



CANADA

立法會 CB(2)830/98-99(01)號文件
LC Paper No. CB(2) 830/98-99(01)

TREATY SERIES 1976 No. 3 RECUEIL DES TRAITES

EXTRADITION

Treaty between CANADA and the UNITED STATES OF
AMERICA (Amended by an Exchange of Notes)

Washington, December 3, 1971

Instruments of Ratification exchanged March 22, 1976

In force March 22, 1976

EXTRADITION

Traité entre le CANADA et les ÉTATS-UNIS D'AMÉRIQUE
(Amendé par un Échange de Notes)

Washington, le 3 décembre 1971

Les Instruments de ratification échangés le 22 mars 1976

En vigueur le 22 mars 1976

Can. Gaz. 1976-4-3 Part I p152

CONTENTS

Page

I	Text of the Agreement.....	4
II	Note No. 126, dated June 28, 1974, from the Ambassador of Canada to the Secretary of State of the United States of America.....	22
III	Note, dated July 9, 1974, from the Acting Secretary of State of the United States of America to the Ambassador of Canada.....	24

Text of the Agreement

Note No. 126, dated June 28, 1974, from the Ambassador of Canada to the Secretary of State of the United States of America

Note, dated July 9, 1974, from the Acting Secretary of State of the United States of America to the Ambassador of Canada

TREATY ON EXTRADITION BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Canada and the United States of America, desiring to make more effective the co-operation of the two countries in the repression of crime by making provision for the reciprocal extradition of offenders, agree as follows:

ARTICLE 1

Each Contracting Party agrees to extradite to the other, in the circumstances and subject to the conditions described in this Treaty, persons found in its territory who have been charged with, or convicted of, any of the offenses covered by Article 2 of this Treaty committed within the territory of the other, or outside thereof under the conditions specified in Article 3(3) of this Treaty.

ARTICLE 2 [REPLACED BY ARTICLE 1 of Protocol]

- (1) Persons shall be delivered up according to the provisions of this Treaty for any of the offenses listed in the Schedule annexed to this Treaty, which is an integral part of this Treaty, provided these offenses are punishable by the laws of both Contracting Parties by a term of imprisonment exceeding one year.
- (2) Extradition shall also be granted for attempts to commit, or conspiracy to commit or being a party to any of the offenses listed in the annexed Schedule.
- (3) Extradition shall also be granted for any offense against a federal law of the United States in which one of the offenses listed in the annexed Schedule, or made extraditable by paragraph (2) of this Article, is a substantial element, even if transporting, transportation, the use of the mails or interstate facilities are also elements of the specific offense.

ARTICLE 3

- (1) For the purpose of this Treaty the territory of a Contracting Party shall include all territory under the jurisdiction of that Contracting Party, including air space and territorial waters and vessels and aircraft registered in that Contracting Party or aircraft leased without crew to a lessee who has his principal place of business, or, if the lessee has no such place of business, his permanent residence in, that Contracting Party if any such aircraft is in flight, or if any such vessel is on the high seas when the offense is committed. For the purposes of this Treaty an aircraft shall be considered in flight from the moment when power is applied for the purpose of the take-off until the moment when the landing run ends.
- (2) In a case when offense 23 of the annexed Schedule is committed on board an aircraft at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, such offense and any other offense covered by Article 2 committed against passengers or crew of that aircraft in connection with such

offense shall be considered to have been committed within the territory of a Contracting Party if the aircraft was registered in that Contracting Party, if the aircraft landed in the territory of that Contracting Party with the alleged offender still on board, or if the aircraft was leased without crew to a lessee who has his principal place of business, or, if the lessee has no such place of business, his permanent residence in that Contracting Party.

(3) When the offense for which extradition has been requested has been committed outside the territory of the requesting State, the executive or other appropriate authority of the requested State shall have the power to grant the extradition if the laws of the requested State provide for jurisdiction over such an offense committed in similar circumstances.

[(3) AMENDED BY ARTICLE III
OF PROTOCOL]

ARTICLE 4

(1) Extradition shall not be granted in any of the following circumstances:

- (i) When the person whose surrender is sought is being proceeded against, or has been tried and discharged or punished in the territory of the requested State for the offense for which his extradition is requested.
- (ii) When the prosecution for the offense has become barred by lapse of time according to the laws of the requesting State.
- (iii) When the offense in respect of which extradition is requested is of a political character, or the person whose extradition is requested proves that the extradition request has been made for the purpose of trying or punishing him for an offense of the above-mentioned character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.

(2) The provisions of subparagraph (iii) of paragraph (1) of this Article shall not be applicable to the following:

- (i) A kidnapping, murder or other assault against the life or physical integrity of a person to whom a Contracting Party has the duty according to international law to give special protection, or any attempt to commit such an offense with respect to any such person.
- (ii) When offense 23 of the annexed Schedule, or an attempt to commit, or a conspiracy to commit, or being a party to the commission of that offense, has been committed on board an aircraft engaged in commercial services carrying passengers.

[(2) REPLACED by para (2) - SEE ARTICLE IV
OF PROTOCOL]

ARTICLE 5

If a request for extradition is made under this Treaty for a person who at the time of such request, or at the time of the commission of the offense for which extradition is sought, is under the age of eighteen years and is considered by the requested State to be one of its residents, the requested State, upon a determination that extradition would disrupt the social readjustment and rehabilitation of that person, may recommend to the requesting State that the request for extradition be withdrawn, specifying the reasons therefor.

ARTICLE 6

When the offense for which extradition is requested is punishable by death under the laws of the requesting State and the laws of the requested State do not permit such punishment for that offense, extradition may be refused unless the requesting State provides such assurances as the requested State considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE 7

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested State for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

[REPLACED - SEE ARTICLE V OF PROTOCOL]

ARTICLE 8

The determination that extradition should or should not be granted shall be made in accordance with the law of the requested State and the person whose extradition is sought shall have the right to use all remedies and recourses provided by such law.

ARTICLE 9

- (1) The request for extradition shall be made through the diplomatic channel.
- (2) The request shall be accompanied by a description of the person sought, a statement of the facts of the case, the text of the laws of the requesting State describing the offense and prescribing the punishment for the offense, and a statement of the law relating to the limitation of the legal proceedings.
- (3) When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting State and by such evidence as, according to the laws of the requested State, would justify his arrest and committal for trial if the offense had been committed there, including evidence proving the person requested is the person to whom the warrant of arrest refers.
- (4) When the request relates to a person already convicted, it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting State, by a statement showing how much of the sentence has not been served, and by evidence proving that the person requested is the person to whom the sentence refers.

ARTICLE 10

- (1) Extradition shall be granted only if the evidence be found sufficient, according to the laws of the place where the person sought shall be found, either to justify his committal for trial if the offense of which he is accused had been committed in its territory or to prove that he is the identical person convicted by the courts of the requesting State.
- (2) The documentary evidence in support of a request for extradition or copies of these documents shall be admitted in evidence in the examination of the request for extradition when, in the case of a request emanating from Canada, they are authenticated by an officer of the Department of Justice of

Canada and are certified by the principal diplomatic or consular officer of the United States in Canada, or when, in the case of a request emanating from the United States, they are authenticated by an officer of the Department of State of the United States and are certified by the principal diplomatic or consular officer of Canada in the United States.

ARTICLE 11

(1) In case of urgency a Contracting Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. Such application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant or arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offense been committed, or the person sought been convicted, in the territory of the requested State.

(2) On receipt of such an application the requested State shall take the necessary steps to secure the arrest of the person claimed.

(3) A person arrested shall be set at liberty upon the expiration of forty-five days from the date of his arrest pursuant to such application if a request for his extradition accompanied by the documents specified in Article 9 shall not have been received. This stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

[PART (3) INSERTED BY ARTICLE VI OF PROTOCOL
ANNEXED]

(1) A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting State for an offense other than that for which extradition has been granted nor be extradited by that State to a third State unless:

- (i) He has left the territory of the requesting State after his extradition and has voluntarily returned to it;
- (ii) He has not left the territory of the requesting State within thirty days after being free to do so; or
- (iii) The requested State has consented to his detention, trial, punishment for an offense other than that for which extradition was granted or to his extradition to a third State, provided such other offense is covered by Article 2.

(2) The foregoing shall not apply to offenses committed after the extradition.

ARTICLE 13

(1) A requested State upon receiving two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought.

(2) Among the matters which the requested State may take into consideration are the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the dates upon which the requests were received and the provisions of any

extradition agreements between the requested State and the other requesting State or States.

ARTICLE 14 .

(1) The requested State shall promptly communicate to the requesting State through the diplomatic channel the decision on the request for extradition.

(2) If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested State within such time as may be prescribed by the laws of that State, he may be set at liberty and the requested State may subsequently refuse to extradite that person for the same offense.

ARTICLE 15 .

(1) To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered to the requesting State if extradition is granted.

(2) Subject to the qualifications of paragraph (1) of this Article, the above-mentioned articles shall be returned to the requesting State even if the extradition, having been agreed to, cannot be carried out owing to the death or escape of the person sought.

ARTICLE 16

(1) The right to transport through the territory of one of the Contracting Parties a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel, provided that conditions are present which would warrant extradition of such person by the State of transit and reasons of public order are not opposed to the transit.

(2) The Party to which the person has been extradited shall reimburse the Party through whose territory such person is transported for any expenses incurred by the latter in connection with such transportation.

ARTICLE 17

(1) Expenses related to the transportation of the person sought to the requesting State shall be paid by the requesting State. The appropriate legal officers of the State in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting State before the respective judges and magistrates.

(2) No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested State against the requesting State.

ARTICLE 17 BIS [INSERTED BY ARTICLE 1 OF PROTOCOL

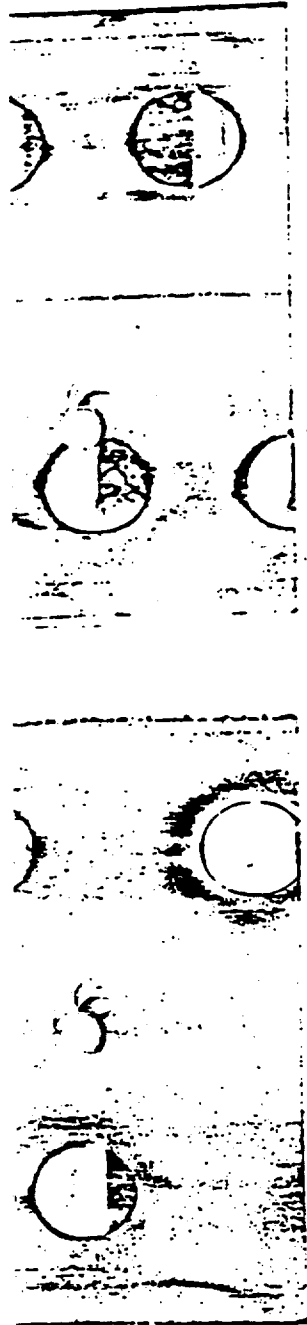
ARTICLE 18

(1) This Treaty shall be ratified and the instruments of ratification shall be exchanged at Ottawa as soon as possible.

(2) This Treaty shall terminate and replace any extradition agreements and provisions on extradition in any other agreement in force between Canada

and the United States; except that the crimes listed in such agreements and committed prior to entry into force of this Treaty shall be subject to extradition pursuant to the provisions of such agreements.

(3) This Treaty shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting Party giving notice of termination to the other Contracting Party at any time and the termination shall be effective six months after the date of receipt of such notice.



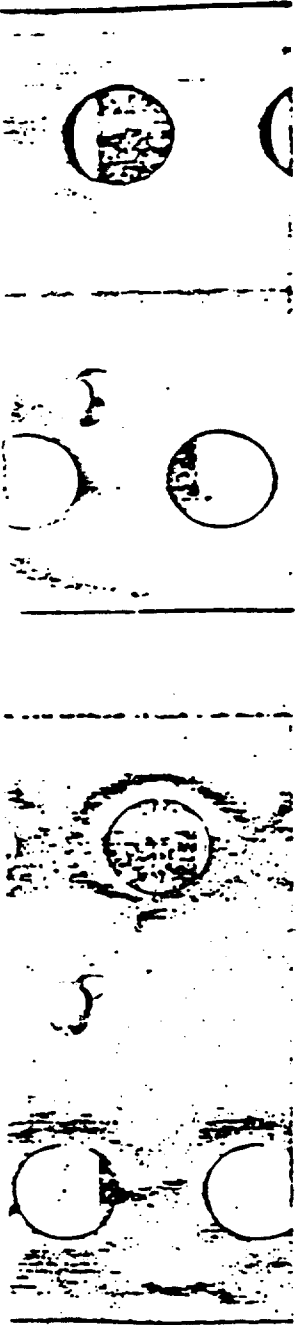
- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...
- 6. ...
- 7. ...
- 8. ...
- 9. ...
- 10. ...
- 11. ...
- 12. ...
- 13. ...
- 14. ...
- 15. ...
- 16. ...
- 17. ...
- 18. ...
- 19. ...
- 20. ...
- 21. ...
- 22. ...
- 23. ...
- 24. ...
- 25. ...
- 26. ...
- 27. ...
- 28. ...
- 29. ...
- 30. ...
- 31. ...
- 32. ...
- 33. ...
- 34. ...
- 35. ...
- 36. ...
- 37. ...
- 38. ...
- 39. ...
- 40. ...
- 41. ...
- 42. ...
- 43. ...
- 44. ...
- 45. ...
- 46. ...
- 47. ...
- 48. ...
- 49. ...
- 50. ...

SCHEDULE

[DELETED]

1. Murder; assault with intent to commit murder.
2. Manslaughter.
3. Wounding; maiming; or assault occasioning bodily harm.
4. Unlawful throwing or application of any corrosive substances at or upon the person of another.
5. Rape; indecent assault.
6. Unlawful sexual acts with or upon children under the age specified by the laws of both the requesting and requested States.
7. Willful nonsupport or willful abandonment of a minor when such minor is or is likely to be injured or his life is or is likely to be endangered.
8. Kidnapping; child stealing; abduction; false imprisonment.
9. Robbery; assault with intent to steal.
10. Burglary; housebreaking.
11. Larceny, theft or embezzlement.
12. Obtaining property, money or valuable securities by false pretenses or by threat of force or by defrauding the public or any person by deceit or falsehood or other fraudulent means, whether such deceit or falsehood or any fraudulent means would or would not amount to a false pretense.
13. Bribery, including soliciting, offering and accepting.
14. Extortion.
15. Receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained.
16. Fraud by a banker, agent, or by a director or officer of any company.
17. Offenses against the laws relating to counterfeiting or forgery.
18. Perjury in any proceeding whatsoever.
19. Making a false affidavit or statutory declaration for any extrajudicial purpose.
20. Arson.
21. Any act done with intent to endanger the safety of any person travelling upon a railway, or in any aircraft or vessel or other means of transportation.
22. Piracy, by statute or by law of nations; mutiny or revolt on board a vessel against the authority of the captain or commander of such vessel.
23. Any unlawful seizure or exercise of control of an aircraft, by force or violence or threat of force or violence, or by any other form of intimidation, on board such aircraft.

- 24. Willful injury to property.
- 25. Offenses against the bankruptcy laws.
- 26. Offenses against the laws relating to the traffic in, production, manufacture, or importation of narcotic drugs, Cannabis sativa L., hallucinogenic drugs, amphetamines, barbiturates, cocaine and its derivatives.
- 27. Use of the mails or other means of communication in connection with schemes devised or intended to deceive or defraud the public or for the purpose of obtaining money or property by false pretenses.
- 28. Offenses against federal laws relating to the sale or purchase of securities.
- 29. Making or having in possession any explosive substance with intent to endanger life, or to cause severe damage to property.
- 30. Obstructing the course of justice in a judicial proceeding, existing or proposed, by:
 - a) dissuading or attempting to dissuade a person by threats, bribes, or other corrupt means from giving evidence;
 - b) influencing or attempting to influence by threat, bribes, or other corrupt means a person in his conduct as a juror; or
 - c) accepting a bribe or other corrupt consideration to abstain from giving evidence or to do or to refrain from doing anything as a juror.



Faint, illegible text located in the lower right quadrant of the page, possibly bleed-through from the reverse side or a very light scan of a document.

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA AMENDING THE
TREATY ON EXTRADITION OF DECEMBER 3, 1971

II

The Ambassador of Canada to Secretary of State of the United States of
America

Washington, D. C. June 28, 1974

No. 126

EXCELLENCY,

I have the honour to refer to the Treaty on Extradition between the
Government of Canada and the Government of the United States signed at
Washington on December 3, 1971 and to subsequent discussions between
representatives of our two governments concerning the amendment of the
said Treaty.

Further to those discussions I now have the honour to propose that the
said Treaty be amended as follows:

- (1) That Article 4(2) (i) of the Treaty shall be amended to read: "A
kidnapping, murder, or other assault against the life or physical
integrity of a person to whom a Contracting Party has the duty
according to international law to give special protection, or any
attempt or conspiracy to commit, or being a party to the commission
of, such an offence with respect to any such person."
- (2) That Article 26 of the Schedule annexed to the Treaty shall be amended
to read: "Offences against the laws relating to the traffic in,
production, manufacture or importation of drugs listed in Schedule I
to the Single Convention on Narcotic Drugs of March 30, 1954" and of
drugs listed in Schedules I, II and III to the Convention on Psycho-
tropic Substances of February 21, 1971."

If this proposal meets with the approval of your government, I have the
further honour to propose that this Note, which is authentic in English and in
French, and your reply shall constitute an amendment to the Treaty on
Extradition between Canada and the United States referred to above, which
shall come into force on the date of the entry into force of the said Treaty and
which shall be considered an integral part of the said Treaty.

Accept, Excellency, the assurances of my highest consideration.

M. CADIEUX,
Ambassador.

The Honourable
Henry A. Kissinger,
Secretary of State,
Washington, D.C.

III

*The Acting Secretary of State of the United States of America to the
Ambassador of Canada*

Washington, July 9, 1974

EXCELLENCY:

I have the honor to refer to your Note of June 28, 1974, in the English and French languages, relating to amendment of the Treaty on Extradition between the United States of America and Canada, signed at Washington December 3, 1971.

On behalf of the United States of America I confirm the understanding set forth therein and consider that your Note and this reply constitute an Agreement between the United States and Canada on this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State

JOSEPH JOHN SISCO
Acting Secretary

His Excellency
Marcel Cadieux,
Ambassador of Canada.

CANADA-UNITED STATES: PROTOCOL
AMENDING THE TREATY ON EXTRADITION*
[Done at Ottawa, January 11, 1988]
+Cite as 27 I.L.M. 422 (1988)+

I.L.M. Content Summary

[Preamble]

- Art. I [Replaces Art. 2 of the Treaty: Offense is extraditable if punishable by imprisonment for more than one year in both countries (dual criminality); fiscal crimes are extraditable]
- Art. II [Deletes the "SCHEDULE" of the Treaty]
- Art. III [Replaces Art. 3, para. 2, of the Treaty: The requested country has discretion to extradite for a crime committed outside the requesting country's territory, even though the requested country's laws would not confer jurisdiction for a similar crime (dual jurisdiction)]
- Art. IV [Replaces Art. 4 of the Treaty: List of offenses that cannot be classified as "political offenses"]
- Art. V [Replaces Art. 7 of the Treaty: Extradition may be delayed until the conclusion of unrelated criminal proceedings against the defendant in the requested country]
- Art. VI [Replaces Art. 11, para. 3, of the Treaty: Extradition request and required documents must be received within 60 days after defendant has been arrested for the purpose of extradition; after 60 days, the defendant may be released without prejudice to the requesting country]
- Art. VII [Amends Art. 17 of the Treaty: Factors for the requested country to consider in deciding whether to extradite or prosecute]
- Art. VIII [This agreement applies to all prospective requests regardless of when the related offense was committed (retroactivity)]
- Art. IX [Entry into force upon exchange of instruments of ratification]

[Done at Ottawa on 11 January 1988]

[Signatures]

*[Reproduced from the text provided to International Legal Materials by the Canadian Department of External Affairs. Excerpts from the Treaty on Extradition, done at Washington, December 3, 1971, appear at 11 I.L.M. 22 (1972).]

EXCHANGE OF LETTERS
 BETWEEN THE U.S. AND CANADA
 CONCERNING THE 11 JANUARY 1988 .PROTOCOL
 TO THE EXTRADITION TREATY

[Letter from the U.S. Secretary of State to the Canadian Secretary of State for External Affairs, dated 11 January 1988]

[The U.S. will cooperate in extraditing civilian "bounty hunters" who commit transborder abductions of persons from Canadian territory; but this proposal creates no rights or duties in either party]

[Letter from the Canadian Secretary of State for External Affairs to the U.S. Secretary of State, dated 11 January 1988]

[Acknowledging and accepting the U.S. proposal]

PROTOCOL AMENDING THE TREATY ON EXTRADITION BETWEEN
 THE UNITED STATES OF AMERICA AND CANADA SIGNED
 AT WASHINGTON ON DECEMBER 3, 1971, AS AMENDED BY
 AN EXCHANGE OF NOTES ON JUNE 28 AND JULY 9, 1974

The Government of the United States of America
 and the Government of Canada;

Desiring to make more effective the Extradition Treaty between the Contracting Parties, signed at Washington on December 3, 1971, as amended by the agreement effected by an Exchange of Notes on June 28 and July 9, 1974 (hereinafter referred to as "the Extradition Treaty");

Have agreed as follows:

ARTICLE 1.

Article 2 of the Extradition Treaty is deleted and replaced by the following:

"Article 2

- (1) Extradition shall be granted for conduct which constitutes an offense punishable by the laws of both Contracting Parties by imprisonment or other form of detention for a term exceeding one year or any greater punishment.
- (2) An offense is extraditable notwithstanding
 - (i) that conduct such as interstate transportation or use of the mails or of other facilities affecting interstate or foreign commerce, required for the purpose of establishing jurisdiction, forms part of the offense in the United States, or

- (ii) that it relates to taxation or revenue or is one of a purely fiscal character."

ARTICLE II

The SCHEDULE to the Extradition Treaty, as amended, is deleted.

ARTICLE III

Paragraph (2) of Article 3 of the Extradition Treaty is deleted. Paragraph (3) of Article 3 of the Extradition Treaty is amended to read as follows:

- "(2) When the offense for which extradition is requested was committed outside the territory of the requesting State, the executive or other appropriate authority of the requested State shall grant extradition if the laws of the requested State provide for jurisdiction over such an offense committed in similar circumstances. If the laws in the requested State do not so provide, the executive authority in the requested State may, in its discretion, grant extradition."

~~ARTICLE IV~~

Paragraph (2) of Article 4 of the Extradition Treaty, as amended, is deleted and replaced by the following:

- "(2) For the purpose of this Treaty, the following offenses shall be deemed not to be offenses within subparagraph (iii) of paragraph 1 of this Article:
- (i) An offense for which each Contracting Party has the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to its competent authorities for the purpose of prosecution;
 - (ii) Murder, manslaughter or other culpable homicide, malicious wounding or inflicting grievous bodily harm;
 - (iii) An offense involving kidnapping, abduction, or any form of unlawful detention, including taking a hostage;
 - (iv) An offense involving the placing or use of explosives, incendiaries or destructive

devices or substances capable of endangering life or of causing grievous bodily harm or substantial property damage; and

- (v) An attempt or conspiracy to commit, or counselling the commission of, any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses."

ARTICLE V

Article 7 of the Extradition Treaty is deleted and replaced by the following:

"Article 7

When the person sought is being proceeded against or is serving a sentence in the requested State for an offense other than that for which extradition is requested, the requested State may surrender the person sought or postpone surrender until the conclusion of the proceedings or the service of the whole or any part of the sentence imposed."

~~ARTICLE VI~~

Paragraph (3) of Article 11 of the Extradition Treaty is deleted and replaced by the following:

- "(3) A person arrested shall be set at liberty upon the expiration of sixty days from the date of arrest pursuant to such application if a request for extradition and the documents specified in Article 9 have not been received. This stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request and documents are subsequently received."

ARTICLE VII

The Extradition Treaty is amended by adding the following after Article 17:

"Article 17 bis

If both contracting Parties have jurisdiction to prosecute the person for the offense for which extradition is sought, the executive authority of the requested State, after consulting with the executive authority of the requesting State,

shall decide whether to extradite the person or to submit the case to its competent authorities for the purpose of prosecution. In making its decision, the requested State shall consider all relevant factors, including but not limited to:

- (i) the place where the act was committed or intended to be committed or the injury occurred or was intended to occur;
- (ii) the respective interests of the Contracting Parties;
- (iii) the nationality of the victim or the intended victim; and
- (iv) the availability and location of the evidence."

ARTICLE VIII

Notwithstanding paragraph (2) of Article 18 of the Extradition Treaty, this Protocol shall apply in all cases where the request for extradition is made after its entry into force regardless of whether the offense was committed before or after that date.

ARTICLE IX

- (1) This Protocol shall be subject to ratification in accordance with the applicable procedures of the Government of the United States and the Government of Canada and instruments of ratification shall be exchanged as soon as possible.
- (2) The Protocol shall enter into force upon the exchange of instruments of ratification.

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

DONE in duplicate at *Ottawa*, this *11th* day of *January* 1988, in the English and French languages, the two texts being equally authentic.

George P. Shultz

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

[Signature]
FOR THE GOVERNMENT OF CANADA

EXCHANGE OF LETTERS CONSTITUTING AN UNDERSTANDING
BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERN-
MENT OF THE UNITED STATES OF AMERICA CONCERNING THE
PROTOCOL AMENDING THE TREATY ON EXTRADITION SIGNED
AT OTTAWA ON JANUARY 11, 1988

THE SECRETARY OF STATE
WASHINGTON

January 11, 1988

Dear Mr. Minister:

I refer to the Protocol Amending the Treaty on Extradition between the United States and Canada we signed today and have the honor to address to you the following.

The United States and Canada recognize that the transborder abduction of persons found in Canada to the United States of America by civilian agents of bail bonding companies, so-called "bounty hunters", is an extraditable offense under the United States - Canada Extradition Treaty.

Where a person has been charged with or convicted of such an offense in Canada and is found within the jurisdiction of the United States, the United States agrees, upon request, to commence extradition proceedings against such a person pursuant to the Treaty in order that the person may be returned to Canada.

The United States will use its best efforts to honor Canadian requests for testimony, information, or other assistance pertaining to such abductions.

Canada and the United States agree to cooperate to deter such transborder abductions. To assist in achieving that purpose, the United States will continue to exert its best efforts to inform those engaged in business as bail bondsmen or bounty hunters and other interested parties of the positions set forth in this exchange of letters.

The Right Honorable
Joe Clark, P.C., M.P.,
Secretary of State
For External Affairs of Canada,
Ottawa.

Canada and the United States agree to consult promptly concerning any case of transborder abduction involving bounty hunters which might arise in the future. The purpose of such consultations shall be to address matters relating to any such case, including any request by the Government of Canada for the return of the person so abducted. In the event of return, the Governments agree to co-operate to have the abducted person escorted to Canada and taken into custody at the border, pursuant to a request for provisional arrest, pending the outcome of extradition proceedings. For the purpose of these consultations, the principal law enforcement contact for the United States will be the Director of the Office of International Affairs of the Criminal Division of the Department of Justice.

I have the honor to propose that this letter and your reply constitute an understanding between our two Governments which is not intended to create or otherwise alter legal obligations for either Government nor to create or otherwise alter any rights or privileges for private parties.

Sincerely yours,



George P. Shultz

The Rt. Hon. Joe Clark, P. C., M. P.
Secretary of State for External Affairs

Le très hon. Joe Clark, C. P., député
Secrétaire d'Etat aux Affaires extérieures

Canada

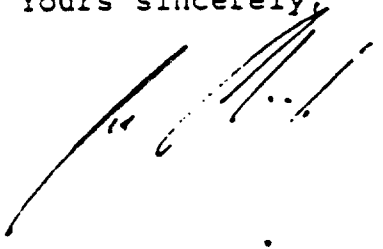
Ottawa, January 11, 1988

JLA-0026

Dear Mr. Secretary:

I have the honour to acknowledge receipt of your letter of today's date concerning transborder abduction of persons found in Canada to the United States of America by civilian agents of bail bonding companies, so-called "bounty hunters". I accept your proposal that your letter and this reply constitute an Understanding between our two Governments which is not intended to create or otherwise alter legal obligations for either Government nor to create or otherwise alter any rights or privileges for private parties.

Yours sincerely,



The Honourable George P. Shultz
Secretary of State of the
United States of America