

**No. 32197**

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**MEXICO  
and  
FRANCE**

**Extradition Treaty. Signed at Mexico City on 27 January 1994**

*Authentic texts: Spanish and French.*

*Registered by Mexico on 24 October 1995.*

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et  
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**Convention d'extradition. Signée à Mexico le 27 janvier 1994**

*Textes authentiques : espagnol et français.*

*Enregistrée par le Mexique le 24 octobre 1995.*

## [TRANSLATION — TRADUCTION]

EXTRADITION TREATY<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF THE FRENCH REPUBLIC

The Government of the United Mexican States and

The Government of the French Republic,

Desiring to establish more effective cooperation between their countries with a view to deterring crime;

Wishing to that end to regulate by mutual agreement their relations in the matter of extradition;

Have agreed as follows:

*Article 1*

Each State undertakes to extradite to each other, in accordance with the provisions of this Treaty, any person found within its territory who is charged with a criminal offence or sought for the enforcement of a sentence of imprisonment imposed by the judicial authorities of the other State for the commission of an offence.

*Article 2*

1. Extradition shall be granted for offences punishable under the laws of both States by a maximum term of two years or more.

2. In addition, where extradition is requested with a view to the enforcement of a sentence, the remainder of the term to be served must be at least six months.

*Article 3*

Where the request for extradition relates also to a number of offences which are punishable under the laws of the two States but which do not meet the requirements of article 2, the requested State may grant extradition for such offences as well.

*Article 4*

In cases involving charges, taxes, duties or currency exchanges, extradition shall be granted under the terms of this Treaty.

*Article 5*

Extradition shall not be granted:

1. In the case of offences regarded as political by the requested State or as being connected with such offences;

<sup>1</sup> Came into force on 1 March 1995, i.e., the first day of the second month following the date of receipt of the last of the notifications (21 July 1994 and 22 January 1995) by which the Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 27 (1).

2. When the requested State has serious reason to believe that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality or political opinions, or that the person's situation may be prejudiced for any of those reasons;

3. When the person sought is to be tried in the requesting State by a court of special jurisdiction or when that person is being sought for the enforcement of a sentence imposed by such a court;

4. When the offence for which extradition is requested is considered by the requested State to be a purely military offence.

#### *Article 6*

1. Extradition shall not be granted if the person sought is a national of the requested State. Nationality shall be determined as of the date on which the acts in question were committed.

2. Where, solely because of the nationality of the person sought, the requested State, pursuant to the preceding paragraph, does not extradite that person, that State shall, in accordance with its own legislation and on the basis of any information laid by the requesting State, submit the case to its competent authorities for criminal prosecution, if warranted. To that end, any documents, reports and articles relating to the offence shall be provided free of charge through the channel stipulated in article 13, and the requesting State shall be informed of the decision taken.

#### *Article 7*

Extradition shall not be granted when the person sought has been finally convicted or acquitted in the requested State of the offence or offences for which extradition is requested.

#### *Article 8*

Extradition shall not be granted when the prosecution or the penalty is time-barred according to the law of either State.

#### *Article 9*

The requested State may refuse extradition if under its own legislation its courts have jurisdiction to try the offence for which extradition has been requested.

#### *Article 10*

Extradition may be refused:

1. If the offence has been committed outside the territory of the requesting State by a non-national of that State and the legislation of the requested State does not authorize prosecution of the same offence committed outside its territory by a foreigner;

2. If the person sought is being prosecuted by the requested State for the offence for which extradition is requested or if the judicial authorities of the requested State have decided, in accordance with the procedures provided by the law of that State, to terminate the prosecution they instituted for the same offence;

3. If the person sought was finally convicted or acquitted in a third State of the offence or offences for which extradition is requested.

*Article 11*

Where the act for which extradition is requested is punishable by the death penalty under the law of the requesting State and the death penalty is not provided for in such a case by the legislation of the requested State or is generally not carried out, extradition may be refused, unless the requesting State gives such assurance as the requested State considers sufficient that the death penalty will not be carried out.

*Article 12*

Extradition may be refused on humanitarian grounds if the surrender might have grave consequences for the person sought, on account of that person's age or state of health.

*Article 13*

The request for extradition and all subsequent correspondence shall be sent through the diplomatic channel.

*Article 14*

The request for extradition shall be made in writing and shall be accompanied by:

1. A statement of the conduct for which extradition is requested, providing as accurate an indication as possible of the time and place of commission, the nature of the offence and the applicable legal provisions;
2. The original or an authentic copy of the enforceable sentence or of the arrest warrant or of any other court order having the same force under the law of the requesting State and establishing the existence of the offence for which the person is sought;
3. A copy of the legal provisions applicable to the offence or offences in question, of the corresponding penalties and of the time limits for immunity from prosecution and, where the offence has been committed outside the territory of the requesting State, a copy of the legal provisions giving jurisdiction to that State;
4. Information establishing the identity and nationality of the person sought and, if possible, indications of that person's whereabouts.

*Article 15*

If the information or documentation accompanying the request for extradition is insufficient or presents irregularities, the requested State shall inform the requesting State of the omissions or irregularities to be remedied. The requested State shall indicate a possible time limit for the purpose, in accordance with its internal procedures.

*Article 16*

1. A person who has been extradited shall not be prosecuted, tried or imprisoned for the purpose of enforcing a sentence for an offence prior to the surrender and other than that for which extradition was granted, except:

(a) When the State which extradited the person consents thereto. A request shall be presented for this purpose, together with the documents specified in article 14 and a deposition setting out a statement by the person extradited indicating

his or her consent or opposition to extension of the extradition. The State's consent may be granted only when the offence in respect of which it is requested is of such a nature as to justify extradition under the provisions of this Treaty;

(b) When the person extradited has had an opportunity to leave the territory of the State to which he or she was extradited and has not done so within the forty-five days following final discharge, or, having left, has returned to that State.

2. When the legal nature of an offence for which a person has been extradited is changed, the person shall not be prosecuted or tried unless the new description of the offence:

(a) Would justify extradition under this Treaty;

(b) Relates to the same conduct as the offence for which extradition was granted; and

(c) Is not punishable by the death penalty in the requesting State.

#### *Article 17*

Except in the case provided for in article 16, paragraph 1 (b), reextradition to satisfy a third State may not be granted without the consent of the State which granted extradition. The latter may require the submission of the documents specified in article 14 as well as a deposition in which the person sought states whether he or she consents to re-extradition or opposes it.

#### *Article 18*

1. In case of urgency, the competent authorities of the requesting State may apply for the provisional arrest of the person sought. The request for provisional arrest shall indicate the existence of one of the documents specified in article 14, paragraph 2, and the intention of making a formal request for extradition. It shall also indicate the offence for which extradition is requested, the time, place and circumstances of its commission, and any information which may help to establish the identity and nationality of the person sought.

2. The request for provisional arrest shall be transmitted to the competent authorities of the requested State through the diplomatic channel.

The Parties may, through an exchange of diplomatic notes, modify the procedure for making provisional arrests under their domestic laws in the interests of speed and efficiency.

3. Upon receiving the request referred to in paragraph 1 of this article, the competent authorities of the requested State shall deal with the request in accordance with the law of that State. The requesting State shall be informed of the action taken on its request.

4. The provisional arrest shall terminate if within sixty days the requested State has not received the request for extradition and the documents specified in article 14.

5. Termination of the provisional arrest pursuant to the preceding paragraph shall not prevent extradition of the person sought if the formal request for extradition and the documents specified in article 14 are subsequently received.

### Article 19

Where extradition is requested concurrently by one of the Parties and by other States, either for the same offence or for different offences, the requested State shall make a ruling, having regard to all the circumstances and, in particular, its own obligations under any other international agreements, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality of the person sought and the possibility of subsequent extradition to another State.

### Article 20

1. The requested State shall advise the requesting State of its decision with respect to the request for extradition.
2. Reasons shall be given for any complete or partial refusal of the request.
3. Where extradition is granted, the requesting State shall be informed of the place and date of surrender and the length of time for which the person sought has been detained with a view to extradition.
4. If the person sought has not been handed over within thirty days of the appointed date of surrender, that person shall be discharged and the requested State may in the future refuse to extradite that person for the same offence.
5. In the event of *force majeure* preventing the surrender or reception of the person to be extradited, the State concerned shall notify the other State. The two States shall agree on a new date for the surrender.

### Article 21

1. The requested State may, after agreeing to extradition, postpone the surrender of the person sought if proceedings have been instituted against that person or if that person is serving a sentence in the territory of the requested Party for a different offence, until the proceedings have concluded or the sentence imposed has been served.
2. Instead of postponing surrender, the requested State may, if its law allows, temporarily surrender the person sought in accordance with conditions to be established by mutual agreement between the two States.
3. The surrender may also be postponed if, in view of the state of health of the person sought, the transfer might endanger that person's life or aggravate his or her condition.

### Article 22

1. If the requesting State so requests, the requested State shall seize any property, valuables or documents related to the offence:
  - (a) Which may serve as proof of the offence; or
  - (b) Which have been acquired as a result of the offence and have been found in the possession of the person sought.
2. Once extradition has been granted, the requested State shall, in accordance with its domestic legislation, order the surrender of the property seized, even if the surrender of the person sought cannot be carried out because of that person's death, disappearance or escape.

3. If the property in question is liable to seizure or confiscation in the territory of the requested State, that State may, in connection with pending criminal proceedings, retain it temporarily or hand it over on condition that it is returned.

4. When the requested State or third States have rights to property surrendered in accordance with the provisions of this article to the requesting State in connection with criminal proceedings, the property shall be returned to the requested State without charge as soon as possible.

#### *Article 23*

1. Transit through the territory of one of the States by a person not a national of that State who is being extradited to the other State by a third State shall be authorized upon presentation through the diplomatic channel of any one of the documents specified in article 14, paragraph 2, of this Treaty, provided that there is no objection on the grounds of public order or that the offences in question are not regarded as political by the requested State or are not purely military offences, as specified in article 5.

2. Transit may be refused in all the other cases in which extradition may be refused.

3. The authorities of the transit State shall be responsible for detaining the accused in custody while that person remains in its territory.

4. Where air transport is used, the following provisions shall apply:

(a) When no landing is scheduled, the requesting State shall advise the State whose territory is to be overflown and shall certify the existence of one of the documents specified in article 14, paragraph 2. In the event of an unscheduled landing, such notification shall have the effect of a request for provisional arrest pursuant to article 18 and the requesting State shall forward a normal transit request;

(b) When a landing is scheduled, the requesting State shall forward a normal transit request.

5. The requesting State shall reimburse the transit State for any expenses incurred by the latter by reason of the transit.

#### *Article 24*

The legislation of the requested State shall be applicable to proceedings relating to provisional arrest, extradition and transit.

#### *Article 25*

Expenses occasioned by the internal proceedings which any extradition entails shall be borne by the requested State, except for the costs of conveying the person sought, which shall be borne by the requesting State.

#### *Article 26*

Documents submitted shall be accompanied by a translation into the language of the requested State and shall be exempted from all authentication requirements if they are transmitted through the diplomatic channel.

*Article 27*

1. Each Party shall notify the other when it has completed the constitutional formalities it requires for the entry into force of this Treaty, which shall take place on the first day of the second month following the date of receipt of the last such notification.

2. Either Party may terminate this Treaty at any time by giving notice to the other Party in writing through the diplomatic channel. In that event, termination shall take effect on the first day of the third month following the date of receipt of such notice.

IN WITNESS WHEREOF the representatives of the two Governments, being duly authorized thereto, have signed this Treaty.

DONE at Mexico City on 27 January 1994, in duplicate originals in the Spanish and French languages, both texts being equally authentic.

For the Government  
of the United Mexican States:

MANUEL TELLO  
Secretary for Foreign Affairs

For the Government  
of the French Republic:

ALAIN JUPPÉ  
Minister for Foreign Affairs