Brazil International Extradition Treaty-Protocol with the United States

ADDITIONAL PROTOCOL TO THE TREATY OF EXTRADITION OF JANUARY 13, 1961, BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF BRAZIL

June 18, 1962, Date-Signed (Protocol)

December 17, 1964, Date-In-Force

The United States of America and the United States of Brazil,

Having concluded at Rio de Janeiro, on January 13, 1961, a Treaty of Extradition for the purpose of making more effective the cooperation between the two countries in the repression of crime,

And desiring to make clear that their respective nationals will be subject to extradition only if the constitutional and legal provisions in force in their territories permit it,

Have resolved to sign an Additional Protocol to the aforementioned Treaty of Extradition and, to this end, have appointed the following Plenipotentiaries:

The President of the United States of America: His Excellency Lincoln Gordon, Ambassador Extraordinary and Plenipotentiary to Brazil, and

The President of the Republic of the United States of Brazil: His Excellency Francisco Clementino de San Tiango Dantas, Minister of State for External Relations,

Who, having communicated to each other their respective full powers, found to be in good and due form, agree as follows:

ARTICLE I

Article VII of the Treaty of Extradition concluded between the two countries at Rio de Janeiro, on January 13, 1961, shall be interpreted as follows:

"The Contracting Parties are not obliged by this Treaty to grant extradition of their nationals. However, if the Constitution and laws of the requested State do not prohibit it, its executive authority shall have the power to surrender a national if, in its discretion, it be deemed proper to do so."

ARTICLE II

The present Protocol shall enter into force on the same date as the Treaty of Extradition of January 13, 1961, and shall cease to be effective on the date of the termination of the Treaty.

IN WITNESS HEREOF, the respective Plenipotentiaries have signed the present Additional Protocol and have fixed hereunto their seals.

DONE in duplicate, in the English and Portuguese languages, both equally authentic, at Rio de Janeiro, on this eighteenth day of June, one thousand nine hundred sixty-two.

PROTOCOLO ADICIONAL AO TRATADO DE EXTRADICAO DE 13 DE JANEIRO DE 1961 ENTRE OS ESTADOS UNIDOS DA AMERICA E OS ESTADOS UNIDOS DO BRASIL

Os Estados Unidos da America e os Estados Unidos do Brasil,

Havendo concluido no Rio de Janeiro, a 13 de janeiro de 1961, um Tratado de Extradicao para o fim de tornar mais eficaz a cooperação entre os dois paises na repressão ao crime,

E desejando deixar bem claro que os seus respectivos nacionais somente serao passiveis de extradicao se o permitirem os preceitos constitucionais e legais vigentes nos territorios de ambos,

Resolveram assinar um Protocolo Adicional ao referido Tratado de Extradicao e, para esse fim, nomearam seus Plenipotenciarios, a saber:

O Presidente dos Estados Unidos da America: Sua Excelencia o Senhor Lincoln Gordon, Embaixador Extraordinario e Plenipotenciario no Brasil, e O Presidente da Republica dos Estados Unidos do Brasil: Sua Excelencia o Senhor Francisco Clementino de San Tiago Dantas, Ministro de Estado das Relacoes Exteriores,

Os quais, depois de haverem exibido e trocado os seus Plenos Poderes, achados em boa e devida forma, convieram no seguinte:

ARTIGO 1

O Artigo 7 do Tratado de Extradicao concluido entre os dois países no Rio de Janeiro, a 13 de janeiro de 1961, deve ser interpretado da seguinte maneira:

"As Partes Contratantes nao se obrigam, pelo presente Tratado, a entregar um seu nacional. Contudo, se os preceitos constitucionais e as leis do Estado requerido nao o proibirem, a autoridade executiva do Estado requerido podera entregar um nacional, se lhe parecer apropriado."

ARTIGO 2

O presente Protocolo entrara em vigor na mesma data que o Tratado de Extradicao de 13 de janeiro de 1961 e cessara os seus efeitos quando este ultimo deixar de vigorar.

EM FE DO QUE, OS Plenipotenciarios acima nomeados firmam o presente Protocolo Adicional e nele apoem seus respectivos selos.

FEITO no Rio de Janeiro, em dois exemplares, nas linguas inglesa e portuguesa, ambos igualmente autenticos, aos dezoito dias do mes de junho de mil novecentos e sessenta e dois.

WHEREAS the Senate of the United States of America by their resolution of May 16, 1961, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the treaty and by their resolution of October 22, 1963, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the additional protocol;

WHEREAS the President of the United States of America ratified the treaty on May 29, 1961 and the additional protocol on October 29, 1963, in pursuance of the advice and consent of the Senate, and the Government of the United States of Brazil has duly ratified the treaty and the additional protocol;

WHEREAS the respective instruments of ratification of the treaty and the additional protocol were duly exchanged at Washington on November 17, 1964;

AND WHEREAS it is provided in Article XXII of the treaty that the treaty shall enter into force one month after the date of exchange of ratifications, and it is provided in Article II of the additional protocol that the additional protocol shall enter into force on the same date as the treaty;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said treaty and additional protocol, to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after December 17, 1964, one month after the day of exchange of instruments of ratification, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twentieth day of November in the year of our Lord one thousand nine hundred sixty-four and of the Independence of the United States of America the one hundred eighty-ninth.

SIGNATORIES:

JOHN M CABOT

HORACIO LAFER

LINCOLN GORDON

F C DE SAN TIAGO DANTAS

LYNDON B. JOHNSON

By the President:

GEORGE W BALL

Acting Secretary of State