EXTRADITION

Convention signed at Managua June 25, 1870
Ratified by Nicaragua March 27, 1871
Senate advice and consent to ratification, with amendments,
March 31, 1871
Ratified by the President of the United States, with amendments,
April 11, 1871
Ratifications exchanged at Managua June 24, 1871
Entered into force June 24, 1871
Proclaimed by the President of the United States September 19, 1871
Terminated April 24, 1902

17 Stat. 815; Treaty Series 258

EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of, or charged with the crimes hereinafter mentioned, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States, Charles N. Riope, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For[eign] Relations, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

ARTICLE I

The government of the United States and the government of Nicaragua mutually agree to deliver up persons who, having been convicted of or

1 The U.S. amendments called for deleting from art. II, para. 5, the phrase “things being” after “all” and preceding “titles,” and substituting “of” for “on” between “titles” and “instruments of credit.”

The text printed here is the amended text as proclaimed by the President.

2 Pursuant to notice of termination given by Nicaragua Oct. 24, 1901.
charged with the crimes specified in the following article, committed within
the jurisdiction of one of the contracting parties, shall seek an asylum or be
found within the territories of the other: Provided, That this shall only be
done upon such evidence of criminality as, according to the laws of the
place where the fugitive or person so charged shall be found, would justify
his or her apprehension and commitment for trial, if the crime had been there
committed.

Article II

Persons shall be delivered up, who shall have been convicted of, or be
charged, according to the provisions of this convention, with any of the fol-
lowing crimes:

1. Murder, comprehending assassination, parricide, infanticide, and
   poisoning.
2. The crimes of rape, arson, piracy, and mutiny on board a ship, when-
   ever the crew, or part thereof, by fraud or violence against the commander,
   have taken possession of the vessel.
3. The crime of burglary, defined to be the action of breaking and
   entering by night into the house of another with the intent to commit felony;
   and the crime of robbery, defined to be the action of feloniously and forcibly
   taking from the person of another, goods or money, by violence or putting
   him in fear.
4. The crime of forgery, by which is understood the utterance of forged
   papers, the counterfeiting of public, sovereign, or government acts.
5. The fabrication or circulation of counterfeit money, either coin or
   paper, of public bonds, bank notes, and obligations, and in general of all
   titles of instruments of credit, the counterfeiting of seals, dies, stamps, and
   marks of State and public administrations and the utterance thereof.
6. The embezzlement of public moneys, committed within the jurisdict-
   ion of either party, by public officers or depositors.
7. Embezzlement by any person or persons hired or salaried, to the detri-
   ment of their employers, when these crimes are subjected to infamous
   punishment.

Article III

The provisions of this treaty shall not apply to any crime or offence of
a political character, and the person or persons delivered up for the crimes
enumerated in the preceding article, shall in no case be tried for any ordi-
nary crime, committed previously to that for which his or their surrender is
asked.

Article IV

If the person, whose surrender may be claimed pursuant to the stipula-
tions of the present treaty, shall have been arrested for the commission of
offences in the country where he has sought an asylum, or shall have been
convicted thereof, his extradition may be deferred until he shall have been
acquitted, or have served the term of imprisonment to which he may have
been sentenced.

**Article V**

Requisitions for the surrender of fugitives from justice shall be made by
the respective diplomatic agents of the contracting parties, or, in the event
of the absence of these from the country or its seat of government, they may
be made by superior consular officers. If the person whose extradition may be
asked for shall have been convicted of a crime, a copy of the sentence of
the court in which he may have been convicted, authenticated under its
seal, and an attestation of the official character of the judge by the proper
executive authority, and of the latter by the minister or consul of the United
States or of Nicaragua, respectively, shall accompany the requisition. When,
however, the fugitive shall have been merely charged with crime, a duly
authenticated copy of the warrant for his arrest in the country where the
crime may have been committed, and of the depositions upon which such
warrant may have been issued, must accompany the requisition as aforesaid.
The President of the United States, or the proper executive authority in
Nicaragua, may then issue a warrant for the apprehension of the fugitive,
in order that he may be brought before the proper judicial authority for
examining the question of extradition. If it should then be decided that,
according to law and evidence, the extradition is due pursuant to this treaty,
the fugitive may be given up according to the forms prescribed in such
cases.

**Article VI**

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

**Article VII**

This convention shall continue in force during five (5) years from the
day of exchange of ratifications, but if neither party shall have given to the
other six (6) months previous notice of its intention to terminate the same,
the convention shall remain in force five (5) years longer, and so on.

The present convention shall be ratified and the ratifications exchanged
at the capital of Nicaragua, or any other place temporarily occupied by
the Nicaraguan government, within twelve (12) months, or sooner if
possible.
NICARAGUA

In witness whereof the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of Managua, capital of the Republic of Nicaragua, the twenty-fifth day of June, one thousand eight hundred and seventy, of the Independence of the United States the ninety-fourth, and of the Independence of Nicaragua the fifty-ninth.

CHARLES N. RIOTTE [SEAL]
TOMAS AVON [SEAL]