

No. 51234*

**United States of America
and
Peru**

Extradition Treaty between the Government of the United States of America and the Government of the Republic of Peru. Lima, 26 July 2001

Entry into force: *25 August 2003 by the exchange of the instruments of ratification, in accordance with article XIX*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 20 August 2013*

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**États-Unis d'Amérique
et
Pérou**

Traité d'extradition entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Pérou. Lima, 26 juillet 2001

Entrée en vigueur : *25 août 2003 par l'échange des instruments de ratification, conformément à l'article XIX*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 20 août 2013*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**EXTRADITION TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE REPUBLIC OF PERU**

The United States of America and the Republic of Peru (hereinafter also, the "Contracting States"),

Recalling the Treaty on Extradition Between the United States of America and the Republic of Peru, signed at Lima November 28, 1899, and related agreement of February 15, 1990, done at Cartagena, Colombia;

Desiring to enhance cooperation between the two States in the suppression of crime;

Have agreed as follows:

Article I

Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons whom the authorities in the Requesting State have charged with, found guilty of, or sentenced for, the commission of an extraditable offense.

Article II

Extraditable Offenses

1. An offense shall be an extraditable offense if it is punishable under the laws in both Contracting 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 consists of an attempt or a conspiracy to commit, or association or participation in the commission of, any offense described in paragraph 1.
3. For the purposes of this Article, an offense shall be an extraditable offense, regardless of:
 - (a) whether the laws in the Contracting States place the offense within a different category of offenses or describe the offense by different terminology, so long as the underlying conduct is criminal in both States;
 - (b) whether the offense is one for which the laws of the Requesting State require, for the purpose of establishing jurisdiction of its courts, evidence of interstate transportation, or the use of the mails or other facilities affecting interstate or foreign commerce, as elements of the specific offense; or
 - (c) where the offense was committed.
4. If extradition has been granted for one or more extraditable offenses, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by one year or less of deprivation of liberty, provided that all other requirements for extradition are met.

Article III

Extradition of Nationals

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

Article IV

Bases for Denial of Extradition

1. Extradition shall not be granted:
 - (a) if the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested. However, extradition shall not be precluded by the fact that the authorities in the Requested State have decided not to prosecute the person sought for the same acts for which extradition is requested, or to discontinue any criminal proceedings that have been instituted against the person sought for those acts; or
 - (b) if prosecution of the offense or execution of the penalty is barred by lapse of time under the laws of the Requesting State.
2. Extradition shall not be granted if the offense for which extradition is requested constitutes a political offense. For the purposes of this Treaty, the following offenses shall not be considered to be political offenses:
 - (a) a murder or other violent crime against the person of a Head of State of one of the Contracting States, or of a member of the Head of State's family;
 - (b) genocide, as described in the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris on December 9, 1948;
 - (c) an offense for which both Contracting 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, including, but not limited to:
 - (i) illicit drug trafficking and related offenses, as described in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on December 20, 1988; and
 - (ii) offenses related to terrorism, as set forth in multilateral international agreements to which both Contracting States are parties; and
 - (d) an attempt or conspiracy to commit, or association or participation in the commission of, any of the foregoing offenses.