 6, 1941; proclaimed by the President of the United States March 3, 1941.

February 20, 1940
[T. S. 963]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Supplementary Extradition Convention between the United States of America and the Republic of Guatemala was concluded and signed by their respective Plenipotentiaries at the city of Guatemala on the twentieth day of February, one thousand nine hundred and forty, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

<p>SUPPLEMENTARY CONVENTION TO THE EXTRADITION TREATY CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA ON FEBRUARY 27, 1903</p>	<p>CONVENCION SUPLEMENTARIA AL TRATADO DE EXTRADICION CONCLUIDO ENTRE LOS ESTADOS UNIDOS DE AMERICA Y GUATEMALA EL 27 DE FEBRERO DE 1903</p>
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<p>The United States of America and the Republic of Guatemala, desiring to enlarge the list of crimes and offenses for which extradition may be granted in the terms of the Treaty concluded between the two countries on February 27, 1903; [1] and in the desire also to clear up certain doubts which may arise in the application of the said Treaty, and thus favor the administration of justice and prevent crime in their respective territories and jurisdictions, have resolved to conclude a supplementary Convention for that purpose and have appointed their Plenipotentiaries, to wit:</p>	<p>Los Estados Unidos de América y la República de Guatemala, deseando ampliar la lista de delitos por los cuales puede concederse la extradición en los términos del Tratado celebrado entre los dos países en 27 de febrero de 1903; [1] y en el deseo también de aclarar algunas dudas que pueden surgir en la aplicación del mencionado Tratado; y favorecer así la administración de justicia y prevenir los delitos en sus respectivos territorios y jurisdicciones, han resuelto celebrar Convención suplementaria con ese objeto y han nombrado sus Plenipotenciarios, a saber:</p>
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Plenipotentiaries.

<p>The President of the United States of America, Fay Allen DesPortes, Envoy Extraordinary and Minister Plenipotentiary of</p>	<p>El Presidente de los Estados Unidos de América, al señor Fay Allen DesPortes, Enviado Extraordinario y Ministro Plenipoten-</p>
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¹ [Treaty Series 425; 33 Stat. (pt. 2) 2147.]

the United States of America to the Guatemalan Government; and

ciario de los Estados Unidos de América ante el Gobierno de Guatemala, y

The President of Guatemala, señor Licenciado Carlos Salazar, Secretary of State for Foreign Affairs,

El Presidente de Guatemala, al señor Licenciado Carlos Salazar, Secretario de Estado en el Despacho de Relaciones Exteriores;

who, after having exhibited their respective Full Powers, which were found to be in good and due form, have agreed upon the following Articles:

quienes, después de haberse exhibido sus respectivos Plenos Poderes y haberlos encontrado en buena y debida forma, han convenido en los Artículos siguientes:

ARTICLE I

ARTICULO I

Extraditable crimes and offenses.

The High Contracting Parties agree to the addition of the following crimes and offenses, under number 23, to the list of the crimes and offenses specified in Article 2 of the Extradition Treaty concluded between the United States of America and the Republic of Guatemala on February 27, 1903, namely:

Las Altas Partes Contratantes convienen en que los delitos siguientes se adicionen, bajo el número 23, a la lista de los delitos especificados en el Artículo 2º del Tratado de Extradición celebrado entre los Estados Unidos de América y la República de Guatemala en 27 de febrero de 1903, es decir:

33 Stat. 2148.

Traffic in narcotics.

23. Violation of the laws prohibiting or regulating the traffic in narcotics, when the penalty to which violators are liable is one year's imprisonment or more.

23. Infracción de las leyes que prohíben o reglamentan el tráfico de estupefacientes, cuando la pena que corresponda a los infractores sea de un año de prisión o más.

The High Contracting Parties also agree to amend number 23 of Article 2 of the said Treaty of 1903, to make it read as follows, re-numbering it number 24:

Las Altas Partes Contratantes convienen también en modificar el número 23 del Artículo 2º del referido Tratado de 1903, para que se lea como sigue, correspondiéndole el número 24:

Attempt to commit crime or participation as accessory.

24. Extradition shall also be granted for an attempt to commit any of the crimes or offenses listed above, or for participation in such crimes or offenses as an accessory before or after the fact, provided that all such violations are punishable with imprisonment of one year or more by the laws of both Contracting Parties.

24. También se deberá conceder la extradición por el delito frustrado o tentativa de los delitos antes enumerados, y por complicidad o encubrimiento en esos delitos, siempre que todas estas infracciones sean punibles con prisión de un año o más por las leyes de ambas Partes Contratantes.

ARTICLE II

ARTICULO II

Considered part of treaty of Feb. 27, 1903.

This Convention shall be considered as an integral part of the

Esta Convención será tenida como parte integrante del referido

said Extradition Treaty of February 27, 1903; and it is agreed that the participation as an accessory before or after the fact referred to in the foregoing Article shall be applied, in a proper case, to all the crimes or offenses listed in the said Treaty, and to the crimes or offenses included under number 23 of the Second Article of the above-mentioned Treaty, in the manner previously agreed upon.

ARTICLE III

In order to avoid, as far as may be possible, the doubts which might result from difference in the scope of the Spanish word "delito" and the English words "crime" and "offense", as well as the exact translation into Spanish of the expressions "attempt" and "accessories before or after the fact", and the exact translation into English of the words used in the Guatemalan penal legislation "tentativa", "cómplice" and "encubridor", the High Contracting Parties declare that for the application both of the Treaty of Extradition which they concluded on February 27, 1903, and for the application of the present Additional Convention, the Spanish word "delito" is equivalent to the English words "crime" and "offense"; that the Spanish words "delito frustrado" and "tentativa" are equivalent to the English word "attempt"; and that the Spanish names "cómplice" and "encubridor" are translated into English as "accessories before or after the fact".

ARTICLE IV

This Convention shall be ratified and the ratifications exchanged in Guatemala City as soon as possible.

Tratado de Extradición de 27 de febrero de 1903, y se conviene en que la complicidad o el encubrimiento a que se refiere el Artículo anterior se aplicarán, cuando fuere el caso, a todos los delitos enumerados en el referido Tratado, y a los delitos comprendidos en el número 23 del Artículo 2º del Tratado mencionado, en la forma antes convenida.

ARTICULO III

A fin de evitar, hasta donde sea posible, las dudas que pudieran resultar de diferencia en el alcance de la palabra castellana "delito" y de las palabras inglesas "crime" y "offense", así como la exacta traducción al castellano de las palabras "attempt" y "accessories before or after the fact", y de la exacta traducción al inglés de las palabras usadas por la legislación penal guatemalteca "tentativa", "cómplice" y "encubridor", las Altas Partes Contratantes declaran que para la aplicación tanto del Tratado de Extradición que celebraron el 27 de febrero de 1903, como para la aplicación de la presente Convención adicional, la palabra castellana "delito" es equivalente de las palabras inglesas "crime" y "offense"; que las palabras castellanas "delito frustrado" y "tentativa" son equivalentes a la palabra inglesa "attempt"; y que los nombres castellanos "cómplice" y "encubridor" en inglés se traducen como "accessories before or after the fact".

ARTICULO IV

Esta Convención será ratificada y las ratificaciones se canjearán en la ciudad de Guatemala, tan pronto como sea posible.

33 Stat. 2147.

Equivalent terms in English and Spanish.

Ratification.

Duration.

It shall come into force ten days after its publication in accordance with the laws of the High Contracting Parties, the said period to run from the date of its publication in the country last publishing, and it shall continue and shall terminate in the same manner as the above-mentioned Treaty of February 27, 1903.

Entrará en vigor diez días después de su publicación de conformidad con las leyes de las Altas Partes Contratantes, debiendo contarse dicho período desde la fecha de su publicación en el país que más tardare en hacerlo; y continuará y terminará en la misma forma que el referido Tratado de 27 de febrero de 1903.

FAY ALLEN DESPORTES.

[SEAL]

CARLOS SALAZAR

[SEAL]

AND WHEREAS the said Convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged at Guatemala City on the sixth day of February, one thousand nine hundred and forty-one;

AND WHEREAS it is stipulated in Article IV of the said Convention that the Convention shall come into force ten days after its publication in accordance with the laws of the High Contracting Parties, the said period to run from the date of its publication in the country last publishing;

AND WHEREAS the said Convention was published by the Government of Guatemala in accordance with its laws on February 18, 1941;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and from March 13, 1941, the tenth day after the date of this my Proclamation.

Effective date.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this third day of March in the year of our Lord one thousand nine hundred and forty-one, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.