



BELIZE

**EXTRADITION ACT
CHAPTER 112**

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CHAPTER 112

EXTRADITION

Ch. 31.
R.L., 1958
CAP. 88,
R.E. 1980-1990.

[30th May, 2000]

PART I

Preliminary

Short title.

1. This Act may be cited as the Extradition Act.

Interpretation.

2. In this Act, “Extradition Acts” mean,

- (a) the Extradition Act, 1870, c. 52;
- (b) the Extradition Act, 1873, c. 60;
- (c) the Extradition Act, 1895, c. 33;
- (d) the Extradition Act, 1906, c. 15;
- (e) the Extradition Act, 1932, c. 39;
- (f) the Counterfeit Currency (Convention) Act, 1935, c. 25.

PART II

*Extradition General, Guatemala and
United States of America*

Vesting in Chief Magistrate powers of Chief Metropolitan Magistrate at Bow Street.

3. All powers vested in and acts authorised or required to be done by the Chief Metropolitan Magistrate at Bow Street, London, in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts are hereby vested in and may in Belize be exercised and be done by the Chief Magistrate, and any powers vested in and acts

authorised to be done under the said Acts in the United Kingdom by any justice of the peace other than the Chief Metropolitan Magistrate at Bow Street, London, are hereby vested in and may in Belize be exercised and done by any senior justice of the peace.

4. The committal and detention of any fugitive criminal in Belize under the Extradition Acts shall be in and to the prison at Hattieville.

Place of detention.

5. The powers vested in any judge of Her Majesty's High Court of Justice in England relative to the discharge of any fugitive criminal when not conveyed out of the United Kingdom within two months after his committal under the Extradition Acts are hereby vested in and may in Belize be exercised only by the Chief Justice.

Powers of judge of Her Majesty's High Court.

6.-(1) In any proceedings for extradition of an accused person to a foreign state, every duly authenticated document issued by a judge of the country applying for extradition shall be held to be a warrant as required by any extradition treaty applicable to Belize, if in such document the arrest of the person whose extradition is desired is ordered, authorised or requested, or if in such document instructions be given for the issue of an order or request for the arrest of such person.

Definition of a warrant.

(2) Every such document shall be held to be a warrant as aforesaid, to whomever it may be addressed or even if not addressed to any person.

7.-(1) In every case in which the Chief Magistrate dismisses the charge against a person in respect of whom an application for extradition has been made, the Director of Public Prosecutions may require the said magistrate to transmit to him the evidence and all the documents connected with the case, and it shall be the duty of the magistrate forthwith to comply with such requisition.

Refusal on the part of the Chief Magistrate to commit subject to review by the Supreme Court.

(2) If the Director of Public Prosecutions is of opinion that the charge ought not to have been dismissed, he may apply to the Supreme Court for a warrant of arrest of the accused person, and if the court is of opinion that such charge ought not to have been dismissed it may make such order as the magistrate ought to have made, and may make such other orders and do all such acts as it may think necessary to carry out

in respect of the accused person the provisions of the Extradition Acts and of the Treaty under which the extradition of the accused person is requested.

Guatemala extradition regulated.

8. The extradition of fugitive criminals between Belize and the Republic of Guatemala shall be as directed in accordance with,

- (a) an Order in Council of Her late Majesty Queen Victoria made on the 26th day of November 1886, giving effect to a treaty between Her Majesty and the President of the Republic of Guatemala signed at Guatemala on the 4th day of July 1885, and published in the Gazette on the 22nd January 1887;
- (b) the Extradition Acts; and
- (c) this Act.

PART III

Extradition (United States of America)

United States extradition regulated.

9. The extradition of fugitive criminals between Belize and the United States of America shall be as directed in accordance with the Extradition Treaty between the Government of Belize and the Government of the United States of America signed on the 30th day of March, 2000, a copy of which is set out in the Schedule hereto.

SCHEDULE

EXTRADITION ACT
Extradition Agreement between
Government of Belize

And

Government of the United States of America

[Section 9]

The Government of Belize and the Government of the United States of America,

Recalling the Extradition Treaty between the United Kingdom of Great Britain and Northern Ireland and the United States of America, signed at London June 8, 1972, and

Noting that both the Government of Belize and the Government of the United States of America currently apply the terms of that Treaty, and

Desiring to provide for more effective cooperation between the two States in the suppression of crime, and, for that purpose, to conclude a new treaty for the extradition of offenders;

Have agreed as follows,

Article 1

Obligation to Extradite

The Contracting States agree to extradite to each other, pursuant to the provisions of this Treaty, persons sought for prosecution or convicted of an extraditable offense by the authorities in the Requesting State.

Article 2

Extraditable Offenses

1. An offense shall be an extraditable offense if it falls within any of the descriptions listed in the Schedule annexed to this Treaty, which is an integral part of the Treaty, or any other offense, provided that in either case the offense is punishable under the laws in both Contracting States by deprivation of liberty for a 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, aiding or abetting, counseling or procuring the commission of, or being an accessory before or after the fact to, any offense described in paragraph 1.
3. For the purposes of this Article, an offense shall be an extraditable offense,
 - (a) whether or not the laws in the Contracting States place 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 such matters as interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.
4. If the offense was committed outside of the territory of the Requesting State, extradition shall be granted in accordance with this Treaty if the laws in the Requested State provide for punishment of an offense committed outside of its territory in similar circumstances.

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

Article 3

Nationality

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

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 to be political offenses,
 - (a) a murder or other wilful 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) 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; and
 - (c) a conspiracy or attempt to commit any of the foregoing offenses, or aiding or abetting a person who commits or attempts to commit such offenses.

3. Notwithstanding the terms of paragraph 2 of this Article, extradition shall not be granted if the executive authority of the Requested State determines that the request was politically motivated.
4. The executive authority of the Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Article 5

Prior Prosecution

1. Extradition shall not be granted when the person sought has been convicted or acquitted in the Requested State for the offense for which extradition is requested.
2. 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 acts for which extradition is requested, or to discontinue any criminal proceedings which have been instituted against the person sought for those acts.

Article 6

Extradition Procedures and Required Documents

1. All requests for extradition shall be submitted through the diplomatic channel.
2. All requests shall be supported by,
 - (a) documents, statements, or other types of evidence which describe the identity, and probable location of the person sought;
 - (b) evidence describing the facts of the offense and the procedural history of the case;

- (c) evidence as to,
 - (i) the provisions of the laws describing the essential elements of the offense for which extradition is requested;
 - (ii) the provisions of the law describing the punishment for the offense; and
 - (iii) the provisions of law describing any time limit on the prosecution; and
- (d) the documents, statements, or other types of evidence specified in paragraph 3 or paragraph 4 of this Article, as applicable.

3. 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, if any, issued by a judge or other competent authority of the Requesting State;
- (b) a document setting forth the charges; and
- (c) such evidence as would be found sufficient, according to the law of the Requested State, to justify the committal for trial of the person sought if the offense of which the person has been accused had been committed in the Requested State.

4. A request for extradition relating to a person who has been convicted of the offense for which extradition is sought shall, in addition to the materials listed in paragraph 2 of this Article, be supported by,

- (a) a copy of the judgment of conviction or, if such copy is not available, a statement by a judicial authority that the person has been convicted;

- (b) evidence establishing that the person sought is the person to whom the conviction refers;
- (c) a copy of the sentence imposed, if the person sought has been sentenced, and a statement establishing to what extent the sentence has been carried out; and
- (d) in the case of a person who has been convicted in absentia, the documents required by paragraph 3 of this Article.

Article 7

Admissibility of Documents

The documents which accompany an extradition request shall be received and admitted as evidence in extradition proceedings if,

- (a) in the case of a request from the United States, they are authenticated by an officer of the United States Department of State and are certified by the principal diplomatic or consular officer of Belize resident in the United States;
- (b) in the case of a request from Belize, they are certified by the principal diplomatic or consular officer of the United States resident in Belize, as provided by the extradition laws of the United States; or
- (c) they are certified or authenticated in any other manner accepted by the law of the Requested State.

Article 8

Lapse of Time

Extradition shall not be denied because of the prescriptive laws of either the Requesting State or the Requested State.

Article 9

Provisional Arrest

1. In case of urgency, a Contracting State may request the provisional arrest of the person sought pending presentation of the request for extradition. A request for provisional arrest may be transmitted through the diplomatic channel or directly between the United States Department of Justice and the Attorney General in Belize. Such a request may also be transmitted through the facilities of the International Criminal Police Organization (INTERPOL), or through such other means as may be settled by arrangement between the Contracting States.

2. The application for provisional arrest shall contain,

- (a) a description of the person sought;
- (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 laws violated;
- (e) a statement of the existence of a warrant of arrest or a finding of guilt or judgment of conviction against the person sought; and
- (f) a statement that a request for extradition for the person sought will follow.

3. The Requesting State shall be notified without delay of the disposition of its application and the reasons for any denial.
4. A person who is provisionally arrested may be discharged from custody upon the expiration of sixty (60) days from the date of provisional arrest pursuant to this Treaty if the executive authority of the Requested State has not received the formal request for extradition and the supporting documents required in Article 6. The person arrested pursuant to this Article shall have the right of access to the courts for such remedies and recourses as are provided by the law of the Requested State.
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 delivered at a later date.

Article 10

Decision and Surrender

1. Extradition shall be granted only if the evidence is found sufficient according to the law of the Requested State either to justify the committal for trial of the person sought if the offense of which the person is accused had been committed in the territory of the Requested State or to prove that the person is the identical person convicted by the courts of the Requesting State.
2. The Requested State shall promptly notify the Requesting State through the diplomatic channel of its decision on the request for extradition.
3. If the request is denied in whole or in part, the Requested State shall provide an explanation of the reasons for the denial. The Requested State shall provide copies of pertinent judicial decisions upon request.
4. If the request for extradition is granted, the authorities of the Contracting State shall agree on the time and place for the surrender of the person sought.

5. If the person sought is not removed from the territory of the Requested State within the time prescribed by the law of that State, that person may be discharged from custody, and the Requested State may subsequently refuse extradition for the same offense.

Article 11

Temporary and Deferred Surrender

1. If the extradition request is granted in the case of a person who is being proceeded against or is serving a sentence in the Requested State, the Requested State may temporarily surrender the person sought to the Requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person, in accordance with conditions to be determined by mutual agreement of the Contracting States.

2. The Requested State may postpone the extradition proceedings against a person who is being prosecuted or who is serving a sentence in that State. The postponement may continue until the prosecution of the person sought has been concluded or until such person has served any sentence imposed.

Article 12

Requests for Extradition Made by Several States

If the Requested State receives requests from the other Contracting State 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 State shall determine to which State it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to,

(a) whether the requests were made pursuant to treaty;

- (b) the place where each offense 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 further extradition between the Requesting States; and
- (g) the chronological order in which the requests were received from the Requesting States.

Article 13

Seizure and Surrender of Property

1. To the extent permitted under its law, the Requested State may seize and surrender to the Requesting State all articles, documents, and evidence connected with the offense in respect of which extradition is granted. The items mentioned in this Article may be surrendered even when the extradition cannot be effected due to the death, disappearance, or escape of the person sought.
2. The Requested State may condition the surrender of the property upon satisfactory assurances from the Requesting State that the property will be returned to the Requested State as soon as practicable. The Requested State may also defer the surrender of such property if it is needed as evidence in the Requested State.
3. The rights of third parties in such property shall be duly respected.

Article 14

Rule of Speciality

1. A person extradited under this Treaty may not be detained, tried, or punished in the Requesting State except for,

- (a) the offense for which extradition has been granted or a differently denominated offense based on the same facts on which extradition was granted, provided such offense is extraditable, or is a lesser included offense;
- (b) an offense committed after the extradition of the person; or
- (c) an offense for which the executive authority of the Requested State consents to the person's detention, trial, or punishment. For the purpose of this subparagraph,
 - (i) the Requested State may require the submission of the documents called for in Article 6; and
 - (ii) the person extradited may be detained by the Requesting State for 90 days, or for such longer period of time as the Requested State may authorize, while the request is being processed.

2. A person extradited under this Treaty may not be extradited to a third State for an offense committed prior to his surrender unless the surrendering State consents.

3. Paragraphs 1 and 2 of this Article shall not prevent the detention, trial, or punishment of an extradited person, or the extradition of that person to a third State, if,

- (a) that person leaves the territory of the Requesting State after extradition and voluntarily returns to it; or

- (b) that person does not leave the territory of the Requesting State within 10 days of the day on which that person is free to leave.

Article 15

Waiver of Extradition

If the person sought consents to surrender to the Requesting State, the Requested State may surrender the person as expeditiously as possible without further proceedings.

Article 16

Transit

1. Either Contracting State may authorize transportation through its territory of a person surrendered to the other State by a third State. A request for transit shall be transmitted through the diplomatic channel or directly between the Department of Justice in the United States and the Attorney General in Belize. Such a request may also be transmitted through the facilities of the International Criminal Police Organization (INTERPOL), or through such other means as may be settled by arrangement between the Contracting States. It 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. No authorization is required where air transportation is used and no landing is scheduled on the territory of the Contracting State. If an unscheduled landing occurs on the territory of the other Contracting State, the other Contracting State may require the request for transit as provided in paragraph 1. That Contracting State may detain the person to be transported until the request for transit is received and the transit is effected, so long as the request is received within 96 hours of the unscheduled landing.

Article 17

Representation and Expenses

1. The Requested State shall advise, assist, appear in court on behalf of the Requesting State, and represent the interests of the Requesting State, in any proceeding arising out of a request for extradition.
2. The Requesting State shall bear the expenses related to the translation of documents and the transportation of the person surrendered. The Requested State shall pay all other expenses incurred in that State by reason of the extradition proceedings.
3. Neither State shall make any pecuniary claim against the other State arising out of the arrest, detention, examination, or surrender of persons sought under this Treaty.

Article 18

Consultation

The Department of Justice of the United States and the Attorney General of Belize may consult with each other directly in connection with the processing of individual cases and in furtherance of maintaining and improving procedures for the implementation of this Treaty.

Article 19

Application

This Treaty shall apply to offenses committed before as well as after the date it enters into force, provided that extradition shall not be granted for an offense committed before this Treaty enters into force which was not an offense under the laws of both Contracting States at the time of its commission. Nothing in this Treaty shall be construed to criminalize any conduct that was not subject to criminal sanctions at the time the offense was committed.

Article 20

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 the entry into force of this Treaty, the Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at London June 8, 1972, shall cease to have any effect between the United States and Belize. Nevertheless, the prior Treaty shall apply to any extradition proceedings in which the extradition documents have already been submitted to the courts of the Requested State at the time this Treaty enters into force, except that Article 15 of this Treaty shall be applicable to such proceedings. Article 14 of this Treaty shall apply to persons found extraditable under the prior Treaty.

Article 21

Termination

Either Contracting State may terminate this Treaty at any time by giving written notice to the other Contracting State, and the termination shall be effective six months after the date of receipt of such notice.

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

Done at Belize, in duplicate, this 30th day of March, 2000.

FOR THE GOVERNMENT OF
BELIZE:

FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA:

SCHEDULE

List of Offenses Referred to in Treaty

1. Murder; attempt to murder, including assault with intent to commit murder;
2. Manslaughter;
3. Malicious wounding; maiming; inflicting grievous bodily harm; assault occasion in actual bodily harm; unlawful throwing or application of any corrosive or injurious substance upon the person of another;
4. Offenses of a sexual nature, including rape, sexual assault, indecent assault, unlawful sexual acts upon children or persons with mental disabilities;
5. Procuring a person for immoral purposes; living on the earnings of prostitution;
6. Bigamy;
7. Kidnapping and abduction; false-imprisonment;
8. Offenses relating to children, including neglecting, ill-treating, abandoning, exposing, stealing or exploiting a child, whether for sexual or other purposes;
9. Obtaining property, money, valuable securities or other pecuniary advantage by false pretense or other forms of deception; theft; larceny; embezzlement; any other offense in respect of property involving fraud;
10. Robbery; assault with intent to rob;

11. Burglary, housebreaking, shopbreaking, or similar offenses;
12. Receiving or otherwise handling any goods, money, valuable securities or other property, knowing the same to have been stolen or unlawfully obtained;
13. Criminal intimidation; blackmail; extortion;
14. Offenses against the laws relating to corporations or companies, including false statements and other offenses committed by company directors, promoters, and other officers;
15. False accounting;
16. Fraud, including fraud against the Government or against individuals, including behavior which has the effect of depriving the Government, its agencies, or its citizens of money, valuable property, or the ability to conduct their affairs free from false statements and deceit;
17. Offenses against bankruptcy laws;
18. Any offense relating to counterfeiting; any offense against the laws relating to forgery or uttering what is forged;
19. Offenses against the law relating to bribery of persons, including the corrupt offering, paying, or making of inducements to any foreign official or foreign political party, official thereof, or candidate for foreign political office to assist such person in obtaining or retaining business for himself or in directing business to any other person; soliciting bribes, offering or accepting bribes;
20. Perjury and subornation of perjury; false statement; attempting to pervert or obstruct the course of justice;
21. Arson;
22. Malicious damage to property;

23. Money laundering;
24. Offenses relating to the wilful issuance of a bad (illicit) check, including the issuance of a check under a false name or without having made arrangements with financial institution, or after transactions have been suspended by such an institution; and the wilful failure to honor the check;
25. An offense against the law relating to consumer protection;
26. An offense against the law relating to firearms, weapons, or explosive of;
27. An offense relating to the protection of public health or the environment, including conduct directed at the destruction, defacing, deterioration, or harming of the earth's environment;
28. An offense against the laws relating to protection of intellectual property, copyrights, patents, or trademarks;
29. Offenses relating to fiscal matters, taxes or duties, including tax evasion or fiscal fraud, notwithstanding that the law of the Requested State does not impose the same kind or duty or does not contain a tax, duty, or customs regulation of the same kind as the law of the Requesting State;
30. Smuggling; an offense against the law relating to the control of exportation or importation of goods of any type, or the intentional transfer of funds;
31. Immigration offenses, including alien smuggling;
32. An offense relating to gambling or lotteries;
33. Piracy, mutiny or other mutinous acts committed on board a vessel at sea;
34. Unlawful use, destruction, possession, control, seizure or hijacking of aircraft, vessels or other means of transportation;

35. Any malicious act done with intent to endanger the safety of persons travelling or being upon a railway;
 36. Genocide or direct and public incitement to commit genocide;
 37. Offenses under multilateral intentional conventions, binding on the Requesting and Requested States, for which fugitive offenders may be prosecuted or surrendered;
 38. Impeding the arrest, detection or prosecution of a person who has or is believed to have committed an offense for which surrender may be granted under this Treaty;
 39. An offense relating to escape from custody, or flight to avoid prosecution;
 40. An offense relating to the law against terrorism.
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