

EXTRADITION TREATY WITH THE DOMINICAN  
REPUBLIC

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE  
DOMINICAN REPUBLIC (THE "TREATY"), SIGNED AT SANTO DO-  
MINGO ON JANUARY 12, 2015



FEBRUARY 10, 2016.—Treaty was read the first time, and together with  
the accompanying papers, referred to the Committee on Foreign Rela-  
tions and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PUBLISHING OFFICE



## LETTER OF TRANSMITTAL

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THE WHITE HOUSE, *February 10, 2016.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Dominican Republic (the “Treaty”), signed at Santo Domingo on January 12, 2015. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would replace the extradition treaty between the United States and the Dominican Republic, signed at Santo Domingo on June 19, 1909. The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern “dual criminality” approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The Treaty also contains a modernized “political offense” clause and provides that extradition shall not be refused based on the nationality of the person sought. Finally, the Treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

BARACK OBAMA.



## LETTER OF SUBMITTAL

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DEPARTMENT OF STATE,  
*Washington, December 4, 2015.*

The PRESIDENT,  
*The White House.*

THE PRESIDENT: I have the honor to submit to you the Extradition Treaty between the Government of the United States of America and the Government of the Dominican Republic, signed at Santo Domingo on January 12, 2015 (the "Treaty"). Upon its entry into force, the Treaty would replace the Extradition Treaty between the United States of America and the Dominican Republic of June 19, 1909 ("the 1909 Treaty"). I recommend that the Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It is an important part of a concerted effort by the Department of State and the Department of Justice to modernize the legal tools available for the extradition of serious offenders. The Treaty is self-executing. It will not require implementing legislation.

An Overview of the Treaty, including a detailed article-by-article analysis, is enclosed with this report. The Department of Justice joins the Department of State in favoring approval of the Treaty by the Senate at the earliest possible date.

Respectfully submitted.

JOHN F. KERRY.

**Extradition Treaty between the Government of the United States of America and the  
Government of the Dominican Republic**

**Overview**

**Introduction**

The Extradition Treaty between the Government of the United States of America and the Government of the Dominican Republic (the "Treaty") replaces an extradition treaty between the two countries signed in 1909 (the "1909 Extradition Treaty").

**Article-by-Article Analysis**

The following is an article-by-article description of the provisions of the Treaty:

Article 1 obligates each Party to extradite to the other persons sought by the Requesting Party for prosecution or for imposition or service of a sentence for an extraditable offense.

Article 2 defines extraditable offenses. Under Article 2(1), an offense is extraditable if it is punishable under the laws of both Parties by deprivation of liberty for a period of more than one year or by a more severe penalty. This formulation is consistent with the modern "dual criminality" approach. The new Treaty eliminates the requirement, found in the 1909 Extradition Treaty, that the offense be among those listed in the treaty. The dual criminality formulation obviates the need to renegotiate or supplement the Treaty as additional offenses become punishable under the laws of both Parties and ensures a comprehensive coverage of criminal conduct for which extradition may be sought.

Article 2(2) further defines an extraditable offense to include an attempt or a conspiracy to commit, or participation in the commission of, an extraditable offense, if the offense of attempt, conspiracy, or participation is punishable under the laws of both Parties by deprivation of liberty for a period of more than one year or by a more severe penalty. Under the broad term of "participation," the Treaty covers such offenses as aiding, abetting, counseling, or procuring the commission of an offense, as well as being an accessory to an offense, at whatever stage of development of the criminal conduct and regardless of the alleged offender's degree of involvement.

Additionally, Article 2(3) identifies a number of situations in which an offense will be extraditable despite potential differences in the criminal laws of both Parties. For instance, an offense shall be extraditable whether or not the laws of the Requesting and Requested Parties place the acts constituting the offense within the same category of offenses or describe the offense by the same terminology. In addition, an offense involving tax fraud or tax evasion, customs duties, or import/export controls shall be extraditable regardless of whether the Requested Party provides for the same sort of taxes, duties, or controls. This provision also makes explicit that an offense is extraditable

where United States federal law requires the showing of certain matters merely for the purpose of establishing U.S. federal jurisdiction, including interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce; this clarifies an important issue for the United States in requesting extradition for certain federal crimes.

Article 2(4) addresses issues of territorial jurisdiction and specifies that an offense shall be extraditable regardless of where the act or acts constituting the offense were committed.

Article 2(5) prescribes that, if extradition is granted for an extraditable offense, it shall be granted for any other offense specified in the request even if the latter offense is punishable by a maximum of one year's deprivation of liberty or less, provided that all other requirements for extradition are met. Article 2(6) provides that, where the extradition request is for service of a sentence of imprisonment, extradition may be denied if, at the time of the request, the remainder of the sentence to be served is less than six months.

Article 3 establishes that extradition shall not be refused based on the nationality of the person sought.

As is customary in extradition in extradition treaties, Article 4 governs political and military offenses as a basis for the denial of extradition. Article 4(1) states generally that extradition shall not be granted if the offense for which extradition is requested is a political offense.

Article 4(2) describes five categories of offenses that shall not be considered to be political offenses. This list of exceptions was included in the extradition treaty between the United States and Chile (signed 2013) and is slightly broader than similar lists that appear in other, modern treaties, including those with Hungary (signed 1994), Poland (signed 1997), the United Kingdom (signed 2003), Bulgaria (signed 2007) and Romania (signed 2007). In addition to offenses that involve the possession, placement, use or threatened use of an explosive, incendiary or destructive device, the exception at Article 4(2)(d) also includes biological, chemical or radiological agents when such agent is capable of endangering life or causing substantial bodily harm or substantial property damage. Further, Article 4(2)(e) makes clear that aiding or abetting another person to commit, attempt to commit or participate in the commission of such offenses also is excluded from the political offense exception. This slight expansion of the political offense exception is in keeping with a major priority of the United States to ensure that an overbroad definition of political offense not impede the ability to extradite terrorists.

Notwithstanding Article 4(2), Article 4(3) provides that extradition shall not be granted if the competent authority of the Requested Party determines that the request was politically motivated.

Under Article 4(4) the executive authority of the Requested Party may refuse extradition for offenses under military law that are not offenses under ordinary criminal law. Desertion would be an example of such an offense.

Article 5 addresses denial of extradition in instances in which an individual has previously been prosecuted for the offense for which extradition is requested and denial for lapse of time.

Article 5(1) precludes extradition of a person who has been convicted or acquitted in the Requested Party for the offense for which extradition is requested. Under Article 5(2), a person shall not be considered to have been convicted or acquitted when the authorities of the Requested Party: (a) have decided not to proceed against the person sought for the acts for which extradition is requested; (b) have decided to discontinue any criminal proceedings against the person for those acts; or (c) are still investigating or proceeding against the person sought for those acts. Article 5(3) provides that only the laws of the Requesting Party regarding lapse of time shall be considered for purposes of deciding whether or not to grant extradition. In this regard, the Requested Party is bound by the statement of the Requesting Party that the statute of limitation has not run.

Article 6 addresses punishment. When an offense for which extradition is sought is punishable by death under the laws of the Requesting Party but not under the laws of the Requested Party, under Article 6(1) the Requested Party may refuse extradition of the person sought unless the Requesting Party provides assurances that the death penalty shall not be imposed or, if for procedural reasons the Requesting Party cannot provide that assurance, if imposed, the death penalty shall not be carried out. If the Requesting Party provides such an assurance, the Requested Party shall grant extradition and the Requesting Party shall comply with the assurance. Except in instances in which the death penalty applies, Article 6(2) precludes the Parties from refusing extradition on the basis that the term of imprisonment for the offense is greater in the Requesting Party than in the Requested Party. This provision was included to ensure that extradition was not limited in cases in which the offense was eligible for life imprisonment as a maximum offense in one Party but not the other.

Article 7 specifies the procedures and documents required to support a request for extradition. Article 7(1) prescribes that all extradition requests be submitted through the diplomatic channel. Among several other requirements, Article 7(3)(c) establishes that extradition requests must be supported by such information as would provide a reasonable basis to believe that the person sought committed the offense(s) for which extradition is requested. Notably, this language mirrors the probable cause standard applied in U.S. criminal law. Article 7(6) permits the submission of additional information to enable the Requested Party to decide on the extradition request.

Article 8 sets out the procedures for the certification and admissibility of documents in extradition proceedings.

Article 9 requires that all documents that the Requesting Party submits pursuant to the Treaty be accompanied by an official translation into the language of the Requested Party, unless otherwise agreed in exceptional circumstances.

Article 10 provides that the Requesting Party may request the provisional arrest of fugitives and sets forth the procedures for making such a request pending presentation of the



formal extradition request. Article 10(2) specifies the information that must accompany a provisional arrest request. Article 10(3) provides that the Requesting Party shall be notified without delay of the date of a provisional arrest or the reasons why the Requested Party cannot proceed with the request. Article 10(4) permits the release of the person provisionally arrested if the executive authority of the Requested Party does not receive the extradition request and supporting documents within 60 days of the date on which the person was provisionally arrested. This paragraph also specifies that receipt of the extradition request and supporting documents by the embassy of the Requested Party in the territory of the Requesting Party constitutes receipt by the executive authority of the Requested Party. Thus, such receipt by the embassy of the Requested Party constitutes timely receipt for purposes of complying with the time limitation for submission of the extradition request and supporting documents. Article 10(5) makes clear that the release of a person pursuant to Article 10(4), does not impede the person's re-arrest and extradition if the Requested Party receives the extradition request and supporting documents at a later date.

Article 11 requires the Requested Party to promptly notify the Requesting Party of its decision on an extradition request. Under Article 11(2), if the requested Party denies extradition, it must provide an explanation of the reasons for the denial. Article 11(3) provides for the person's surrender, while Article 11(4) addresses the person's discharge from custody if the person is not removed from the territory of the Requested Party within 60 days from the time that the person is made available for surrender or within the time prescribed by the law of that Party, whichever is longer. If the person is discharged from custody, the Requested Party retains the discretion to subsequently refuse extradition for the same offense.

Article 12 addresses deferred and temporary surrender of the person sought. Under Article 12(1), if the person sought is being proceeded against in the Requested Party, the Requested Party may defer the extradition proceedings until its own proceedings have been concluded. Under Article 12(2) when extradition proceedings have been concluded and extradition has been authorized, but the person sought is being criminally proceeded against or is serving a sentence in the Requested Party, the Requested Party may either defer the surrender of the person sought or temporarily surrender the person to the Requesting Party for the purpose of prosecution. Article 12(3) provides that the person may be detained until the surrender, while Article 12(4) requires the Requesting Party to keep the person temporarily surrendered in custody while in the territory of the Requesting Party and to return the person to the Requested Party at the conclusion of proceedings. The person's return to the Requested Party shall not require any further extradition request or proceedings.

Pursuant to Article 13, if the Requested Party receives extradition requests for the same person from the Requesting Party and from any other States or State, either for the same offense or for different offenses, the executive authority of the Requested Party shall determine to which State, if any, it will surrender that person. Additionally, this Article sets forth a non-exclusive list of factors to be considered by the Requested Party in making its decision.

Article 14 provides that, subject to certain conditions, the Requested Party may seize and surrender to the Requesting Party all items that are connected with the offense for which extradition is sought or that may be required as evidence in the Requesting Party.

Article 15 sets forth the rule of specialty, which prohibits a person extradited under the Treaty from being detained, tried, or punished in the Requesting Party, except for any offense for which extradition was granted, or for a differently denominated offense carrying the same or lesser penalty that is based on the same acts or omissions as the offense for which extradition was granted, provided such offense is extraditable or is a lesser included offense. The rule of specialty does not bar detention, trial or punishment of the extradited person if the offense is committed after the extradition of the person, or if the competent authority of the Requested Party consents. Similarly, Article 15(2) provides that a person extradited under the Treaty may not be the subject of onward extradition or surrender for any offense committed prior to extradition, unless the competent authority of the Requested Party consents. This provision would preclude the Dominican Republic from transferring to a third State or an international tribunal a fugitive that the United States surrendered to the Dominican Republic, unless the United States consents. The competent authority for the United States for purposes of this article is the executive authority. Article 15(4) provides that the rule of specialty provisions in this article do not apply if the person sought waives extradition under Article 16(a).

Article 16 allows the Parties to expedite the transfer of the person whose extradition is sought to the Requesting Party. If the person waives extradition, a judicial officer may direct the person's transfer to the Requesting Party without further proceedings. If the person consents to extradition or to a simplified extradition proceeding, the Requested Party may surrender the person as expeditiously as possible.

Article 17 governs the transportation through the territory of one Party of a person being extradited between the other Party and a third State. It also specifies the procedures for requesting such transit and makes clear that a person who is being transported pursuant to this article may be detained during the period of transit.

Article 18 requires the Requested Party to advise, assist, appear in court on behalf of, and represent the interests of the Requesting Party in any proceedings arising out of an extradition request. Additionally, the Requested Party must bear all expenses incurred in that State in connection with the extradition proceedings, except for expenses related to translation and transportation of the person surrendered.

Article 19 provides that the U.S. Department of Justice and the Dominican Office of the General Prosecutor may consult with each other directly in connection with individual cases and in furtherance of efficient implementation of the Treaty.

Article 20, like its counterparts in many other United States extradition treaties, establishes that the Treaty shall apply to requests submitted after the Treaty's entry into force even if the offenses for which extradition is requested were committed before the Treaty's entry into

force, so long as the conduct on which the extradition request is based constituted an offense under the laws in both Parties at the time it occurred.

Article 21 notes that the Treaty is subject to ratification and shall enter into force upon the exchange of the instruments of ratification. Article 21(3) provides that, upon entry into force, the 1909 Extradition Treaty will cease to have any effect between the Parties, except that the requests pending upon entry into force shall continue under the procedures of the 1909 Extradition Treaty supplemented by Article 6 of the Treaty.

Under Article 22, either Party may terminate the Treaty by giving written notice to the other Party through the diplomatic channel. The termination shall be effective six months after the date of such notice. Nevertheless, extradition requests made before the termination becomes effective shall be governed by the Treaty until final resolution of the request.



EXTRADITION TREATY  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE DOMINICAN REPUBLIC

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The Government of the United States of America and the Government of the Dominican Republic, hereinafter referred to as "the Parties,"

Recalling the Convention for Extradition between the United States of America and the Dominican Republic, signed at Santo Domingo June 19, 1909, entered into force August 2, 1910 (hereinafter "the 1909 Treaty");

Noting that both the Government of the United States of America and the Government of the Dominican Republic currently apply the terms of the 1909 Treaty; and

Desiring to provide for more effective cooperation in accordance with the demands of the times;

Having decided to conclude a new treaty for the extradition of offenders,

Have agreed as follows:

**Article 1  
Obligation to Extradite**

The Parties undertake the obligation to extradite to each other, pursuant to the provisions of this Treaty, persons sought by the Requesting Party from the Requested Party for prosecution or for imposition or service of a sentence for an extraditable offense or offenses.

**Article 2  
Extraditable Offenses**

1. An offense shall be an extraditable offense if, under the laws of both Parties, the maximum applicable penalty is deprivation of liberty for more than one year or a more severe penalty.

2. An offense shall also be an extraditable offense if it:

- (a) consists of an attempt or a conspiracy to commit, or participation in the commission of, any offense described in paragraph 1 of this Article at whatever stage and regardless of the degree of involvement; and
- (b) is punishable under the laws of both Parties by deprivation of liberty for a maximum period of more than one year or by a more severe penalty.

3. For purposes of this Article, an offense shall be an extraditable offense:

- (a) whether or not the laws in the Requesting and Requested Parties place the acts or omissions constituting the offense within the same category of offenses or describe the offense by the same terminology; or
- (b) whether or not the offense is one for which United States federal law requires the showing of certain matters merely for the purpose of establishing jurisdiction in a United States federal court, including but not limited to interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce; or

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(c) for offenses involving fraud or evasion of obligations with respect to taxes, customs duties, or controls on the import or export of commodities or currency, whether or not the laws of the Requesting and Requested Parties provide for the same sort of taxes or duties or for controls on the same sorts of commodities or on the same amounts of currency.

4. An offense shall be extraditable regardless of where the act or acts constituting the offense were committed.

5. If extradition has been granted for an offense specified in paragraphs 1 or 2 of this Article, it shall also be granted for any other offense specified in the request even if the latter offense is punishable by a maximum term of one year's deprivation of liberty or less, provided that all other requirements for extradition are met.

6. When the request for extradition refers to a person sought for service of a sentence of imprisonment, the Requested Party, which for the United States shall be the Executive Authority and for the Dominican Republic shall be the competent authority, may deny extradition if, at the time of the request, the remainder of the sentence to be served is less than six months.

**Article 3  
Nationality**

Extradition shall not be refused based on the nationality of the person sought.

**Article 4  
Political and Military Offenses**

1. Extradition shall not be granted if the offense for which extradition is requested is a political offense.

2. For the purposes of this Treaty, the following offenses shall not be considered political offenses:

(a) an offense for which both the Requesting and Requested Parties have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit the case to their competent authorities for the purpose of prosecution;

(b) murder, manslaughter, malicious wounding, inflicting grievous bodily harm, assault with intent to cause serious physical injury, and serious sexual assault;

(c) an offense involving kidnapping, abduction, or any form of unlawful detention, including the taking of a hostage;

(d) an offense involving placing, using, threatening the use of, or possessing an explosive, incendiary or destructive device, or a biological, chemical or radiological agent, when such device or agent is capable of endangering life, or causing substantial bodily harm, or causing substantial property damage; and

(e) a conspiracy or attempt to commit, or participation in the commission of, or aiding or abetting a person who commits or attempts to commit or participates in the commission of such offenses.

*XG*

*Sub*



3. Notwithstanding the terms of paragraph 2 of this Article, extradition shall not be granted if the Executive Authority of the Requested Party determines that the request was politically motivated.

4. The Executive Authority of the Requested Party may refuse extradition for offenses under military law that are not offenses under ordinary criminal law.

**Article 5**  
**Prior Prosecution and Lapse of Time**

1. Extradition shall be denied when the person sought has been convicted or acquitted in the Requested Party for the offense for which extradition is requested.

2. For purposes of this Article, a person shall not be considered to have been convicted or acquitted when the competent authorities of the Requested Party:

- (a) have decided not to proceed against the person sought for the acts for which extradition is requested;
- (b) have decided to discontinue any criminal proceedings which have been instituted against the person sought for those acts; or
- (c) are still investigating or otherwise proceeding against the person sought for the same acts for which extradition is sought.

3. With respect to laws regarding the lapse of time, only the laws of the Requesting Party shall be considered for purposes of deciding whether or not to grant extradition. In this regard, the Requested Party shall be bound by the statement of the Requesting Party that the statute of limitations of the Requesting Party does not bar the prosecution or the execution of the penalty.

**Article 6**  
**Punishment**

1. When the offense for which extradition is sought is punishable by death under the laws of the Requesting Party and is not punishable by death under the laws of the Requested Party, the Executive Authority of the Requested Party may refuse extradition unless the Requesting Party provides the Executive Authority of the Requested Party with an assurance that the death penalty shall not be imposed or, if for procedural reasons such an assurance cannot be provided by the Requesting Party, with an assurance that the death penalty, if imposed, shall not be carried out. If the Requesting Party provides an assurance pursuant to this Article, the Requested Party shall grant the extradition, and the Requesting Party shall comply with the assurance.

2. Except as provided in paragraph 1 of this Article, extradition shall not be refused on the basis that the term of imprisonment for the offense is a term that is greater in the Requesting Party than in the Requested Party.

**Article 7**  
**Extradition Procedures and Required Documents**

1. All requests for extradition shall be submitted through the diplomatic channel.
2. All extradition requests shall be supported by:
  - (a) documents, statements, or other types of information that describe the identity, nationality, and probable location of the person sought;
  - (b) information describing the facts of the offense or offenses and the procedural history of the case;
  - (c) the text of the law or laws describing the offense or offenses for which extradition is requested and the applicable penalty or penalties;
  - (d) the statement required by Article 5, paragraph 3; and
  - (e) the documents, statements, or other types of information specified in either paragraph 3 or paragraph 4 of this Article, as applicable.
3. In addition to the requirements in paragraph 2 of this Article, a request for extradition of a person who is sought for prosecution shall also be supported by:
  - (a) a copy of the warrant or order of arrest or detention issued by a judge or other competent authority;
  - (b) a copy of the document setting forth the charges against the person sought; and
  - (c) such information as would provide a reasonable basis to believe that the person sought committed the offense or offenses for which extradition is requested.
4. In addition to the requirements in paragraph 2 of this Article, a request for extradition relating to a person who is sought for imposition or service of a sentence shall also be supported by:
  - (a) a copy of the judgment of conviction, or, if a copy is not available, a statement by a judicial or other competent authority that the person has been convicted or found guilty;
  - (b) information establishing that the person sought is the person to whom the finding of guilt refers; and
  - (c) if the person has been sentenced, a copy of the sentence imposed, or if a copy is not available, a statement by a competent authority stating what sentence was imposed, as well as a statement establishing to what extent the sentence has been carried out.
5. If the person sought has been convicted or found guilty in absentia, the Requesting Party shall submit the information required by paragraphs 2, 3(c) and 4 of this Article and a statement satisfactory to the Executive Authority of the Requested Party regarding the circumstances under which the person was absent from the proceedings and the procedures, if any, that would be available to the person sought to have a new trial or other judicial review of the proceedings if the person were extradited.
6. If the Requested Party asks for additional information to enable it to decide on the request for extradition, the Requesting Party, within the period specified by the Requested Party, may provide such information or respond with an explanation of the legal reasons for which it is unable to provide the information requested.

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**Article 8**  
**Admissibility of Documents**

1. The documents, statements, and other types of information that accompany an extradition request shall be received and admitted as evidence in extradition proceedings if:

(a) they bear the certificate or seal of the Department of Justice, or Ministry or Department responsible for foreign affairs, of the Requesting Party; or

(b) they are certified or authenticated in any other manner consistent with the laws of the Requested Party.

2. Documents certified or authenticated pursuant to this Article shall not require further certification, authentication, or other legalization.

**Article 9**  
**Translation**

All documents submitted under this Treaty by the Requesting Party shall be accompanied by an official translation into the language of the Requested Party, unless otherwise agreed in exceptional circumstances.

**Article 10**  
**Provisional Arrest**

1. In case of urgency, the Requesting Party may request the provisional arrest of the person sought pending presentation of the extradition request and supporting documents. A request for provisional arrest may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Dominican Republic Office of the General Prosecutor.

2. The application for provisional arrest shall contain:

(a) a description of the person sought and such other information as may be useful in identifying the person;

(b) the location of the person sought, if known;

(c) a brief statement of the facts of the case, including, if possible, the time and location of the offense;

(d) a description of the law(s) violated;

(e) information concerning the warrant or order of arrest or detention; and

(f) a statement that the extradition request and supporting documents will follow within the time specified by this Treaty.

3. The Requesting Party shall be notified without delay of the date of the provisional arrest or the reasons for any inability to proceed with the request.

4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) calendar days from the date of provisional arrest pursuant to this Treaty if the Executive Authority of the Requested Party has not received the extradition request and supporting documents required in Article 7. For this purpose, receipt of the extradition request and supporting documents by the Embassy of the Requesting Party in the Requesting Party shall constitute receipt by the Executive Authority of the Requested Party.

5. The fact that the person sought has been discharged from custody pursuant to paragraph 4 of this Article shall not prejudice the subsequent re-arrest and extradition of that person if the extradition request and supporting documents are received at a later date.

#### **Article 11 Decision and Surrender**

1. The Requested Party shall promptly notify the Requesting Party through the diplomatic channel and otherwise as appropriate of its decision on the request for extradition.

2. If the request is denied in whole or in part, the Requested Party shall provide an explanation of the reasons for the denial. The Requested Party shall provide copies of pertinent judicial decisions upon request.

3. If the extradition is granted, the authorities of the Requesting and Requested Parties shall agree on the date and place for the surrender of the person sought.

4. If the person is not removed from the territory of the Requested Party by the Requesting Party within sixty (60) calendar days from the time of the notification described in paragraph 1 of this Article or within the time prescribed by the law of that Party whichever is longer, the person may be discharged from custody, and the Requested Party, in its discretion, may subsequently refuse extradition for the same offense.

#### **Article 12 Deferral of Extradition Proceedings and Deferred or Temporary Surrender**

1. When the person whose extradition is sought is being criminally proceeded against in the Requested Party, that Party may defer the extradition proceedings against the person sought until its own proceedings have been concluded.

2. When the extradition proceedings have been concluded and extradition has been authorized, but the person sought is being criminally proceeded against or is serving a sentence in the Requested Party, that Party may:

(a) defer the surrender of the person sought until the proceedings have been concluded or until the sentence has been served; or

(b) temporarily surrender the person to the Requesting Party for the purpose of prosecution.

3. In the case of deferred surrender, the person may be kept in custody until surrendered.

4. A person temporarily surrendered shall be kept in custody in the Requesting Party and shall be returned to the Requested Party after the conclusion of the Requesting Party's proceedings against that person, in accordance with any conditions that may be agreed to by the Parties. The return of the person to the Requested Party shall not require any further extradition request or proceedings.

**Article 13**  
**Requests for Extradition Made by Several States**

If the Requested Party receives requests from the Requesting Party and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the Executive Authority of the Requested Party shall determine to which State, if any, it will surrender the person. In making its decision, the Requested Party shall consider all relevant factors, including but not limited to:

- (a) whether the requests were made pursuant to a treaty;
- (b) the place where each of the offenses was committed;
- (c) the respective interests of the requesting States;
- (d) the gravity of the offenses;
- (e) the nationality of the victim;
- (f) the possibility of any subsequent extradition between the requesting States; and
- (g) the chronological order in which the requests were received from the requesting States.

**Article 14**  
**Seizure and Surrender of Items**

1. To the extent permitted under its law, the Requested Party may seize and surrender to the Requesting Party all items that are connected with any offense for which extradition is sought or that may be required as evidence in the Requesting Party. The items mentioned in this Article may be surrendered even when the extradition cannot be effectuated due to the death, disappearance, or escape of the person sought.

2. The Requested Party may condition the surrender of the items upon satisfactory assurances from the Requesting Party that the items shall be returned to the Requested Party as soon as practicable. The Requested Party may also defer the surrender of such items if they are required as evidence in the Requested Party.

3. The rights of third parties in such items shall be duly respected in accordance with the laws of the Requested Party.

**Article 15**  
**Rule of Specialty**

1. A person extradited under this Treaty may only be detained, tried, or punished in the Requesting Party for:

- (a) any offense for which extradition was granted, or a differently denominated offense carrying the same or lesser penalty and based on the same acts or omissions as the offense for which extradition was granted, provided such offense is extraditable, or is a lesser included offense;
- (b) any offense committed after the extradition of the person; or

(c) any offense for which the competent authority of the Requested Party, which for the United States shall be the Executive Authority, consents to the person's detention, trial, or punishment. For the purpose of this subparagraph:

- (i) the Requested Party may require the submission of the documentation specified in Article 7; and
- (ii) the person extradited may be detained by the Requesting Party for ninety (90) days, or for such longer period of time as the Requested Party may authorize, while the request is being processed.

2. A person extradited under this Treaty may not be the subject of onward extradition or surrender for any offense committed prior to extradition unless the competent authority of the Requested Party, which for the United States shall be the Executive Authority, consents.

3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the onward extradition or surrender of that person, if that person:

- (a) leaves the territory of the Requesting Party after extradition and voluntarily returns to it; or
- (b) does not leave the territory of the Requesting Party within thirty (30) days of the day on which that person is free to leave.

4. The provisions of this Article do not apply in the case of a waiver of extradition under Article 16(a).

**Article 16**  
**Waiver and Simplified Extradition**

The Requested Party may expedite the transfer of the person sought to the Requesting Party:

- (a) when the person sought waives extradition, and in such case the competent judicial authority before whom such waiver is made may direct the transfer of the person to the Requesting Party without further proceedings; or
- (b) when the person sought consents to extradition or to a simplified extradition proceeding, and in such case the Requested Party may surrender the person as expeditiously as possible.

**Article 17**  
**Transit**

1. Either Party may authorize transportation through its territory of a person being extradited to the other Party by a third State or from the other Party to a third State for purposes of prosecution or imposition or service of a sentence. A request for transit may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Dominican Republic's Office of the General Prosecutor or through such other channels as the Parties may agree. The request for transit shall contain a description of the person being transported and a brief statement of the facts of the case. A person in transit may be detained in custody during the period of transit.

2. Authorization is not required when air transportation is used by one Party and no landing is scheduled on the territory of the other Party. If an unscheduled landing does occur, the Party in whose territory the unscheduled landing occurs may require a request for transit pursuant to paragraph 1 of this Article, and it may detain in custody the person being transported until the request for transit is received and the transit is effected, as long as the request is received within ninety-six (96) hours of the unscheduled landing.

**Article 18  
Representation and Expenses**

1. The Requested Party shall advise, assist, appear in court on behalf of, and shall represent the interests of the Requesting Party, in any proceedings arising out of a request for extradition.

2. The Requesting Party shall pay all the expenses related to the translation of extradition documents and the transportation of the person surrendered. The Requested Party shall pay all other expenses incurred in that State in connection with the extradition proceedings.

3. Neither Party shall make any pecuniary claim against the other Party arising out of the arrest, detention, examination, or surrender of persons under this Treaty.

**Article 19  
Consultation**

The United States Department of Justice and the Office of the General Prosecutor of the Dominican Republic may consult with each other directly in connection with individual cases and in furtherance of efficient implementation of this Treaty.

**Article 20  
Application**

The process of extradition provided for by this Treaty shall apply to requests submitted after its entry into force even if the offenses for which extradition is requested were committed before the Treaty's entry into force, provided that the conduct on which the extradition request is based constituted an offense under the laws of both Parties at the time that the conduct occurred.

**Article 21  
Ratification and Entry into Force**

1. This Treaty shall be subject to ratification. The instruments of ratification shall be exchanged as soon as possible.

2. This Treaty shall enter into force upon the exchange of the instruments of ratification.

3. Upon entry into force of this Treaty, the 1909 Treaty shall cease to have any effect as between the Parties, except that the requests pending upon entry into force shall continue under the procedures of the 1909 Treaty supplemented by Article 6 of this Treaty.

**Article 22  
Termination**

Either Party may terminate this Treaty at any time by giving written notice to the other Party through the diplomatic channel, and the termination shall be effective six months after the date of such notice. Nevertheless, extradition requests presented to the Requested Party before the termination becomes effective shall continue to be governed by the provisions of this Treaty until the final resolution of the extradition request.

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

DONE at Santo Domingo, this 12<sup>th</sup> day of January 2015, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA



JAMES W. BREWSTER, JR.  
United States Ambassador to the  
Dominican Republic

FOR THE GOVERNMENT OF THE  
DOMINICAN REPUBLIC



ANDRES NAVARRO GARCIA  
Minister of Foreign Affairs