

September 22, 1939
[T. S. 972]

Supplementary extradition treaty between the United States of America and Ecuador. Signed at Quito September 22, 1939; 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 Ecuador December 11, 1940; ratifications exchanged at Washington January 23, 1941; proclaimed by the President of the United States May 19, 1941.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Supplementary Extradition Treaty between the United States of America and the Republic of Ecuador was concluded and signed by their respective Plenipotentiaries at Quito on the twenty-second day of September, one thousand nine hundred and thirty-nine, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

<p>SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES AND ECUADOR.</p>	<p>TRATADO COMPLEMENTARIO DE EXTRADICION ENTRE EL ECUA- DOR Y LOS ESTADOS UNIDOS</p>
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<p>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, [1] 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:</p>	<p>La República del Ecuador y los Estados Unidos de América, deseosos de aumentar la lista de delitos por los cuales puede concederse la extradición según el tratado celebrado entre los dos países el 28 de junio de 1.872, a fin de obtener una mejor administración de justicia y la prevención de crímenes en sus respectivos territorios y jurisdicciones, han resuelto celebrar con tal propósito un tratado complementario y han designado como sus Plenipotenciarios, como sigue:</p>
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Plenipotentiaries.

<p>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</p>	<p>El Presidente de la República del Ecuador; al Excelentísimo Señor Ministro de Relaciones Exteriores, doctor Julio Tobar Donoso, y</p>
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¹[Treaty Series 79; 18 Stat. (pt. 2) 199; 18 Stat. (pt. 3) 756.]

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

El Presidente de los Estados Unidos de América; al Excelentísimo Señor Boaz Long, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América en el Ecuador.

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:

Quienes, después de haberse exhibido mutuamente sus respectivos plenos poderes, hallados en buena y debida forma, han convenido y concluído en los siguientes artículos:

ARTICLE I

ARTICULO I

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; that is to say:

Las Altas Partes Contratantes convienen en que se añadan las siguientes infracciones a la lista de delitos enumerados del 1o. al 6o. en el segundo artículo del Tratado de Extradición celebrado entre la República del Ecuador y los Estados Unidos de América el 28 de junio de 1.872; o sean:

Additions to list of extraditable crimes.

7th. Embezzlement by a person hired or salaried, to the detriment of his employer, where the amount of money or the value of the property embezzled exceeds two hundred dollars, or Ecuadorean equivalent.

7o.—Desfalco por una persona empleada o asalariada, en detrimento de su patrono, cuando la cantidad de dinero o el valor de los bienes desfalcados exceda de doscientos dólares, o de su equivalente en moneda ecuatoriana.

8th. Perjury or the subornation of perjury.

8o.—Perjurio o soborno para un perjurio.

9th. Malicious destruction, or attempted destruction of railways, bridges, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

9o.—Destrucción maliciosa, o intento de destrucción de ferrocarriles, puentes, barcos, habitaciones, edificios públicos, u otros edificios, cuando el acto ponga en peligro la vida humana.

10th. Abortion.

10o.—Aborto.

11th. Abduction or detention of women or girls for immoral purposes.

11o.—Rapto o detención de mujeres o muchachas con fines inmorales.

12th. Bigamy.

12o.—Bigamia.

13th. Kidnaping 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.

13o.—Secuestro de menores o adultos, definido como el rapto o detención de una persona o personas, con el fin de exigir dinero de ellas, de sus familias o de cualesquiera otra persona o personas, o con cualquier otro fin ilegal.

14th. Larceny, defined to be the fraudulent taking of effects, personal property, or money, of the value of twenty-five dollars or more, or 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.

Participation as accessory; attempt.

14o.—Hurto, definido como la sustracción fraudulenta de efectos, bienes personales, o dinero, por valor de veinticinco dólares o más, o su equivalente en moneda ecuatoriana.

15o.—Obtención de dinero, títulos de valor u otros bienes con falsos pretextos, o recepción de cualquier dinero, títulos de valor u otros bienes sabiendo que éstos han sido obtenidos ilegalmente, cuando la cantidad de dinero o el valor de los bienes así obtenidos o recibidos exceda de doscientos dólares, o su equivalente en moneda ecuatoriana.

16o.—Fraude o abuso de confianza por un depositario, banquero, agente, comisionado, síndico, albacea, administrador guardador, director o funcionario de cualquiera compañía o corporación, o por alguien que ocupe cualquier posición fiduciaria, cuando la suma de dinero o el valor de los bienes malversados exceda de doscientos dólares, o su equivalente en moneda ecuatoriana.

17o.—Cohecho.

18o.—Delitos contra las leyes de quiebra.

19o.—Delitos contra las leyes para la supresión del tráfico de narcóticos.

20o.—Abandono deliberado o incumplimiento intencional del deber de mantener a niños menores o dependientes, o a otras personas dependientes, siempre que el delito sea castigado por las leyes de ambos países.

21o.—También habrá lugar a la extradición por la participación en cualquiera de los delitos arriba indicados como cómplice antes o después del hecho o en cualquier intento de cometer cualquiera de los delitos antes mencionados.

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.

La extradición por los delitos especificados en los numerales 7 a 21 se concederá cuando el individuo requerido esté sindicado o condenado como autor, cómplice o encubridor de una infracción de la Ley Penal, punible en el Ecuador y en los Estados Unidos con pena no menor de un año de prisión.

When extradition granted.

ARTICLE II

ARTICULO 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.

El presente Tratado será considerado como parte integrante del referido Tratado de Extradición de 28 de junio de 1.872 y se conviene en que el párrafo o los delitos añadidos por el presente Tratado en el No. 21o. se aplicará en circunstancias apropiadas a todos los crímenes enunciados en dicho Tratado de 28 de junio de 1.872.

Considered part of treaty of June 28, 1872. 18 Stat. 756.

ARTICLE III

ARTICULO III

The present Treaty shall be ratified and the ratifications 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 last publishing, and it shall continue and terminate in the same manner as the said Treaty of June 28, 1872.

El presente Tratado será ratificado y las ratificaciones se canjearán en Washington lo más pronto posible. Entrará en vigencia diez días después de su publicación de conformidad con las Leyes de las Altas Partes Contratantes, período que se computará desde la publicación en el país que la hiciere al último, y continuará y terminará de la misma manera que dicho Tratado de 28 de junio de 1.872.

Ratification.

Coming into force.

Duration.

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

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado el presente Tratado, en duplicado, y han puesto sus sellos en él.

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

Hecho en duplicado en Quito, el veintidos de Setiembre de mil novecientos treinta y nueve.

BOAZ LONG

J. TOBAR DONOSO

[SEAL]

[SEAL]

AND WHEREAS the said Supplementary Extradition Treaty has been ratified on both parts, and the ratifications of the two Governments were exchanged at the city of Washington, on the twenty-third day of January, one thousand nine hundred and forty-one;

AND WHEREAS it is provided in Article III of the said Treaty that 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 last publishing;

AND WHEREAS the said Treaty was published in conformity with the laws of the Republic of Ecuador on April 21, 1941;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty 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 May 29, 1941, the tenth day after the date of this, my Proclamation, pursuant to the aforesaid Article III.

Effective date.

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

DONE at the city of Washington this nineteenth day of May in the year of our Lord one thousand nine hundred and forty-one,
 [SEAL] and 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